रजिस्ट्री सं० डी० एल०-33004/94 REGISTERED No. DL-33004/94

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 71] नई दिल्ली, सोमवार, सितम्बर 12, 1994/भाद्र 21, 1916
No. 71] NEW DELHI, MONDAY, SEPTEMBER 12, 1994/BHADRA 21, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 12th September, 1994/Bhadra 21, 1916 (Saka)

The following Act of Parliament received the assent of the President on the 10th September, 1994, and is hereby published for general information:—

THE MOTOR VEHICLES (AMENDMENT) ACT, 1994

No. 54 OF 1994

[*10th September*, 1994.]

An Act further to amend the Motor Vehicles Act, 1988.

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

Short title and commencement.

1. (*1*) This Act may be called the Motor Vehicles (Amendment) Act, 1994.

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

59 of 1988.

Amendment of section 2.

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

(*i*) in clause (*8*), sub-clause (*a*) shall be omitted;

(*ii*) in clause (*21*), for the figure "6000", the figure "7500" shall be substituted;

(*iii*) after clause (*21*), the following clause shall be inserted, namely:—

'(*21A*) "manufacturer" means a person who is engaged in the manufacture of motor vehicles;';

(*iv*) in clause (*28*), for the words "thirty-five cubic centimetres" occurring at the end, the words "twenty-five cubic centimetres" shall be substituted;

(*v*) for clause (*39*), the following clause shall be substituted, namely:—

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

(*vi*) in clause (*42*), after sub-clause (*iii*), the following sub-clause shall be inserted, namely:—

"(*iv*) Zilla Parishad or any other similar local authority.".

Amendment of section 3.

3. In section 3 of the principal Act, in sub-section (*1*), for the words "a motor cab", the words "a motor cab or motor cycle" shall be substituted.

Amendment of section 4.

4. In section 4 of the principal Act, in sub-section (*1*), in the proviso, for the words "a motor cycle without gear", the words "a motor cycle with engine capacity not exceeding 50cc" shall be substituted.

Amendment of section 7.

5. In section 7 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

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

Amendment of section 8.

6. In section 8 of the principal Act, after sub-section (*3*), the following proviso shall be added, namely:—

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

Amendment of section 9.

7. In section 9 of the principal Act,—

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

"(*3*) 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 recognised in this behalf by the State Government.";

(*b*) for sub-section (*5*), the following sub-section shall be substituted, namely:—

"(*5*) Where the applicant does not pass the test; he may be permitted to re-appear for the test after a period of seven days:

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

Amendment of section 10.

8. In section 10 of the principal Act, in sub-section (*2*), for clauses (*e*) to (*h*), the following clause shall be substituted, namely:—

"(*e*) transport vehicle;".

Amendment of section 14.

9. In section 14 of principal Act, in sub-section (*2*),—

(*i*) in sub-clause (*a*), the word "and" shall be omitted, and after clause (*a*) as so amended, the following proviso shall be inserted, namely:—

"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";

(*ii*) in clause (*b*),—

(*a*) in sub-clause (*i*), for the words "forty years", at the two places where they occur, the words "fifty years" shall be substituted;

(*b*) for sub-clause (*ii*), the following clause shall be substituted, namely:—

"(*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;".

Amendment of section 26.

10. In section 26 of the principal Act, in sub-section (2), for the words "printed copy", the words "printed copy or copy in such other form as the Central Government may require" shall be substituted.

Amendment of section 41.

11. In section 41 of the principal Act, in sub-section (*14*), for the words "original registering authority", the words "last registering authority" shall be substituted.

Amendment of section 43.

12. In section 43 of the principal Act,—

(*a*) in the proviso to sub-section (2), for the words "with a body", the words "with a body or any unforeseen circumstances beyond the control of the owner" shall be substituted;

(*b*) after sub-section (2), the following sub-section shall be inserted, namely:—

"(*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 legibly and prominently the full name and address of the person with whom such agreement has been entered into by the owner.".

Amendment of section 48.

13. In section 48 of the principal Act, after sub-section (*5*), the following sub-section shall be inserted, namely:—

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

Amendment of section 51.

