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PART VI.

**Bills introduced into the Council of the Governor-General of India
and Bills published before introduction in that Council.**

GOVERNMENT OF ORISSA.
PUBLIC WORKS DEPARTMENT.
COMMUNICATION BRANCH.

NOTIFICATION.

The 3rd November 1936.

No. 6074—HM-31/36-C.—The following Indian Motor Vehicles (Amendment) Bill as introduced in the Legislative Assembly with the Statement of Objects and Reasons is published for information of the general public.

A
BILL

Further to amend the Indian Motor Vehicles Act, 1914, for certain purposes.

WHEREAS it is expedient further to amend VIII of 1914. the Indian Motor Vehicles Act, 1914, for the

purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Motor Vehicles (Amendment) Act, 1936.
Short title and extent.

(2) It extends to all parts of British India in which the Indian Motor Vehicles Act, 1914, or any part thereof is now in force, VIII of 1914. except the United Provinces; but the Local Government of the United Provinces may, by notification in the local official Gazette, extend this Act to that Province.

2. In section 2 of the Indian Motor Vehicles Act, 1914 VIII of 1914. Amendment of section 2, Act VIII of 1914. (hereinafter referred to as the said Act),—

(a) in the definition of "Motor vehicle", for the word "includes" the word "means" shall be substituted, and to that definition the following words shall be added, namely:—

“, and includes a vehicle drawn by or attached to or adapted to be drawn by or attached to such vehicle, carriage or means of conveyance”; and

(b) after the definition of the words “public place” the following definition shall be inserted, namely:—

“‘transport motor vehicle’ means a motor vehicle used or normally used for the carriage for hire or reward of passengers or of passengers and goods, or a motor vehicle used or normally used for the carriage of goods whether for hire or reward or otherwise, and includes any motor vehicle having seating capacity for more than seven persons.”

3. After section 10 of the said Act the following sections shall be inserted, namely:—

Insertion of new sections 10A and 10B in Act VIII of 1914.

“10A. (1) The Local Government may, by notification in the local official Gazette, constitute for the province and for specified areas or for specified roads in the province, transport authorities to exercise and discharge throughout the province or such areas or roads respectively the powers and functions conferred by or under this Act on transport authorities, or such of those powers and functions as may be specified in the notification either in respect of all transport motor vehicles or in respect of specified classes of transport motor vehicles.

(2) Where any transport authority has been constituted by notification under sub-section (1) no transport motor vehicle or no transport motor vehicle of a class specified in the notification as the case may be shall, save as otherwise provided under clause (b) of section 11A, be used in any public place except under and in accordance with the conditions of a road service permit issued or countersigned by the transport authority having jurisdiction in respect of such place.

10B. A transport authority may, subject to the provisions of any rules made under section 11A,—

(a) limit the number of transport motor vehicles or the number of any specified class of transport motor vehicles in respect of which road service permits may be granted for a specified area or a specified route

(b) issue road service permits in respect of particular vehicles or a service of vehicles for a specified area or a specified route;

(c) attach to road service permits any prescribed condition and any one or more of the following conditions, namely:—

(i) that the charges made for the carriage of passengers or goods in any vehicle covered by the permit shall be as fixed by, or within limits fixed by, the transport authority or other prescribed authority;

(ii) that any vehicle covered by the permit or, in the case of a service of vehicles, the vehicles of that service shall adhere to a time-table to be approved by the transport authority or other prescribed authority;

(iii) that time-tables and fare-tables shall be published to the satisfaction of the transport authority or other prescribed authority;

(d) modify any road service permit issued by it.”

