



**OFFICE OF THE
PRINCIPAL ACCOUNTANT GENERAL (AUDIT),
PUNJAB & UT, CHANDIGARH.**

STATE RECEIPT AUDIT MANUAL

TAXES ON MOTOR VEHICLES

(SECOND EDITION)-2003

PREFACE

This Manual has been prepared for the guidance of those entrusted with the audit of Taxes on Motor Vehicles. In this manual, the basic provisions of law relating to the levy, assessment and collection of taxes and fees have been set out. To amplify the points included in the manual references to certain clarifications have also been given. As this manual is in no way a substitute for the original law and is exclusively meant for departmental use, it may not be quoted as reference in the course of audit. Such references should always be made to sections of Acts/Rules and appropriate orders of the State Transport Commissioner/Government.

The State Receipt Audit Wing Headquarters will be responsible to keep the Manual up-to-date. The Section Officers, Assistant Audit Officers, Audit Officers and the Sr. Audit Officers of the field parties may bring to the notice of headquarters section, State Receipt Audit Wing, any inaccuracy or omission or orders which have become obsolete or which require amendment.

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CONTENTS

Chapter		Page(s)
1.	Legislative background	1
2.	Organisation, Powers and Functions of Transport Authorities	2
3.	Definitions	14
4.	Levy of Fees on operation of Motor Vehicles	23
5.	Levy of Tax on Motor Vehicles	68
6.	Collection, accounting and refunds	79
7.	Offences and Penalties	81
8.	Co-relation between Road Tax and Passengers and Goods Tax	107
9.	Audit Checks	108
10.	Levy of Tax and Fee in respect of Vehicles of other States plying in Punjab	114

APPENDICES

A	Fees for issue of various licences	120
B	Schedule of rates of Road Tax/SRT	125
C	List of Records maintained in various offices of Transport Department	128
D	Offences, Penalties and Punishments	131

CHAPTER – I

LEGISLATIVE BACKGROUND

Constitutional Provisions:

1.1. Under the Constitution, the powers of the State Government for levy of ‘taxes on vehicles’ whether mechanically propelled or not, suitable for use on roads are derived from Article 246(3) read with entries 56 and 57 of list II (State list) of Seventh Schedule.

Power to levy fees:

1.2. Entry 66 of the aforesaid list empowers the State Government to levy fees also in respect of any matters connected with the operation of motor vehicles.

Legislative powers to levy tax and fees:

1.3. The Union Government under Article 246(2) *ibid* are also empowered to make legislation in respect of matters referred to in entries 35 and 47 of list III (Concurrent List) of the Seventh Schedule, which read as “Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied” and “Fees in respect of any of the matters in this list”, respectively. Thus, the levy of taxes and fees on motor vehicles in Punjab, is based on and is regulated by the provisions of the following Acts and rules passed by the Union and the State Government:-

- (1) The Punjab Motor Vehicles Taxation Act, 1924 as amended in 1993.
- (2) The Punjab Motor Vehicles Taxation Rules, 1925.
- (3) The Motor Vehicles Act, 1988.
- (4) The Punjab Motor Vehicles Rules, 1989.

1.4. Under the provisions of these Acts the road tax and various fees are levied which have been elaborated in the subsequent chapters.

CHAPTER – II
ORGANISATION, POWERS AND FUNCTIONS OF
TRANSPORT AUTHORITIES

Administrative Control:

2.1. The administration of the provisions of the enactments detailed in the previous Chapter vests in the Transport Department of the State Government. For the purpose of proper administration, the Punjab State has been divided into three regions, viz., Patiala, Jalandhar and Ferozepur regions and 17 districts. Powers and functions of Transport Authorities and Officers of the department are detailed below:-

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

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

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

acquires a financial interest in any transport undertaking, he shall within four weeks of so doing, give notice in writing to the State Government of the acquisition of such interest and shall vacate office:

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

Provide further that the State Government may, -

(i) where it considers necessary or expedient so to do, constitute the State Transport Authority or a Regional Transport Authority for any region so as to consist of only one member who shall be an official with judicial experience or experience as an appellate or a revisional authority or as an adjudicating authority competent to pass any order or take any decision under any law;

(ii) by rules made in this behalf, provide for the transaction of business of such authority in the absence of the Chairman or any other member and specify the circumstances under which, and the manner in which, such business could be so transacted;

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

[c.f. Section 68 of M.V. Act, 1988]

Issue of Directions:

2.3. The State Transport Authority and every Regional Transport Authority shall give effect to any directions issued under Section 67 and the State Transport Authority shall, subject to such directions and save as otherwise provided by or under this Act,

exercise and discharge throughout the State the following powers and functions, namely:-

- (a) to co-ordinate and regulate the activities and policies of the Regional Transport Authorities, if any, of the State;
- (b) to perform the duties of a Regional Transport Authority where there is no such Authority and, if it thinks fit or if so required by a Regional Transport Authority, to perform those duties in respect of any route common to two or more regions;
- (c) to settle all disputes and decide all matters on which differences of opinion arise between Regional Transport Authorities;
¹[(ca) Government to formulate routes for plying stage carriages; and]
- (d) to discharge such other functions as may be prescribed.

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

[c.f. Section 68(3) and 68 (4) of M.V. Act, 1988]

Delegation of Powers:

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

Section 68 (5) of M.V. Act, 1988.

Corresponding Law: S. 44 of Act IV of 1939.

¹ Ins. By Act 54 of 1994-S-22 (w.e.f. 14.11.1994)

Notes on clauses

Clause 22 of Bill No. 53 of 1994 seeks to amend Section 68 to empower the Government to formulate routes for plying stage carriages.

Secretary, Regional Transport Authority:

2.5. There is a Secretary, Regional Transport Authority for each region of the State who is inter-alia responsible:-

- (i) to arrange for inspection of vehicles for issue of fitness certificate under Section 56 of the Motor Vehicles Act, 1988.
- (ii) to issue and renew permits both regular and temporary for various types of Motor Vehicles U/s 66 of the Act *ibid*.
- (iii) to countersign permits for their validity, in other regions of the State or in any other State;
- (iv) to check whether the conditions of permits are being observed;
- (v) compounding of offences;
- (vi) to discharge such other functions as may be prescribed.

District Transport Officers:

2.6. There is District Transport Officer for each of the districts. Main functions of such an officer are:-

- (i) to act as Registering Authority for registration of all the motor vehicles under Chapter-IV of the Motor Vehicles Act, 1988.
- (ii) to act as Licensing Authority for issue of fresh licenses for drivers and conductors, and renewal thereof;
- (iii) to act as Licensing Authority and issue license for the purpose of recovery of tax, to collect taxes on vehicles levied under the Punjab Motor Vehicles Taxation Act, 1924 as amended in 1993 and rules made thereunder, to issue token in proof of receipt of tax for each quarter and maintain an account thereof;
- (iv) to issue special passes for specific purpose;

- (v) to ensure compliance of various provisions of the Motor Vehicles Act, 1988 and the Punjab Motor Vehicles Taxation Act, 1924, as amended in 1993.
- (vi) to assist State Transport Commissioner and Secretary Regional Transport Authority in whatever manner required.

Sub-Divisional Officer:

2.7. Each Sub-Divisional Officer (Civil) incharge of each civil sub-division has been declared as "Licensing Authority" under rule 2.1 (ii) of the Punjab Motor Vehicles Rules, 1940. His main functions are as under:-

- (i) to collect tax leviable on motor vehicles under the Punjab Motor Vehicles Taxation Act, 1924 and keep an account thereof;
- (ii) to renew driving and conductor's licenses
- (iii) with effect from 1st June, 1978 all the Licensing Authorities have also been given powers of Registering Authorities. In such cases he enjoys all powers and performs all duties as normally assigned to a District Transport Officer except the duties of an enforcement agency.

[c.f. Punjab Government letter No. 19143 IPC – 78/13203, dated 1st June 1978].

Compounding Officers:

2.8. **Compounding Officers.** – Regional Transport Authority and the District Transport Officer shall be the compounding officers empowered in the region/district to compound contravention of the Act or of the Rules.

Appellate Authorities:

2.9. **Appellate authorities.** – There are appellate authorities to whom appeal against the orders of the Taxation Officer, licensing authority, registering authority and transport authorities, may be preferred by the persons aggrieved by the orders of those authorities. The various appellate authorities are mentioned below:-

- (i) The District Magistrate is the appellate authority against the orders of the licensing authority passed under Sub-Section (2) of Section 33 and Sub-Section (4) of Section 34 of the Motor Vehicles Act, 1988 (Conductor licenses) and under Section 3 (Driver licenses) and under Section 57 (Register of Motor Vehicles).
- (ii) The Financial Commissioner, Punjab is the appellate authority against the orders of the Regional Transport Authority passed under clauses (a) to (i) of Section 89 *ibid* and against the orders of the State Transport Commissioner or Deputy State Transport Commissioner or any other authority subordinate to him.

Issue of National Permit:

2.10. Validation of permits for use outside region in which granted:- (1) Except as maybe otherwise prescribed, a permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been countersigned by the Regional Transport Authority of that other region, and a permit granted in any one State shall not be valid in any other State unless countersigned by the State Transport Authority of that other State or by the Regional Transport Authority concerned:

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

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

Provided also that:-

- (a) where a motor vehicle covered by a permit granted in one State is to be used for the purposes of defence in any other State, such vehicle shall display a certificate, in such form, and issued by such Authority, as the Central Government may, by notification in the Official Gazette, specify, to the effect that the vehicle shall be used for the period specified therein exclusively for the purposes of defence; and
- (b) any such permit shall be valid in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State.

Corresponding Law: S. 63(1) of Act IV of 1939.

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

Corresponding Law: S. 63 (1-A) of Act IV of 1939.

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

Corresponding Law: S. 63(2) of Act IV of 1939.

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

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

Corresponding Law: S. 63 (3) of Act IV of 1939.

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

Corresponding Law: S. 63(3-A) of Act IV of 1939.

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

Corresponding Law: S. 63(3-B) of Act IV of 1939.

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

Corresponding Law: S. 63(4) of Act IV of 1939.

(8) Notwithstanding anything contained in sub-section (1), but subject to any rules that may be made under this Act by the Central Government, the Regional Transport Authority of any one region or, as the case may be, the State Transport Authority, may, for the convenience of the public, grant a special permit ¹[to any public service vehicle including any vehicle covered] by a permit issued under Section 72 (including a reserve stage carriage) or under

¹ Subs. By Act 54 of 1994. s. 27 (w.e.f. 14.11.1994).

Section 74 or under sub-section (9) of this section for carrying a passenger or passengers for hire or reward under a contract, express or implied, for the use of the vehicle as a whole without stopping to pick up or set down along the line of route passengers not included in the contract, and in every case where such special permit is granted, the Regional Transport Authority shall assign to the vehicle, for display thereon, a special distinguishing mark in the form and manner specified by the Central Government and such special permit shall be valid in any other region or State without the countersignature of the Regional Transport Authority of the other region or of the State Transport Authority of the other State, as the case may be.

Corresponding Law: S. 63(6) of Act IV of 1939.

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

Corresponding Law: S. 63(7) of Act IV of 1939.

(10) [* * *]²

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

- (i) every motor vehicle in respect of which such permit is granted shall conform to such description, requirement regarding the seating capacity, standards of comforts, amenities and other matters, as the Central Government may specify in this behalf;

¹ *ibid.*

² Omitted by Act 54 of 1994, S. 27 (w.e.f.14.11.94.).

- (ii) every such motor vehicle shall be driven by a person having such qualifications and satisfying such conditions as may be specified by the Central Government; and
- (iii) such other conditions as may be prescribed by the Central Government.

Corresponding Law: S. 63(10) of Act IV of 1939.

Note: See Noti. No. S.O. 415 (E) dated 8.6.1989.

(12) Notwithstanding anything contained in sub-section (1), but, subject to the rules that may be made by the Central Government under sub-section (14), the appropriate authority may, for the purpose of encouraging long distance inter-State road transport, grant in a State, national permits in respect of goods carriages and the provisions of Section 69, 77, 79, 80, 81, 82, 83, 84, 85, 86,¹ [clause (d) of sub-section (1) of Section 87 and Section 89] shall, as far as may be, apply to or relation to the grant of national permits.

Corresponding Law: S. 63(11) of Act IV of 1939.

(13) [* * *]²

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

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

- (i) the authorization fee payable for the issue of a permit referred to in sub-sections (9) and (12);
- (ii) the fixation of the laden weight of the motor vehicle;
- (iii) the distinguishing particulars of marks to be carried or exhibited in or on the motor vehicle;
- (iv) the colour or colours in which the motor vehicle is to be painted;

¹ Subs. by act 54 of 1994, S. 27 (w.e.f. 14.11.1994).

² Omitted by Act 54 of 1994, S. 27 (w.e.f. 14.11.1994).

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

Explanation. – In this section, -

- (a) “appropriate authority”, in relation to a national permit, means the authority which is authorized under this Act to grant a goods carriage permit;
- (b) “authorization fee” means the annual fee, not exceeding one thousand rupees, which may be charged by the appropriate authority of a State to enable a motor vehicle, covered by the permit referred to in sub-sections (9) and (12) to be used in other States subject to the payment of taxes or fees, if any, levied by the States concerned;
- (c) “national permit” means a permit granted by the appropriate authority to goods carriages to operate throughout the territory of India or in such contiguous States, not being less than four in number, including the State in which the permit is issued as may be specified in such permit in accordance with the choice indicated in the application.

Section 88 of M.V. Act 1988.

Corresponding Law: S. 63(15) of Act IV of 1939.

Notes on clauses

Clause 27 of Bill No. 53 of 1994 seeks to amend Section 88 to include public service vehicles for grant of permits. It also provides for application of provisions of Section 87 in the case of tourist permits, etc., in certain situations.

Internal Audit Organisation:

2.11. (a) **Stamp Auditor:-** The fees, prescribed under the Motor Vehicle Act, 1988, the Punjab Motor Vehicles Taxation Act, 1924 as amended in 1993 and rules framed thereunder, paid in the shape of Court Fee Stamps are audited by the Stamp Auditors. The Financial Commissioner determines the district within the jurisdiction of each auditor and fixes his headquarters. The auditor is under the direct control of the Commissioner of the division in which for the time being he operates. He audits all documents, files in all transport offices and shall in particular see that court fee stamps of correct value have been used, the stamps used are genuine

and have not been removed from other files documents and re-used. He also maintains for each district a register in form S.A.I. in which each deficiency of court fee stamps as discovered by him is noted. He prepares a formal audit note which includes a statement in form S.A. 3 of deficiencies discovered. A brief account of work done under this system is included by the Financial Commissioner in his annual note on stamp administration.

(c.f. Chapter 9 of Stamp Manual).

(b) **Departmental Audit:**-There also exists an internal audit organization in the office of the State Transport Commissioner, Punjab. It conducts audit of all fees and taxes leviable under both the Acts and Rules framed thereunder whether charged in the shape of court fee stamps or deposited into Government treasury/bank. The inspection is sometimes supervised by the State Transport Commissioner or Joint Provincial Transport Commissioner. Inspection Notes are issued in respect of offices checked by his party.

CHAPTER – III

DEFINITIONS

3.1. **Definitions.** – The definition of some of the words and terms used in this part in the Manual, as given in the Motor Vehicle Act 1988 and subsequent amended Act 54 of 1994, are reproduced below:-

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

Corresponding Law: S. 2(1) of Act IV of 1939

(2) “articulated vehicle” means a motor vehicle to which a semi-trailer is attached;

Corresponding Law: S. 2(1-A) of Act IV of 1939

(3) “axle weight” means in relation to an axle of a vehicle the total weight transmitted by the several wheels attached to that axle to the surface on which the vehicle rests;

Corresponding Law: S. 2(1-B) of Act IV of 1939.

(4) “certificate of registration” means the certificate issued by a competent authority to the effect that a motor vehicle has been duly registered in accordance with the provisions of Chapter –IV;

Corresponding Law: S. 2(2) of Act IV of 1939

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

Corresponding Law: S. 2(2-B) of Act IV of 1939

(6) “conductor’s licence” means the licence issued by a competent authority under Chapter-III authorizing the person specified therein to act as a conductor;

Corresponding Law: S. 2(2-C) of Act IV of 1939

(7) “contract carriage” means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract whether expressed or implied, for the use of such vehicle as

a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorized by him in this behalf on a fixed or an agreed rate or sum –

- (a) on a time basis, whether or not with reference to any route on distance; or
- (b) from one point to another, and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes –
 - (i) a maxi-cab; and
 - (ii) a motor-cab notwithstanding that separate fares are charged for its passengers;

Corresponding Law: S. 2(3) of Act IV of 1939.

(8) “dealer” includes a person who is engaged –

- (a) [* * *]¹
- (b) in building bodies for attachment to chassis; or
- (c) in the repair of motor vehicles; or
- (d) in the business of hypothecation, leasing or hire-purchase of motor vehicle;

Corresponding Law: S. 2(4) of Act IV of 1939

(9) “driver” includes, in relation to a motor vehicle which is drawn by another motor vehicle, the person who acts as a steersman of the drawn vehicle;

Corresponding Law: S. 2(5) of Act IV of 1939.

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

Corresponding Law: S. 2(5-A) of Act IV of 1939

¹ Omitted by Act 54 of 1994, S. 2 (w.e.f. 14.11.94).

(11) “educational institution bus” means an omnibus, which is owned by a college, school or other educational institution and used solely for the purpose of transporting students or staff of the educational institution in connection with any of its activities;

(12) “fares” includes sums payable for a season ticket or in respect of the hire of a contract carriage;

Corresponding Law: S. 2(6) of Act IV of 1939

(13) “goods” includes livestock, and anything (other than equipment ordinarily used with the vehicle) carried by a vehicle except living persons, but does not include luggage or personal effects carried in a motor car or in a trailer attached to a motor car or the personal luggage of passengers traveling in the vehicle;

Corresponding Law: S. 2(7) of Act IV of 1939.

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

Corresponding Law: S. 2(8) of Act IV of 1939.

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

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

Corresponding Law: S. 2(9) of Act IV of 1939.

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

Corresponding Law: S. 2(9-A) of Act IV of 1939.

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

Corresponding Law: S. 2(10) of Act IV of 1939

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

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

Corresponding Law: S. 2(12) of Act IV of 1939.

(21) “light motor vehicle” means a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road-roller the unladen weight of any of which, does not exceed [7,500]¹ kilograms;

Corresponding Law: S. 2(13) of Act IV of 1939.