14. In section 51 of the principal Act,—

(*a*) in sub-section (*2*),—

(*i*) for the words "original registering authority", the words "last registering authority" shall be substituted;

(*ii*) the following shall be added at the end, namely:—

"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";

(*b*) in sub-section (*3*),—

(*i*) for the words "original registering authority", the words "last registering authority" shall be substituted;

(*ii*) the following shall be added at the end, namely:—

"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";

(*c*) in sub-section (*5*), after the words "taken possession of the vehicle", the words "from the registered owner" shall be inserted;

(*d*) in sub-section (*6*), for the words and figures "under section 47, make an application", the words and figures "under section 47, or removal of the vehicle to another State, or at the time of conversion of the vehicle from one class to another, or for issue of no objection certificate under section 48, or for change of residence or place of business under section 49, or for the alteration of the vehicle under section 52, make an application" shall be substituted;

(*e*) in sub-section (*10*), after the word "communicate", the words "by registered post acknowledgment due" shall be inserted;

(*f*) for sub-section (*11*), the following sub-sections shall be substituted, namely:—

"(*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.".

15. In section 52 of the principal Act,— **Amendment of section 52.**

(*i*) in sub-section (*1*), after the proviso, the following proviso shall be inserted, namely:—

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

(*ii*) after sub-section (*5*), the following sub-section and *Explanation* shall be inserted, namely:—

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

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

Amendment of section 56.

16. In section 56 of the principal Act, after sub-section (*4*), the following proviso shall be inserted, namely:—

"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.".

Amendment of section 57.

17. In section 57 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

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

Amendment of section 58.

18. In section 58 of the principal Act, in sub-section (*1*), for the words "maximum safe laden weight", the words "maximum gross vehicle weight" shall be substituted.

Amendment of section 63.

19. In section 63 of the principal Act, in sub-section (*2*), after the words "shall supply to the Central Government", the words "if so desired by it" shall be inserted.

Amendment of section 66.

20. In section 66 of the principal Act,—

(*i*) in sub-section (*2*), the following proviso shall be added, namely:—

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

(*ii*) in sub-section (*3*), for clause (*l*), the following clause shall be substituted, namely:—

"(*l*) to any motor vehicle which is operated by electric battery, compressed natural gas or solar energy.".

Amendment of section 67.

21. In section 67 of the principal Act, in sub-section (*1*), after clause (*i*), the following proviso shall be inserted, namely:—

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

Amendment of section 68.

22. In section 68 of the principal Act, in sub-section (*3*), after clause (*c*), the following clause shall be inserted, namely:—

"(*ca*) Government to formulate routes for plying stage carriages;".

Amendment of section 71.

23. In section 71 of the principal Act,—

(*a*) the proviso to sub-section (*1*) shall be omitted;

(*b*) in sub-section (*3*), in the proviso to clause (*d*),—

(*i*) in clause (*ii*), the word "or", occurring at the end, shall be omitted;

(*ii*) in clause (*iii*), the word "or" shall be inserted at the end, and after clause (*iii*) as so amended, the following clause shall be inserted, namely:—

"(*iv*) any other class or category of persons, as the State Government may, for reasons to be recorded in writing, consider necessary.";

(*c*) sub-sections (*4*) and (*5*) shall be omitted.

Amendment of section 75.

24. In section 75 of the principal Act, in sub-section (*1*), for the words "motor cabs to persons desiring to drive the cabs", the words "motor cabs or motor cycles to persons desiring to drive either by themselves or through drivers, motor cabs or motor cycles" shall be substituted.

Amendment of section 80.

25. In section 80 of the principal Act, for the words "Regional Transport Authority", wherever they occur, the words "Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (*1*) of section 66" shall be substituted.

Amendment of section 81.

26. In section 81 of the principal Act, in sub-section (*1*), for the words "without renewal", the words "from the date of issuance or renewal thereof" shall be substituted.

Amendment of section 88.

27. In section 88 of the principal Act,—

(*a*) in sub-section (*8*), for the words "grant a special permit in relation to a vehicle covered", the words "grant a special permit to any public service vehicle including any vehicle covered" shall be substituted;

(*b*) in sub-section (*9*), for the word and figures "and 89", the words, brackets, letter and figures "clause (*d*) of sub-section (*1*) of section 87 and section 89" shall be substituted;

(*c*) sub-section (*10*) shall be omitted;

(*d*) in sub-section (*12*), for the word and figures "and 89", the words, brackets, letter and figures "clause (*d*) of sub-section (*1*) of section 87 and section 89" shall be substituted;

(*e*) sub-section (*13*) shall be omitted.

Amendment of section 91.