4. In sub-section (2) of section 11 of the said Act,—
Amendment of section 11, Act VIII of 1914.

(a) to clause (c) the following words shall be added, namely:—

“and in the case of transport motor vehicles, providing for limiting the number of passengers carried in, or the maximum laden weight of, any such vehicle, and for the inspection of such vehicles or any class of such vehicles”;

(b) clause (e) shall be omitted;

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

“(ff) providing for the establishment of authorised stations for the regular taking up or setting down of passengers and goods by transport motor vehicles of any specified class in any specified area, and for prohibiting the use for that purpose of any place not so authorised”;

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

“(gg) in the case of transport motor vehicles or any class thereof, regulating the conduct of passengers, drivers and conductors, prescribing the records to be maintained by drivers and conductors, and limiting the hours of work of drivers”;

(e) in clause (h), before the word "prohibiting" the words "restricting in respect of specified areas or roads the classes of motor vehicle that may be driven and" shall be inserted, and the word "and" shall be omitted;

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

"(hh) requiring the owners of motor vehicles or any class of motor vehicles to effect policies of insurance against liabilities incurred through the death or bodily injury of any person caused by or arising out of the use of such vehicle in a public place, defining the provisions to be included in such policies, and specifying the companies with which such policies may be effected; and".

5. After section 11 of the said Act the following section shall be inserted, namely:—

"11A. The Local Government may, by

Further power of Local Government to make rules respecting transport authorities and road service permits.

notification in the Local official Gazette, and subject to the condition of previous publication, make rules for all or any of the following purposes, namely:—

(a) prescribing the form and the duration of road service permits, the fees (if any) payable in respect thereof, and the procedure to be followed in applying therefor;

(b) providing for the issue of special or temporary road service permits;

(c) prescribing the conditions that may be attached to road service permits;

(d) regulating the powers and functions of transport authorities;

(e) regulating the procedure of transport authorities;

(f) defining the considerations by which transport authorities shall be guided

in granting or refusing to grant road service permits;

(g) providing for appeals from the orders of transport authorities;

(h) prescribing the conditions and limitations subject to which road service permits may be suspended or cancelled, and the authorities (other than the Local Government or a transport authority) which may suspend permits, and providing for appeals against the orders of any such authorities;

(i) prescribing the authorities (other than the transport authority) referred to in clause (c) of section 10B."

Amendment of section 18. 6. In section 18 of Act VIII of 1914. the said Act,—

(a) in clause (i) and (ii) of sub-section (1), after the word "licence" the words "or road service permit" shall be inserted;

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

"(1B) A transport authority may cancel or suspend a road service permit issued by it, and the prescribed authority may suspend any road service permit."; and

(c) after sub-section (7) the following sub-section shall be inserted, namely:—

"(8) The provisions of sub-sections (4), (5), (6) and (7) relating to licences shall apply in like manner to road service permits."

7. Notwithstanding the repeal by this Act

Saving of rules made of clause (e) of sub-section 11. section (2) of section 11

of the said Act, rules made under that clause and in force at the commencement of this Act shall continue to be in force and of effect until cancelled by the Local Government by notification in the local official Gazette.

STATEMENT OF OBJECTS AND REASONS.

The Indian Motor Vehicles Act, 1914, was framed to suit conditions prevailing at a very early stage in the development of motor transport in India. The rapid growth of that form of transport in twenty-two years makes it necessary to empower local authorities to exercise a closer control than the present Act permits in the interests alike of the development of a co-ordinated policy of roads and railways, and of the safety and convenience of the public.

The question of the co-ordination of road and railways, the elimination of wasteful and uneconomic competition between the two forms of transport and the methods by which these objects can be secured consistently with the public interest, has engaged the attention of the Government of India for some years past. In 1932-33, Messrs Mitchell and Kirkness carried out, at the instance of the Government of India, an enquiry into these problems and their report, which was published in January 1933, emphasised the importance of early action. The Road-Rail Conference convened by the Government of India in April 1933 passed a resolution, *inter alia*, recommending control of public

service and goods motor transport in the interests of public safety and convenience, and restriction of vehicles to prevent wasteful competition. Thereafter, in January 1935, the Transport Advisory Council, at its first meeting, made definite recommendations to the same effect. Amendments to the Act were drafted to give effect to the recommendations as far as possible and Local Governments were consulted. The latter were, on the whole, in favour of legislation but there were differences on points of detail. It is generally recognised that it will be necessary, before long, to undertake a general revision of the Act, but the Government of India consider that it is essential in the meantime to give powers to Local Governments to regulate transport motor vehicles, as well as trailers and other attachments and to enforce where necessary regional and route control as recommended by the Transport Advisory Council. The Government of the United Provinces have already enacted a similar measure. The Bill now presented is the outcome of the discussions referred to and represents the final recommendations of the Transport Advisory Council at its last meeting in July 1936.

