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**ROAD TRANSPORT AND  
SAFETY BILL 2014**

## **DRAFT: ROAD TRANSPORT AND SAFETY BILL 2014**

*An Act to provide a scientifically planned and evolving framework for the safety of all road users in India, including vulnerable road users, and for enabling the seamless development of a secure, efficient, cost-effective, sustainable and inclusive transport system for the movement of passenger and freight in the country as well as matters connected therewith or incidental thereto.*

*To orchestrate the integration of various components that must collaborate to deliver a sustainable self-generating socio-economic ecosystem, which facilitates innovation in mechanically propelled vehicles, infrastructure that enables and connects, information technology platforms that analyse and help in better planning and trained human capital that delivers, is the objective with which the Ministry of Road Transport and Highways formulated this Bill.*

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## CHAPTER I: PRELIMINARY

### (1) Short title, extent and commencement.

1. This Act may be called the Road Transport and Safety Act, 2014.
2. It extends to the whole of India.
3. It shall come into force on such date as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions.

### (2) Declaration as to expediency of control by the Union.

It is hereby declared that it is expedient in the public interest that the Union should take road transport under its control.

### (3) Definitions.

In this Act, unless the context otherwise requires, --

1. “certificate of fitness” means a document issued under this Act that certifies that the motor vehicle meets such safety and other standards provided under this Act;
2. “certificate of registration” means the certificate issued under this Act by a competent authority to the effect that a motor vehicle has been duly registered in accordance with this Act;
3. “Claims Tribunal” means the Motor Accident Claims Tribunals established under section (250) of this Act;
4. “company” means any body corporate and includes a firm or other association of individuals
5. “dealer” means a person engaged in the business of dealership or buying, selling and/ or service of new or used motor vehicles either on their own or under contract or any other agreement with the manufacturer or working as an agent of the manufacturer and includes a person who is engaged:
  - (a) in building bodies for attachment to chassis; or



- (b) in the business of hypothecation, leasing or hire-purchase of motor vehicles;
6. “Detailed Accident Information Report” means the report to be filed by the Investigating Officer under section (242) of this Act;
  7. “driver” means any person who drives or steers a motor vehicle;
  8. “driving licence” means the licence issued under this Act authorising a person to drive, otherwise than as a learner, a motor vehicle or a motor vehicle of any specified type or class;
  9. “drug” or “drugs” means and includes any substance, natural or synthetic, or any natural material or any salt or preparation of such substance or material as specified by the National Authority under this Act;
  10. “golden hour” means that time period lasting from a few minutes to several hours following a traumatic injury during which time there is the highest likelihood of preventing death by provision of prompt medical care;
  11. “goods” means any kind of movable property and includes livestock but does not include persons and their personal effects;  
*Explanation:* Motor vehicles being transported on another motor vehicle shall be also considered as goods.
  12. “goods vehicle” means any motor vehicle constructed, adapted or used for the carriage of goods;
  13. “gross vehicle weight” means in respect of any vehicle the maximum weight of the vehicle in laden condition as specified by the manufacturer and certified by the approving authority;
  14. “hazardous goods” or “dangerous goods” means substances or articles notified as hazardous or dangerous by the Central Government from time to time or as specified by the National Authority from time to time;
  15. “heavy motor vehicle” means any motor vehicle the gross vehicle weight of which exceeds 12,000 kilograms or as specified by the National Authority;
  16. “learner’s licence” means the licence issued under this Act authorising a person to drive as a learner, a motor vehicle or a motor vehicle of any specified type or class;