28. In section 89 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) The State Government shall constitute such number of Transport Appellate Tribunals as it thinks fit and each such Tribunal shall consist of a judicial officer who is not below the rank of a District

Judge or who is qualified to be a Judge of the High Court and it shall exercise jurisdiction within such area as may be notified by that Government.".

Amendment of section 91.

29. In section 91 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The hours of work of any person engaged for operating a transport vehicle shall be such as provided in the Motor Transport Workers Act, 1961.". 27 of 1961.

Amendment of section 99.

30. Section 99 of the principal Act shall be re-numbered as sub-section (*1*) thereof and after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

"(*2*) Notwithstanding anything contained in sub-section (*1*), when a proposal is published under that sub-section, then from the date of publication of such proposal, no permit shall be granted to any person, except a temporary permit during the pendency of the proposal and such temporary permit shall be valid only for a period of one year from the date of its issue or till the date of final publication of the scheme under section 109, whichever is earlier.".

Amendment of section 109.

31. In section 109 of the principal Act, after sub-section (*2*), the following sub-section shall be inserted, namely:—

"(*3*) If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest, it may by order published in the Official Gazette, notify that any article or process used by a manufacturer shall conform to such standard as may be specified in that order.".

Amendment of section 110.

32. In section 110 of the principal Act,—

(*a*) in sub-section (*1*),—

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

"(*b*) the size, nature, maximu retail price and condition of tyres, including embossing thereon of date and year of manufacture, and the maximum load carrying capacity;";

(*ii*) after clause (*m*), the following clauses shall be inserted, namely:—

"(*n*) installation of catalytic convertors in the class of vehicles to be prescribed;

(*o*) the placement of audio-visual or radio or tape recorder type of devices in public vehicles;

(*p*) warranty after sale of vehicle and norms therefor.".

Amendment of section 111.

33. In section 111 of the principal Act, in sub-section (*2*),—

(*a*) in clause (*d*), after the words "by prescribed authorities", the words "and fees to be charged for such test" shall be inserted;

(*b*) clause (*g*) shall be omitted.

Amendment of section 113.

34. In section 113 of the principal Act, in sub-section (*1*), for the words "heavy goods vehicles or heavy passenger motor vehicles", the words "transport vehicles" shall be substituted.

35. In section 114 of the principal Act, in sub-section (1), for the words beginning with "any person authorised" and ending with the words and figure "contravention of section 113", the words and figures "any officer of the Motor Vehicles Department authorised in this behalf by the State Government shall, if he has reason to believe that a goods vehicle or trailor is being used in contravention of section 113" shall be substituted.

Amendment of section 114.

36. In section 116 of the principal Act, in sub-section (7), for the words "the Schedule", at both the places where they occur, the words "the First Schedule" shall be substituted.

Amendment of section 116.

37. In section 127 of the principal Act,—

Amendment of section 127.

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Where any motor vehicle is abandoned or left unattended on a public place for ten hours or more or is parked in a place where parking is legally prohibited, its removal by a towing service or its immobilisations by any means including wheel clamping may be authorised by a police officer in uniform having jurisdiction ";

(b) in sub-section (2), for the word "highway", at both the places where it occurs, the words "public place" shall be substituted

38. In section 129 of the principal Act, for the words "a protective headgear of such descriptions as may be specified by the State Government by rules made by it in this behalf, and different descriptions of headgears may be specified in such rules in relation to different circumstances or different class or description of motor cycles", the words "protective headgear conforming to the standards of Bureau of Indian Standards" shall be substituted.

Amendment of section 129

39. In section 130 of the principal Act,—

Amendment of section 130.

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

"(2) The conductor, if any, of a motor vehicle on any public place shall on demand by any officer of the Motor Vehicles Department authorised in this behalf, produce the licence for examination.";

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

"(3) The owner of a motor vehicle (other than a vehicle registered under section 60), or in his absence the driver or other person in charge of the vehicle, shall, on demand by a registering authority or any other officer of the Motor Vehicles Department duly authorised in this behalf, produce the certificate of insurance of the vehicle and, where the vehicle is a transport vehicle, also the certificate of fitness referred to in section 56 and the permit; and if any or all of the certificates or the permit are not in his possession, he shall, within fifteen days from the date of demand, submit photo copies of the same, duly attested in person or send the same by registered post to the officer who demanded it

Explanation.—For the purposes of this sub-section, "certificate of insurance" means the certificate issued under sub-section (*3*) of section 147.".