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

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

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

Corresponding Law: S. 2(14) of Act IV of 1939.

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

Corresponding Law: S. 2(14-A) of Act IV of 1939.

¹ Subs. For “6000” by Act 54 of 1994, S. 2 (w.e.f. 14.11.1994).

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

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

Corresponding Law: S. 2(15) of Act IV of 1939.

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

Corresponding Law: S. 2(16) of Act IV of 1939.

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

Corresponding Law: S. 2(17) of Act IV of 1939.

(28) “motor vehicle” or “vehicle” means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine capacity of not exceeding [twenty-five]¹ cubic centimeters;

Corresponding Law: S. 2(18) of Act IV of 1939.

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

Corresponding Law: S. 2(18-A) of Act IV of 1939.

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

Corresponding Law: S. 2(19) of Act IV of 1939

¹ Subs. For “thirty-five” by Act 54 of 1994, S. 2 (w.e.f. 14.11.1994).

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

Corresponding Law: S. 2(20) of Act IV of 1939.

Notes

A permit is a document issued by a certain Regional Transport Authority authorizing the use of a transport vehicle in a particular way. (Para-19). M. Duraiswamy v. Sri Murugan Bus Service, 1986 Supp SCC 1, 15.

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

Corresponding Law: S. 2(21) of Act IV of 1939.

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

Corresponding Law: S. 2(22) of Act IV of 1939.

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

Corresponding Law: S. 2(24) of Act IV of 1939.

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

Corresponding Law: S. 2(25) of Act IV of 1939.

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

Corresponding Law: S. 2(26) of Act IV of 1939.

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

Corresponding Law: S. 2(28) of Act IV of 1939.

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

Corresponding Law: S. 2(28-A) of Act IV of 1939.

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

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

Corresponding Law: S. 2(29) of Act IV of 1939.

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

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

- (i) the Central Government or a State Government;
- (ii) any Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950 (64 of 1950);
- (iii) any municipality or any corporation or company owned or controlled by the Central Government or one or more State Governments, or by the Central Government and one or more State Governments;
- ²[(iv) Zilla Parishad or any other similar local authority.]

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

¹ Subs. by Act 54 of 1994, S. 2 (w.e.f. 14.11.1994).

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

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

Corresponding Law: S. 2(29-A) of Act IV of 1939.

Notes

The expression ‘tourist cars’ cannot be said to mean ‘tourist vehicles’, having regard to S. 2 (16) [S.2 (26) of new Act] and (29-A) [S.2 (43) of the new Act]. While a tourist vehicle may include a motor car, a motor car, by definition, excludes an omnibus. (Para-8) Karnataka State Tourism Development Corpn. Ltd. v. Karnataka S.T.A.T., (1986) 4 SCC 421, 430, 431.

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

Corresponding Law: S. 2(30) of Act IV of 1939.

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

Corresponding Law: S. 2(31) of Act IV of 1939.

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

Corresponding Law: S. 2(32) of Act IV of 1939.

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

Corresponding Law: S. 2(33) of Act IV of 1939.

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

Corresponding Law: S. 2(34) of Act IV of 1939.

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

Sec. 2 (1 to 49) of M.V. Act, 1988

Notes on clauses

Clause 2 of Bill No. 53 of 1994 seeks to amend Section 2 of the Motor Vehicles Act, 1988 so as to elaborate certain words and expressions. It also seeks to define manufacturer as a person who is engaged in the manufacture of motor vehicles.

CHAPTER - IV

LEVY OF FEES ON OPERATION OF MOTOR VEHICLES

Levy of Fees:

4.1. Under the provisions of the Motor Vehicles Act, 1988 and the Punjab Motor Vehicles Rules, 1989, the following fees are leviable in connection with the operation of motor vehicles:-

- (i) Fees for the test of competence to drive.
- (ii) Fees for the issue of licences to drivers and conductors and their renewal.
- (iii) Fee for the registration of motor vehicles.
- (iv) Fee for trade certificate issued to manufacturers and dealers.
- (v) Fee for transfer of ownership of motor vehicles.
- (vi) Fee for endorsing note of hire purchase agreement in the certificate of Registration.
- (vii) Fee for issue of permits.
- (viii) Fee for appeals.

FEES FOR THE TEST OF COMPETENCE TO DRIVE DRIVER'S AND CONDUCTOR'S LICENCES AND THEIR RENEWAL

Driving Licences:

4.2. Necessity for Licences. – No person is authorized to drive a motor vehicle in any public place unless he holds an effective driving licence issued to him by an authority empowered to issue the same. (Section 3 of M.V. Act 1988)

Licensing of Conductors of Stage Carriages:

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

(2) A State Government may prescribe the conditions subject to which sub-section (1) shall not apply to a driver of a stage carriage performing the functions of a conductor or to a person employed to act as a conductor for a period not exceeding one month. (Section 29 of M.V. Act 1988)

Corresponding Law: S. 2(21-A) of Act IV of 1939.

Classes of Licences:

4.4. Issue of Licence. – There are 3 classes of licences viz. (a) driving licence, (b) learner’s licence, (c) conductor’s licence.

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

- (i) in which he ordinarily resides or carries on business, or
- (ii) in which the school or establishment referred to in Section 12 from where he is receiving or has received instruction in driving a motor vehicle is situated, for the issue to him of a driving licence.

Corresponding Law: S. 7 (1) of Act IV of 1939.

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

Corresponding Law: S. 7 (2) of Act IV of 1939.

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

Provided that no such test shall be necessary where the applicant produces proof to show that –

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

¹ Subs. by Act 54 of 1994 S. 7 (w.e.f. 14.11.1994).

- (ii) the applicant holds or has previously held a driving licence to drive such class of vehicle issue under Section 18, or
 - (iii) the applicant holds a driving licence to drive such class of vehicle issued by a competent authority of any country outside India, subject to the condition that the applicant complies with the provisions of sub-section (3) of Section 8,
- (b) the applicant is not suffering from any disability which is likely to cause the driving by him to be a source of danger to the public; and the licensing authority may, for that purpose, require the applicant to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of Section 8:

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

Corresponding Law: S. 7 (6) of Act IV of 1939.

(Section 9 of the M.V. Act 1988.)

4.6. Form and contents of licences to drive. – (1) every learner's licence and driving licence, except a driving licence issued under Section 18, shall be in such form and shall contain such information as may be prescribed by the Central Government.

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

- (a) motor cycle without gear;
- (b) motor cycle with gear;
- (c) invalid carriage;
- (d) light motor vehicle;

- ¹[(e) transport vehicle;]
(i) road-roller;
(j) motor vehicle of a specified description.

(Section 10 of the M.V. Act 1998)

Corresponding Law: S. 8 of Act IV of 1939.

Notes on clauses

Clause 8 of Bill No. 53 of 1994 seeks to amend Section 10 so as to re-classify the vehicles for the purposes of driving licence.

4.7. Additions to driving licence.

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

Corresponding Law: S. 8-A (1) of Act IV of 1939.

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

Section 11 of the M.V. Act. 1988.

Corresponding Law: S. 8-A (2) of Act IV of 1939.

4.8. Restrictions on the holding of driving licences. –

1. No person shall, while he holds any driving licence for the time being in force, hold any other driving licence except a learner's licence or a driving licence issued in accordance with the provisions of Section 18 or a document authorizing, in accordance with the

¹ Subs. for cls. (e) to (h) by Act 54 of 1994, S. 8 (w.e.f. 14.11.1994).

provisions of Section 18 or a document authorizing, in accordance with the rules made under Section 139, the person specified therein to drive a motor vehicle.

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

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

Section 6 of the Motor Vehicles Act 1988.

Corresponding Law: S.6 of Act IV of 1939.

4.9. LICENSING OF CONDUCTORS OF STAGE CARRIAGES:

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

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

Corresponding Law: S. 21-A of Act IV of 1939.

Section 29 of M.V. Act 1988.

Grant of conductor's licence.

(1) Any person who possesses such minimum educational qualification as may be prescribed by the State Government and is not disqualified under sub-section (1) of Section 31 and who is not for the time being disqualified for holding or obtaining a conductor's licence may apply to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business for the issue to him of a conductor's licence.

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

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

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

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

Corresponding Law: S.21-B of Act IV of 1939.

Section 30 of M.V. Act 1988.

4.10. Currency of licences to drive motor vehicles.

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

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

(a) in the case of a licence to drive a transport vehicle, be effective for a period of three years;

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

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

(i) if the person obtaining the licence, either originally or on renewal thereof, has not attained the age of years on the date of issue or, as the case may be, renewal thereof,

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

(B) until the date on which such person attains the age of years, whichever is earlier;

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

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

Corresponding Law: S. 10 of Act IV of 1939.

Section 14 of M.V. Act 1988.

(c) Renewal of conductor's licence. [Section 30 and 38(2)(e)]. –

(1) An application for renewal of a conductor's licence shall be made to the licensing authority in Form L. Con. R.A. thirty days before the expiry of the licence and shall be accompanied by a cash receipt or treasury challan in token of payment of fee for renewal of the licence.

(2) If the licensing authority finds the application for renewal of a conductor's licence in order, it may renew the same by making an entry to that effect in the licence and renewal shall be valid for a period of three years from the date of the expiry of the licence:

Provided that if the authority renewing the licence is not the authority, which issued the licence, the authority renewing the licence shall intimate the fact of renewal to the authority which issued the licence.

[Rule 24 of Punjab Motor Vehicle Rule 1989.]

4.11 (a) Issue of duplicate licence. [Section 28(2)(c)] –

When a duplicate licence is issued it shall be clearly stamped "DUPLICATE" in read ink and shall be marked with the date of issue of the duplicate and the seal of the licensing authority.

(Rule 12 of Punjab Motor Vehicles Rules 1989)

4.11.(b)Grant of duplicate conductor's licence. [section 38(2)(f)]

If at any time a conductor's licence is lost or destroyed or mutilated or the photograph affixed thereto ceases in the opinion of the licensing authority to be of reasonable likeness of the holder, the

licensing authority shall proceed in such case in accordance with the provisions contained in rule 10 or 11 as the case may be.

(Rule 26 of Punjab M.V. Rules 1989).

4.12. Issue of driving licence free from endorsement.

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

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

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

Corresponding Law: S. 20. (3) of Act IV of 1939.

Section 25 (3) of M.V. Act 1988.

4.13 Temporary authorization in lieu of licence. [Section 28(2)(c) and Section 296] –

(1) When the holder of a licence has surrendered it to a licensing authority for renewal or for obtaining an addition to drive a public service vehicle under section 11 or for any other purpose under the Act or these rules and has deposited the fee as specified under rule 32 of the Central Rules for this purpose and the licence so surrendered has not been suspended or cancelled, the licensing authority or other authority to whom the licence has been surrendered shall furnish him with a receipt for the licence in Form “L Tem” or in Form L Tem (MVD) and during the period specified in the receipt so furnished it may be produced in place of the licence under section 130 and under sub-section (3) of section 206.

(2) The licensing authority, a police officer or any other person authorized by the Government may, extend the term of the receipt issued under sub-rule (1) by an order endorsed thereon.

(3) No fee shall be payable in respect of a receipt given under this rule.

[Rule 13 of Punjab Motor Vehicle Rule 1989.]

Provisional Licence:

4.14. Grant of provisional licence:- When an application for the renewal of a licence to drive as a paid employee or to derive a transport vehicle is made to an authority other than the one which issued the licence sought to be renewed, that authority may, pending verification of accidents, issue a provisional licence to its holder for a period not exceeding 6 months. The fee chargeable to the same as that for normal renewal.

4.15. Exemptions from the payment of fees. [Section 28 (2) (f)]

(1) Fees specified under rule 32 of the Central rules shall not be charged from a person, if he is or has been serving in any army unit abroad or in the field area of the Defence Services of the Union whether employer on driving motor vehicles or otherwise:

Provided that such a person shall be eligible for the aforesaid exemption if he makes an application for the grant or renewal of a licence within three months of his return from the service abroad or, as the case may be, from the field area.

(2) Ex-Military drivers other than commissioned officers and junior commissioned officers shall be eligible for grant of a driving licence without payment of any fee specified for that purpose under rule 32 of the Central rules.

(Rule 17 of Punjab Motor Vehicles Rules 1989.)

4.16. If the applicant passes such test as may be prescribed by the Central Government, he shall be issued the driving licence:

Provided that no such test shall be necessary where the applicant produces proof to show that –

(a) (i) the applicant has previously held a driving licence to drive such class of vehicle and that the period

between the date of expiry of that licence and the date of the application does not exceed five years, or

- (ii) the applicant holds or has previously held a driving licence to drive such class of vehicle issued under Section 18, or
 - (iii) the applicant holds a driving licence to drive such class of vehicle issued by a competent authority of any country outside India, subject to the condition that the applicant complies with the provisions of sub-section (3) of Section 8,
- (b) the applicant is not suffering from any disability which is likely to cause the driving by him to be a source of danger to the public; and the licensing authority may, for that purpose, require the applicant to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of Section 8:

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

Corresponding Law: S. 7 (6) of Act IV of 1939.

Section 9 (3) of M.V. Act 1988.

4.17. The test of competence to drive shall be carried out in a vehicle of the type to which the application refers:

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

Section 9 (b) of Punjab M.V. Act 1988.

4.18. **Licence Fees:-** Fees for the issue of various licences and their renewal are detailed in Appendix 'A'.

Registration of Motor Vehicles

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

Corresponding Law: .S. 22(1) of Act IV of 1939.

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

Section 39 of the M.V. Act 1988.

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

Corresponding Law: S.. 23 of Act IV of 1939.

(Section 40 of M.V. Act 1988).

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

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

Corresponding Law: .S. 24(1) of Act IV of 1939.

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

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

Corresponding Law: .S. 24(2) of Act IV of 1939.

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

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

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

Corresponding Law: .S. 24(3) of Act IV of 1939.

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

Corresponding Law: .S. 24(4) of Act IV of 1939.

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

Corresponding Law: .S. 24(5) of Act IV of 1939.

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

Corresponding Law: .S. 24(5) of Act IV of 1939.

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

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

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

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

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

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

(c.f. Section 41 of M.V. Act 1988)

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

Corresponding Law: .S. 28 of Act IV of 1939.

(Section 46 of M.V. Act, 1988).

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

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

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

Corresponding Law: .S. 25 of Act IV of 1939.

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

Section 43 of M.V. Act 1988.

4.23. I Loss or destruction of certificate of registration and certificate of fitness of a transport vehicle. [Section 65(2)(d)] – (1) If at any time the certificate of registration of the certificate of fitness of a transport vehicle is lost or destroyed, the owner shall forth-with intimate the fact, in writing, to the registering authority by whom the certificate of registration was issued or by whom the registration marks of the vehicle was assigned under Section 47 and shall apply in Form 26 of the Central Rules to the said registering authority for the issue of duplicate certificate of registration and certificate of fitness.

(2) On receipt of an application under sub-rule (1) together with fee as specified in rule 81 of the Central Rules, the registering

authority may, after making such enquiries as may appear necessary, issue a duplicate certificate of registration in Form 23 of the Central rules, stamped 'Duplicate' in red ink.

Rule 44 of M.V. rules 1989.

II Procedure when a lost certificate is subsequently found.
[Section 65 (2)(d)]

(1) When a duplicate certificate of fitness or certificate of registration has been issued upon representation of the holder thereof that the original has been lost and if the original is afterwards found, the original certificate of fitness or certificate of registration shall be delivered forthwith to the registering authority.

(2) Any person other than holder thereof finding a certificate of fitness or certificate of registration shall deliver it to the holder of the nearest Police Station.

(Rules 45 of Punjab Motor Vehicles Rules 1989.)

Prescribed Registration Fees.

4.24. Registration fees for the issue of certificate of registration and transfer of ownership of a motor vehicle are given in Appendix 'A'.

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

Corresponding Law: .S. 31-A(1) of Act IV of 1939.

(2) Where the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into the said agreement with any person, the ¹[last] registering authority shall, on receipt of an application in such form as the Central Government may prescribe from the parties to the said agreement, make an entry as to the existence of the said agreement in the certificate of

¹ Subs. for "Last" by Act 54 of 1994, S. 14 (w.e.f. 14.11.1994).

registration ²[and an intimation in this regard shall be sent to the original registering authority if the last registering authority is not the original registering authority.]

Corresponding Law: .S. 31(b) of Act IV of 1939.

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

Corresponding Law: .S. 31-A(3) of Act IV of 1939.

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

Corresponding Law: .S. 31-A(4) of Act IV of 1939.

(5) Where the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the said agreement, satisfies the registering authority that he has taken possession of the vehicle [from the registered owner] owing to the default of the registered owner under the provisions of the said agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity to make such representation as he may wish to make (by sending to him a notice by registered post acknowledgement due at his address entered in the certificate of registration) and notwithstanding that the certificate of registration is not produced before it, cancel the certificate and issue a fresh certificate of registration in the name of the person with whom the registered owner has entered into the said agreement:

² Added by Act 54 of 1994 S. 14 (w.e.f. 14.11.1994).

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

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

Corresponding Law: .S. 31-A(5) of Act IV of 1939.

(6) The registered owner shall, before applying to the appropriate authority, for the renewal of a permit under Section 81 or for the issue of duplicate certificate of registration under sub-section (14) of Section 41, or for the assignment of a new registration mark under Section 47, ¹[or removal of the vehicle to another State, or at the time of conversion of the vehicle from one class to another, or for issue of no objection certificate under Section 48 or for change of residence or place of business under Section 49, or for the alteration of the vehicle under Section 52,] make an application to the person with whom the registered owner has entered into the said agreement (such person being hereafter in this section referred to as the financier) for the issue of a no objection certificate (hereafter in this section referred to as the certificate).

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

Corresponding Law: .S. 31-A (5-A) of Act IV of 1939.

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

¹ *Ibid.*

seven days, the certificate applied for shall be deemed to have been issued by the financier.

Corresponding Law: .S. 31-A (5-B) of Act IV of 1939.

(8) The registered owner shall, while applying to the appropriate authority for the renewal of any permit under Section 81, or for the issue of a duplicate certificate of registration, under sub-section (14) of Section 41, or while applying for assignment of a new registration mark under Section 47, submit with such application the certificate, if any, obtained under sub-section (7) or, where no such certificate has been obtained, the communication received from the financier under that sub-section, or, as the case may be, a declaration that he has not received any communication from the financier within the period of seven days specified in that sub-section.

Corresponding Law: .S. 31-A(5-C) of Act IV of 1939.