17. “licensing authority” means an authority empowered by the National Authority to issue licences under this Act;
18. “light motor vehicle” means a motor vehicle, the gross vehicle weight of which, does not exceed 7,500 kilograms or as specified by the National Authority;
19. “mobile machinery” means heavy equipment, except shop or hand tools, which is self-propelled, towed, or hauled and used primarily in construction and maintenance of roads, bridges, ditches, buildings and land reclamation;
20. “motor cycle” means a two-wheeled motor vehicle, including a sidecar with an extra wheel which may be attached;
21. “motor vehicle” or “vehicle” means any mechanically propelled vehicle used in any place whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer or a semi-trailer or mobile machinery; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or such vehicles as may be notified by the National Authority from time to time;
22. “National Authority” means the Vehicle Regulation and Road Safety Authority of India established under section (4);
23. “non-motorised transport” means any mode of transport that is propelled or powered by muscular power of either human beings or animals;
24. "owner" in relation to a motor vehicle means the person in whose name a motor vehicle stands registered and where such a person is a minor, the guardian of such minor; and in relation to a motor vehicle which is the subject of a hire-purchase agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement; or in respect of an unregistered vehicle, the person in possession or control of the vehicle; or a vehicle manufacturer or dealer or importer till such time the vehicle is registered.
25. “passenger” is a person who travels in a vehicle but bears little or no responsibility for the tasks required for that vehicle to arrive at its destination or otherwise operate the vehicle;

26. “passenger vehicle” means any motor vehicle constructed or adapted for use for the carriage of passengers and their personal luggage;
27. “permit” means a document issued under this Act authorising the use of motor vehicles as a transport vehicle;
28. “prescribed” includes prescribed by rules, regulations, guidelines and standards made under this Act;
29. “property” includes goods carried in the motor vehicle, as well as roads, bridges, culverts, causeways, trees, posts and milestones;
30. “private service vehicle” means a motor vehicle constructed or adapted to carry passengers and ordinarily used by or on behalf of the owner of such vehicle for the purpose of carrying persons for, or in connection with, his trade or business otherwise than for hire or reward but does not include a motor vehicle used for public transportation;
31. “public place” means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down;
32. “public service vehicle” means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward;
33. “road safety” means the set of practices which identify those problems that contribute to accidents or injuries and includes methods and measures for reducing the risk of a road accident death or injuries sustained in an accident in a public place including but not limited to driver education regarding responsible road sharing and protection of vulnerable road users, enforcement of traffic laws, manufacture of vehicles with in-built high safety standards, construction of safe roads and provision of emergency road services;
34. “restricted road” includes a road on which a speed limit applies or has a restriction on the types of vehicles which may ply on that road or has been notified by the appropriate authority to be a restricted road;
35. “road accident death” means the death of any person who dies within 30 days or such time period as may be specified by the National Authority, as a result of injuries sustained due to an accident in a public place;

36. “semi-trailer” includes a vehicle without motive power designed to be drawn by a motor vehicle or truck tractor and so constructed that an appreciable part of its weight and that of its load rests on and is carried by the motor vehicle or truck tractor, and a pole trailer but does not include a vehicle having a gross vehicle weight of less than 1401 kg;
37. “State Authority” means the State Safety Authority established under section (23) of this Act;
38. “three-wheeled vehicle” means a motor vehicle having three wheels designed, constructed or adapted for the carriage of persons and/ or goods, but does not include a two-wheeler attached with a sidecar or a two-wheeler adapted for use by differently-abled persons;
39. “traffic” on roads includes motor vehicles, pedestrians, non-motorised transport and other vehicles, either singly or together;
40. “traffic signs” includes all signals including manual signals, warning sign posts, direction posts, markings on the road or other devices for providing information, guidance or direction to any user of the road;
41. "trailer" includes, a vehicle without motive power designed to be drawn by or used in conjunction with a motor vehicle except --
- (a) a trailer having a gross vehicle weight of less than 1,401 kg;
  - (b) a boat, horse, snowmobile, automobile or motorcycle trailer that is not used for business purposes or financial gain;
  - (c) an implement of animal husbandry;
  - (d) a sidecar attached to a motorcycle; and
  - (e) a disabled motor vehicle that is towed by a tow car.
42. “transport vehicle” means a motor vehicle used for carriage of passengers for hire or reward or a goods vehicle or a trailer or a semi-trailer or mobile machinery but does not include a private service vehicle;

