



## The Motor Vehicles (Tamil Nadu Amendment) Act, 1948

Act 20 of 1948

**Keyword(s):**

Central Act Amendment, The Motor Vehicle Act, 1939

Amendments appended: 3 of 1964, 18 of 1967, 18 of 1968, 10 of 1971, 16 of 1971, 4 of 1974, 48 of 1974

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<sup>1</sup>[TAMIL NADU] ACT No. XX OF 1948<sup>2</sup>.

[THE MOTOR VEHICLES (<sup>1</sup>[TAMIL NADU] AMENDMENT)  
ACT, 1948.]

(Received the assent of the Governor-General on the  
16th December 1948 ; first published in the  
Fort St. George Gazette on the 21st December  
1948.)

An Act further to amend the Motor Vehicles  
Act, 1939 in its application to the <sup>1</sup>[State of  
Tamil Nadu].

Central  
Act IV of  
1939.

WHEREAS it is expedient further to amend the Motor  
Vehicles Act, 1939, in its application to the <sup>1</sup>[State  
of Tamil Nadu], for the purposes hereinafter appear-  
ing ; It is hereby enacted as follows :—

1. This Act may be called the Motor Vehicles <sup>Short title.</sup>  
(<sup>1</sup>[Tamil Nadu] Amendment) Act, 1948.

\* [ 2. \* \* ]

<sup>1</sup> These words were substituted for the word "Madras" by the  
Tamil Nadu Adaptation of Laws Order, 1969, as amended by the  
Tamil Nadu Adaptation of Laws (Second Amendment) Order,  
1969.

<sup>2</sup> For Statement of Objects and Reasons see *Fort St. George  
Gazette*, dated the 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).

<sup>3</sup> This expression was substituted for the expression "Province  
of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970,  
which was deemed to have come into force on the 14th January  
1969.

<sup>4</sup> This section was repealed by section 135 of, and the Twelfth  
Schedule to, the Motor Vehicles Act, 1939 (Central Act IV of 1939).

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(*Tamil Nadu Amendment*)

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

3. After section 43 of the said Act, the following section shall be inserted, namely :—

Power of  
State  
Government  
to issue  
orders and  
directions  
to Transport  
Authorities.

“43-A. The <sup>1</sup>[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 <sup>1</sup>[State] Transport Authority or a Regional Transport Authority ; and such Transport Authority shall give effect to all such orders and directions.”

<sup>2</sup>[4. \* \* \* ]

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

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

State  
Transport  
Commissioner  
or his  
subordinate  
to exercise  
notified  
powers.

“44-A. The <sup>1</sup>[State] Government may appoint a <sup>1</sup>[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.”

<sup>3</sup>[6. to 14. \* \* \* ]

<sup>1</sup>This word was substituted for the word “Provincial” by the Adaptation Order of 1950.

<sup>2</sup>This section was repealed by section 135 of, and the Twelfth Schedule to, the Motor Vehicles Act, 1939 (Central Act IV of 1939).

<sup>3</sup>These sections were repealed by *ibid.*

<sup>1</sup>[TAMIL NADU] ACT NO. 3 OF 1964<sup>2</sup>.THE MOTOR VEHICLES (<sup>1</sup>[TAMIL NADU] AMENDMENT) ACT,  
1964.

*[Received the assent of the President on the 13th February 1964, first published in the Fort St. George Gazette on the 19th February 1964 (Magha 30, 1885).]*

*An Act further to amend the Motor Vehicles Act, 1939 in its application to the <sup>3</sup>[State of Tamil Nadu].*

BE it enacted by the Legislature of the <sup>3</sup>[State of Tamil Nadu] in the Fourteenth Year of the Republic of India as follows :—

**Short title.**

1. This Act may be called the Motor Vehicles (<sup>1</sup>[Tamil Nadu] Amendment) Act, 1964.

**Amendment of section 48, Central Act IV of 1939.**

2. In section 48 of the Motor Vehicles Act, 1939 (Central Act IV of 1939) (hereinafter referred to as the principal Act),—

(i) sub-section (2)\* shall be omitted ;

<sup>1</sup> These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 17th January 1964, Part IV — Section 3, page 11.

