

MOTOR VEHICLES (WEST BENGAL AMENDMENT) ACT, 1951**19 of 1951****[13th July, 1951]**

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MOTOR VEHICLES (WEST BENGAL AMENDMENT) ACT, 1951**19 of 1951****[13th July, 1951]**

An Act to amend the Motor Vehicles Act, 1939, in its application to West Bengal. WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, in its application to West Bengal, for the purposes and in the manner hereinafter appearing; It is hereby enacted as follows :

1. Short title :-

This Act may be called the Motor Vehicles (West Bengal Amendment) Act, 1951.

2. Application of Act :-

The Motor Vehicles Act, 1939, hereinafter referred to as the said Act, shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. Amendment of section 42 of Act 4 of 1939 :-

In section 42 of the said Act, for clause (a) of sub-section (3), the following shall be substituted, namely:

"(a) to any transport vehicle owned by or on behalf of the Central Government or a State Government other than a vehicle used for a commercial purpose or for the purposes of a commercial department;"

4. Amendment of section 43 of Act 4 of 1939 :-

To sub-section (1) of section 43 of the said Act, the following shall be added, namely :

(iii) notwithstanding anything contained in section 58 or section 60 cancel any permit granted under this Act in respect of a transport vehicle or any class of such permits either generally or in any area specified in the notification :

Provided that no such notification shall be issued before the expiry of a period of three months from the date of a notification declaring its intention to do so:

Provided further that when any such permit has been cancelled, the permit holder shall be entitled to such compensation as may be prescribed; or

(iv) declare that it will engage in the business of road transport service through the State or in such area or on such route within the State as may be specified in the notification."

5. Amendment of section 44 of Act 4 of 1939 :-

To sub-section (2) of section 44 of the said Act, the following shall be added, namely :

"Provided that if the State Government so thinks fit the State Transport Authority or a Regional Transport Authority may consist of a single official:

Provided further that nothing in this sub-section shall apply to an official merely by reason of the fact that the State Government employing him has any financial interest in a transport undertaking."

6. Insertion of new section 44A in Act 4 of 1939 :-

After section 44 of the said Act, the following shall be inserted, namely :

"44A.Transport Officers to exercise notified powers.

(1) The State Government may by notification in the Official Gazette appoint for the State a State Transport Officer and may in like manner appoint for such area within the State as may be specified in the notification, a Regional Transport Officer.

(2) Notwithstanding anything contained in this Act, the State Government may by notification in the Official Gazette authorise the State Transport Officer or a Regional Transport Officer to exercise and discharge in lieu of any other authority prescribed by or under this Act such powers and functions as may from time to time be specified in the notification."

7. Amendment of section 45 of Act 4 of 1939 :-

To section 45 of the said Act, the following shall be added, namely :

"Provided that the State Government may by notification in the Official Gazette direct that applications for such class of permits in such region as may be specified in the notification shall be made to the State Transport Authority."

8. Amendment of section 47 of Act 4 of 1939 :-

In sub-sections (1) and (2) of section 47 of the said Act, after the words "Regional Transport Authority", the words "or the State Transport Authority" shall be inserted.

9. Amendment of sections 48,54, 55,56,57 and 58 of Act 4 of 1939. :-

In section 48, clause (d) of section 54, sections 55 and 56, sub-sections (2), (3), (4), (5) and (7) of section 57 and sub-section (1) of section 58 of the said Act, after the words "Regional Transport Authority" wherever they occur the words "or the State Transport Authority" shall be inserted.

10. Insertion of new section 48A in Act 4 of 1939 :-

After section 48 of the said Act, the following shall be inserted, namely :

"48A. Issue of stage carriage permit to Government or local authorities. Notwithstanding anything contained in sections 47 and 48, a Regional Transport Authority or the State Transport Authority shall issue the stage carriage permit applied for, by or on behalf of the State Government or a local authority with the concurrence of

the State Government."

11. Amendment of section 58 of Act 4 of 1939 :-

To section 58 of the said Act, the following shall be added, namely :

"(3) Notwithstanding anything contained in sub-section (1), the State Government may order a Regional Transport Authority or the State Transport Authority to limit the period for which any permit or class of permits is issued to any period less than the minimum prescribed in this Act."

12. Insertion of new section 58A in Act 4 of 1939 :-

After section 58 of the said Act, the following shall be inserted, namely :

"58A. Grant of permit to local authority. Notwithstanding anything hereinbefore contained, the State Government may by order direct any Regional Transport Authority or the State Transport Authority to grant a stage carriage permit to the State Government or any local authority specified in the order."

13. Amendment of section 62 of Act 4 of 1939 :-

In section 62 of the said Act,

(i) after the words "Regional Transport Authority", the words "or the State Transport Authority" shall be inserted;

(ii) after clause (c), the following shall be inserted, namely: ";or

(d) pending decision on an application for the grant or renewal of a permit."

14. Amendment of section 68 of Act 4 of 1939 :-

After clause (h) of sub-section (2) of section 68 of the said Act, the following shall be inserted, namely:

"(hh) the compensation to be paid to a permit holder for cancellation of a permit in respect of a transport vehicle;"