SIMLA:

The 3rd August 1936.

F. NOYCE.

NOTES ON CLAUSES.

Clause 1 (1).—In order to avoid possible complications on the coming into force of the Government of India Act, 1935, it is proposed that the amendments take effect forthwith. Clause 7 ensures that there will be no embarrassment to Local Governments.

Clause 1 (2).—Since the local legislature of the United Provinces have recently passed an Act much on the lines of the Bill, it is proposed to exclude that Province from the immediate scope of the Bill, but provide that the Local Government may, by notification in the local Gazette, extend the amended Act to the United Provinces.

Clause 2 (a).—The widening of the definition of "motor vehicle" is intended to bring trailers and other attachments as such within the scope of the provisions of Part III of the 1914 Act. Suitable exemptions can be allowed under section 13 if Local Governments consider it unnecessary to require the registration of light trailers or other attachments.

Clause 2 (b).—The term "transport motor vehicle" has been used in preference to the more familiar "public service motor vehicle" or "public motor vehicle" as less likely to cause confusion with the British Acts and existing provincial rules. The term has been

very widely defined so as to include not only vehicles used for the carriage for hire or reward of passenger or goods or both but vehicles adapted for such use. This must be borne in mind in considering the suitability of the provisions which follow.

Clause 3.—Proposed new section 10A.—(1) This sub-clause as drafted gives Local Governments very wide discretion as to the authorities to be appointed, the powers to be exercised by those authorities, and the classes of public transport motor vehicles to be controlled. In the opinion of the Government of India it is desirable to empower Local Governments to constitute, in each province, a provincial authority with power to supervise and co-ordinate, and "area" authorities exercising jurisdiction within specified areas.

(2) This sub-clause introduces no new principle, as motor vehicles which are let or plied for hire are already subject to special regulation. The word "countersigned" has been preferred to "endorsed", in view of the special meaning attached to endorsements in section 18.

Proposed new section 10B.—(a) This confers power to limit the number of public transport motor vehicles of any specified

class to be used in any area or on any specified route. The absence of this power is one of the main defects in the Act as it now stands.

(b) "Road Service Permits" may be granted for an area or a route and not only for individual vehicles but for "services" or "fleets", e.g., an owner employing ten vehicles of which not more than 8 are in use at any one time would be able to obtain a permit covering the simultaneous use of eight vehicles of a stated capacity.

(c) It will be seen that power is given to fix the limits of the rates to be charged for goods. It is obviously desirable that the transport authority or other prescribed authority should have such power.

(d) The power to cancel or suspend is dealt with in clause 6.

Clause 4.—(a) Provision for inspection is clearly needed. Vehicles found on inspection to be unfit for use can be dealt with under rules made under section 11 (2) (i).

(b) In view of new sections 10B and 11A, section 11 (2) (e) is no longer required and it is proposed to repeal it subject to the safeguard provided in clause.

(c) Unauthorised bus stands have been found to be a source of confusion and have interfered with proper traffic regulation.

(e) It is considered that existing clauses (c), (h) and (i) of section 11 (2) are possibly insufficient to enable Local Governments to make rules regulating the classes of motor vehicles which may be used in specified areas or on specified routes, or where necessary prohibiting altogether the use of specified classes of motor vehicle.

(f) The first Transport Advisory Council which met in January 1935, recommended that provision should be made for insurance against passenger and third party risks, and the importance of having such a provision has been brought to notice in connection with several road accidents in recent months.

Clause 5.—The new section 11A confers rule-making powers on Local Governments with special reference to transport motor vehicles, transport authorities and road service permits which will enable them to carry out the recommendations of the Transport Advisory Council.

Clause 6.—Local Governments are given full discretionary powers to cancel or suspend road service permits and to make disqualifications; transport authorities are given power to cancel or suspend road service permits issued by them, and other prescribed authorities the power to suspend road service permits.

Clause 7 is intended to remove any doubts that might exist as to the rules now in force.

A. VIPAN,

Secretary to Government of Orissa.