<sup>3</sup> This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

\* Sub-section (2) of section 48 of the Motor Vehicles Act, 1939 (Central Act IV of 1939) was subsequently omitted by section 22 (a) of the Motor Vehicles (Amendment) Act, 1969 (Central Act 56 of 1969).

(ii) in sub-section (3), —

(a) clause (i) shall be renumbered as clause (i-a) and before that clause as so renumbered, the following clause shall be inserted, namely:—

\*“(i) that the stage carriage or stage carriages shall be used only on a specified route or routes or in a specified area ;” ;

(b) for sub-clause (a) of clause (xxi)†, the following sub-clauses shall be substituted, namely:—

“(a) vary, extend or curtail the route or routes or the area specified in the permit:

Provided that in the case of—

(1) variation, the termini shall not be altered, and the distance covered by the variation shall not exceed twenty-four kilometres ;

(2) extension, the distance covered by the extension shall not exceed twenty-four kilometres from the termini ;

(aa) vary any other condition of the permit ;”.

†In sub-section (3) of section 48 of the Motor Vehicles Act, 1939, the following clauses were substituted for clause (i) by section 2(b)(i) of the Motor Vehicles (Amendment) Act, 1969 (Central Act 56 of 1969) :—

“(i) that the vehicle or vehicles shall be used only in a specified area, or on a specified route or routes ;

“(i-a) that the service or any specified part thereof shall be commenced with effect from a specified date ;”

†In sub-section (3) of section 48 of the Motor Vehicles Act, 1939 to clause (xxi) the following proviso was added by section 2(b)(iii) of the Motor Vehicles (Amendment) Act, 1969 (Central Act 56 of 1969) :—

“Provided that the conditions specified in pursuance of clause (1) shall not be varied so as to alter the distance covered by the original route by more than 24 kilometres, and any variation within such limits shall be made only after the Regional Transport Authority is satisfied that such variation will serve the public convenience and that it is not expedient to grant a separate permit in respect of the original route as so varied or any part thereof.”

Omission, of  
sections \*48-A,  
51-A and 56-A,  
Central Act IV  
of 1939

Amendment of  
section 57,  
Central Act IV  
of 1939.

Special provision  
in regard to  
existing stage  
carriage permits  
and validation  
of certain  
proceedings and  
orders.

3. Sections\* 48-A, 51-A and 56-A of the principal Act shall be omitted.

4. In sub-section (8) of section 57 of the principal Act, after the words "by the inclusion of a new route or routes or a new area", the words "or by the variation, extension or curtailment of the route or routes or the area specified in the permit" shall be inserted.

5. (1) Notwithstanding anything contained in the principal Act, the route or routes or the area specified in every stage carriage permit granted before the commencement of this Act shall be deemed to be a condition attached to such permit under sub-section (3) of section 48 of the principal Act, as if this Act were in force on the date of grant of such permit.

(2) Notwithstanding any judgment or order of any court, all proceedings taken for the grant of, and all orders passed granting, any variation, extension or curtailment of the route or routes or the area specified in a stage carriage permit before the commencement of this Act by the State Transport Authority or by a Regional Transport Authority or by an authority or person to whom the powers and functions of the

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\* The following section 48-A was again inserted by section 4 of the Motor Vehicles (Tamil Nadu Second Amendment) Act, 1971 (Tamil Nadu Act 16 of 1971), which was deemed to have come into force on the 18th June 1971 :—

*"48-A. Benami applications for stage carriage permits to be rejected.*—Notwithstanding anything contained in this Act, a Regional Transport Authority shall refuse to grant or renew a stage carriage permit if it appears to such authority, after making such enquiry as it deems fit, that the application for such permit is benami:

Provided that no such refusal shall be made unless the Regional Transport Authority has given the applicant a reasonable opportunity of being heard."

State Transport Authority or a Regional Transport Authority have been delegated, or by an authority exercising the powers of appeal or revision against the orders of the State Transport Authority or a Regional Transport Authority, shall not be deemed to be invalid merely by reason of the fact that the State Transport Authority or the Regional Transport Authority, as the case may be, had no power to grant such variation, extension or curtailment and all such proceedings taken or orders passed shall be deemed always to have been validly taken or passed in accordance with law notwithstanding the distance covered by the variation or extension exceeded twenty-four kilometres.