43. “two-wheeler” means a two wheeled motor vehicle with or without a detachable sidecar with one or more wheels and includes a two-wheeler adapted for use by differently-abled person;
44. “UMTA” means a unified metropolitan transport authority constituted by the State Government to ensure effective implementation and coordination of various traffic transportation measures undertaken by functional departments and public agencies in any metropolitan region;
45. “unladen weight” means the weight of a vehicle or trailer including all equipment ordinarily used with the vehicle or trailer when working, but excluding the weight of a driver or attendant; and where alternative parts or bodies are used the unladen weight of the vehicle means the weight of the vehicle with the heaviest such alternative part or body.

## CHAPTER II: Vehicle Regulation and Road Safety Authority of India

### (4) Establishment of Vehicle Regulation and Road Safety Authority.

1. The Central Government shall, within 6 months of commencement of this Act, establish by notification a national authority to be known as the Vehicle Regulation and Road Safety Authority of India to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
2. The objective of the National Authority shall include promoting road safety and regulating motor vehicles.
3. The National Authority shall be a body corporate having:
  - (a) perpetual succession;
  - (b) a common seal;
  - (c) the power to acquire, hold and dispose of property, both movable and immovable;
  - (d) the power to enter into and execute contracts;
  - (e) the power to sue or be sued; and
  - (f) the power to employ persons to discharge its duties.
4. The National Authority shall be responsible to the Government of India.
5. The head office of the National Authority shall be in the National Capital Region.
6. The National Authority may establish such number of offices at such places in India as may be deemed fit by it to render its functions and to fulfil its objectives.

### (5) Composition of the National Authority.

1. The National Authority shall consist of the following –

- (a) a Chairperson being a member; and
    - (b) not less than four and not more than eight members excluding the Chairperson.
  2. The Chairperson of the National Authority shall be appointed by the Central Government on the recommendations of the Selection Committee under section (6) and shall have the rank of a Secretary to the Government of India.
  3. Every member of the National Authority shall be a person of ability, integrity and standing and with special knowledge of, or professional experience in either one or more subjects of economics, transport, urban planning, law, medical sciences and trauma care, accident investigation and forensics, air pollution, road safety, insurance, motor vehicles, civil engineering, which, in the opinion of the Central Government, will be useful for the National Authority to render its functions and fulfil its objectives under this Act and every such member shall have the rank of Additional Secretary to the Government of India.
  4. All members of the National Authority shall be whole-time members.
  5. The members of the National Authority shall be appointed in such manner so as to secure the highest standards of professional competence and a range of relevant expertise in order to effectively discharge the duties and functions of the National Authority under the Act.
- (6) Selection committee for appointing the Chairperson and the members of the National Authority.
1. The Chairperson and the members of the National Authority shall be appointed by the Central Government from a panel of persons recommended by a selection committee established under this Act.
  2. The selection committee shall consist of:
    - (a) the Cabinet Secretary as the Chairperson;

- (b) the Secretary in the Ministry of Road Transport and Highways as a member;
  - (c) the Secretary Heavy Industries, in the Ministry of Heavy Industries and Public Enterprises as a member
  - (d) the Secretary in the Ministry of Health and Family Welfare as a member; and
  - (e) three experts of repute with special knowledge of, or professional experience in either one or more subjects of economics, transport, urban planning, law, medical sciences and trauma care, accident investigation and forensics, air pollution, road safety, insurance, motor vehicles, civil engineering as members.
3. The term of the selection committee and the manner of selection of the panel of persons shall be such as may be prescribed by the Central Government.
4. The Central Government shall make a reference to the selection committee for filling up a vacancy in the National Authority –
- (a) within one month from the date of occurrence of a vacancy by reason of death, resignation or removal of the Chairperson or a member of the National Authority; and
  - (b) three months before the superannuation or completion of the term of office of the Chairperson or a member of the National Authority.
5. For every vacancy referred to it, the selection committee shall –
- (a) recommend to the Union Minister for Road Transport and Highways two persons for appointment as member;
  - (b) recommend to the Central Government two persons for appointment as Chairperson; and