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

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

- (i) renew or refuse to renew the permit, or
- (ii) issue or refuse to issue the duplicate certificate of registration, or
- (iii) assign or refuse to assign a new registration mark;

(b) in any other case; -

- (i) renew the permit, or
- (ii) issue duplicate certificate of registration, or
- (iii) assign a new registration mark.

Corresponding Law: .S. 31-A (5-D) of Act IV of 1939.

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

- (a) hire-purchase, lease or hypothecation agreement of a motor vehicle, or
- (b) the cancellation under sub-section (3) of an entry, or
- (c) recording transfer of ownership of motor vehicle, or
- (d) any alteration in a motor vehicle, or
- (e) suspension or cancellation of registration of a motor vehicle, or
- (f) change of address,

shall communicate [by registered post acknowledgement due] to the financier that such entry has been made.

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

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

Section 51 M.V. Acts 1988.

4.26. Exemption to Road Rollers and the like. [Section 65 (2) (c)] –The provisions of Chapter IV of the Act and the rules of this Chapter shall not apply to the road rollers, graders and other vehicles designed and used solely for the construction, repair and cleaning roads and which are owned by the Government of Punjab.

Rule 52 of Punjab M.V. Rules 1989.

Vehicles exempted from payment of registration fees

4.27. No fee shall be chargeable in respect of:-

- (i) assignment of a new registration mark to a vehicle on its being brought permanently in the State of Punjab, for recording the change of address of an owner or for recording an alteration to a motor vehicle;
- (ii) registration of a motor cycle owned and kept for use by the field security section in the Army;
- (iii) registration of a motor vehicle owned and kept for use by the food and agricultural organization of the United Nations.

4.28.1. Trade certificate. – (1) An application for the grant or renewal of a trade certificate shall be made in Form 16 and shall be accompanied by the appropriate fee as specified in Rule 81.

(2) Separate applications shall be made for each of the following classes of vehicles, namely:-

- (a) motor cycle;
- (b) invalid carriage;
- (c) light motor vehicle;
- (d) medium passenger motor vehicle;
- (e) medium goods vehicle;
- (f) heavy passenger motor vehicle;
- (g) heavy goods vehicle;
- (h) any other motor vehicle of a specified description.

4.28.2. Grant or renewal of trade certificate. – (1) On receipt of an application for the grant or renewal of a trade certificate in respect of a vehicle, the registering authority may, if satisfied that the applicant is a bona fide dealer and requires the certificates specified in the application, issued to the applicant one or more certificates, as the case may be, in Form 17 and shall assign in respect of each certificate a trade registration mark consisting of the registration mark referred to in the notification made under sub-

section (6) of section 41 and followed by two letters and a number containing not more than three digits for each vehicle, for example:-

AB – Represent State Code.

12 – Registration District Code.

TC1 – Trade certificate number for the vehicle.

(2) No application for trade certificate shall be refused by the registering authority unless the applicant is given an opportunity of being heard and reasons for such refusal are given in writing.

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

(a) the transferor shall,-

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

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

(A) the no objection certificate obtained under Section 48; or

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

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

(II) the postal acknowledgement received by the transferor if he has sent an application in this behalf by registered post acknowledgement due to the registering authority referred to in Section 48,

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

(b) the transferee shall, within thirty days of the transfer, report the transfer to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward the certificate of registration to that registering authority together with the prescribed fee and a copy of the report received by him from the transferor in order that particulars of the transfer of ownership may be entered in the certificate of registration.

Corresponding Law: .S. 31(1) of Act IV of 1939.

(2) Where –

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

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

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

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

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

Corresponding Law: .S. 31(1-A) of Act IV of 1939.

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

Corresponding Law: .S. 31(1-B) of Act IV of 1939.

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

Corresponding Law: .S. 31 (1-C) of Act IV of 1939.

(6) On receipt of a report under sub-section (1), or an application under sub-section (2), the registering authority may cause the transfer of ownership to be entered in the certificate of registration.

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

Corresponding Law: .S. 31(2) of Act IV of 1939.

Section 50 of M.V. Act 1988.

4.30. Registration of vehicles belonging to the Central Government. –

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

exclusive control of the Central Government, require to be registered otherwise under this Act.

Corresponding Law: .S. 39(1) of Act IV of 1939.

(2) The authority registering a vehicle under sub-section (1) shall assign a registration mark in accordance with the provisions contained in the rules made in this behalf by the Central Government and shall issue a certificate in respect of that vehicle to the effect that such vehicle complies for the time being with all the requirements of this Act and the rules made thereunder and that the vehicle has been registered under this section.

Corresponding Law: .S. 39(3) of Act IV of 1939.

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

Corresponding Law: .S. 39(2) of Act IV of 1939.

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

Corresponding Law: .S. 39(4) of Act IV of 1939.

(5) The authority registering a vehicle under sub-section (1) shall furnish to any State Government all such information regarding the general nature, overall dimensions and axle weights of the vehicle as the State Government may at any time require.

Corresponding Law: .S. 39(5) of Act IV of 1939.

Section 60 of M.V. Act 1988.

4.31. Change of residence or place of business. –

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

registration to the registering authority or, as the case may be, to the other registering authority in order that the new address may be entered therein.

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

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

(3) Where a person has paid the amount under sub-section (2), no action shall be taken against him under Section 177(4)

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

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

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

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

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

Corresponding Law: .S. 30 of Act IV of 1939.

Section 49 of M.V. Act 1988.

Notes

The jurisdictional registering authority is under a statutory obligation to effect the entry of the changed address of the owner of a vehicle when required to do so by the latter, without insisting upon him to comply with the requirement of Rule 216 of the Karnataka Rules as a condition precedent. *N. Vasantha Kumar v. Regional Transport Officer, Kolar*, AIR 1988 Kant 110.

4.32. Certificate of fitness of transport vehicles. –

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

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

Corresponding Law: .S. 38(1) of Act IV of 1939.

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

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

Corresponding Law: .S. 38(2) of Act IV of 1939.

(4) The prescribed authority may for reasons to be recorded in writing cancel a certificate of fitness at any time, if satisfied that the vehicle to which it relates no longer complies with all the requirements of this Act and the rules made thereunder; and on such cancellation the certificate of registration of the vehicle and any

permit granted in respect of the vehicle under Chapter V shall be deemed to be suspended until a new certificate of fitness has been obtained:

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

Corresponding Law. S. 38(3) of Act IV of 1939.

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

Section 56 of M.V. Act 1988.

4.33. ²⁻³Alteration in motor vehicle.

(1) No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are at variance with those originally specified by the manufacturer:

Provided that where the owner of a motor vehicle makes modification of the engine, or any part thereof, of a vehicle for facilitating its operation by different type of fuel of source of energy including battery, compressed natural gas, solar power, liquid petroleum gas or any other fuel or source of energy, by fitment of a conversion kit, such modification shall be carried out subject to such conditions as may be prescribed:

Provided further that the Central Government may prescribed specifications, conditions for approval, retrofitment and other related matters for such conversion kits:

Provided also that the Central Government may grant exemption for alteration of vehicles in a manner other than specified above, for any specific purpose.

(2) Notwithstanding anything contained in sub-section (1), a State Government may, by notification in the Official Gazette, authorize, subject to such conditions as may be specified in the notification, and permit any person owning not less than ten

¹ Ins. by Act 54 of 1994, S. 16 (w.e.f. 14.11.1994).

²⁻³ Subs. by Act 27 of 2000, S. 2 (w.e.f. 11.8.2000).

transport vehicles to alter any vehicle owned by him so as to replace the engine thereof with engine of the same make and type, without the approval of registering authority.

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

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

(5) Subject to the provisions made under sub-sections (1), (2), (3) and (4), no person holding a vehicle under a hire-purchase agreement shall make any alteration to the vehicle except with the written consent of the registered owner.

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

Corresponding Law: .S. 32 of Act IV of 1939.

Section 52 of M.V. Act 1988.

4.34. Necessity for permits.

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

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

Provided further that a stage carriage permit may, subject to any conditions that may be specified in the permit, authorize the use

of the vehicle as a goods carriage either when carrying passengers or not:

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

Corresponding Law: .S. 42(1) of Act IV of 1939.

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

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

- (3) The provisions of sub-section (1) shall not apply –
- (a) to any transport vehicle owned by the Central Government or a State Government and used for Government purposes unconnected with any commercial enterprise;
 - (b) to any transport vehicle owned by a local authority or by a person acting under contract with a local authority and used solely for road cleansing, road watering or conservancy purposes;
 - (c) to any transport vehicle used solely for police, fire brigade or ambulance purposes;
 - (d) to any transport vehicle used solely for the conveyance of corpses and the mourners accompanying the corpses;
 - (e) to any transport vehicle used for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety;
 - (f) to any transport vehicle used for any other public purpose as may be prescribed by the State Government in this behalf;
 - (g) to any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies

¹ Ins. by Act 54 of 1994, S. 20 (w.e.f. 14.11.1994).

for attachment to chassis, solely for such purposes and in accordance with such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf,

- (h) [* * *]¹
- (i) to any goods vehicle, the gross vehicle weight of which does not exceed 3,000 kilograms;
- (j) subject to such conditions as the Central Government may, by notification in the Official Gazette, specify, to any transport vehicle purchased in one State and proceeding to a place, situated in that State or in any other State, without carrying any passenger or goods;
- (k) to any transport vehicle which has been temporarily registered under Section 43 while proceeding empty to any place for the purpose of registration of the vehicle;
- ^{1a}(l) to any motor vehicle which is operated by electric battery, compressed natural gas or solar energy.]
- (m) to any transport vehicle which, owing to flood, earthquake of any other natural calamity, obstruction on road, or unforeseen circumstances is required to be diverted through any other route, whether within or outside the State, with a view to enabling it to reach its destination;
- (n) to any transport vehicle used for such purposes as the Central or State Government may, by order, specify;
- (o) to any transport vehicle which is subject to a hire-purchase, lease or hypothecation agreement and which owing to the default of the owner has been taken possession of by or on

¹ Omitted by Act 27 of 2000, S. 4 (11.8.2000). Prior to omission, clause (h) read;

“to any transport vehicle owned by, and used solely for the purposes of, any educational institution which is recognized by the Central or State Government or whose managing committee is a society registered under the Societies Registration Act, 1860 (21 of 1860) or under any law corresponding to that Act in force in any part of India”.

^{1a} Subs. by Act 54 of 1994, S. 20 (w.e.f. 14.11.1994).

behalf of, the person with whom the owner has entered into such agreement, to enable such motor vehicle to reach its destination; or

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

Corresponding Law: .S. 42(3) of Act IV of 1939.

Note: See Noti. No. S.O. 414(E), 417 (E), 418(E), 419(E) dated 8.6.1989.

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

Corresponding Law: .S. 42(4) of Act IV of 1939.

Section 66 of MV Act 1988

4.35. General provisions as to application for permits.

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

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

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

- (2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification in the Official Gazette, direct that in the case of any vehicle or vehicles proposed to be used in two or more regions lying in different States, the application under that sub-section shall be made to the State Transport

Authority of the region in which the applicant resides or has his principal place of business.

Corresponding Law: S. 45 of Act IV of 1939.

Section 69 of MV Act 1988

Notes

Section 57(8) (as amended by T.N. Act 3 of 1964) and S. 45 - application to vary conditions of stage carriage permit for inter-regional route under - Held, RTA which issued the original permit has initial jurisdiction to accord sanction irrespective of whether the major portion of the route or even the entire route in respect of which the variation is sought lies within the jurisdiction of another RTA - RTA within whose jurisdiction such route lies would then either countersign the permit or refuse to do so - Expression "shall be treated as an application for the grant of a new permit" - Import of - Words 'new permit' in the context of the expression indicate applicability of sub-sections (3) to (7) of S. 57 and not of S. 45. *M. Duraiswami v. Murugan Bus Service*, 1986, Supp SCC 1.

4.36. Owner to furnish security.

(1) The Licensing Officer, for the proper realization of tax levied under this Act, shall after giving an opportunity of being heard, require any owner of the transport vehicle to deposit as security an amount not exceeding fifty thousand rupees in the prescribed manner where such an owner makes a default in the payment of tax under this Act for a continuous period of two months or more.

(2) Where the security furnished by an owner of a transport vehicle under sub-section (1) is in the form of a surety bond and the surety becomes insolvent or is otherwise incapacitated or dies or withdraw; such owner shall within fifteen days of the occurrence of any of the aforesaid events, inform the Licensing Officer and shall within thirty days of such occurrence, furnish a fresh surety bond.

(3) The Licensing Officer may, by an order in writing for good and sufficient cause and after giving the owner a reasonable opportunity of being heard, forfeit the whole or any part of the security furnished by such owner for realizing any amount of tax, interest or penalty payable by him under this Act.

(4) Where by reason of an order under sub-section (3), the security furnished by such owner is rendered insufficient, he shall

make up the deficiency in such manner and within such time as may be prescribed.

Section 7A of the amended Act 1993.

4.37. Procedure for applying and granting permits.

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

Corresponding Law: .S. 57(1) of Act IV of 1939.

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

Provided that the Regional Transport Authority ²[State Transport Authority or any prescribed authority referred to in sub-section (1) of Section 66] may summarily refuse the application if the grant of any permit in accordance with the application would have the effect of increasing the number of stage carriages as fixed and specified in a notification in the Official Gazette under clause (a) of sub-section (3) of Section 71 or contract carriages as fixed and specified in a notification in the Official Gazette under clause (a) of sub-section (3) of Section 74:

Corresponding Law: See Proviso to S. 57 (3) of Act IV of 1939.

Provided further that where a Regional Transport Authority, ³[State Transport Authority or any prescribed authority referred to in sub-section (1) of Section 66] refuses an application for the grant of a permit of any kind under this Act, it shall give to the applicant in writing its reasons for the refusal of the same and an opportunity of being heard in the matter.

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

¹ Ins. by Act 54 of 1994, S. 25 (w.e.f. 14.11.1994).

² *Ibid.*

³ *Ibid.*

curtailment of the route or routes or the area specified in 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 made by the holder of stage carriage permit who provides the only service on any route to increase the frequency of the service so provided without any increase in the number of vehicles:

Corresponding Law: .S. 57 (8) of Act IV of 1939.

Provided further that, -

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

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

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

Provided that no condition other than a condition which was already attached to the replaced permit or which could have been attached thereto under the law in force when that permit was granted

¹ Subs. by Act 54 of 1994, s. 26 (w.e.f. 14.11.1994).

shall be attached to the fresh permit except with the consent in writing of the holder of the permit.

Corresponding Law: .S. 57 (9) of Act IV of 1939.

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

Corresponding Law: .S. 57 (10) of Act IV of 1939.

Section 80 of M.V. Act 1988.

4.38 Duration and renewal of permits.

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

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

Corresponding Law: .S. 58 (1) of Act IV of 1939.

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

Corresponding Law: .S. 58 (2) of Act IV of 1939.

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

Corresponding Law: .S. 58 (3) of Act IV of 1939.

(4) The Regional Transport Authority or the State Transport Authority, as the case may be, may reject an application for the

¹ Subs. By Act 54 of 1994, S. 26 (w.e.f. 14.11.1994).

renewal of a permit on one or more of the following grounds, namely:-

- (a) the financial condition of the applicant as evidenced by insolvency, or decrees for payment of debts remaining unsatisfied for a period of thirty days, prior to the date of consideration of the application;
- (b) the applicant had been punished twice or more for any of the following offences within twelve months reckoned from fifteen days prior to the date of consideration of the application committed as a result of the operation of a stage carriage service by the applicant, namely:-
 - (i) plying any vehicle –
 - (1) without payment of tax due on such vehicle;
 - (2) without payment of tax during the grace period allowed for payment of such tax and then stop the plying of such vehicle;
 - (3) on any unauthorized route.

(ii) making unauthorized trips:

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

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

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

Corresponding Law: .S. 58 (4) of Act IV of 1939.

Section 81 of M.V. Act 1988.

4.39 Temporary permits.

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

- (a) for the conveyance of passengers on special occasions such as to and from fairs and religious gatherings, or
- (b) for the purposes of a seasonal business, or
- (c) to meet a particular temporary need, or
- (d) pending decision on an application for the renewal of a permit, and may attach to any such permit such condition as it may think fit:

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

Corresponding Law: .S. 62 (1) of Act IV of 1939.

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

- (i) no permit could be issued under Section 72 or Section 74 or Section 76 or Section 79 in respect of that route or area by reason of an order of a Court or other competent authority restraining the issue of the same, for a period not exceeding the period for which the issue of the permit has been so restrained; or
- (ii) as a result of the suspension by a Court or other competent authority of the permit of any vehicle in respect of that route or area, there is not transport vehicle of the same class with a valid permit in respect of that route or area, or there is no adequate number of such vehicles in respect of that route or area, for a period not exceeding the period of such suspension:

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

Corresponding Law: .S. 62 (2) of Act IV of 1939.

Section 87 of M.V. Act, 1988.

4.40 Issue of duplicate permits. [Section 96(2) (v)]. –

(1) When Part A or Part B of any permit has been lost or destroyed, the holder shall forthwith intimate the fact to the State or a Regional Transport Authority by which the permit was issued and apply for the issue of a duplicate permit or part of a permit as the case may be:

Provided that in the case of loss or destruction of Part-B of the permit, he shall forward Part 'A' of the permit to the State or a Regional Transport Authority, as the case may be.

(2) The State or a Regional Transport Authority shall, upon receipt of application in terms of sub-rule (1), issue a duplicate permit or part or parts of a permit, as the case may be, and to the extent that it is able to verify the fact may endorse thereon certified copies of any countersignatures by other authority, intimating the fact to that authority.

(3) A duplicate permit or duplicate part of a permit issued under sub-rule (2) shall be clearly stamped "Duplicate" in red ink and the certified copy of any countersignatures by any other State or Regional Transport Authority on a permit or a part of a permit made under sub-rule (2) shall be valid in the region of that other authority as if it were countersignatures made by it.

(4) When a permit or a part of a permit has become so dirty, torn or defaced as in the opinion of the State or a Regional Transport Authority, as the case may be to be illegible the holder thereof shall surrender the permit or part of the permit, as the case may be, to the State or a Regional Transport Authority and apply for the issue of a duplicate permit or part of a permit.

(5) The fee for the issue of a duplicate permit or part of a permit shall be ¹[one hundred] rupees for Part A and twenty rupees for each copy of Part B;

Provided that no fee shall be charged in the case of a duplicate permit issued in pursuance of sub-rule (4) if the original permit was issued prior to three years.