<sup>1</sup>[TAMIL NADU] ACT No. 18 of 1968<sup>2</sup>.

THE MOTOR VEHICLES (<sup>1</sup>[TAMIL NADU]  
AMENDMENT) ACT, 1968.

[Received the assent of the President on the 26th September 1968, first published in the Fort St. George Gazette Extraordinary, on the 26th September 1968 (Asvina 4, 1890).]

*An Act further to amend the Motor Vehicles Act, 1939, in its application to the* <sup>3</sup>[State of Tamil Nadu].

BE it enacted by the Legislature of the <sup>3</sup>[State of Tamil Nadu] in the Nineteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Motor Vehicles <sup>Short title, extent and commencement.</sup> (<sup>1</sup>[Tamil Nadu] Amendment) Act, 1968.

(2) It extends to the whole of the <sup>3</sup>[State of Tamil Nadu].

(3) It shall be deemed to have come into force on the 4th April 1968.

2. After clause (c) of sub-section (1) of section 47 of Amendment of the Motor Vehicles Act, 1939 (Central Act IV of 1939) section 47, (hereinafter referred to as the principal Act), the following <sup>Central Act IV of 1939.</sup> clause shall be inserted, namely :—

“<sup>1</sup>[(cc)] the publication of a scheme under section 68-C in respect of service of stage carriages ;”.

3. After sub-section (2) of section 58 of the principal <sup>Amendment of section 58, Central Act IV of 1939.</sup> Act, the following sub-section shall be inserted, namely:—

“(2-A) Notwithstanding anything to the contrary <sup>of 1939.</sup> contained in this Chapter, the Regional Transport Authority shall, in considering an application for the renewal of a stage carriage permit, have regard also to the publication of a scheme under section 68-C in respect of service of stage carriages.”.

<sup>1</sup> These words were substituted for the word “ Madras ” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

<sup>2</sup> For Statement of Objects and Reasons, See Fort. St. George Gazette Extraordinary, dated the 19th August 1968, Part IV -Section 3, pages 65—66.

<sup>3</sup> This expression was substituted for the expression “ State of Madras ” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

\* The clause (cc) was re-lettered as clause (c) by section 2 of the Tamil Nadu Act 16 of 1971.



Amendment  
of section 68-A,  
Central Act IV  
of 1939.

4. In clause (b) of section 68-A of the principal Act,—

(i) in item (i), the words “or a State Government” shall be omitted ;

(ii) after the said item (i), the following item shall be inserted, namely :—

“(i-a) the State Government ;”.

Insertion of  
new section  
68-CC in  
Central Act IV  
of 1939.

5. After section 68-C of the principal Act, the following section shall be inserted, namely :—

“68-CC. *Issue of temporary permit to the State transport undertaking.*—(1) Notwithstanding anything to the contrary contained in Chapter IV or in this Chapter, after the date of the publication of a scheme under section 68-C in respect of service of stage carriages (whether such publication was before or after the 4th April 1968), the State transport undertaking may apply for a temporary permit in respect of the area or route or portion thereof specified in the said scheme, and on such application, the Regional Transport Authority shall issue such temporary permit to the State transport undertaking.

(2) A temporary permit issued under sub-section (1) shall be effective till the grant of permit to the State transport undertaking under sub-section (1) of section 68-F :

Provided that if the scheme is not approved under sub-section (2) of section 68-D, the temporary permit shall be effective till the expiration of a period of one week from the date of refusal to approve the scheme under sub-section (2) of section 68-D.”.

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6. After section 68-H of the principal Act, the following section shall be inserted, namely :—

Insertion of  
new section  
68-HH in  
Central Act IV  
of 1939.

“ 68-HH. *Delegation of powers.*—The State Government may, by notification, direct that the powers exercisable under this Chapter or the rules made thereunder by the State transport undertaking as defined in clause (b) (i-a) of section 68-A shall, in relation to such matters and subject to such conditions, as may be specified in such notification, be exercisable also by such authority or gazetted officer subordinate to the State Government as may be specified in the notification.”