- (c) make such recommendations within two months from the date on which the reference is made to it.
- 6. Any person who is a member of the selection committee shall not be entitled to be recommended under sub-section 5(a) and sub-section 5(b), whether during his/her term with the selection committee or anytime thereafter.
- 7. Before making any recommendations under sub-section 5(a) and sub-section 5(b), the selection committee shall satisfy itself that the persons so recommended are capable of functioning independently as a member of the National Authority, where such independence means the ability to maintain and exercise independent judgment in the discharge of duties.
- 8. The Central Government shall appoint the Chairperson, and the Union Minister for Road Transport and Highways shall appoint the members of the National Authority, as the case may be, within one month of the recommendation of the selection committee being submitted under sub-section 5(a) or sub-section 5(b).

(7) Terms of service of Chairperson and members.

- 1. The salary, term of office, and other terms and conditions of service of the Chairperson and the members, including leave, medical benefits and any other aspect of employment shall be such as may be prescribed by the Central Government.
- 2. The terms and conditions of service of the Chairperson and the members shall not be varied to their disadvantage after appointment.

(8) Resignation of Chairperson and members.

- 1. The Chairperson or a member of the National Authority may resign office at any time before the expiry of the prescribed term, by giving to the Central Government advance notice in writing of not less than three months.

2. The Chairperson or a member of the National Authority, after providing notice under this section, will continue to hold office until the Central Government appoints a person to the office vacated, or the expiry of three months from the date of notice, whichever is earlier, unless such member is permitted by the Central Government to resign sooner

(9) Removal of Chairperson or Members.

1. The Central Government may, in accordance with the process laid down in this section, remove the Chairperson or any member of the National Authority if such person has:
  - (a) been adjudged as an insolvent;
  - (b) been sentenced to imprisonment;
  - (c) engaged in any employment during the term of office;
  - (d) been convicted of an offence which, in the opinion of Central Government, involves moral turpitude;
  - (e) breached the terms and conditions of their service as member;
  - (f) failed to adequately disclose any direct or indirect pecuniary interest;
  - (g) acquired such financial or other interests as is likely to affect prejudicially the person's functions
  - (h) made any material misrepresentation to the selection committee; or
  - (i) become physically or mentally incapable of discharging their duties.
2. If the Central Government proposes to remove the Chairperson or a member of the National Authority, the following procedure must be followed :

- (a) a reference must be made by the Central Government to the Cabinet Secretary to conduct an inquiry mentioning the grounds on which the Central Government believes that the member cannot hold office;
  - (b) such an inquiry shall be held by a Committee Constituted by the Cabinet Secretary in accordance with such procedure as may be prescribed by it in this behalf;
  - (c) upon completion of the inquiry, the findings in the report shall be submitted to the Cabinet Secretary, which shall contain specific outcomes on whether or not the grounds for removal mentioned by the Central Government under clause (a) above have been met; and
  - (d) if the Central Government is then satisfied that one or more grounds for removal has been met, then the Central Government may remove the Chairperson or such member by publishing a notification that must contain:
    - (i) the grounds for the removal of the Chairperson or such member under this section; and
    - (ii) the facts considered by the Central Government to arrive at its decision.
3. The Chairperson or a member of the National Authority may not be removed from office unless:
- (a) the Chairperson or such member has been given a reasonable opportunity of being heard; and
  - (b) a notification to such effect has been published by the Central Government.
4. The Chairperson or such member of the National Authority will cease to hold office from the date of the notification under this section.

(10) Restrictions on employment.