(6) Any permit or part of a permit which is found by any person shall be delivered by that person to the nearest Police Station or the holder or to the State or a Regional Transport Authority by which it was issued and if the holder finds or receives any permit or part of a permit in respect of which a duplicate permit has been issued, he shall return the original to the concerned State or the Regional Transport Authority.

Rule 83 of Pb. M.V. Rules 1989.

4.41 Transfer of permit.

(1) Save as provided in sub-section (2), a permit shall not be transferable from one person to another except with the permission of the transport authority which granted the permit and shall not, without such permission, operate to confer on any person to whom a vehicle covered by the permit is transferred any right to use that vehicle in the manner authorized by the permit.

Corresponding Law: .S. 59 (1) of Act IV of 1939.

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

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

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

¹ Substituted vide Punjab Govt. Notification No. GSR 84/CA/59/88/S. 28, 38, 65, 93/Amd. (1)94.

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

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

Rule 82 of M.V. Rules 1989.

4.43. Application fee for grant or renewal of permit. [Section 96(2)(vii) and (viii)].

[(1) Every application for the grant or renewal of a stage carriage permit, contract carriage permit, goods carriage permit, special or temporary permit for fairs or booked parties on contract carriage or tourist permit or any other permit granted under the Act, shall be accompanied by a cash receipt or a treasury challan showing the deposit of following fees, namely;

Description of Motor Vehicles	Rate of Fees.
(A) (a) Buses	Rs. 600.00
(b) Mini Buses or goods carriage or Tourist Cabs.	Rs. 200.00
(c) Motor Cabs (For operation in Punjab Territory only)	Rs. 150.00
(d) Tempos or Auto Reckshaws or other vehicles.	Rs. 50.00
(B) (a) Fees for a Special permit	Rs. 100.00
(b) Fees for temporary permit for two days	Rs. 100.00
(C) Fees for a duplicate copy of a special or temporary permit.	Rs. 100.00

Provided that no fees shall be payable for a permit issued to foreign Embassies in India in respect of transport vehicles owned by such Embassies.

Provided further that no special or temporary permit shall be issued to a vehicle which is not covered by any regular permit.

Provided further that a special or temporary permit shall also not be issued to any permit holder of a stage carriage who do not maintain reserve fleet required in accordance with the directions of the State Transport Authority, or the Regional Transport Authority, as the case may be.]¹

(2) Where the permit of a vehicles is countersigned under section 88 for more than region, fee at the rate shown in rule 68 as payable for counter-signatures shall be levied in respect of each additional region.

(3) In case where a Regional Transport Authority acting under sub-rule (1) of rule 66 extends the effects of a permit to an area or route in another region, a supplementary fee shall be a payable at the rate specified in rule 68 as if the permit had been countersigned for the second region :

Provided that if the additional area to which the permit is so extended is a part and not the whole of a region, the Regional Transport Authority may, at its discretion and subject to any directions that may be issued by the State Transport Authority, declare that no supplementary fee shall be payable:

Provided further that in the case of goods carriage permit or contract carriage permit, if the additional area to which the permit is so extended consists of two or more regions, the Regional Transport Authority may, at its discretion and subject to such directions, if any, as may be issued by the State Transport Authority, declare that only one countersignature fee shall be payable.

(4) In cases where an authority of another State acting under sub-rule (2) of rule 66 extends the effect of a permit to a route or area in the State, a supplementary fee shall be payable at the same rate as for countersignatures specified in rule 68.

(5) In the case of service of stage carriage the fees payable shall be calculated on the maximum number of vehicles which the permit

¹ Substituted vide Punjab Govt. Notification No. GSR 84/CA/59/88/Ss/28,38,65,93/Amd. (1) 94.

holder is authorized to have in operation at any one time in the region concerned.

(6) Fees shall be paid in advance to the Regional Transport Authority for the period for which the permit is issued.

(7) A Regional Transport Authority receiving a fee for a permit or the countersignatures of a permit shall prepare a separate receipt in Form RPF for each Part B of the permit which shall be delivered to the person tendering the fee at the rate of rupees ten for each part B of the permit.

(8) The receipt for the last fee paid shall be attached to and displayed with part B of the permit.

(9) The fee paid for a permit shall stand forfeited if the permit is subsequently cancelled.

Rule 67 of M.V. Rules 1989.

Fees for issue and renewal of permits and for countersignatures.

The following fees shall be payable for the issue and renewal of permits and for the countersignatures of permits under the Act, namely:-

Description of Motor Vehicles	Rate of permit Fees (For each region per year)
(a) Trucks or buses or tempos (Passenger)	Rs. 200.00
(b) Tourists Permits or Motor Cabs.	Rs. 100.00
(c) Auto Rickshaws (Passenger)	Rs. 150.00
(d) Goods Carriages (Light and Medium Goods Vehicles)	Rs. 80.00

Explanation:- The expression “regular permit” used in this rule and in rule 69 means a permit issued after consideration of an application in accordance with the provisions of the Act.

Rule 68 of Punjab M.V. Rules 1989.

4.44. Fee for late issue and late renewal of permit.

In case where the vehicle remained without permit or counter-signatures or renewal of permit, the following amount of fee in addition to fee for permit or counter-signatures specified under rule 68 of the said rules, shall be charged;

Period of Delay	Amount of Penalty.
(a) For each day upto 15 days	Rupees ten per day subject to maximum of Rupees Fifty.
(b) More than 15 days upto 3 months	Rupees ten per day subject to maximum of Rupees Five Hundred.
(c) More than 3 months upto 6 months	Rupees ten per day subject to maximum of Rupees One Thousand.
(d) More the 6 months upto one year	Rupees ten per day subject to maximum of Rupees Two Thousand.
(e) More than one year	Rupees Two thousand per year and Rupees ten for every additional day.

Provided that the Government may by general or special order and subject to such condition as may be specified, exempt any person or class of persons from payment of all or portion of penalty payable.”.

Rule 68-A of Punjab M.V. Act, 1989.

Ins. Vide Notification No. GSR 103/C.A. 59/88 Ss 65, 96 and 177/Amd. (16)/201 dated 29.10.2001.

4.45. Fees for temporary permits.

Omitted by Punjab Govt. Notification No. GSR 84/CA/59/88/Ss. 28,38,65,93/Amd. (1)94 .

Rule 69 of Punjab M.V. Rules 1989

4.46 Driver's Badge. [Section 28(2)(g)]

(1) The driver of a stage carriage or a contract carriage shall display his left breast a metal badge in the form specified in the First Schedule to these rules issued to him by the concerned licensing authority and inscribed with the name of the authority by which an authorization to drive a stage carriage or a contract carriage has been granted and the word, "DRIVER" together with an identification number:

Provided that a driver shall not hold more than one badge.

(2) The fee for the issue of a badge under sub-rule (1) shall be rupees ten and if the badge is lost or destroyed, a duplicate badge shall be issued by the authority by which it was issued on payment of rupees ten.

(3) No driver shall lend or transfer the badge issued to him under sub-rule (1) to any other person and no driver shall wear a badge other than one issued to him by the licensing authority.

(4) Any person finding a driver's badge shall, unless he returns the same to the holder, forthwith surrender it to the licensing authority by which it was issued or to a police officer of the nearest police station.

(5) If at any time the authorization on a driver's licence entitling him to drive a stage carriage or a contract carriage is suspended or revoked by any licensing authority or by any Court or ceases to be valid by the efflux of time the driver shall surrender the badge to the authority by which it was issued within seven days from the date of suspension or revocation or from the date of expiry of the licence, as the case may be,

(Rule 18 of Punjab Motor Vehicles Rules 1989).

4.47 Conductor's badge. [Section 38(2)(h)]

(1) The conductor of a stage carriage shall display on his left breast a metal badge in the form specified in the First Schedule to these rules issued by the licensing authority and inscribed with the name of the licensing authority by whom the conductor's licence is granted and the word "Conductor" together with the identification number.

- (2) A conductor shall not hold more than one badge issued by a licensing authority in the State.
- (3) The fee for the issue of a conductor's badge shall be rupees five and if the badge is lost or destroyed, a duplicate badge shall be issued by the licensing authority, which issued it on payment of rupees ten.
- (4) If at any time a conductor is disqualified for holding conductor's licence or his licence is revoked by the licensing authority or by any court or if it ceases to be valid by the efflux of time, the conductor shall within seven days from such disqualification, revocation or efflux, as the case may be, surrender the badge to the authority by which it was issued.

Rule 29 of Punjab M.V. rules 1989.

4.48 Fees for Filing Appeals:

As per Appendix 'A'.

CHAPTER-V

LEVY OF TAXES ON MOTOR VEHICLES

Statutory provisions for levy of Taxes, Penalties and Fees.

5.1. Road Tax.

Under the Motor Vehicles Act, 1988, no person shall drive any motor vehicle and permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in the State where he has the residence, all business and where the vehicle is normally kept. Driving of vehicle without registration is an offence. Under section 3 (1) of the Punjab Motor Vehicle Taxation Act, 1924 as amended in 1993 tax for stage carriage is payable at prescribed rates in four equal quarterly instalments on 30th April, 30th July, 30th October and 30th January. Failure to pay tax by the due date attracts penalty and interest U/S 8(4) and 11A of the Act *ibid*.

5.1.1. Special Road Tax.

Similarly, under section 3 F (1) of the Punjab Motor Vehicle Taxation Act 1924, as amended from 1st June, 1993, there shall be levied and paid to the Government a special road tax (SRT) on transport vehicles on the entire distance permitted to be covered at the rate per seat, per kilometer and per day as may be specified by the Govt. The SRT is payable in advance latest by 15th of each month. Failure to pay the SRT by due date attracts penalty u/s 8 (4) and interest u/s 11 A (1) of the taxation Act *ibid*. Further rule 143 of the Punjab Motor Vehicles Rules 1989 provide that the assessment of vehicle depends on the number of persons that can be seated in a vehicle. Government decided (1985) that special road tax would be charged for 52 seats of Tata make Vehicles and for 54 seats Layland make buses regardless of the number of actual seats provided in the bus.

5.1.2. The road tax and the special road tax payable on different category of vehicles leviable under the Motor Vehicles Taxation Act, 1924 (as amended in 1993) and mode of payment is tabulated in the attached annexure:-

However, a person who becomes liable to pay quarterly instalments of tax but proves to the satisfaction of the licencing authority/officer that he has not used or permitted the use of vehicle throughout the quarter, is entitled to exemption from the payment of tax subject to his depositing of registration certificate with the Licencing Authority and sending advance intimation of his intention not to use the vehicle. From 1.6.1993, any person who has paid the tax but has not used the vehicle for continuous period of not less than one month since the payment of tax shall be entitled to exemption/refund of tax equal to 1/12 of the annual rate of tax paid in respect of such vehicle for each completed month for which tax was paid subject to the satisfaction of the Licencing authority.

5.1.3. Composite Tax

Inter State Vehicular Traffic of good between one state and other states, is regulated by National Permit Scheme (NPS) and bilateral agreements under the provisions of Motor Vehicles Act, 1988. Realisation of revenue under NPS is watched by the State Transport Commissioner Punjab (STC), Vehicles registered in one State are authorized to ply in other State on the payment of prescribed Tax called Composite Tax. It is initially received by the home State from the owner of the vehicle in the form of crossed bank draft, which is transmitted alongwith details viz Permit No., Vehicle No., bank draft No. and date and amount etc. to the transport authority of the State in which the vehicles are authorized to ply.

As laid down in Govt. of India, Ministry of Surface Transport, New Delhi letter No. RT-16011/6/97-T dated the 13th November, 1998 the Composite Tax is payable by the transport operators on annual basis in one lump sum at the time of applying for or renewal of National Permit. The composite tax was enhanced from Rs. 1500 to Rs. 5000 for each plying State and Rs. 750 to Rs. 2500 for each plying Union Territory per annum with effect from 1st September, 1993 vide Punjab Govt. Notification No. 10/28/92-IT (2) dated 30.8.1993.

5.1.4. Additional Fee.

Fees chargeable for allotment of registration number of choice.

Punjab Government vide notification No. GSR 54/c.A. 59/88-565/Amd. (3)/97 dated 26.11.97 made the rules called Punjab Motor Vehicles (Second Amendment) Rules 1997 to amend the Punjab Motor Vehicle rules 1989 by inserting a Rule 42A i.e. for assignment of registration mark of choice.

The Registering Authority shall assign a registration Number to the owner of a motor vehicle of his choice from amongst the registration marks as specified in Sixth schedule to these rules on payment of such additional fee as may be fixed by Government from time to time.

Subsequently, Punjab Government vide letter No. 2/23/97-IT (2)/96 dated 7.1.98 and memo No. 2/23/97-IT(2)/15825 dated 21.12.98 specified additional fee for the allotment of registration Number of choice. (Annexure of priced numbers is attached). Further if the owner of a Motor Vehicle holding any of the Number specified in the sixth schedule from any previous series wants to retain that number for his new Motor Vehicle, he shall be charged half of the fee fixed for that number.

5.2. Rates of Taxes.

Rates of Taxes on various type of vehicles and maximum limit therefor as noticed by the State Government are detailed in Appendix 'B'.

5.3. Obligation to make declaration and to pay Tax.

Every person who keeps a motor vehicle, for use shall fill up and sign declaration in the prescribed form obtainable from the licensing officer stating the prescribed particulars and deliver it to the licensing officer within 21 days from the day of his commencing to keep the vehicle for use and shall pay the first instalment of Tax due in respect of such a vehicle.

(c.f. Section 4 Punjab Motor Vehicles Taxation Act, 1924.)

5.3.1. Obligation to make declaration in respect of transport vehicle to pay special road tax.

(1)In respect of a transport vehicle an owner shall also be required to make declaration in the prescribed form stating the prescribed particulars.

(2) The special road tax payable under section 3-F in respect of a transport vehicle shall be paid in the prescribed manner;

Provided that unless the manner is prescribed, the amount of tax payable quarterly and monthly shall be one fourth and one twelfth respectively, of the annual rates of tax specified in Schedule 'A' to this Act, referred to in section 3-F of the Act.

(Section 4-A of Punjab M.V. Act 1924 as amended in 1939.)

5.4.1. Obligation to make additional declaration and to pay further tax.

Wherever any person becomes liable to an additional tax by reason of his keeping a greater number of motor vehicles for use or by reason of any change in the character of any motor vehicle kept by him for use, he shall fill up, sign and deliver an additional declaration specifying with reference to such liability the required particulars. He shall also pay to the Licensing Officer, such additional tax as by the subsequent declaration appears to be payable within 21 days from the day of his becoming so liable. While paying additional tax by reason of any change in the character of any motor vehicle an allowance shall be made for the tax already paid.

5.4.2. Obligation on revision of rates of tax.

If as a result of revision of rate of tax as may be specified under section 3 or Section 3-F, a motor vehicle or a transport vehicle, as the case may be, in respect of which tax has been paid, becomes liable to tax at a higher rate, the owner or any person having possession or control of the motor vehicle or transport vehicle, as the case may be, shall, within the time allowed for payment of tax for the following year or quarter or month thereof, as the case may be, pay additional tax of a sum which is equal to the difference between the tax already paid and the tax which becomes payable at the higher rate due to such revision in respect of such vehicles for the remainder of the complete current month of the quarter or the year, as the case may be, and the Licensing Officer shall not issue a fresh token in respect of such vehicle until such amount of tax has been paid."

Section 5-A of Punjab M.V. Act 1924 as amended in 1993.

Grant of Licence:

5.5. Every Licensing Officer shall grant and deliver to every person who pays to him the first instalment of tax due, a licence in Form III in which shall be specified the particulars of the tax paid with any other particulars that may be prescribed. The licence shall be dated on the granting the same and shall expire on the 31st day of March next following.

Grant of Fresh Permit:

5.6. Forms of applications [Section 96(2)(iv)].

Applications for grant of a permit of vehicle under section 70, section 76, section 77 or section 87 shall be made in the following forms mentioned against each, namely:-

Description of vehicle	Form
(i) Stage carriage	PSt SA
(ii) Contract Carriage	P.Co.P.A.
(iii) Private Services vehicles	PPSVA
(iv) Goods carriage:-	
(a) for or in connection with trade or business	PGCT. BA
(b) for hire or reward	PGT.HRA
(v) Temporary permit	PT em. A
(vi) Special permit under Section 88(8)	S.P.

(c.f. Rule 62 of Punjab M.V. Rules, 1989.)

Issue of Duplicate licence:

5.7. Licences lost or destroyed. [Section 28(2)(c)].

(1) If at any time the licence is lost by the holder or is destroyed, the holder thereof shall forthwith intimate the facts in Form LLD or in a letter setting out the particulars required by the Form LLD to the licensing authority in whose area he has his place of residence.

(2) Upon the receipt of intimation under sub-rule (1), the licensing authority shall if it is not the licensing authority by whom the licence was issued, apply to that licensing authority for particulars of the licence and after making such enquiries as it thinks fit, shall, if it is satisfied that a duplicate may properly be issued, issue a duplicate licence.

(3) Where a photograph has become obsolete, the holder of the licence shall furnish the licensing authority with two clear copies of a recent photograph of himself, one of which shall be affixed to the duplicate licence and the second one be kept in record.

(4) The fee for a duplicate licence to be issued under this rule shall be rupees twenty-five:

Provided that if the licence is lost while in the custody of a court or an authority to which it has been submitted or surrendered in pursuance of the provisions of the Act or these rules, a duplicate copy shall be issued free of charge.

(5) When a duplicate licence has been issued upon a representation that a licence has been lost and the original licence is afterwards found by the holder, he shall deliver the original licence forthwith to the licensing authority but the fee so paid for the issue of duplicate licence shall not be refundable.

(6) Any person finding a driving licence shall, deliver it to the holder of the licence or to the nearest police station.

(c.f. Rule 10 of Punjab M.V. Rules, 1989.)

Temporary authorization in lieu of Permit.

5.8 Temporary authorisation in lieu of permit. [Section 95(1)].

(1) When the holder of a permit has submitted part A or Part B or both of the permit, to the State Transport Authority or a Regional Transport Authority for renewal or countersignatures of the permit or for any other purpose, or when a police officer or any court or other person authorised by the Government under Section 206 has taken possession of a permit from the holder thereof, the aforesaid authorities or the person shall furnish to the holder a receipt for the permit and a temporary authorisation in Form Temp. A. to ply the vehicle, during such period as may be specified in the said

temporary authorisation, during the said period the omission of the temporary authorization on demand, shall be deemed to be a valid production of the permit.