7. All applications for, and proceedings relating to the grant of a stage carriage permit or the renewal of a stage carriage permit, pending before any court, authority or officer on the 4th April 1968, shall be disposed of under the principal Act as amended by this Act.

Act to apply  
to pending  
applications,  
etc.

8. The Motor Vehicles (Madras Amendment) Ordinance, 1968 (Madras Ordinance 1 of 1968), is hereby repealed.

Repeal of  
Madras  
Ordinance 1  
of 1968.

<sup>1</sup>[TAMIL NADU] ACT No. 18 of 1968<sup>2</sup>.

THE MOTOR VEHICLES (<sup>1</sup>[TAMIL NADU]  
AMENDMENT) ACT, 1968.

[Received the assent of the President on the 26th September 1968, first published in the Fort St. George Gazette Extraordinary, on the 26th September 1968 (Asvina 4, 1890).]

*An Act further to amend the Motor Vehicles Act, 1939, in its application to the* <sup>3</sup>[State of Tamil Nadu].

BE it enacted by the Legislature of the <sup>3</sup>[State of Tamil Nadu] in the Nineteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Motor Vehicles <sup>Short title, extent and commencement.</sup> (<sup>1</sup>[Tamil Nadu] Amendment) Act, 1968.

(2) It extends to the whole of the <sup>3</sup>[State of Tamil Nadu].

(3) It shall be deemed to have come into force on the 4th April 1968.

2. After clause (c) of sub-section (1) of section 47 of Amendment of the Motor Vehicles Act, 1939 (Central Act IV of 1939) <sup>section 47, Central Act IV of 1939.</sup> (hereinafter referred to as the principal Act), the following clause shall be inserted, namely :—

“<sup>1</sup>[(cc)] the publication of a scheme under section 68-C in respect of service of stage carriages ;”.

3. After sub-section (2) of section 58 of the principal <sup>Amendment of section 58, Central Act IV of 1939.</sup> Act, the following sub-section shall be inserted, namely:—

“(2-A) Notwithstanding anything to the contrary <sup>of 1939.</sup> contained in this Chapter, the Regional Transport Authority shall, in considering an application for the renewal of a stage carriage permit, have regard also to the publication of a scheme under section 68-C in respect of service of stage carriages.”.

<sup>1</sup> These words were substituted for the word “ Madras ” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

<sup>2</sup> For Statement of Objects and Reasons, See Fort. St. George Gazette Extraordinary, dated the 19th August 1968, Part IV -Section 3, pages 65—66.

<sup>3</sup> This expression was substituted for the expression “ State of Madras ” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

\* The clause (cc) was re-lettered as clause (c) by section 2 of the Tamil Nadu Act 16 of 1971.

Amendment  
of section 68-A,  
Central Act IV  
of 1939.

4. In clause (b) of section 68-A of the principal Act,—

(i) in item (i), the words “or a State Government” shall be omitted ;

(ii) after the said item (i), the following item shall be inserted, namely :—

“(i-a) the State Government ;”.

Insertion of  
new section  
68-CC in  
Central Act IV  
of 1939.

5. After section 68-C of the principal Act, the following section shall be inserted, namely :—

“68-CC. *Issue of temporary permit to the State transport undertaking.*—(1) Notwithstanding anything to the contrary contained in Chapter IV or in this Chapter, after the date of the publication of a scheme under section 68-C in respect of service of stage carriages (whether such publication was before or after the 4th April 1968), the State transport undertaking may apply for a temporary permit in respect of the area or route or portion thereof specified in the said scheme, and on such application, the Regional Transport Authority shall issue such temporary permit to the State transport undertaking.

(2) A temporary permit issued under sub-section (1) shall be effective till the grant of permit to the State transport undertaking under sub-section (1) of section 68-F :

Provided that if the scheme is not approved under sub-section (2) of section 68-D, the temporary permit shall be effective till the expiration of a period of one week from the date of refusal to approve the scheme under sub-section (2) of section 68-D.”.