Amendment of section 132.

40. In section 132 of the principal Act, in sub-section (*1*),—

(*a*) for the words "may reasonably be necessary", the words "may for such reasonable time as may be necessary, but not exceeding twenty-four hours" shall be substituted;

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

"(*a*) when required to do so by any police officer not below the rank of a Sub-Inspector in uniform, in the event of the vehicle being involved in the occurrence of an accident to a person, animal or vehicle or of damage to property, or";

(*c*) clause (*c*) shall be omitted.

Amendment of section 134.

41. In section 134 of the principal Act,—

(*a*) in clause (*a*), for the words "and if necessary, convey him to the nearest hospital", the words "by conveying him to the nearest medical practitioner or hospital, and it shall be the duty of every registered medical practitioner or the doctor on duty in the hospital immediately to attend to the injured person and render medical aid or treatment without waiting for any procedural formalities" shall be substituted;

(*b*) after clause (*b*), the following clause and *Explanation* shall be inserted, namely:—

"(*c*) give the following information in writing to the insurer, who has issued the certificates of insurance, about the occurrence of the accident, namely:—

(*i*) insurance policy number and period of its validity;

(*ii*) date, time and place of accident;

(*iii*) particulars of the persons injured or killed in the accident;

(*iv*) name of the driver and the particulars of his driving licence.

Explanation.—For the purposes of this section, the expression "driver" includes the owner of the vehicle.".

Amendment of section 136.

42. In section 136, in the proviso, for the words "without unnecessary delay", the words "after completion of the formalities to the owner, driver or the person in charge of the vehicle within twenty-four hours" shall be substituted.

Amendment of section 140.

43. In section 140 of the principal Act,—

(*a*) in sub-section (*2*),—

(*i*) for the words "twenty-five thousand rupees", the words "fifty thousand rupees" shall be substituted;

(*ii*) for the words "twelve thousand rupees", the words "twenty-five thousand rupees" shall be substituted;

(*b*) after sub-section (*4*), the following sub-section and proviso shall be inserted, namely:—

"(*5*) Notwithstanding anything contained in sub-section (*2*) regarding death or bodily injury to any person, for which the owner of the vehicle is liable to give compensation for relief, he is also liable to pay compensation under any other law for the time being in force:

Provided that the amount of such compensation to be given under any other law shall be reduced from the amount of compensation payable under this section or under section 163A.".

Amendment of section 141.

44. In section 141 of the principal Act, in sub-section (*1*), for the words and bracket "any other right (hereafter", the words, figures, letter and bracket "any other right, except the right to claim under the scheme referred to section 163A (such other right hereafter" shall be substituted.

Amendment of section 146.

45. In section 146 of the principal Act, in sub-section (*1*), before the *Explanation*, the following proviso shall be inserted, namely:—

"Provided that in the case of a vehicle carrying, or meant to carry, dangerous or hazardous goods, there shall also be a policy of insurance under the Public Liability Insurance Act, 1991.".

6 of 1991.

Amendment of section 147.

46. In section 147 of the principal Act, in sub-section (*1*), in clause (*b*), in sub-clause (*i*), for the words "injury to any person", the words "injury to any person, including owner of the goods or his authorised representative carried in the vehicle" shall be substituted.

Amendment of section 149

47. In section 149 of the principal Act, in sub-section (*1*), after the brackets and words "(being a liability covered by the terms of the policy)", the words, figures and letter "or under the provisions of section 163A" shall be inserted.

Amendment of section 157

48. In section 157 of the principal Act, after sub-section (*1*), the following *Explanation* shall be inserted, namely:—

"*Explanation.*—For the removal of doubts, it is hereby declared that such deemed transfer shall include transfer of rights and liabilities of the said certificate of insurance and policy of insurance.".

Amendment of section 158

49. In section 158 of the principal Act, for sub-section (*6*), the following sub-section shall be substituted, namely:—

"(*6*) As soon as any information regarding any accident involving death or bodily injury to any person is recorded or report under this section is completed by a police officer, the officer incharge of the police station shall forward a copy of the same within thirty days from the date of recording of information or, as the case may be, on completion of such report to the Claims Tribunal having jurisdiction and a copy thereof to the concerned insurer, and where a copy is made available to the owner, he shall also within thirty days of receipt of such report, forward the same to such Claims Tribunal and Insurer

Amendment of section 161.