1. No member of the National Authority may, for a period of two years from the date on which they cease to hold office, directly or indirectly, for their own account or as agent, administrator, officer, director, retainer, member of the executive body or shareholder or equity owner of any other person, conduct any activity within the jurisdiction of the National Authority under this Act.
2. The provisions of sub-section (1) may not apply in cases where specific authorization in this regard has been obtained in writing from the Central Government.

(11) Officers and employees of the National Authority.

1. The National Authority shall have the power to determine the number, nature and categories of officers and employees required by the National Authority in the discharge of its functions.
2. The salaries and allowances payable to and other conditions of service of the, officers, and employees shall be such as may be specified by regulations by the National Authority.

(12) Objectives and Duties of the National Authority.

1. The National Authority shall have the overall objective of eliminating practices that are adverse to transportation safety, road safety and innovation and adoption of new technology;
2. The objective of the National Authority shall be reviewed and ratified every five years by the parliament.
3. In pursuit of the objective under sub-section 1, the National Authority may regulate, recommend and monitor on various matters as specified by the Central Government, including:

- (a) the manufacture, maintenance, registration and end-of-life of motor vehicles, including operating methods of motor vehicles;
  - (b) the licensing and working environment of drivers of motor vehicles;
  - (c) the maintenance and standards of road safety and control of traffic;
  - (d) the facilitation of safe, efficient and sustainable utilisation of road transport ecosystem;
  - (e) the promotion of new vehicle technology;
  - (f) the promotion of new technology in operations and processes;
  - (g) the safety of vulnerable road users;
  - (h) public-private partnership schemes;
  - (i) the performance targets set by it annually.
4. The National Authority shall function as an economic regulator for the purposes of developing a framework to guide the determination of costs of safety equipment to be installed in motor vehicles. To develop such a framework the National Authority shall be guided by the following –
- (a) the recognition that the promotion of safety of road users is of paramount importance;
  - (b) the general principles identified for the administration of this Act under section (36)
  - (c) the commercial principles governing the manufacture and installation of safety equipment including that the costs be commensurate with the services being provided;
  - (d) the requirement to encourage competition, innovation, efficiency, and economical use of resources;
  - (e) the need that prescribed safety equipment should be correlated with the anticipated safety outcomes and should be technology neutral; and
  - (f) the requirement to safeguard consumer interest and ensure equity;

(13) Regulations by the National Authority.

1. The National Authority may, by regulations, *inter alia* provide for the following:

- (a) the standards for the design, construction, operation and maintenance of motor vehicles, its parts, trailers, semi-trailers, mobile machinery, including :
  - (i) safety standards and minimum requirements for such design, construction and maintenance; and
  - (ii) conditions for safe usage of such vehicles with regard to occupants of the motor vehicle, other road users, and persons and property near roads, including for motor vehicles independent of body, trailer, mobile machinery or as a whole;
- (b) the standards for the design and construction of passenger transport vehicles for promoting the safety and comfort of the passengers and drivers of such vehicles, including for bus body.

For the purpose of this sub-section bus body means the portion of a passenger transport vehicle that encloses such vehicle's occupant space, exclusive of the bumpers, the chassis frame, and any structure forward of the last point of the windshield mounting.

- (c) the standards for the design and construction of the truck body of goods transport vehicles for promoting the safety and comfort of the drivers as well as occupants of such vehicles and the safe carriage of the goods by such vehicles.

For the purpose of this section the truck body means the portion of the goods transport vehicle that encloses such vehicle's occupant space and space for the carriage of goods, exclusive of the bumpers, the chassis frame, and any structure forward of the forward most point of the windshield mounting.