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6. After section 68-H of the principal Act, the following section shall be inserted, namely :—

Insertion of  
new section  
68-HH in  
Central Act IV  
of 1939.

“ 68-HH. *Delegation of powers.*—The State Government may, by notification, direct that the powers exercisable under this Chapter or the rules made thereunder by the State transport undertaking as defined in clause (b) (i-a) of section 68-A shall, in relation to such matters and subject to such conditions, as may be specified in such notification, be exercisable also by such authority or gazetted officer subordinate to the State Government as may be specified in the notification.”

7. All applications for, and proceedings relating to the grant of a stage carriage permit or the renewal of a stage carriage permit, pending before any court, authority or officer on the 4th April 1968, shall be disposed of under the principal Act as amended by this Act.

Act to apply  
to pending  
applications,  
etc.

8. The Motor Vehicles (Madras Amendment) Ordinance, 1968 (Madras Ordinance 1 of 1968), is hereby repealed.

Repeal of  
Madras  
Ordinance 1  
of 1968.

TAMIL NADU ACT No. 10 OF 1971.\*

THE MOTOR VEHICLES (TAMIL NADU AMENDMENT)  
ACT, 1971.

[Received the assent of the President on the 2nd May 1971,  
first published in the Tamil Nadu Government Gazette  
Extraordinary on the 4th May 1971 (Vaisakha 14,  
1893).]

An Act further to amend the Motor Vehicles Act, 1939, in its  
application to the State of Tamil Nadu.

BE it enacted by the Legislature of the State of Tamil Nadu  
in the Twenty-second Year of the Republic of India as  
follows :—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Motor Vehicles (Tamil  
Nadu Amendment) Act, 1971.

(2) It extends to the whole of the State of Tamil Nadu.

(3) (a) Sections 2 and 4 shall be deemed to have come  
into force on the 2nd March 1970.

(b) Section 3 shall be deemed to have come into force  
on the 1st April 1971.

Amendment  
of section 44,  
Central Act IV  
of 1939.

2. In section 44 of the Motor Vehicles Act, 1939 (Central  
Act IV of 1939) (hereinafter referred to as the principal  
Act),—

(i) in sub-section (2), the second proviso added by  
the Motor Vehicles (Tamil Nadu Amendment) Act, 1957  
(Tamil Nadu Act XIX of 1957) shall be omitted;

(ii) after sub-section (2), the following sub-section  
shall be inserted, namely :—

“(2-A) Notwithstanding anything contained in sub-  
section (2), the State Government may, where it considers  
necessary or expedient, so to do, by order constitute the  
State Transport Authority or Regional Transport Authority  
so as to consist of only one member who shall be an official  
and such order may be made so as to have retrospective  
effect from a date not earlier than the 2nd day of March  
1970.”

\* For Statement of Objects and Reasons, see Tamil Nadu  
Government Gazette Extraordinary, dated the 2nd April 1971,  
Part IV—Section 3, pages 175—176.

3. In section 64 of the principal Act, in sub-section (2), for the words "a State Transport Appellate Tribunal which", the words "a State Transport Appellate Tribunal and an Additional State Transport Appellate Tribunal each of which" shall be substituted. Amendment of section 64, Central Act IV of 1939.

4. In the Sixth Schedule to the principal Act, after Note 2, the following Note shall be added, namely:— Amendment of Sixth Schedule to Central Act IV of 1939.

"NOTE 3.—In respect of the Tamil Nadu State, the letters MD, MS may continue to be used in respect of vehicles which are registered before such date as may be specified by the State Government in this behalf."

5. The Motor Vehicles (Tamil Nadu Amendment) Repeal Ordinance, 1971 (Tamil Nadu Ordinance 4 of 1971) is hereby repealed and the amendment by section 2 of the said Ordinance shall be deemed never to have been made.

6. Anything done, or any action taken or any order passed on or after the 2nd day of March 1970 and before the date of the publication of this Act in the *Tamil Nadu Government Gazette* by the State Transport Authority or by a Regional Transport Authority or by an authority or person to whom the powers and functions of the State Transport Authority or a Regional Transport Authority have been delegated, shall be deemed to have been validly done, taken or passed as if the order made under sub-section (2-A) of section 44 of the principal Act had been in force at the relevant time. Validation.