Provided that the authority by which temporary authorisation was granted shall extend the period for which the temporary authorization is to remain valid until the permit is returned but such extension shall not be beyond the period of validity of the permit.

(2) Until a permit referred to in sub-rule (1) has been returned to the holder thereof, the vehicle concerned shall not be plied beyond the period as specified in the temporary authorization referred to in sub-rule (1) of the extended period under the proviso to that sub-rule.

(3) No fee shall be payable in respect of such temporary authorization.

(c.f. Rules 76 of Punjab M.V. Rules, 1989.)

5.9 Issue of token.

Omitted in new rules, 1989.

5.10. Issue of Duplicate Token.

Omitted in new rules, 1989.

5.11. Penalty for net displaying token.

Omitted in new rules, 1989.

5.12. Nothing in this Act apply to a Motor Vehicle used solely for the purpose of agriculture.

Section 13(4) of the Punjab Motor Vehicle Taxation Act (amended in 1993.)

Surrender of Registration certificate/Permit.

5.13 Surrender of permits. [Sections 86 and 95 (2)(ix)].

(1) The holder of a permit may, at any time, surrender it (Parts A and B of Permit) to the State or Regional Transport Authority by which it was granted and the State or Regional Transport Authority as the case may be shall forthwith cancel any permit so surrendered.

- (2) When the State Transport Authority or a Regional Transport Authority suspends or cancels any permit, -
- (i) the holder shall surrender parts A and B of the permit within seven days of receipt of a demand in writing by the authority; and
 - (ii) the authority suspending or cancelling the permit shall send intimation to any other authority by which the permit has been countersigned and to any authority to whose area the validity has been extended under rule 66.
- (3) A holder shall deliver Parts A and B or Part B to the State/a Regional Transport Authority by which it was issued within fourteen days of the expiry of any permit by efflux of time. The State or a Regional Transport Authority receiving any such permit shall intimate the fact of surrender to the authority or authorities by which it may have been countersigned and to any authority to whose area the validity has been extended under rule 66.

(c.f. Rule 80 of Punjab M.V. rules, 1989.)

Deductions:

5.14 In the principal Act, for section 13, the following section shall be substituted, namely:-

Refund and exemption.

- (1) When any person, who has paid the tax under section 3 or section 3-F, proves to the satisfaction of the Commissioner in the prescribed manner that the motor vehicle or the transport vehicle in respect of which such tax has been paid, has not been used for a continuous period of not less than one month since the tax was first paid, he shall be entitled to the exemption in respect of that tax and to the refund of an amount equal to one twelfth of the annual rate of the tax paid in respect of such vehicle for each complete month for which such tax has been paid and an endorsement to that effect on the licence shall be made by the Licensing Officer.
- (2) The Licensing Officer may refund or adjust in the prescribed manner any amount paid in excess of the tax due.
- (3) The Government may, by general or special order and subject to such conditions, as may be specified, exempt any person

or class of persons from the operation of all or any of the provisions of this Act, if in its opinion, such exemption would promote national or public interest.

(4) Nothing in this Act shall apply to a motor vehicle used solely for the purpose of Agriculture.”

Punjab Motor Vehicle Act 1993.

Deduction for keeping more than ten motor vehicles:

5.15. A person who keeps more than ten motor vehicles for use in course of trade and industry, which expression includes transport for hire, shall be entitled to a deduction of ten per cent on the aggregate amount of tax to which he is liable.

5.16. Basis of assessment of Tax.

In the principal Act, after section 3-E, the following section shall be inserted, namely:-

“3-F. Levy of special road tax.

(1) In addition to the tax levied under section 3, on and from the commencement of the Punjab Motor Vehicles Taxation (Amendment) Act, 1993, and subject to the rules made by the Government there shall be levied and paid to the Government, a special road tax on transport; vehicles at the rates as may be specified by the Government but not exceeding the rates specified in Schedule ‘A’ to this Act.

(2) The rates of the special road tax as may be specified under sub-section (1), in respect of stage carriages shall be applicable to and charged on the entire distance permitted to be covered.

(3) Where a transport vehicle is plied without a valid permit or if it is in any other manner not authorized by the permit to be plied, there shall be levied and paid to the Government further special road tax in addition to the tax payable under sub-section (1), on such vehicle at the rates as may be specified but not exceeding the rates specified in this behalf in Schedule ‘A’ to this Act. (To be charged on entire distance permitted to be covered.)

(4) Where a transport vehicle registered in a State other than the State of Punjab, enters the State of Punjab, the special road tax shall become chargeable, on such entry in the prescribed manner.

Explanation.

For the purpose of special road tax levied under this Act, transport vehicle shall include non-transport vehicle when used as transport vehicle by the owner.

Penal Provisions:

5.17. *Compounding of offence.*

Where an offence under this Act has been committed, such an offence may at any time before conviction, be compounded by any officer of the Transport Department not below the rank of Assistant District Transport Officer authorized by the commissioner in this behalf, after accepting by way of composition thereof, a sum of money not exceeding, such amount, as may be prescribed, together with the amount of tax, if any, which may be due from the person committing the offence. Such composition shall have the effect of discharging such person from liability for the offence and no further proceedings shall be taken or continued against him in respect of the offence so compounded.”

Section 9 of Punjab Motor Vehicles Act 1924 as amended in 1993.

5.18. *Recovery of an arrear of tax or additional tax:*

When a person neglects or refuses to pay, an installment of tax within one month from the expiration of the period fixed for such payment or additional tax imposed under section 8 and 9 before the expiry of fourteen days from the date of the Licensing Officer’s Order in that respect, the Licensing Officer may forward to the collector a certificate under his signature specifying the amount of the arrears due from the person and the Collector on receipt of such certificate shall proceed to recover from such person the amount specified therein as if it were an arrear of land revenue.

(c.f. Section 10 & 11 of Punjab Motor Vehicles Taxation Act, 1924 as amended in 1993.)

5.19.. *Payment of interest.*

(1) If an owner fails to pay tax due from him as required under section 3 or section 3-F, he shall in addition to the amount of tax be liable to pay simple interest on the amount of tax due from him at the rate of one and a half per cent per month from the date immediately following the last date for the submission of declaration as provided in sub-section (1) of section 4-A till the default continues.

(2) If the amount of tax under section 3 or section 3-F of penalty under section 8 due from an owner is not paid by him within the period specified in the prescribed notice, or, if no period is specified in the notice, within thirty days from the service of such notice, the owner shall, in addition to the amount of tax or penalty, be liable to pay simple interest on the due amount of tax or penalty, as the case may be, at the rate of one and a half per cent per month from the date following the date on which the period specified in the aforesaid notice or the period of thirty days, as the case may be, expires till the default continues:

Provided that where the recovery of any tax or penalty is stayed by an order of a court, the amount of tax or penalty shall, after the order of stay is vacated, be recoverable along with interest at the aforesaid rate on the amount due and such interest shall be payable from the date, the tax or penalty had first become due.

(3) The amount of interest payable under this section shall be calculated by treating part of a month as one month but no interest shall be chargeable if the total amount payable on account of tax or penalty or both, is fifty rupees or less and if such an amount is more than fifty rupees but less than one hundred rupees, interest shall be calculated treating such amount to be one hundred rupees.

(cf. Section 11-A of Punjab M.V. Act as amended in 1993.)

CHAPTER – VI

COLLECTION, ACCOUNTING AND REFUNDS

Procedure for levy collection, Accounting of Fees and Tax:

6.1. The fees prescribed in the Motor Vehicle Act, 1988 and the Punjab Motor Vehicles Rules, 1989 are paid in court fee stamp or deposited direct into Government treasury bank and the receipted treasury challans are submitted along with the prescribed applications. The fees so realised are accounted for in the prescribed registers in the respective offices of the licensing authorities, District Transport Officers, Regional Transport Authority and the State Transport Authority.

6.2. List of records required to be maintained in the above noted offices has been given in Appendix C.

6.3. The fees for compounding various offences are, however, realised by the compounding officer in cash against a printed serial machine numbered receipts which are accounted for in the compounding register and subsidiary cash book maintained for the purpose.

The fees so collected are deposited into Government treasury on the next working day. The particulars of the receipted treasury are noted on the payment side of the cash book.

Road Tax:

6.4. Road Tax (SRT) leviable under the Punjab Motor Vehicles Act, 1988 is payable by the owners of the vehicles into Government treasury/Bank through challans prepared in triplicate. One copy of the challan is given by the bank to the depositor and the other two copies are sent to treasury officer. After payment of tax, the owner of the vehicle submits his copy of the challan to the District Transport Officer along with an application for making entries in the licence held by the owner and the tax registers maintained by the department.

6.5. Bank Drafts received from other States are accounted for in the register of Bank Drafts received and paid into Bank maintained in the office of the State Transport Commissioner.

6.6. The Punjab Treasury rules (Volume I) provide that all moneys received by or tendered to Government servants in their official capacity should be accounted for immediately in the cashbook and remitted into the treasury without undue delay.

6.7. The Financial rules of Government require that the departmental officers should make monthly reconciliations of the departmental receipts, whether deposited by the owners direct into Government treasury or through their cashbook with the treasury records. For this purpose they are required to maintain Day Book/Daily Collection register. A consolidated treasury receipt is required to be maintained at the end of the month.

REFUND OF FEES AND TAX

Circumstances requiring refund of fees and Taxes:

6.8. The fees and other receipts are refundable under the following circumstances by the authorities prescribed, under the Act and rules:-

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

Corresponding Law:- S. 58(4) of Act IV of 1939.

(c.f. Section 81 (5) of M.V. Act, 1988)

CHAPTER – VII
OFFENCES AND PENALTIES

7.1 General provisions for punishment of offences.

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 one hundred rupees, and for any second or subsequent offence with fine which may extend to three hundred rupees.

Corresponding Law:- S. 112 of Act IV of 1939.

Section 177 of M.V. Act 1988

7.2 Penalty for traveling without pass or ticket and for dereliction of duty on the part of conductor and refusal to ply contract carriage etc.

(1) Whoever travels in a stage carriage without having a proper pass or ticket with him or being in or having alighted from a stage carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on a requisition being made therefore, shall be punishable with fine which may extend to five hundred rupees.

Explanation.

In this section, “pass” and “ticket” have the meanings respectively assigned to them in Section 124.

(2) If the conductor of a stage carriage, or the driver of a stage carriage performing the functions of a conductor in such stage carriage, whose duty is,-

(a) to supply a ticket to a person traveling in a stage carriage on payment of fare by such person, either willfully or negligently, -

- (i) fails or refuses to accept the fare when tendered, or
- (ii) fails or refuses to supply a ticket, or
- (iii) supplies an invalid ticket, or

(iv) supplies a ticket of a lesser value, or

(b) to check any pass or ticket, either willfully or negligently fails or refuses to do so,

he shall be punishable with fine which may extend to five hundred rupees.

(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) in the case of two-wheeled or three-wheeled motor vehicles, be punishable with fine which may extend to fifty rupees; and

(b) in any other case, be punishable with fine which may extend to two hundred rupees.

Corresponding Law:- S. 112-A of Act IV of 1939.

Section 178 of M.V. Act 1988.

7.3 Disobedience of orders, obstruction and refusal of information.

(1) Whoever willfully 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 five hundred rupees.

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

Corresponding Law:- S. 113 of Act IV of 1939.

Section 179 of M.V. Act 1988.

7.4 Allowing unauthorized persons to drive vehicles.

Whoever, 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 which may extend to one thousand rupees, or with both.

Corresponding Law:- S. 113-A of Act IV of 1939.

7.5 Driving vehicles in contravention of Section 3 or Section 4. –

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 which may extend to five hundred rupees, or with both.

Corresponding Law:- S. 113-B of Act IV of 1939.

7.6 Offences relating to licences. –

(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 which may extend to five hundred 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 one hundred rupees, or with both, and any conductor's licence so obtained by him shall be of no effect.

Section 182 of M.V. Act 1988

Corresponding Law:- S. 114 of Act Iv of 1939.

7.7¹ Punishment for offences relating to construction and maintenance of vehicles.

Any person who contravenes the provisions of sub-section (3) of Section 109, shall be punishable with a fine of one thousand rupees for the first offence, and with a fine of five thousand rupees for any subsequent offences.]

Notes on clauses

Clause 54 of Bill No. 53 of 1994 seeks to insert new Section 182-A, so as to provide for punishment for offences relating to violation of provisions of construction and maintenance of vehicles.

7.8 Driving at excessive speed, etc.

(1) Whoever drives 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 have 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.

(2) Whoever causes any person who is employed by him or is subject to his control in driving 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 three 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 five hundred rupees.

(3) No person shall be convicted of an offence punishable under the sub-section (1) solely on the evidence of one witness to the effect that in the opinion of the witness such person was driving at a speed which was unlawful, unless that opinion is shown to be

¹ Ins. By Act 54 of 10994, S. 54 (w.e.f. 14.11.1994.)

based on an estimate obtained by the use of some mechanical device.

(4) The publication of a time table under which, or the giving of any direction that, any journey or part of a journey is to be completed within a specified time shall, if in the opinion of the Court it is not practicable in the circumstances of the case for that journey or part of a journey to be completed in the specified time without contravening the speed limits referred to in Section 112 be prima facie evidence that the person who published the time table or gave the direction has committed an offence punishable under subsection (2).

Corresponding Law:- S. 115 of Act IV of 1939.

Section 183 of M.V. Act 1988

7.9 Driving dangerously.

Whoever drives a motor vehicle at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the 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 six months, or with fine which may extend to one thousand rupees, 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 which may extend to two thousand rupees, or with both.

Corresponding Law:- S. 116 of Act IV of 1939.

Section 184 of M.V. Act, 1988.

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

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 analyzer, 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 which may extend to two thousand rupees, or with both and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both.

Explanation.

For the purposes of this section, the drug or drugs specified by the Central Government in this behalf, by notification in the Official Gazette, shall be deemed to render a person incapable of exercising proper control over a motor vehicle.

Corresponding Law:- S. 117 of Act IV of 1939.

Note:- See Noti. No. S.O. 441 (E) dated 12.6.1989.

Section 185 of M.V. Act, 1988.

Notes on clauses

Clause 55 of Bill No. 53 of 1994 seeks to amend Section 185 which lays down the limit of alcohol that should not exceed in the blood of a person driving the motor vehicle.

7.11 Driving when mentally or physically unfit to drive.

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 two hundred rupees and for a second or subsequent offence with fine which may extend to five hundred rupees.

Corresponding Law:- S. 118 of Act IV of 1939.

Section 186 of M.V. Act, 1988.

7.12 Punishment for offences relating to accident.

Whoever fails to comply with the provisions of clause (c) of sub-section (1) of Section 132 or of Section 133 or Section 134 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees,

or with both or, if having been previously convicted of an offence under this section, he is again convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Corresponding Law:- S. 118-A of Act IV of 1939.

Section 187 of M.V. Act, 1988.

7.13 Punishment for abetment of certain offences.

Whoever abets the commission of an offence under Section 184, Section 185 or Section 186 shall be punishable with the punishment provided for the offence.

Corresponding Law:- S. 119 of Act IV of 1939.

Section 188 of M.V. Act, 1988.

7.14 Racing and trails of speed.

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 one month, or with a fine which may extend to five hundred rupees, or with both.

Corresponding Law:- S. 120 of Act IV of 1939.

Section 189 of M.V. Act, 1988.

7.15 Using vehicle in unsafe condition.

(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 which may extend to two hundred and fifty 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 which may extend to one thousand rupees, or with both.

(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 a fine of one

thousand rupees and for any second or subsequent offence with a fine of two thousand rupees.

(3) Any person who drives or causes or allows to be drive, 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 which may extend to three thousand rupees, or with imprisonment for a term which may extend to one year, or with both, and for any second or subsequent offence with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to three years, or with both.

Corresponding Law:- S. 121 of Act IV of 1939.

Section 190 of M.V. Act, 1988.

7.16 Sale of vehicle in or alteration of vehicle to condition contravening this Act.

Whoever being an importer of or dealer in motor vehicles, sells or delivers or offers to sell or deliver a motor vehicle or trailer in such condition that the use thereof in a public place would be in contravention of Chapter VII or any rule made thereunder or alters the motor vehicle or trailer so as to render its condition such that its use in a public place would be in contravention of Chapter VII or any rule made thereunder shall be punishable with fine which may extend to five hundred rupees.

Provided that no person shall be convicted under this section if he proves that he had reasonable cause to believe that the vehicle would not be used in a public place until it had been put into a condition in which it might lawfully be so used.

Corresponding Law:- S. 122 of Act IV of 1939.

Section 191 of M.V Act, 1988.

7.17¹ Using vehicle without registration.

(1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of Section 39 shall be punishable for the first offence with a fine which may extend to five thousand rupees but shall not be less than two thousand rupees for a second or subsequent offence with imprisonment which may extend to one year or with fine which may extend to ten thousand rupees but shall not be less than five thousand rupees or with both:

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

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

Provided that the person using the vehicle reports about the same to the Regional Transport Authority within seven days from the date of such use.

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

Section 192 of M.V. Act, 1988.

7.18 Using vehicle without permit.

(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 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

¹ S. 192 subs. By Ss. 192 and 192-A by Act 54 of 1994, S. 56 (w.e.f. 14.11.1994).

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:

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

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

Provided that the person using the vehicle reports about the same to the Regional Transport Authority within seven days from the date of such use.

(3) The Court to which an appeal lies from any conviction in respect of an offence of the nature specified in sub-section (1), may set aside or vary any order made by the Court below, notwithstanding that no appeal lies against the conviction in connection with which such order was made.]

Corresponding Law:- S. 123 of Act IV of 1939.

Notes on clauses

Clause 56 of Bill No. 53 of 1994 seeks to substitute new Sections 192 and 192-A for Section 192 to provide respectively for punishment for using vehicle without registration and for punishment for using vehicle without permit.

STATE AMENDMENT.

Rajasthan. – Amendment of Section 192, Central Act 59 of 1988. –
In Section 192 of the Motor Vehicles Act, 1988 (prior to amendment by Act 54 of 1994 in its application to the State of Rajasthan, hereinafter referred to as the principal Act, -

(a) in sub-section (1) for the expression, “with fine which may extend to two thousand rupees” as occurring between the expression “punishable for the first offence” and the expression “ and for any second or subsequent offence”, the expression “with fine which shall not be less than five thousand rupees” and for the expression “ with fine which may extend to three thousand rupees” as occurring between the expression “which may extend to six months or” and the expression “ or with both” the expression “with fine which shall not be less than ten thousand rupees”, shall be substituted, and

(b) after sub-section (1) as so amended, the following proviso shall be inserted, namely:-

“Provided that, in a case of contravention of the provision of Section 39 or of any condition of the permit relating to the maximum number of passengers or maximum weight of luggage that may be carried on the vehicle the Court may for any adequate or special reason to be mentioned in the judgement, impose a fine less than that laid down in this sub-section”.