50. In section 161 of the principal Act, in sub-section (3),—

(a) in clause (a), for the words "eight thousand and five hundred rupees", the words "twenty-five thousand rupees" shall be substituted;

(b) in clause (b), for the words "two thousand rupees", the words "twelve thousand and five hundred rupees" shall be substituted.

Insertion of new sections 163A and 163B.

51. After section 163 of the principal Act, the following sections shall be inserted, namely:—

Special provisions as to payment of compensation on structured formula basis.

'163A. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle of the authorised insurer shall be liable to pay in the case of death or permanent disablement due to accident arising out of the use of motor vehicle, compensation, as indicated in the Second Schedule, to the legal heirs or the victim, as the case may be.

Explanation.—For the purposes of this sub-section, "permanent disability" shall have the same meaning and extent as in the Workmen's Compensation Act, 1923. 8 of 1923.

(2) In any claim for compensation under sub-section (1), the claimant shall not be required to plead or establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or vehicles concerned or of any other person.

(3) The Central Government may, keeping in view the cost of living by notification in the Official Gazette, from time to time amend the Second Schedule.

Option to file claim in certain cases.

163B. Where a person is entitled to claim compensation under section 140 and section 163A, he shall file the claim under either of the said sections and not under both.'.

Amendment of section 165.

52. In section 165 of the principal Act,—

(a) in sub-section (1), in the *Explanation*, the words, figures and letter "and section 163A" shall be added at the end;

(b) in sub-section (3), in clause (c), the words "or as a District Judge" shall be added at the end.

Amendment of section 166.

53. In section 166 of the principal Act,—

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

"(2) Every application under sub-section (1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred, or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within

the local limits of whose jurisdiction the defendant resides, and shall be in such form and contain such particulars as may be prescribed:

Provided that where no claim for compensation under section 140 is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant.";

(*b*) sub-section (*3*) shall be omitted;

(*c*) for sub-section (*4*), the following sub-section shall be substituted, namely:—

"(*4*) The Claims Tribunal shall treat any report of accidents forwarded to it under sub-section (*6*) of section 158 as an application for compensation under this Act.".

Insertion of new section 182A.

54. After section 182 of the principal Act, the following section shall be inserted, namely: -

Punishment for offences relating to construction and maintenance of vehicles.

"182A. 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.".

India Code

Amendment of section 185.

55. In section 185 of the principal Act, for clause (*a*), the following clause shall be substituted, namely:—

"(*a*) has, in his blood, alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or".

Substitution of new sections for section 192.

56. For section 192 of the principal Act, the following sections shall be substituted, namely:—

Using vehicle without registration

"192. (*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.

Using vehicle without permit.

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

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.".

Amendment of section 194.

57 In section 194 of the principal Act, for sub-section (1) the following sub-section shall be substituted, namely:—

"(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 tonne of excess load, together with the liability to pay charges for off-loading of the excess load.".

Amendment of section 200.

58. In section 200 of the principal Act, in sub-section (1), for the word and figures "section 189," the words, figures and brackets "section 189, sub-section (2) of section 190" shall be substituted.

Amendment of section 201.

59. In section 201 of the principal Act,—

(*a*) in sub-section (*1*), after the proviso, the following proviso shall be inserted, namely:—

"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.";

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

"(*2*) Penalties or towing charges under this section shall be recovered by such officer or authority as the State Government may, by notification in the Official Gazette, authorise.".

Amendment of section 202.

60. In section 202 of the principal Act, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*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.".

Amendment of section 203.

61. In section 203 of the principal Act, for sub-section (*1*), the following shall be substituted, namely:—

"(*1*) A police officer in uniform or an officer of the Motor Vehicles Department, as may be authorised in this behalf by that 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.".

Amendment of section 212.

62. In section 212 of the principal Act, in sub-section (*4*), after the words, brackets and figures "sub-section (*1*) of section 112", the words, brackets, figures and letter "sub-section (*4*) of section 163A" shall be inserted.

Amendment of the Schedule.

63. The Schedle to the principal Act shall be numbered as the First Schedule thereof.

Insertion of new Schedule.