TAMIL NADU ACT No. 16 OF 1971.\*  
THE MOTOR VEHICLES (TAMIL NADU  
SECOND AMENDMENT) ACT, 1971.

[Received the assent of the President on the 30th July 1971, first published in the Tamil Nadu Government Gazette Extraordinary on the 30th July 1971 (Sravana 8, 1893).]

*An Act further to amend the Motor Vehicles Act, 1939, in its application to the State of Tamil Nadu.*

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Motor Vehicles (Tamil Nadu Second Amendment) Act, 1971. Short title, extent and commencement.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall be deemed to have come into force on the 18th June 1971.

2. In section 47 of the Motor Vehicles Act, 1939 (Central Act IV of 1939) (hereinafter referred to as the principal Act),— Amendment of section 47, Central Act IV of 1939.

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\*For Statement of Objects and Reasons, See *Tamil Nadu Government Gazette Extraordinary*, dated the 10th July 1971, Part IV Section 3, page 511.



(1) in sub-section (1),—

(i) clause (c) shall be omitted ;

(ii) clause (cc) shall be relettered as clause (c);

(2) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) A Regional Transport Authority may after taking into consideration the interests of the general public and the adequacy of other passenger transport services operating or likely to operate in the near future, whether by road or other means, between the places to be served, by order—

(a) limit the number of stage carriages generally or of any specified type for which stage carriage permits may be granted in the region or in any specified area or on any specified route within the region; or

(b) open any new route;

and such order shall be final.”

Amendment of  
section 48,  
Central Act IV  
of 1939.

3. In sub-section (1) of section 48 of the principal Act, after the expression “Subject to the provisions of section 47”, the expression “and section 62-A” shall be inserted.

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

4. After section 48 of the principal Act, the following section shall be inserted, namely:—

“48-A. *Benami applications for stage carriage permits to be rejected.*—Notwithstanding anything contained in this Act, a Regional Transport Authority shall refuse to grant or renew a stage carriage permit if it appears to such authority, after making such enquiry as it deems fit, that the application for such permit is benami :

Provided that no such refusal shall be made unless the Regional Transport Authority has given the applicant a reasonable opportunity of being heard.”

5. After the proviso to sub-section (3) of section 57 of Amendment of the principal Act, the following proviso shall be added, section 57, Central Act IV of 1939. namely :—

“ Provided further that no representation shall be made under this sub-section against any order of the Regional Transport Authority under sub-section (3) of section 47.”.

6. In sub-section (1) of section 59 of the principal Act, Amendment of section 59, Central Act IV of 1939. after the expression “ Save as provided in section 61 ”, the expression “ and subject to the provisions of sections 62-D and 62-E ” shall be inserted.

7. In sub-section (1) of section 60 of the principal Act, Amendment of section 60, Central Act IV of 1939. after clause (a), the following clauses shall be inserted, namely :—

“ (dd) if the holder of the stage carriage permit has made a wrong statement about the number of stage carriage permits held by him on the date of the application, or

(ddd) if, subsequent to the grant of the stage carriage permit it is brought to the notice of the transport authority that the stage carriage permit is held by the grantee as a benamidar, or ”.

8. After section 62 of the principal Act, the following sections shall be inserted, namely :—

Insertion of new sections 62-A to 62-E in Central Act IV of 1939.

“62-A. *Ceiling on stage carriage permits.*—Notwithstanding anything contained in this Chapter,—

(a) in the interests of the general public there shall be a ceiling of ten in respect of stage carriage permits held by any person under this Chapter :

Provided that subject to the other provisions of this Chapter, nothing in this clause shall apply to the number of stage carriage permits which are in excess of ten already held by the applicant, till the normal date of the expiry of such excess permits ;

(b) no person shall be entitled to apply for the grant of a new stage carriage permit or for the renewal of a stage carriage permit, if the number of stage carriage permits already held by such person is not less than ten ;

