

Motor Vehicles (Rajasthan Amendment) Act, 1961**3 of 1961**

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Motor Vehicles (Rajasthan Amendment) Act, 1961**3 of 1961**

[Received the assent of the President on the 28th day of March, An Act to amend the Motor Vehicles Act, 1939 (Central Act 4 of 1939), in its application to the State of Rajasthan and to validate certain acts thereunder. ' Be it enacted by the Rajasthan State Legislature in the Twelfth Year of the Republic of India as follows:--

1. Short title :-

This Act may be called the Motor Vehicles (Rajasthan Amendment) Act, 1961.

2. Amendment of section 44, Central Act 4 of 1939 :-

In sub-section (2) of section 44 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), hereinafter referred to as the principal Act, in its application to the State of Rajasthan, as from the 21st day of June, 1960 -- (i) for the words "Provided that", the words "Provided further that" shall be substituted and be deemed to have been substituted; and (ii) before the proviso as hereby amended, the following proviso shall be inserted and be deemed to have been inserted, namely: -- "Provided that, if the State Government thinks fit, the members of a Regional Transport Authority may be officials or non-officials or both."

3. Validation of constitution, proceedings, orders and acts of Regional Transport Authorities :-

Notwithstanding anything contained in section 44 of the principal Act or in any judgment, decree, order or decision of any court or tribunal of competent jurisdiction or in any other instrument or document and notwithstanding any error, omission, defect or want of jurisdiction, power or authority- (a) a Regional Transport Authority, constituted by the State Government on or after the 21st day of June, 1960 and or before the 25th day of November, 1960, so as to consist solely of official members, shall be deemed to have been validly and lawfully constituted, and (b) all proceedings taken, orders passed and acts done by such Regional Transport Authority constituted as aforesaid shall be deemed to have been validly and lawfully taken, passed or done, as the case may be and shall not be liable to be called in question in any court or tribunal or before any authority on the mere ground of such Regional Transport Authority having been constituted so as not to consist of both official and non-official members.

4. Validation of temporary permits issued under section 62, Central Act 4 of 1939 :-

Notwithstanding anything contained in section 62 of the principal Act or in any judgment, decree, order or decision of any court or tribunal of competent jurisdiction or in any other instrument or document and notwithstanding any error, omission, defect or want of jurisdiction, power or authority, - (a) all temporary permits granted by a Regional Transport Authority in the State under section 62 of the principal Act on or before the 25th day of November, 1960 shall, be deemed to have been validly and lawfully granted even though none of the circumstances specified in that section existed to justify the grant of such temporary permits and even though any such circumstance might have been held to be insufficient to justify such grant, and (b) every such temporary permit shall continue to be effective according to its tenor and no action taken in pursuance thereof shall be liable to be called in question in any court or tribunal or before any authority on the mere ground of non-existence or inadequacy of the circumstances justifying the grant, thereof.

5. Repeal :-

The Motor Vehicles (Rajasthan Amendment) Ordinance, 1960 (Ordinance No, 17 of 1960) is hereby repealed.