64. After the First Schedule, as so numbered, the following Schedule shall be inserted, namely:—

THE SECOND SCHEDULE

(*See* section 163A)

SCHEDULE FOR COMPENSATION FOR THIRD PARTY FATAL ACCIDENTS/INJURY CASES CLAIMS

1. *Fatal Accidents* :

Annual Income		Rs. 3000	Rs. 4200	Rs. 5400	Rs. 6600	Rs. 7800	Rs. 9000	Rs. 10200	Rs. 11400	Rs. 12000	Rs. 18000	Rs. 24000	Rs. 36000	Rs. 40000
AGE OF VICTIM	MULTIPLIER	RUPEES IN THOUSANDS												
		compensation in case of death												
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Up to 15 yrs.	15	60	84	108	132	156	180	204	228	240	360	480	720	800
Above 15 yrs. but not exdg. 20 yrs.	16	57	79.8	102	125.4	148.2	171	193.8	216.6	228	342	456	684	760
Above 20 yrs. but not exdg. 25 yrs.	17	54	75.6	97.2	118.8	140.4	162	183.6	205.2	216	324	432	648	720
Above 25 yrs. but not exdg. 30 yrs.	18	51	71.4	91.8	112.2	132.6	153	173.4	193.8	204	306	408	612	680
Above 30 yrs. but not exdg. 35 yrs.	17	50	67.2	86.4	105.6	124.8	144	163.2	192.4	192	288	384	576	640
Above 35 yrs. but not exdg. 40 yrs.	16	50	63	81	99	117	135	153	171	180	270	360	540	600
Above 40 yrs. but not exdg. 45 yrs.	15	50	58.8	75.6	92.4	109.2	126	142.8	159.6	168	252	336	504	560
Above 45 yrs. but not exdg. 50 yrs.	13	50	50.4	64.8	79.2	93.6	108	122.4	136.8	144	216	286	432	480
Above 50 yrs. but not exdg. 55 yrs.	11	50	50	54	66	78	90	102	114	120	180	240	360	400
Above 55 yrs. but not exdg. 60 yrs.	8	50	50	50	52.8	62.4	72	81.6	91.2	96	144	192	286	320
Above 60 yrs. but not exdg. 65 yrs.	5	50	50	50	50	50	54	61.2	68.4	72	108	144	216	240
Above 65 yrs.	5	50	50	50	50	50	50	51	57	60	90	120	180	200

NOTE: The amount of compensation so arrived at in the case of fatal accident claims shall be reduced by 1/3rd in consideration of the expenses which the victim would have incurred towards maintaining himself had he been alive.

IndiaCode

2. Amount of compensation shall not be less than Rs 50,000.

3. *General Damage (in case of death):*

The following General Damages shall be payable in addition to compensations outlined above:

(*i*) Funeral expenses	— Rs 2,000 -
(*ii*) Loss of Consortium, if beneficiary is the spouse	— Rs. 5,000/-
(*iii*) Loss of Estate	— Rs. 2,500 -
(*iv*) Medical Expenses—actual expenses incurred before death supported by bills vouchers but not exceeding	— Rs. 15,000 -

4. *General Damages in case of injuries and Disabilities:*

(*i*) Pain and Sufferings

(*a*) Grievous injuries	— Rs. 5,000/-
(*b*) Non-grievous injuries	— Rs. 1,000 -
(*ii*) Medical Expenses—actual expenses incurred supported by bills, vouchers but not exceeding as one time payment	— Rs. 15,000/-

5. *Disability in non-fatal accidents:*

The following compensation shall be payable in case of disability to the victim arising out of non-fatal accidents:

Loss of income, if any, for actual period of disablement not exceeding fifty-two weeks.

PLUS either of the following:—

(*a*) In case of permanent total disablement the amount payable shall be arrived at by multiplying the annual loss of income by the Multiplier applicable to the age on the date of determining the compensation, or

(*b*) In case of permanent partial disablement such percentage of compensation which would have been payable in the case of permanent total disablement as specified under item (*a*) above

IndiaCode

Injuries deemed to result in Permanent Total Disablement/Permanent Partial Disablement and percentage of loss of earning capacity shall be as per Schedule I under Workmen's Compensation Act, 1923.

6. National income for compensation to those who had no income prior to accident :—

Fatal and disability in non-fatal accidents:—

(a) Non-earning persons — Rs. 15,000 p.a.

(b) Spouse —Rs.1/3rd of income of the earning surviving spouse.

In case of other injuries, only "General Damage" as applicable.

IndiaCode

K. L. MOHANPURIA,

Secy. to the Govt. of India.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1994.