Vide Rajasthan Act No. 2 of 1992, S. 2 (w.c.f. 11.1.1993)

.Notes

Prima facie the Corporation is not entitled to be paid any compensation under S. 357 CrPC. 1973 by orders of Magistrates in cases of unauthorized running of motor vehicles on the notified routes. It can be paid such compensation only when it is open to the Corporation to file a suit and recover damages in law for such unauthorized operation of stage carriages. The question whether such unauthorized running will give rise to a claim for damages in a Civil Court is not free from doubt. DHowever, no opinion is expressed on this question. Ishwar Singh Bagga v. State of Rajasthan, (1987) I SCC 101, 115.

7.19 Punishment of agents and canvassers without proper authority.

Whoever engages himself as an agent or canvasser in contravention of the provisions of Section 93 or of any rules made thereunder shall be punishable for the first offence with fine which may extend to one thousand rupees and for any second or subsequent offence with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

Corresponding Law:- S. 123-A of Act IV of 1939.

Section 193 of M.V. Act, 1988.

Driving vehicle exceeding permissible weight.

¹[(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 minimum fine of two thousand rupees and an additional amount of one thousand rupees per tone of excess load, together with the liability to pay charges for off-loading of the excess 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

¹ Subs. by Act 54 of 1994, S. 57 (w.e.f. 14.11.1994)

authorized 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 which may extend to three thousand rupees.

Corresponding Law:- S. 124 of Act IV of 1939.

Section 194 of M.V. Act, 1988.

Notes on clauses

Clause 57 of Bill No. 53 of 1994 seeks to amend Section 194 to provide for punishment of violation of the provisions of Section 113 or Section 114 or Section 115, with a minimum fine of two thousand rupees and an additional fine of one thousand rupees per tone of excess load together with the liability to pay charges of off-loading of the excess load.

Notes

For violation of Ss. 113 to 115, S. 194 accords penal sanction and on conviction for violation thereof, the section sanctions punishment with fine. S. 194 would give guidance to the State Government as a delegate under the statute to specify the amount for compounding the offence enumerated under sub-section (1) of S. 200. It is not mandatory that the authorized officer would always compound the offence. *P. Ratnakar Rao v. govt. of A.P.*, (1996) 5 SCC 359.

7.20 Imposition of minimum fine under certain circumstances.

(1) Whoever having been convicted of an offence under this Act or the rules made thereunder commits a similar offence on a second or subsequent occasion within three years of the commission of the previous offence, no Court shall, except for reasons to be recorded by it in writing, impose on him a fine of less than one-fourth of the maximum amount of the fine imposable for such offence.

(2) Nothing in sub-section (1) shall be construed as restricting the power of the Court from awarding such imprisonment as it considers necessary in the circumstances of the case not exceeding the maximum specified in this Act in respect of that offence.

Corresponding Law:- S. 124-A of Act IV of 1939.

Section 195 of M.V. Act, 1988.

7.21 Driving uninsured vehicle.

Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of Section 146 shall be punishable with imprisonment which may extend to

three months, or with fine which may extend to one thousand rupees, or with both.

Corresponding Law:- S. 125 of Act IV of 1939.

Section 196 of M.V. Act, 1988

7.22 Taking vehicle without authority.

(1) Whoever takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both:

Provided that no person shall be convicted under this section if the Court is satisfied that such person acted in the reasonable belief that he had lawful authority or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked therefor.

(2) Whoever, unlawfully by force or threat of force or by any other form of intimidation, seizes or exercises control of a motor vehicle, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(3) Whoever attempts to commit any of the acts referred to in sub-section (1) or sub-section (2) in relation to any motor vehicle, or abets the commission of any such act, shall also be deemed to have committed an offence under sub-section (1) or, as the case may be, sub-section (2).

Corresponding Law:- S. 126 of Act IV of 1939.

Section 197 of M.V. Act, 1988.

7.23 Unauthorised interference with vehicle.

Whoever otherwise than with lawful authority or reasonable excuse enters or mounts any stationary motor vehicle or tempers with the brake or any part of the mechanism of a motor vehicle shall be punishable with fine which may extend to one hundred rupees.

Corresponding Law:- S. 127 of Act IV of 1939.

Section 199 of M.V. Act, 1988.

7.24 Offences by companies.

(1) Where an offence under this Act has been committed by a company, every person who, at the time of offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation. – For the purposes of this section –

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

Corresponding Law:- S. 127-A of Act IV of 1939.

7.25 Composition of certain offences.

(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 (2) of Section 183, Section 184, Section 186, Section 189, [sub-section (2) of Section 190]¹ Section 191, Section 192, Section 194, Section 196 or Section 198 may either

¹ Ins by Act 54 of 1994, s. 58 (w.e.f. 14.11.1994).

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.

(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.

Corresponding Law:- S. 127-B of Act IV of 1939.

Section 200 of M.V. Act, 1988.

Notes on clauses

Clause 58 of Bill No. 53 of 1994 seeks to amend Section 200 to include certain other offences under the Act the purpose of composition.

Notes

It is a matter of volition or willingness on the part of the accused either to accept compounding of the offence or to face the prosecution in the appropriate court. It is not necessary that S. 200 itself should contain details of fees etc. So long as the compounding fee does not exceed the fine prescribed by the penal section the same cannot be declared to be either exorbitant, irrational or bereft of guidance. P. Ratnakar Rao v. Govt. of A.P., (1996) 5 SCC 359.

7.26 Penalty for causing obstruction to free flow of traffic.

(1) Whoever keeps a disabled vehicle on any public place, in such a manner, so as to cause impediment to the free flow of traffic, shall be liable for upto fifty rupees per hour, so long as it remains in that position:

Provided that the vehicle involved in accidents shall be liable for penalty only from the time of completion of inspection formalities under the law;

¹[Provided further that where the vehicle is removed by a Government agency, towing charges shall be recovered from the vehicle owner or person in charge of such vehicle.]

¹ Ins by act 54 of 1994, S. 58 (w.e.f. 14.11.1994).

¹[(2) Penalties or towing charges under the section shall be recovered by such officer or authority as the State Government may, by notification in the Official Gazette, authorize.]

Section 201 of M.V. Act, 1988.

Notes on clause.

Clause 59 of Bill No. 53 of 1994 seeks to amend Section 201 to provided for recovery of towing charges from the vehicle owner or the person in charge of the vehicle by such officer or authority as the State Government may authorize.

7.27. Penalty for Vehicles remained without Fitness.

The owner of a transport vehicle shall, if he fails to present his vehicle before the Board of Inspection of an authorized testing station, on or before the date of expiry of certificate of fitness or within such period so specified by Board of Inspection for its renewal, be liable to pay the following composition fee/penalties in addition to fee specified for renewal of certificate of fitness under rule 81 of the Central rules:-

Period of Delay	Amount of Penalty
(a) For each day upto 15 days	Rupees ten per day subject to maximum of Rupees Fifty.
(b) More than 15 days upto 3 months	Rupees ten per day subject to maximum of Rupees five Hundred.
(c) More than 3 months up to 6 months	Rupees ten per day subject to maximum of rupees One Thousand.
(d) More than 6 months upto one year	Rupees ten per day subject to maximum of Rupees Two Thousand.
(e) More than one year	Rupees Two thousand per year and Rupees ten for every additional day.

¹ Subs. by Act 54 of 1994, S. 59 (w.e.f. 14.11.1994).

Provided that the Government may by general or special order and subject to such condition as may be specified, exempt, any person of class of persons from payment of all or portion of penalty payable.”.

Rule 39-A of Punjab M.V. Rules 1989.

Ins. Vide Notification No. GSR 103/C.A. 59/88 Ss 65, 96 and 177/Amd. (16)/201 dated 29.10.2001.

7.28 Power to arrest without warrant.

(1) A police officer in uniform may arrest without warrant any person who in his presence commits an offence punishable under Section 184 or Section 185 or Section 197:

Provided that any person so arrested in connection with an offence punishable under Section 185 shall, within two hours of his arrest, be subjected to a medical examination referred to in Section 203 and 204 by a registered medical practitioner failing which he shall be released from custody.

¹[(2) A police officer in uniform may arrest without warrant any person, who has committed an offence under this Act, if such person refuses to give his name and address.]

(3) A police officer arresting without warrant the driver of motor vehicle shall if the circumstances so require, take or cause to be taken any steps he may consider proper for the temporary disposal of the vehicle.

Corresponding Law:- S. 128 of Act IV of 1939.

Section 202 of M.V. Act, 1988.

Notes on clauses

Clause 60 of Bill No. 53 of 1994 seeks to amend Section 202 so as to empower a police officer in uniform to arrest any person without warrant who has committed an offence under the Act if such person refuses to give his name and address.

7.29 Breath tests.

²(1) A police officer in uniform or an officer of the Motor Vehicles Department, as may be authorized in this behalf by that

¹ Subs. by Act 54 of 1994, s. 60 (w.e.f. 14.11.1994).

² Subs. by Act 54 of 1994, S. 61 (w.e.f. 14.11.1994).

Department, may require any person driving or attempting to drive a motor vehicle in a public place to provide one or more specimens of breath for breath test there or nearby, if such police officer or officer has any reasonable cause to suspect him of having committed an offence under Section 185:

Provided that requirement for breath test shall be made (unless it is made) as soon as reasonably practicable after the commission of such offence.]

(2) If a motor vehicle is involved in an accident in a public place and a police officer in uniform has any reasonable cause to suspect that the person who was driving the motor vehicle at the time of the accident, had alcohol in his blood or that he was driving under the influence of a drug referred to in Section 185 he may require the person so driving the motor vehicle, to provide a specimen of his breath for a breath test:-

(a) in the case of a person who is at a hospital as an indoor patient, at the hospital,

(b) in the case of any other person, either at or near the place where the requirement is made, or, if the police officer thinks fit, at a police station specified by the police officer:

Provided that a person shall not be required to provide such a specimen while at a hospital as an indoor patient if the registered medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(3) If it appears to a police officer in uniform in consequence of a breath test carried out by him on any person under sub-section (1) of sub-section (2), that the device by means of which the test has been carried out indicates the presence of alcohol in the person's blood, the police officer may arrest that person without warrant except while that person is at a hospital as an indoor patient.

(4) If a person, required by a police officer under sub-section (1) or sub-section (2) to provide a specimen of breath for a breath test, refuses or fails to do so and the police officer has reasonable cause to suspect him of having alcohol in his blood, the police officer may arrest him without warrant except while he is at a hospital as an indoor patient.

(5) A person arrested under this section shall while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.

(6) The results of a breath test made in pursuance of the provisions of this section shall be admissible in evidence.

Explanation. – For the purposes of this section, “breath test”, means a test for the purpose of obtaining an indication of the presence of alcohol in a person’s blood carried out on one or more specimens of breath provided by that person, by means of a device of a type approved by the Central Government, by notification in the Official Gazette, for the purpose of such a test.

Corresponding Law:- S. 128-A of Act IV of 1939.

Section 203 of M.V. Act, 1988.

Note:- See Noti. No. S.O. 442 (E) dated 12.6.1989.

Notes on clauses

Clause 61 of Bill No. 53 of 1994 seeks to amend Section 203 so as to empower all the officers of the Motor Vehicles Department, in addition to a police officer in uniform as at present, to take breath test of drivers of motor vehicles to check drunken driving.

7.30 Laboratory test.

(1) A person, who has been arrested under Section 203 may, while at a police station, be required by a police officer to provide to such registered medical practitioner as may be produced by such police officer, a specimen of his blood for a laboratory test if, -

(a) it appears to the police officer that the device, by means of which breath test was taken in relation to such person, indicates the presence of alcohol in the blood of such person, or

(b) such person, when given the opportunity to submit to a breath test, has refused, omitted or failed to do so:

Provided that where the person required to provide such specimen is a female and the registered medical practitioner produced by such police officer is a male medical practitioner, the specimen shall be taken only in the presence of a female, whether a medical practitioner or not.

(2) A person while at a hospital as an indoor patient may be required by a police officer to provide at the hospital a specimen of his blood for a laboratory test:-

- (a) if it appears to the police officer that the device by means of which test is carried out in relation to the breath of such person indicates the presence of alcohol in the blood of such person, or
- (b) if the person having been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, has refused, omitted or failed to do so and a police officer has reasonable cause to suspect him of having alcohol in his blood:

Provided that a person shall not be required to provide a specimen of his blood for a laboratory test under this sub-section if the registered medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of such specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(3) The results of a laboratory test made in pursuance of this section shall be admissible in evidence.

Explanation. – For the purposes of this section, “laboratory test” means the analysis of a specimen of blood made at a laboratory established, maintained or recognized by the Central Government or a State Government.

Corresponding Law:- S. 128-B of Act IV of 1939.

Section 204 of M.V. Act, 1988

7.31 Presumption of unfitness to drive.

In any proceeding for an offence punishable under Section 185 if it is proved that the accused, when requested by police officer at any time so to do, had refused, omitted or failed to consent to the

taking of or providing a specimen of his breath for a breath test or a specimen of his blood for a laboratory test, his refusal, omission or failure may, unless reasonable cause therefore is shown, be presumed to be a circumstance supporting any evidence given on behalf of the prosecution, or rebutting any evidence given on behalf of the defence, with respect to his condition at that time.

Corresponding Law:- S. 128-C of Act IV of 1939.

Section 205 of M.V. Act, 1988.

7.32 Power of police officer to impound document.

(1) Any police officer or other person authorized in this behalf by the State Government may, if he has reason to believe that any identification mark carried on a motor vehicle or any licence, permit, certificate of registration, certificate of insurance or other document produced to him by the driver or person in charge of a motor vehicle if a false document within the meaning of Section 464 of the Indian Penal code (45 of 1860), seize the mark or document and call upon the driver or owner of the vehicle to account for his possession of or the presence in the vehicle of such mark or document.

(2) Any police officer or other person authorized in this behalf by the State Government may, if he has reason to believe that the driver of a motor vehicle who is charged with any offence under this Act may abscond or otherwise avoid the service of a summons, seize any licence held by such driver and forward it to the Court taking cognizance of the offence 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 subsection (3).

(3) A police officer or other person seizing a licence under subsection (2) shall give to the person surrendering the licence a temporary acknowledgment therefore and such acknowledgment shall authorize the holder to drive until the licence has been returned to him or until such date as may be specified by the police officer or other person in the acknowledgement, whichever is earlier:

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

Corresponding Law:- S. 129 of Act IV of 1939.

Section 206 of M.V. Act, 1988.

7.33 Power to detain vehicles used without certificate of registration permit, etc.

(1) Any police officer or other person authorized in this behalf by the State Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of Section 3 or Section 4 or Section 39 or without the permit required by sub-section (1) of Section 66 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle, in the prescribed manner and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle:

Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used in contravention of Section 3 or Section 4 or without the permit required by sub-section (1) of Section 66 he may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgment in respect thereof.

(2) Where a motor vehicle has been seized and detained under sub-section (1), the owner or person in charge of the motor vehicle may apply to the transport authority or any officer authorized in this behalf by the State Government together with the relevant documents for the release of the vehicle and such authority or officer may, after verification of such documents, by order release

the vehicle subject to such conditions as the authority or officer may deem fit to impose.

Corresponding Law:- S. 129-A of Act IV of 1939.

Section 207 of M.V. Act, 1988.

STATE AMENDMENT

Rajasthan – Amendment of Section 207, Central Act 59 of 1988. – In the proviso to sub-section (1) of Section 207 of the principal Act, the expression, “or without the permit required by sub-section (1) of Section 66” as occurring between the expression “Section 3 or Section 4” and the expression “he may” shall be deleted.

----*Vide Rajasthan Act 2 of 1992, S.3.*

Notes

The contravention of either S. 22 or S. 42(1) of the Act [S. 39 or S. 66(i) of the new Act] or any of the conditions mentioned in the permit would entitle an officer empowered under S. 129-A of the Act [s. 207 of new Act] to seize and detain the vehicle in question and also to provide for its temporary safe custody. A report or complaint, as the case may be, also may be filed by him before the Magistrate for taking action against the owner of the vehicle for violation of any of the provisions of the Act referred to above.

Ishwar Singh Bagga v. State of Rajasthan, (1987) 1 SCC 101.

Expression ‘other person’ in S. 129-A [S. 207 of new Act] – comprehends officers of Government and not those of SRTC – Hence notification issued by State Government empowering certain officers of the SRTC to exercise powers of police officers under S. 129-A invalid.

Ishwar Singh Bagga v. State of Rajasthan, (1987) 1 SCC 101.

Officers of SRTC cannot be appointed to exercise powers of police officers under S. 129-A.

Hashmatullah v. State of U.P. 1987 Supp SCC 525.

7.34 Summary disposal of cases.

(1) The Court taking cognizance of any offence (other than an offence which the Central Government may .by rules specify in this behalf) under this Act, -

(i) may, if the offence is an offence punishable with imprisonment under this Act; and

- (ii) shall, in any other case,
state upon the summons to be served on the accused person that he-
- (a) may appear by pleader or in person; or
 - (b) may, by a specified date prior to the hearing of the charge, plead guilty to the charge and remit to the Court, by money order, such sum (not exceeding the maximum fine that may be imposed for the offence) as the Court may specify, and the plea of guilt indicated in the money order coupon itself:

Provided that the court shall, in the case of any of the offences referred to in sub-section (2), state upon the summons that the accused person, if he pleads guilty, shall so plead in the manner specified in clause (b) and shall forward his driving licence to the Court with his letter containing such plea.

(2) Where the offence dealt with in accordance with sub-section (1) is an offence specified by the Central Government by rules for the purposes of this sub-section, the Court shall, if the accused person pleads guilty to the charge and forwards his driving licence to the Court with the letter containing his plea, make an endorsement of such conviction on his driving licence.

(3) Where an accused person pleads guilty and remits the sum specified and has complied with the provisions of sub-section (1), or as the case may be, sub-section (1) and (2), no further proceedings in respect of the offence shall be taken against him nor shall he be liable, notwithstanding anything to the contrary contained in this Act, to be disqualified for holding or obtaining a licence by reason of his having pleaded guilty.

Corresponding Law: S. 130 of Act IV of 1939.

Section 208 of M.V. Act, 1988.