(c) the Regional Transport Authority shall not grant a new stage carriage permit or renew a stage carriage permit if the number of permits already held by the applicant is not less than ten, or if, by the grant of such new permit or renewal of a permit, the number of stage carriage permits held by the applicant shall exceed ten :

Provided that nothing in this section shall apply to the Central Government or a State Government or to any corporation or company owned by the Central Government or one or more State Governments or by the Central Government and one or more State Governments :

Provided further that in computing the number of stage carriage permits for the purposes of this section,—

(i) the number of permits in respect of reserve vehicles kept by the holder of the permit to maintain the service ; or

(ii) the number of temporary permits granted under section 62,

shall be excluded.

*Explanation.*—For the purposes of this section, “person” means the holder of a permit.

**62-B. Surrender of stage carriage permits by persons holding in excess of ceiling limit.**—(1) Where the number of stage carriage permits held by any person on the 18th June 1971 is not less than ten, such person may, at any time within a period of one month from the said date, surrender one or more of such permits which are in excess of ten to the Regional Transport Authority which granted the permit and such Authority shall, notwithstanding anything contained in this Act, accept such surrender and cancel the permit or permits so surrendered.

(2) The cancellation of the permit under sub-section (1) shall take effect from such date as may be specified by the Regional Transport Authority.

**62-C. Surrender of permits.**—Without prejudice to the provisions of section 62-B, a holder of a stage carriage permit or other permit may, subject to such rules as may be made in this behalf, surrender the permit to the Regional Transport Authority which granted the permit.

62-D. *Permission to transfer to be refused in cases where the applicant holds more than ten stage carriage permits.*—(1) Where the holder of stage carriage permits in excess of ten, applies to the transport authority for permission to transfer any stage carriage permit under sub-section (1) of section 59, the transport authority shall refuse such permission :

Provided that no such refusal shall be made unless the transport authority has given the applicant a reasonable opportunity of being heard.

(2) All applications for, and proceedings (whether original or by way of appeal) relating to, transfer of any stage carriage permit under sub-section (1) of section 59, sought for by a holder of stage carriage permits in excess of ten and pending before any Court, transport authority or officer on the 18th June 1971, and appeal or revision, if any, arising from such pending application or proceeding shall be disposed of under sub-section (1).

62-E. *Benami transfers to be refused.*—Where the holder of any stage carriage permit applies for permission to transfer any stage carriage permit under sub-section (1) of section 59, the transport authority shall refuse such permission if it appears to such authority, after making such enquiry as it deems fit, that the transfer sought for is a benami transfer :

Provided that no such refusal shall be made unless the transport authority has given the applicant a reasonable opportunity of being heard.”

9. In section 64-A of the principal Act, after the expression “record of any case”, the expression “(not being a case relating to the limiting the number of stage carriages or the opening of a new route under sub-section (3) of section 47)” shall be inserted. Amendment of section 64-A, Central Act IV of 1939.

10. After section 64-A of the principal Act, the following section shall be inserted, namely :— Insertion of new section 64-B in Central Act IV of 1939.

“ 64-B. *Revision by High Court.*—The State Transport Appellate Tribunal shall be deemed to be a Court subordinate to the High Court for the purpose of section 115 of

the Code of Civil Procedure, 1908 (Central Act V of 1908), and its orders shall be liable to revision by the High Court under the provisions of the said section.”.

Act to apply to pending applications, etc.

11. All applications for, and proceedings (whether original or by way of appeal) relating to—

(a) the grant of a stage carriage permit ; or

(b) the renewal of a stage carriage permit ; or

(c) the transfer of a stage carriage permit under section 59 ; or

(d) the limiting the number of stage carriages or the opening of a new route,

pending before any Court, transport authority or officer on the 18th June 1971 and appeal or revision, if any, arising from such pending application or proceeding, shall be disposed of under the principal Act, as amended by this Act.

Repeal.

12. The Motor Vehicles (Tamil Nadu Second Amendment) Ordinance, 1971 (Tamil Nadu Ordinance 6 of 1971), is hereby repealed.

## TAMIL NADU ACT NO. 4 OF 1974 \*.

THE MOTOR VEHICLES (TAMIL NADU  
AMENDMENT) ACT, 1973.

