

**THE ORISSA MOTOR VEHICLES (AMENDMENT)
ACT, 1948.**

[Received the assent of the Governor-General on the 30th January 1949
first published in the Orissa Gazette, dated the 4th March 1949]

AN ACT FURTHER TO AMEND THE MOTOR VEHICLES ACT, 1939, IN ITS
APPLICATION TO THE PROVINCE OF ORISSA, IN THE
MANNER HEREINAFTER APPEARING.

WHEREAS it is expedient further to amend the Motor
Vehicles Act, 1939, in its application to the Province of Orissa,
Crissa, in the manner hereinafter appearing ;

It is hereby enacted as follows :—

Short title,
extent
and com-
mencement.

1. (1) This Act may be called the Orissa Motor Vehicles
(Amendment) Act, 1948.*

(2) It shall extend to the whole of the Province of
Orissa.

(3) Section 1 shall come into force at once. The remain-
ing provisions of this Act shall come into force in such
specified areas of a district or districts as the Provincial
Government may by notification from time to time appoint and
different dates may be appointed for different specified areas.
The Provincial Government may also by notification withdraw
the remaining provisions of this Act, from any such specified
areas.

(4) On and from the date when the remaining provisions
of the Act come into force in any specified areas the provisions
of the Orissa Motor Vehicles (Regulation of Stage Carriage and
Public Carrier's Services) Act, 1947, shall, from the date
of the notification, be repealed in respect of the said specified
areas. Orissa Act
XXXVI of
1947.

Effect of
withdrawal
of the Act.

(5) When the remaining provisions of this Act are with-
drawn from any specified areas the provisions of the Orissa
Motor Vehicles (Regulation of Stage Carriage and Public
Carrier's Services) Act, 1947, shall be deemed to be revived in
the said specified areas from the date of publication of the
notification of withdrawal. Orissa Act
XXXVI of
1947.

* NOTE—(1) Extended to all the partially-excluded areas in the Province of Orissa by notifica-
tion No. 13054 S. T., dated the 30th March 1949 (Vide Orissa Gazette, dated the 1st April 1949,
Part III, Page 474).

(2) The Provisions of this Act except Section I came into force in Angul and Sambalpur on
the 1st May 1949.

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

(a) after clause 19 the following clause shall be inserted, namely:—

‘(19A) “Orissa States” means those States which have been specified in clause (1) of sub-paragraph (a) of paragraph 2 of the Administration of Orissa States Order, 1948;’

(b) after clause 29 the following clause shall be inserted, namely:—

‘(29A) “State Transport Service” means a service in which an Orissa State has entire or partial financial interest, and which the Provincial Government may by notification declare to be a State Transport Service for the purposes of this Act;’.

Amendment of section 47, Act IV of 1939. **3.** After clause (f) of sub-section (1) of section 47 of the Principal Act, the following clauses shall be inserted, namely:—

“(g) other conditions being equal, in the interest of proper co-ordination of transport facilities, the expediency of giving due consideration to a State Transport Service;

(h) the necessity for preventing unhealthy competition in any route or routes or area on which the State Transport Service may ply;”.

Amendment of section 55, Act IV of 1939. **4.** After clause (f) of section 55 of the Principal Act the following clauses shall be inserted, namely:—

“(g) other conditions being equal in the interest of proper co-ordination of transport facilities, the expediency of giving due consideration to a State Transport Service;

(h) the necessity for preventing unhealthy competition in any route or routes or area on which the State Transport Service may ply;”.

Amendment of section 57, Act IV of 1939. **5.** In section 57 of the Principal Act—

(a) in sub-section (2) after the words “shall be made” the words “in the case of State Transport Service not less than two weeks and in other cases” shall be inserted;

(b) in sub-section (3) after the words “and the date,” the words—

“not being less than ten days in the case of an application by the State Transport Service and in other cases” shall be inserted;

(c) in sub-section (5) after the words “making the representation” the words “and any Administrator of an Orissa State appointed under the provisions of the Administration of Orissa States Order, 1948, if he desires to be heard” shall be inserted.

Amendment
of section 58,
Act IV of
1939.

6. In section 58 of the Principal Act—

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

“ 58. (1) A permit other than a temporary permit issued under section 62 shall normally be effective without renewal, for such period, not less than three years and not more than five years, as the Regional Transport Authority may specify in the permit :

Duration
and
renewal of
permits.

Provided that if the Regional Transport Authority is satisfied that an existing or a prospective State Transport Service can or is going to be extended to any route or area on the permit within a period of three years from the date on which the permit is to be effective, the permit shall be for such shorter period as the Regional Transport Authority may consider suitable in order to avoid conflict with the prospective extension of such State Transport Service.” ;

(b) in the Proviso to sub-section (2) after the word “ permits ” the words “ by parties other than a State Transport Service ” shall be inserted.