7.35 Restriction on conviction.

No person prosecuted for an offence punishable under Section 183 or Section 184 shall be convicted unless –

- (a) he was warned at the time the offence was committed that the question of prosecuting him would be taken into consideration, or
- (b) within fourteen days from the commission of the offence, a notice specifying the nature of the offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence, or
- (c) within twenty-eight days of the commission of the offence, a summons for the offence was served on him :

Provided that nothing, in this section shall apply where the Court is satisfied that –

- (a) the failure to serve the notice or summons referred to in this sub-section was due to the fact that neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time, or
- (b) such failure was brought about by the conduct of the accused.

Corresponding Law : S. 131 of Act IV of 1939.

Section 109 of M.V. Act, 1988.

7.36 Court to send intimation about conviction.

Every court by which any person holding a driving licence is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, shall send intimation to –

- (a) the licensing authority which issued the driving licence, and
- (b) the licensing authority by whom the licence was last renewed, and every such intimation shall state the

name and address of the holder of the licence, the licence number, the date of issue and renewal of the same, the nature of the offence, the punishment awarded for the same and such other particulars as may be prescribed.

Corresponding Law : S. 131-A of Act IV of 1939.

Section 210 of M.V. Act, 1988.

CHAPTER – VIII

Co-relation between Road Tax and Passengers and Goods Tax

Omitted.

CHAPTER – IX

AUDIT CHECKS

Some of the important checks to be applied during audit are discussed in the succeeding paragraphs:-

(A) District Transport Officers:

The main functions of the District Transport Officers having a bearing on revenue are :-

- (i) Registration of motor vehicles under the Motor Vehicles Act, 1988.
- (ii) Issue of driving licences;
- (iii) Issue of conductor's licences;
- (iv) Maintenance of tax registers;
- (v) Composition fees;
- (vi) Transfer of ownership.

(1) Primary object of audit should, therefore, be to ensure that fees and taxes payable under law are paid into Government treasury correctly and tax payable under the Punjab Motor Vehicles Taxation Act, as amended in 1993 is assessed and collected correctly and court fee stamps used for payment of certain fees and taxes have been affixed for the correct amounts and are rendered incapable of being reused.

Registration of Motor Vehicles:

(2) It should be checked whether all the motor vehicles are registered promptly and full and correct particulars of the vehicles which have a direct bearing on its taxability viz., unladen weight in the case of goods vehicles and capacity to carry persons, in other transport or private vehicles, are recorded correctly. It should also be seen that unladen weight of a goods vehicles is ascertained correctly as defined in section 2 (47) of the Motor Vehicles Act 1988. It also needs to be ascertained that tax due in respect of various vehicles is fixed and recovered correctly.

(3) Whether the declarations in the prescribed forms for the registration of motor vehicles have been received.

(4) Registration of a transport vehicle cannot be completed unless a permit authorizing its use in the area/region and laying down the conditions and the manner of its use has been obtained from the Regional Transport Authority/State Transport Authority. As taxation follows actual use of the vehicle, it may be seen in audit that information in respect of permit held by a transport vehicle is duly recorded in the registration records and the assessment of tax correctly, follows these particulars.

Issue of Dirving Licences and conductor's Licences:

(5) In this case fee payable for fresh issue, renewal or issue of a duplicate licence are paid in the shape of court fee Stamps. As such a part from checking the correctness of fees paid it is most essential to see that court fee stamps so used are defaced and punched in such a way that these cannot be reused.

Maintenance of tax registers:

(6) All the taxes on vehicles are paid by the owner of the vehicles into treasury and receipted treasury challans are produced to the District Transport Officers/Licensing Authority in proof of such payment for issue of a licence/token. On the basis of such challans either produced by the owners of the vehicles or received through the treasury the tax registers are posted.

In order to ensure that bogus treasury receipts are not produced for this purpose it is most essential that every T.R. so received is entered into register termed as 'Daily Collection Register' and at the end of each month all the credits are traced into treasury records. Discrepancy, if any is pursued/settled with the tax payer. Since the tax is payable quarterly, at the end of each quarter, department should draw up a list of defaulters who have not paid the tax and take action permissible under law to recover the tax.

A register showing the arrears of tax is also required to be maintained.

Compounding of offences:

(7) It should be seen that all the check reports issued are accounted for in the books of the District Transport Officer and

action initiated. Inordinate delay in the disposal of cases or recovery of compounding fees should be brought to notice. Where the offences have been compounded, the composition fees are promptly recovered and credited into Government Treasury without undue delay.

Trade Certificates:

(8) Trade certificates are given to dealers and manufacturers of motor vehicles to enable them to take out the vehicles in their possession for purposes specified in Rule of Punjab M.V. Taxation Act, 1993. It should be seen in audit that the fees prescribed in rule *ibid* have been collected. A person can take any number of trade certificate in the first instance ten numbers and thereafter in multiple of five but the fee for Certificate has to be paid in advance.

Registration Certificate Deposit Register:

(9) It should be seen that tax for quarter during which registration certificates were deposited stands paid. The certificates which have not been released are lying with the department.

It also needs to be verified with reference to the entries of compounding fee register, whether any of the motor vehicles whose registration certificate had been deposited for claiming exemption under the provision of the Act, were detected by the department as plying on road. If so, whether road tax has been charged for the quarter of detection. If not suitable comments be added.

Transfer of ownership:

(10) Whether the transfer of ownership of motor vehicles has been allowed after observing the provisions of section 50 of Motor Vehicles Act 1988 after the deposit of fees as laid down in Rule 47 of Punjab M.V. Rule 1989. It should also be seen whether the penalties for late intimation of transfership stand charged.

(11) Registers have been maintained in proper form where prescribed.

(12) Records are complete in every respect and contain full particulars required under the rules.

(13) Entries and corrections in the relevant registers have been attested by the competent authority.

- (14) Applications from the operators have been submitted in proper form.
- (15) Rules for the grant/renewal/issue of duplicate documents detailed in the preceding chapters have been observed and they have been issued in proper form.
- (16) Refund has been sanctioned by the competent authority.
- (17) Refund has not been made in excess of the amount due for refund.
- (18) Application for refund has not been entertained where the claim for refund has become time barred.
- (19) Proper stock account has been kept of the metal badges and other form.
- (20) Exemptions have been allowed where admissible.

(B) Regional Transport Authorities:

An important function of such authorities for audit purposes is to issue permits for various transport vehicles under Chapter V of the Motor Vehicles Act 1988 in order to ensure effective control over vehicular traffic in the State. Fees for various kinds of permits viz., Regular, Temporary, Special etc., has also to be realised by these authorities. It should, therefore, be examined in audit that –

- (i) fee leviable under the Motor Vehicles Act 1988 and Rules made thereunder, are recovered;
- (ii) procedure prescribed for dealing with the applications for permits is followed;
- (iii) classification of the permits as public carrier or private carrier is correct with reference to the information furnished by the applicant;
- (iv) fees for endorsement/extension of validity of permit are recovered;
- (v) the provisions of law for adequate checking by traffic officers for the enforcement of the conditions of route permits are duly observed and where offences have been compounded the composition fees are promptly realised and credited into Government Treasury without undue delay.

- (vi) Separate registers of permit holders under the bilateral, zonal and National permit Schemes are maintained and kept up to date.
- (vii) The following registers records should be checked:-
 - (a) Permit register for –
 - (i) State Carriages
 - (ii) Public Carriages
 - (iii) Private Carriers
 - (iv) Contract Carriages
 - (b) Register of application fee.
 - (c) Register of publication fee.
 - (d) Register of countersignature fee with application fees.
 - (e) Register of permit fees.
 - (f) Register of transfers/cancellation of permits with application.
 - (g) Composition fee register.
 - (h) Register of detection cases.
 - (i) Daily Collection Register.
 - (j) Cash Book.
- (ix) Whether register of refunds contains all records of refund made.
- (x) Whether refund of tax has been allowed correctly in accordance with the provisions of law.
- (xi) Whether the application for refund was received within the time prescribed under rules.
- (xii) Whether the exemption have been granted according to rules.

(C) State Transport Commissioner:

The State Transport Commissioner besides being the head of department, controlling the activities of Transport Department

exercised original jurisdiction as Registering Authority for Tourist Vehicles and as State Transport Authority for authorizations under Zonal and National Permit Schemes. He also acts as Collection Officer for composite fee received under the above noted Schemes. It is, therefore, to be seen in audit that –

- (i) Proper and complete registration records in respect of tourist vehicles is maintained and registration fee, permit fee, and application fee for issue and renewal of permits of tourist vehicles is duly demanded and collected.
- (ii) Taxes in respect of tourist vehicle are duly assessed, levied and collected and Tax Registers maintained properly in order to ensure that taxes do not fall into arrears.
- (iii) State wise Register of Authorisations under Zonal and National Permit Schemes issued by the various States are maintained and all fees such as application fee, authorization fee, publication fee, composition fee are properly accounted for/remitted into treasury promptly, is also to be seen that all sums received on behalf of other States in respect of authorizations issued by the State Transport Commissioner, Punjab are duly remitted to the prescribed authorities of all participating States.

(D) Licensing Authority:

Licensing authorities are primarily responsible for keeping an account of token tax paid and registration of motor vehicles within the jurisdiction of each authority. Apart from it, the Licensing Authorities renew the Driving Licences and Conductor's Licence. The checks to be applied in the office of the District Transport Officer are to be applied mutatis mutandis. It should also be seen that intimation in respect of the tax collected and renewal of licences is sent to the authority with whom the vehicle was initially registered or by whom the original licence was issued.

CHAPTER – X
LEVY OF TAX AND FEE IN RESPECT OF MOTOR
VEHICLES OF OTHER STATES PLYING IN PUNJAB

10.1 Introductory.

All transport vehicles which ply in Punjab under permits granted by a transport authority having jurisdiction outside Punjab are liable to be assessed to fees and taxes as mentioned below except where exempted under various Motor Vehicles laws applicable to Punjab.

- (i) Fees prescribed in the Punjab Motor Vehicles Rules, 1989 for counter-signature of the permits issued by the transport authorities of other States by the transport authorities of Punjab validating such permits for the whole or part of Punjab as the case may be;
- (ii) Road tax under the Punjab Motor Vehicles Taxation Act as amended in 1993 and the Rules framed thereunder.

Reciprocal Agreements between Punjab and other States:

10.2. The State of Punjab has reciprocal agreements with the States of Bihar, Madhya Pradesh, Rajasthan, Haryana, Maharashtra, West Bengal, Jammu and Kashmir, Uttar Pradesh, Gujrat, Mysore, Andhra Pradesh, Assam, Kerala, Tamil Nadu and Union Territories of Chandigarh and Delhi, in terms of which the taxes on vehicles of these States plying in Punjab and vice versa are to be levied in the following manner:-

- (i) The number of substantive permanent permits to be issued by any reciprocating State for plying its vehicles in the other's territory is fixed under the reciprocal agreement. Vehicles of reciprocating States plying in Punjab on substantive permits do not pay road tax to the State of Punjab at all. Even for the duration of their stay in this State, they pay road tax to their home States at the rates applicable there. The same provision for single point taxation applies to vehicles of Punjab plying in the reciprocating States on substantive permits.
- (ii) Vehicles of other states plying in Punjab under temporary permits are liable to pay road tax to the state of Punjab for

the duration of their stay in Punjab. Under the reciprocal agreements, however, vehicles which have been granted temporary permits by any reciprocating states under section 87 (Pending renewal of substantive permits) and section 88(8) (Special permits for contract carriages of the Motor Vehicles Act, 1988 for plying in Punjab do not have this liability.

- (iii) The reciprocal agreements do not provide single point taxation in respect of road tax payable by public carriers of any reciprocating state having substantive permits which use Punjab only as a corridor for passing into any third state. Such vehicles have the liability to pay road tax to the state of Punjab for the duration of their stay therein.
- (iv) All motor vehicles taxes payable to the state of Punjab by vehicles of other states (including those with which there are no reciprocal agreements) are collected by the permit issuing authorities of the States from the operators concerned in the form of bank drafts which are subsequently remitted to the Transport Commissioner, Punjab, who maintains its accounts, watches prompt encashment and credit into Government account. For this purpose, the Department maintains a separate receipt register and cash book for bank drafts received.

Audit checks in respect of vehicles of other States:

10.3. While conducting audit of receipts of Motor Vehicles taxes in respect of vehicles of other states plying in the Punjab the following aspects should be specifically examined:-

- (i) Whether the statements from other States regarding the number and kind of their vehicles plying in Punjab, duration of their stay in this state, exact quantum of motor vehicles taxes payable to Punjab etc., are received at the Transport Commissioner's Office at the regular intervals and proper records of the receipts of such statements are kept.
- (ii) Whether all bank drafts received are duly entered in the Receipts Register and whether they are promptly remitted to the State Bank of India credited to Government accounts.

- (iii) Whether proper machinery exists for periodical verification and reconciliation of the number of bank drafts actually forwarded by the transport authorities of other states and the number received in the office of Transport Commissioner.
- (iv) Whether the taxes realised by the transport authorities of other state from their vehicles to be paid to Punjab have been realised at the correct rates.

Composite Permits:

10.4. Composite permits. – The issue of composite permits is regulated under the Schemes formulated by the Central Government for the purpose of encouraging long distance inter-State transport of goods. For this purpose the State Governments have entered into special reciprocal agreements among themselves. The Punjab Government is also a party to such agreements with other States.

Special reciprocal agreements with other States:

10.5. The Punjab Government has two special reciprocal agreements with other states for issue of composite permits.

Under the Northern Zone permit Scheme:-

Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Uttar Pradesh, Rajasthan, West Bengal, Chandigarh and Delhi.

Under the Western Zone permit Scheme:-

Gujrat, Haryana Madhya Pradesh, Maharashtra, Uttar Pradesh, Rajasthan and Delhi.

Composite permits sanctioned by State Transport Authority:

10.6. The composite permits are sanctioned by the State Transport Authority of the State concerned.

Salient Features:

10.7. Salient features of this Scheme are as under:-

- (i) Each applicant for a composite permit shall have to choose a minimum of four States in which he will operate.

Payable tax:

- (ii) A composite permit holder plying under authorization shall be liable to pay as under:-
 - (a) Motor Vehicles Tax obtaining in the home state, and
 - (b) SRT applicable from time to time.
- (iii) It shall be open to any public carrier plying under such authorisation to deviate from the specified routes to the extent not exceeding 30 kilometers on either side of the specified routes.
- (iv) If a composite permit holder chooses to exclude a Contiguous State for operation through which his vehicles must pass to reach any other State chooses for operation within the scheme, the holder of permit shall have to pay full taxes to the transit State.
- (v) An option once exercised by a composite permit holder will not be allowed to be changed before a period of one year.

National Permits:

10.8. National Permit. – The scheme for the issue of national permits to public carrier for the purpose of encouraging long distance inter-State road transport of goods was introduced by the Central Government in September, 1975. This scheme is different from the composite permit scheme, discussed earlier, in as much as a national permit enables a public carrier to travel anywhere within the territory of India and not in certain specified States only as in the case of a composite permit. Section 63 of the Motor Vehicles Act, 1939 was amended and the Motor Vehicles (national Permit) Rules, 1975 were framed to enable the concerned authorities to issue national permits.

Definition of National Permit:

10.9 “National Permit” means a permit granted by the appropriate authority to goods carriages to operate throughout the territory of India or in such contiguous States, not being less than four in number, including the State in which the permit is issued as

may be specified in such permit in accordance with the choice indicated in the application.

Corresponding Law: S. 63 (15) of Act IV of 1939.

[c.f. **Explanation (c) of Section 88 (14) of M.V. Act 1988.**]

10.10 Appropriate Authority:

(a) “Appropriate authority” in relation to a national permit, means the authority which is

authorized under this Act to grant a goods carriage permit;

Explanation (a) of Section 88(14) of M.V. Act. 1988.

Authorisation Fee:

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

Explanation (b) of Section 88(14) of M.V. Act. 1988.

Number of National permits:

10.11. Subject to the rules that may be made by the Central Government, under sub-section (14) of section 88 of the Motor Vehicles Act, 1988, the appropriate authority may, for the purpose of encouraging long distance inter-State road transport, grant in a State, national permits in respect of goods carriages and the provisions of sections 69,77,79,80,81,82, 83, 84, 85, 86, 87 and 89 of the Motor Vehicles Act, 1988 shall, as far as may be, apply to or in relation to the grant of national permits.

Section 88 (12) of M.V. Act, 1988.

10.12. An application for the grant of national permit shall bear fee applicable from time to time.

10.13. After the grant of National permit every national permit-holder shall submit an application to the appropriate authority in the prescribed form for annual authorization in respect of those States in which he chooses to ply the vehicles duly accompanied by an annual authorization fee of Rs. 500 and Rs. 700 in respect of each

such State (Rs. 150 in respect of each Union Territory) per annum through bank draft drawn in favour of Secretary, State Transport Authority.

10.14. The records relating to Composite permit and National permit schemes should be checked while auditing the Transport Commissioners' Office. The correctness of fees realised for issue of such permits and whether sums due to the Government of Punjab by other States on account of such permits issued in other States have been duly received should be verified. It should also be checked up whether sums due to be paid by Punjab to other States have been duly assessed and remitted to the other States besides submitting the required returns to the other States.

Appendix – ‘A’
I – Fees for the issue of various licences
(Referred to Para 4.18)

Sr. No.	Purpose	Amount	Rule	Section
(1).	(2).	(3).	(4).	(5).
1.	In respect of issue or renewal of learner’s licence of each class of vehicle.	Thirty rupees	10	8
2.	In respect of issue of a driving licence in form 6	Forty rupees	14 (b)	9
3.	In respect of issue of a driving licence in Form 7.	One hundred and fifty rupees including the cost of computerized chip	14 (b)	9
4.	For test of competence to drive.	Fifty rupees	14 (b)	9
5.	In respect of addition of another class of vehicle to driving licence in form 6.	Thirty rupees	17 (1) (d)	11
6.	In respect of renewal of driving licence in Form 6.	Thirty rupees	18 (1) (a)	15

7.	In respect of renewal of a driving licence in Form 6 to drive a motor vehicle for which application is made after the grace period.	Thirty rupees		15
8.	In respect of addition to another class of motor vehicle to the driving licence in Form 7 and renewal of driving licence in Form 7.	One hundred and fifty rupees including cost of computerized chip.	17(1)(d) 18(1)(a)	11
9.	In respect of issue and renewal of licence to a school or establishment for imparting Instructions in driving.	Two thousand and five hundred rupees	24(2)	12
10.	In respect of issue of duplicate licence to the school or establishment imparting instructions driving.	Two thousand and five hundred rupees	26(2)	12
11.	In respect of an appeal against the orders of licencing authority referred to in rule 30.	One hundred rupees	30(1)	17.