[Received the assent of the President on the 18th January 1974, first published in the Tamil Nadu Government Gazette Extraordinary on the 25th January 1974 (Thai 12, Piramathisa (2005—Tiruvalluvar Andu)).]

An Act further to amend the Motor Vehicles Act, 1939, in its application to the State of Tamil Nadu.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fourth Year of the Republic of India as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Motor Vehicles (Tamil Nadu Amendment) Act, 1973.

(2) It extends to the whole of the State of Tamil Nadu.

(3) Section 3 shall be deemed to have come into force on the 1st October 1970.

Amendment of section 63, Central Act IV of 1939.

2. In section 68 of the Motor Vehicles Act, 1939 (Central Act IV of 1939) (hereinafter referred to as the principal Act) in sub-section (2), after clause (bb), the following clause shall be inserted, namely :—

“(bbb) the fees to be paid in respect of revision petitions under section 64-B;”.

Amendment of section 68-HH, Central Act IV of 1939.

3. Section 68-HH of the principal Act inserted by the Motor Vehicles (Tamil Nadu Amendment) Act, 1968 (Tamil Nadu Act 18 of 1968) shall be renumbered as section 68-HHH.

\* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 22nd November 1973, Part IV—Section 3, Pages 277—278.

**TAMIL NADU ACT NO. 48 OF 1974.\***

**THE MOTOR VEHICLES (TAMIL NADU AMENDMENT) ACT, 1974.**

*[Received the assent of the President on the 4th November 1974, first published in the Tamil Nadu Government Gazette Extraordinary on the 8th November 1974 (Aippast 22, Anantha (2005—Tiruvalluvar Andu).]*

**An Act further to amend the Motor Vehicles Act, 1939, in its application to the State of Tamil Nadu.**

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Motor Vehicles (Tamil Nadu Amendment) Act, 1974. Short title, extent and commencement.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. In section 47 of the Motor Vehicles Act, 1939 (Central Act IV of 1939) (hereinafter referred to as the principal Act),— Amendment of section 47, Central Act IV of 1939.

(1) in sub-section (1), in the proviso, for the words “a co-operative society”, the words “any State Transport Undertaking or a co-operative society” shall be substituted;

(2) after sub-section (3), the following *Explanation* shall be added, namely :—

“*Explanation.*—For the purposes of this section and section 62-DD, the expression ‘State Transport Undertaking’ shall mean the State Government or any transport corporation or company owned or controlled by the State Government.”

3. After section 62-D of the principal Act, the following section shall be inserted, namely :— Insertion of new section 62-DD in Central Act IV of 1939.

“62-DD. *Permission to be granted to transfer permits to State Transport Undertaking.*—Notwithstanding any-

\*For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 16th August 1974, Part IV—Section 1, Pages 187—188.

thing contained in section 62-D, where the holder of stage carriage permits in excess of ten, applies to the transport authority for permission to transfer to any State Transport Undertaking any stage carriage permit under sub-section (1) of section 59, the transport authority shall grant such permission.”.

Amendment  
of section  
130, Central  
Act IV of  
1939.

4. In section 130 of the principal Act,—

(1) in sub-section (1), in clause (ii),—

(i) in sub-clause (b), the word “or” shall be added at the end ;

(ii) after sub-clause (b), the following sub-clause shall be added, namely:—

“(c) may, by a specified date, prior to the hearing of the charge, remit to the court, by money order, such sum (not exceeding the maximum fine that may be imposed for the offence) as the court may specify and plead guilty to the charge in the money order coupon itself :”;

(2) in sub-section (2), after the words “with the letter”, the words “or the money order, as the case may be” shall be inserted.

Amendment  
of section  
133, Central  
Act IV of 1939.

5. In section 133 of the principal Act, sub-section (1) shall be omitted.

Amendment  
of Fifth  
Schedule  
to Central  
Act IV of 1939.

6. In the Fifth Schedule to the principal Act, in Part B, items 1, 5, 6, 7, 8, 9, 10 and 13 and the entries relating thereto shall be omitted.