

Motor Vehicles (Madras Amendment) Act, 1948

20 of 1948

[21 December 1948]

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PREAMBLE

An Act further to amend the Motor Vehicles Act, 1939 in its application to the Province of Madras.

Whereas it is expedient further to amend the Motor Vehicles Act, 1939, in its application to the Province of Madras, for the purposes hereinafter appearing; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, dated 30th January 1948, Part IV-A, pages 50-51.
See also the provisions of the Motor Vehicles (Amendment) Act, 1956 (Central Act 100 of 1956).

1. Short title :-

This Act may be called the Motor Vehicles (Madras Amendment) Act, 1948.

2. Amendment of section 43, Central Act IV of 1939 :-

In section 43 of the Motor Vehicles Act, 1939 (Central Act IV of 1939) (hereinafter referred to as the said Act), after sub-section (3), the following sub-section shall be added, namely:--

"(4) (a) The ¹(State) Government may, by notification in the Fort St. George Gazette, declare that it will engage in the business of road transport either throughout the ²(State) or in such areas therein, or on such routes or portions thereof in the ²(State), as may be specified in the notification.

Explanation.--The power conferred by this clause may be exercised from time to time, as occasion requires.

(b) Where a notification has been issued under clause (a), the ¹(State) Government, notwithstanding anything contained in section 58 or section 60, may, after giving not less than three months notice, cancel any permit granted under this Act in respect of a transport vehicle or any class of such permits, in so far as such permit or class of permits relates to the area or the route specified in such notification:

Provided that where any permit (other than a permit for a spare transport vehicle) is cancelled under this clause, the holder of the permit shall be entitled to such compensation as may be prescribed, if the following conditions are fulfilled, namely:--

(i) A permit should have been held for such vehicle for the area or route concerned both on the 10th July 1947

and on the date of the issue of the notification under clause (a).

(ii) If the permit held in respect of the vehicle on the 10th July 1947 had been granted or renewed under section 58, the period for which the permit was so granted or renewed should not have expired before the date of the issue of the notification under clause (a).

(iii) If the permit held in respect of the vehicle on the 10th July 1947 was a temporary permit irregularly issued under section 62 in a case where, but for the orders of the ¹[State] Government, a permit would have been granted or renewed under section 58, a period of three years from the date of the grant of such temporary permit should not have expired before the date of the issue of the notification under clause (a).

Explanation.--Where more than one temporary permit has been granted irregularly in respect of the vehicle on or after the 2nd September 1946 and on or before the 10th July 1947, the earliest

of the temporary permits so granted shall be taken into account for the purposes of the foregoing paragraph."

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

2. This word was substituted for the word "Province" by *ibid*.

3. Insertion of new section 43-A in Central Act IV of 1939 :-

After section 43 of the said Act, the following section shall be inserted, namely:--

"43-A. Power of State Government to issue orders and directions to Transport Authorities.--

The ¹[State] Government may issue such orders and directions of a general character as it may consider necessary, in respect of any matter relating to road transport, to the ¹[State] Transport Authority or a Regional Transport Authority; and such Transport Authority shall give effect to all such orders and directions."

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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

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

"Provided that if the ¹[State] Government thinks fit, the ¹[State] Transport Authority or a Regional Transport Authority may consist of a single official:

Provided further that an official shall not be deemed to have a financial interest as aforesaid merely by reason of the fact that the ¹[State] Government employing him has such an interest."

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

5. Insertion of new section 44-A in Central Act IV of 1939 :-

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

"44-A. State Transport Commissioner Or his subordinate to exercise notified powers.--

The ¹(State) Government may appoint a ¹(State) Transport

Commissioner; and notwithstanding anything contained in this Act, may, by notification in the Fort St. George Gazette, authorize such Commissioner or any officer subordinate to him, to exercise and discharge, in lieu of any other authority prescribed by or under this Act, such powers and functions as may be specified in the notification."

1. This word was substituted for the word "Provincial" by the Adoption Order of 1950.

6. Amendment of section 45, Central Act IV of 1939 :-

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

"Provided that the ¹(State) Government may, by notification in the fort St. George Gazette, direct that applications for such class of permits and in such region as may, be specified in the notification, shall be made to the ¹(State) Transport Authority."

1. This word was substituted for the word "Provincial" by the Adoption Order of 1950.

7. Insertion of new section 48-A in Central Act IV of 1939 :-

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

"48-A. Power of State Transport Authority to alter conditions attached to stage carriage permits.--

Any conditions attached to a stage carriage permit in pursuance of clause (d) of section 48 may, at any time be varied, cancelled or added to by the ¹(State) Transport Authority, provided that this power shall not be exercised to the prejudice of the holder of the permit without giving not less than three months notice to him."

1. This word was substituted for the word "Provincial" by the Adoption Order of 1950.

8. Insertion of new section 51-A in Central Act IV of 1939 :-

After section 51 of the said Act, the following section shall be inserted, namely:--

"51-A. Power of State Transport Authority to alter conditions attached to contract carriage permits.--

Any conditions attached to a contract carriage permit in pursuance of section 51 may, at any time, be varied, cancelled or added to by the ¹(State) Transport Authority, provided that this power shall not be exercised to the prejudice of the holder of the permit without giving not less than three months notice to him."

1. This word was substituted for the word "Provincial" by the Adoption Order of 1950.

9. Insertion of new section 56-A in Central Act IV of 1939 :-

After section 56 of the said Act, the following section shall be inserted, namely:--

"56-A. Power of State Transport Authority to alter conditions attached to public carriers permits.

Any conditions attached to a public carriers permit in pursuance of clause (b) of section 56 may, at any time, be varied, cancelled or added to by the ¹(State) Transport Authority, provided that this power shall not be exercised to the prejudice of the holder of the permit without giving not less than three months notice to him."

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

10. Amendment of section 58, Central Act IV of 1939 :-

In section 58 of the said Act, in sub-section ((1), the words "not less than three years and not more than five years" and the proviso shall be omitted.

11. Amendment of section 62, Central Act IV of 1939 :-

In section 62 of the said Act, after clause (c), the following shall be added, namely:--

"or

(d) in such circumstances as may, in the opinion of such Authority, justify the grant of such permits".

12. Omitted :-

¹[Omitted]

1. Section 64-A introduced by this section was omitted by section 4 of Madras Act XXXIX of 1954.

13. Amendment of section 68, Central Act IV of 1939 :-

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

"(hh) the compensation to be paid to the holder of a permit granted or renewed in respect of a transport vehicle, for the cancellation thereof."

14. Validation of certain orders :-

All orders issued by the ¹(State) Government, the ¹(State) Road Transport Authority, or a Regional Transport Authority, on or after the 2nd September 1946 and before the commencement of this Act, directing that no permits shall be issued or renewed under the said Act except for temporary periods, and all temporary permits issued in pursuance of such orders shall be deemed to be valid; and no such order shall be called in question in any Court of Law. Nothing contained in this section shall be deemed to invalidate any decision or order of a Court which became final before the passing of this Act.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.