II – Registration fee
(Referred to Para 4.24)

“TABLE”

Sr. No.	Purpose	Amount	Rule	Section
(1).	(2).	(3).	(4).	(5).
1.	Grant or renewal of trade certificate in respect of each vehicle:			8
	Motorcycle	Fifty rupees	34(1)	
	Invalid Carriage	Fifty rupees		
	Others	Two hundred rupees		
2.	Duplicate trade certificate:			
	Motorcycle	Thirty rupees	38(1)	
	Invalid Carriage	Thirty rupees		
	Others	One hundred rupees		
3.	Appeal under rule 46	One hundred rupees	46(1)	
4.	Issue, renewal of certificates of registration and assignment of new registration mark		52(1) 54(1) 76(1) and 78(1)	
	Invalid Carriage	Twenty rupees		
	Motor Cycle	Sixty rupees		
	Light Motor Vehicle			
	(i) Non-Transport	Two hundred rupees		

	(ii) Light Commercial Vehicle	Three hundred rupees	
	Medium goods vehicle	Four hundred rupees	
	Medium passenger motor vehicle	Four hundred rupees	
	Heavy goods vehicle	Six hundred rupees	
	Heavy passenger motor vehicle	Six hundred rupees	
	Imported motor vehicle	Eight hundred rupees	
	Imported motorcycle	Two hundred rupees	
	Any other vehicle not mentioned above	Three hundred rupees	
5.	Issue of duplicate certificate of registration	Half the fee mentioned against Serial No. 4	53 (2)
6.	Transfer of ownership	Half of the fee mentioned in Serial No. 4	55(2)(iii) 55(3), 56(2)(a) and 57(1)(a)
7.	Change of residence	Twenty rupees	59
8.	Recording alteration in the certificate of registration	Fifty rupees	
9.	Endorsing hire purchase/lease/hypothecation agreement.	One hundred only	60

10.	Cancellation of hire-purchase/lease/hypothecation agreement or issue of fresh certificate of registration.	One hundred only	61(1) and (2)
11.	Conducting test of a vehicle for grant and renewal of certificate of fitness:		62(2)
	(i) Two/Three-Wheeled Vehicle	One hundred rupees	
	(ii) Light motor vehicle	Two hundred rupees	
	(iii) Medium Motor Vehicle	Three hundred rupees	
	(iv) Heavy Motor Vehicle	Four hundred rupees.	
12.	Grant or renewal of certificate of fitness for motor vehicle	One hundred rupees	62(2)
13.	Grant or renewal of letter of authority	Five thousand rupees	63(2)(a)
14.	Issue of duplicate letter of authority	Five thousand rupees	66(2)
15.	Appeal under rule 70	Four hundred rupees	71(1)

Appendix – 'B'.

(Referred to para 5.2.)

Rates of road Tax/Special Road Tax under Punjab Motor Vehicles Taxation Act, 1924 (As amended in 1995) as on 18.05.2000.

Sr. No.	TYPES OF VEHICLES	RATE OF ROAD TAX/ YEAR	MODE OF PAYMENT	RATE OF S.R.T.	MODE OF PAYMENT	REMARKS.
1.	<u>STAGE CARRIAGES</u>					
A.	ORDINARY BUS	RS. 650/ SEAT	QTRLY	RS.5.75/SEAT/KM/ DAY (W.C.F.1.12.02.)	MONTHLY	CHARGING OR SRT FROM S/CARRIAGE FOR 29 DAYS IN A MONTH AND W.C.F. 1.12.02. EXEMPTION OF 36 DAYS IN A YEAR FROM PAYMENT OF SRT.
B.	EXPRESS BUS	RS.650/ SEAT	..	RS.7.19/ SEAT/KM/ DAY	..	
C.	SEMI DELUXE BUS	RS.650/ SEAT	..	RS.8.63/ SEAT/KM/ DAY	..	
D.	DELUSE BUS	RS. 650/ SEAT	..	RS.11.50/ SEAT/KM/ DAY	..	
E.	AIR CONDITIONE D BUS	RS. 650/ SEAT	..	RS.20.13/ SEAT/KM/ DAY	..	
F.	MINI BUS	RS. 7500/-	..	RS.20,000/ YEAR/ W.C.F. 1.4.2000	QRTLY.	
2.	<u>GOODS VEHICLES</u>			PB, STATE. OTHER STATES		
A.	LIGHT VEHICLE	RS. 1500/-	QTRLY.	RS.1210/PA RS. 3000/PA	QTRLY.	
B.	MEDIUM VEHICLE	RS. 2000/-	..	RS.1410/PA RS. 4000/PA	..	
C.	HEAVY VEHICLE	RS. 2500/-	..	RS.1500/PA RS. 5000/PA	..	
D.	MULTI AXLE VEHICLE	RS. 2500/-	..	RS.1200/PA	..	
3.	<u>CONTRACT CARRIAGE</u>					
A.	MAXI CAB	RS.250/SEAT	QTRLY.	RS.4000/YEAR	QTRLY.	
B.	MOTOR CAB.	RS.200/SEAT	..	RS.500/YEAR UPTO 5 SEATS	..	
C.	AUTO RICKSHAW	RS.150/-	..	RS.400/YEAR	..	

D.	PASSENGER TEMPO	RS.150/SEAT	„	RS.700/YEAR	„
4.	BUS FOR CONTRACT CARRIAGE			ORDINARY/DELUX/A/C	
A.	1 TO 15 SEATS	RS.200/SEAT	QTRLY.	RS.400/RS.600/RS.800/DAY	DAILY
B.	16 TO 30 SEATS	-DO-	„	RS.600/RS.800/RS.1000/DAY	„
C.	31 TO 54 SEATS	-DO-	„	RS.800/RS.1000/RS.1200/DAY	„
5.	<u>PRIVATE SERVICE VEHICLE</u>			ORDINARY/DELUX/A/C	
A.	VEHICLE MORE THAN 6 SEATS	RS.39.05/SEAT	QTRLY.	RS.10000/YEARLY RS.20000/YEARLY RS.25000/YEARLY	QTRLY.
6.	<u>TOURIST PERMIT VEHICLE</u>			ORDINARY/DELUX/A/C	
A.	TOURIST BUS	RS. 650/SEAT	QTRLY.	RS.200000/YEARLY RS.250000/YEARLY RS.288000/YEARLY	MONTHLY/ QUARTERLY/YEARLY
7.	<u>NEW PERSONALISED VEHICLE</u>				
A.	FOUR WHEELED PERSONALISED	2% OF THE PRICE	LUMP SUM	NOT APPLICABLE	
B.	MOTOR CYCLE UPTO 50 C.C.	1.5% OF THE PRICE	„	„	
C.	MOTOR CYCLE ABOVE 50 C.C.	3% OF THE PRICE	„	„	

NOTE:- RATES OF THE OLD FOUR WHEELED PERSONALISED MOTOR VEHICLES REGISTERED BEFORE THE COMMENCEMENT OF PUNJAB MOTOR VEHICLES TAXATION (AMENDMENT)ACT. 1992.

	AGE OF THE VEHICLES	ROAD TAX UPTO 4 SEATS		ROAD TAX UPTO 5 SEATS		ROAD TAX UPTO 6 SEATS		MODE OF PAYMENT
		YEARLY	LUMP SUM	YEARLY	LUMP SUM	YEARLY	LUMP SUM	
8.	LESS THAN THREE YEARS FROM THE DATE OF REGISTRATION	RS.156.25	RS.1800	RS.195.25	RS.2100	RS.234.30 RS.2400		QTRLY.
9.	THREE YEARS OR MORE BUT LESS THAN 6 YEARS.	RS.156.25	RS.1500	RS.195.25	RS.1650	RS.234.30 RS.1800		„
10.	SIX YEARS OR MORE BUT LESS THAN 9 YEARS	RS.156.25	RS.1200	RS.195.25	RS.1200	RS.234.30 RS.1200		„

11.	NINE YEARS OR MORE	RS.156.25	RS.900	RS.195.25	RS.750	RS.234.30 RS.750	”
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NOTE:- RATES OF THE OLD TWO WHEELED MOTOR VEHICLES REGISTERED BEFORE THE COMMENCEMENT OF PUNJAB MOTOR VEHICLES TAXATION (AMENDMENT)ACT 1986.

	AGE OF THE VEHICLE	NOT EXCEEDING U.L.W. 90.72 KG.	RATES OF OTHER VEHICLES
12.	LESS THAN THREE YEARS	RS. 120/LUMPSUM	RS. 400/LUMPSUM
13.	3 YEARS OR MORE BUT LESS THAN 6 YEARS	RS. 90/-LUMPSUM	RS. 300/ LUMPSUM
14.	6 YEARS OR MORE BUT LESS THAN 9 YEARS	RS. 60/- LUMPSUM	RS. 200/ LUMPSUM
15.	9 YEARS OR MORE	R. 30/- LUMPSUM	RS. 100/ LUMPSUM.

APPENDIX – ‘C’

(Referred to in Para 6.2.)

**List of Records maintained in various offices of Transport
Department.**

I. State Transport Commissioner, Punjab.

- (i) Tax Registers of tourist vehicles.
- (ii) Register of registration certificates of tourist vehicles.
- (iii) Register of Permits of Tourist Vehicles.
- (iv) Applications for permits in respect of tourist vehicles
 - Application for registration in respect of tourist vehicles.
 - Application for payment of tax in respect of tourist vehicles.
- (v) Records relating to grant of National permits and composite permits under Northern and Western Zone permits Schemes. Registers of applications received under each scheme. Accounts of application fee, authorization fee, composite fee, and publication fee received from Permit holders of Home State as well as those received from permit holders of other States.
- (vi) Countersignature fee Registers.
- (vii) Files relating to reciprocal agreements between Punjab and various States.
- (viii) Applications and fee accounts for countersignatures of Private Carrier Permits Public Carrier Permits of Punjab as well as other States.
- (ix) Composition fee registers relating to all the above items of work.
- (x) Register of bank draft received and paid into bank.

(xi) Daily collection register.

II Regional Transport Authority.

(i) Permits Registers for:-

(a) Stage carriages.

(b) Public carriers.

(c) Private carriers.

(d) Contract carriages.

(ii) Register of applications for Permits of all kinds.

(iii) Registers of application fee.

(iv) Register of Publication fee.

(v) Registers of countersignatures fee with applications.

(vi) Registers of Permit fees.

(vii) Registers of transfer/cancellations of permits with applications.

(viii) Composition fee registers.

(ix) Register of detection cases.

(x) Files relating to passing of vehicles.

(xi) Daily collection register.

(xii) Cash books.

III. District Transport Officers.

(a) Revenue Accounts:

(i) Applications for registration of vehicles.

(ii) Declaration Forms of vehicles.

(iii) Register of registration certificates.

(iv) Register of transfers and applications.

(v) Register of re-registration with applications.

(vi) Register of trade certificates with applications.

- (vii) Register of temporary registration cases.
- (viii) Certificates of hire purchase agreements.
- (ix) Tax registers.
- (x) Applications for payment of tax with Treasury Challans.
- (xi) Composition fee register.
- (xii) Register of detections.
- (xiii) Register of registration certificates deposited.
- (xiv) Exemption cases.
- (xv) Application fee register.
- (xvi) Special Passes register.
- (xvii) Transporters files.
- (xviii) Registers of duplicate registration certificates.
- (xix) Registers of issues/renewal of Conductors Licenses with applications.
- (xx) Register of issue/Renewal of Conductors Licenses with applications.
- (xxi) Daily Collection Register.

(b) Contingent Audit

- (xxii) All records detailed in O.A.D. Manual.

IV. Sub-Divisional Officers.

- (a) Where registration work is done:-

Same as shown against the District Transport Officer in Section III of this Appendix.

- (b) Where registration work is not done :-

Same as against item (ii), (ix), (x), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx) and (xxi).

Appendix – ‘D’

(Referred to Para 7.1 to 7.26)

**Ready Reckoner of Offences, Penalties and Punishments under
Motor Vehicles Act, 1988.**

Section	Offence	Procedure	Maximum Punishment (Fine/ Imprisonment)
177.	Contravention of Provisions, rules, Regulations and Notifications	If no penalty is provided	Rs. 100 for first offence Rs. 300 for second or subsequent offence.
178.	Traveling without ticket or pass	(i) for failure of refusal to present or deliver up the pass. (ii) For default of conductor or driver performing conductor's duty. (iii) If the permit-holder of driver refuses to ply or carry passengers.	Rs. 500 Rs. 500 Rs. 50
		(a) In case of two-wheeled vehicle or three-wheeled vehicles. (b) In any other case	Rs. 200
179.	Willful disobedience of orders, directions and obstruction or refusal of information to authority	If no other penalty is provided	1 month or Rs. 500 of, both.
180.	Causing or permitting any other person to drive.	If the person does not satisfy provisions of section 3 and section 4.	3 months or Rs. 1000 or both.

181.	Contravening the provisions driving licence.	For not satisfying to provisions of section 3 and 4.	3 months or Rs. 500 of both.
182.	(i) Driving after disqualification under the Act or applying or obtaining licence without disclosing the fact	(i) If the offender drives or applies for licence	3 months or Rs. 500 of both and revocation of licence.
	(ii) Disqualified conductor acting as conductor or applies or obtains the licence.	(ii) Deceitfully acting as conductor etc.	1 month or Rs. 100 and revocation of licence.
182-A	Contravening the provisions of construction and the maintenance of vehicle	Violating the provisions of section 109.	Rs. 1000 for first offence Rs. 5000 for subsequent offence.

183.	(i) Driving in contravening the speed limits. (ii) Causing another person to drive	(i) Violating the provisions of section 112.	Rs. 400 for first offence, Rs. 1000 for subsequent offence.
		(ii) Violating the provisions of section 112.	Rs. 300 for first offence, Rs. 500 for subsequent offence.
		(iii) For evidence of speed by witness	No punishment on the evidence of one witness subject to estimation of speed by mechanical device.
		(iv) For not completing journey within specified time without contravening to speed limit.	Publisher of timetable and person giving direction for journey punishable.
184.	Driving at dangerous speed.	Driving in the manner dangerous to public including nature, condition and place, etc.	6 months or Rs. 1000 for first offence 2 years or Rs. 2000 or with both, if the second or subsequent offence is committed within 3 years.
185.	Driving or attempting to drive by drinking or under the influence of drugs	(1) If the blood contains alcohol	6 months or Rs. 2000 or both for first offence 2 years or Rs. 3000, if the second offence is committed within 3 years.

186.	Driving while suffering from disease or any disability	If such driving is a source of danger to the public	Rs. 200 for first offence Rs. 500 for subsequent offence.
187.	Contravention of provisions of sections 132 or 133 or section 134.	For offences relating to accident	Rs. 500 or 3 months or with both , 6 month or Rs. 1000 or with both alongwith above punishment.
188.	Abetting the offence under section 184 or 185 or section 186.	For abetment of offence	Imprisonment as provided in section 184 to 186.
189.	Racing or trial of speed in public place	Without written consent of State Government, permitting or taking part in racing or trial of speed	1 month or Rs. 500 or with both.
190.	(i) Driving or causing or allowing to drive the defective vehicle knowingly about the defect of vehicle etc. (ii) While driving, etc., violating the standards prescribed in relation to road safety, control of noise or air pollution	(i) If driving knowingly or having reasonable ground for discovering the defect of vehicles etc. (ii) Violating safety, noise and air pollution standard, etc.	Rs. 250. If accident causes bodily injury or damage to property 3 months or Rs. 1000 or with both. Rs. 1000 for first offence Rs. 2000 for second or subsequent offence.

	(iii) While driving etc. by violating the provisions of the Act and Rules relating to dangerous or hazardous carriage of goods	(iii) Carrying dangerous or hazardous goods	Rs. 3000 for first offence Rs. 5000 or 3 years or both for second or subsequent offence.
191.	Importer or dealer selling or offering to sale or deliver of altering the vehicle in contravening the chapter VII or Rule	(i) Internationally acts by contravening the provisions of Chapter VII or Rule thereunder (ii) Acting with the absence of intention	Rs. 500 No Punishment.
192.	(i) Driving, causing, or allowing to use of vehicle in contravening the provision of section 39. (ii) Using motor vehicle in emergency or sickness or injuries or for transport of food or materials to relieve distress or for medical supplies, etc.	(i) Driving or causing the vehicle to be used etc. (ii) For emergency, sickness etc., use but subject to information should be done within seven days to RTA	Rs. 5000 for first offence Rs. 10000 or 1 year or with both, for subsequent offence. No punishment.
192-A	(i) Driving, causing or allowing to be use in contravention of section 66 or contravention of route permit.	(i) For contravening to the provisions of section 66 and route permit etc.	Rs. 5000 for first offence Rs. 10000 or 1 year or with both, for subsequent offence.

	(ii) If the vehicle is used for emergency or sickness or injury or for transport of food etc. for both purpose	(ii) The user has to report within 7 days to the RTA	No punishment
193.	Engaging as agent or canvasser	For contravening the provisions of section 93.	Rs. 1000 for first offence Rs. 2000 or 6 months or both for subsequent offence.
194.	(i) Driving causing or allowing to derive exceeding permissible weight (ii) Refusing to stop and submitting the vehicle to weighing	(i) For contravening the provisions of section 113 or section 114. (ii) Refusing the direction of authority	Rs. 2000 and Rs. 1000 per tone for excess load alongwith off-loading Rs. 3000
195.	Committing offence for second or subsequent time within 3 years of previous offence.	For repetitions of offence	More than ¼ of the prescribed fine.
196.	Driving causing or allowing, to drive in contravening the provisions of section 146.	Driving by contravening the provisions	Rs. 1000 or 3 months.
197.	(i) Taking or driving without the consent of owner.	(i) Taking without authority	Rs. 500 or 3 months or with both.

	(ii) Seizing or exercising the control of vehicle by unlawful force or threat of force or by any other form.	(ii) Seizing or exercising the control of vehicle	Rs. 5000 or 3 months or with both
	(iii) Abetting or attempting to commit the offence	(iii) for abetment.	Rs. 500 or 3 months or with both.
198.	Illegally entering, moving or tampering with break or mechanism of vehicle	For tempering with break, etc.	Rs. 100
201.	Keeping disabled vehicle for causing impediment to traffic.	Obstruction to traffic	Rs. 50 per hour.