- (d) the standards for the tests of competence for issuance of licences;
- (e) the design, development and promotion of more fuel efficient, less polluting environment friendly vehicles, including usage and application of alternative vehicle fuels;
- (f) the promotion, development and use of new technology to produce electric, hybrid or other vehicles running on non-conventional energy;
- (g) the conduct of safety and performance audits to monitor compliance with the standards anywhere in India as may be specified by the National Authority;
- (h) the issuance of driving licences and their testing;
- (i) the crash testing of vehicles;
- (j) the creation, maintenance and sharing of a standard, national, uniform database for collecting and managing data including data relating to licences, registrations, insurance, permits, road accidents, offences and penalties, and ;
- (k) the mechanisms for accreditation of certification bodies and testing centres engaged in certification and testing of motor vehicles and drivers of motor vehicles under this Act;
- (l) the procedure and the enforcement of quality control in relation to any aspect of transport and road safety as specified under this Act;
- (m) the methods of data collection, analysis and exchange of information among enforcement authorities engaged in road safety;
- (n) the evaluation of enforcement and administration of this Act;
- (o) the accreditation of assessors for safety audits, inspections and ratings;

- (p) issuing guidelines relating to safety features for non-motorised transport and for safe operating conditions for such vehicles;
- (q) catering for the special requirements of vulnerable road users such as children, senior citizens, differently-abled persons and pedestrians relating to road safety and traffic management;
- (r) catering for the safety and security of people travelling by road transport, especially women, children and senior citizens;
- (s) issuing guidelines for and enabling electronic payment of taxes, fines and any other payments;
- (t) issuing guidelines for the design, construction, operation and maintenance of roads to ensure safety of road users;
- (u) issuing guidelines for the management of traffic on roads, including the schemes for segregation of various classes of road users and their right of way;
- (v) the electronic collection and dissemination of information related to restricted roads, no entries, one ways, restricted entry and time-zones for various classes of vehicles;
- (w) issuing guidelines for crash investigation procedure and training of enforcement agencies;
- (x) issuing guidelines for creation of child safety zones;
- (y) the standards for technology deployed in pursuance of this Act.
- (z) the preparation and implementation of a National Safety Improvement Plan.

2. In addition, the National Authority shall:



- (a) provide technical advice and assistance to the Central Government, and advise the Central Government and the State Governments on administration of the provisions relating to safety as contained in this Act;
- (b) advise the State Government, urban local bodies, municipalities, panchayati raj institutions on matters relating to or arising out of traffic management on roads and the use of motor vehicles for the purposes of ensuring road safety;
- (c) issue guidelines for establishing and operating trauma facilities and para-medical facilities for dealing with traffic related injuries on roads and highways;
- (d) issue guidelines for building capacity and skills in traffic police, hospitals, highway authorities, educational and research organisations and other organisations dealing with road safety and traffic management;
- (e) promote relevant practices in road safety and traffic management, undertake road safety and traffic education programmes, and conduct campaigns to create awareness amongst all sections of road users;
- (f) involve relevant interest groups and non-government organisations working in the area of road safety and traffic management, and assist them in promotion of efficient traffic management and road safety practices;
- (g) establish a network of organisations with the aim to facilitate a technical co-operation framework by the co-ordination of activities, the exchange of information, the development and implementation of joint projects, the exchange of expertise and best practices in the fields within the purview of the National Authority's responsibility;
- (h) co-ordinate with other agencies such as education boards and institutions, health services and non-government organisations in matters relating to road safety and traffic management;

- (i) contribute to the development of international technical standards for motor vehicles and roads;
  - (j) promote co-ordination of work on motor vehicles and road standards undertaken by international governmental and non-government organisations; and
  - (k) promote consistency between international technical standards and domestic standards while ensuring that the level of safety adopted in the country is not compromised.
3. For the purpose of performing its regulatory and other functions under this Act, the National Authority shall conduct research, by way of collecting data, and performing such analysis as may be relevant and necessary, and this may include—
- (a) conducting or causing to be conducted research in different spheres of road safety and traffic management and publishing its findings;
  - (b) establishing procedures and centres for multi-disciplinary crash investigation;
  - (c) establishing the procedure and methodology for data collection, transmission and analysis at appropriate levels, and defining the role of different agencies involved in the process;
  - (d) collecting and storing data from any central or state agency or body or other institution with respect to road safety and traffic information;
  - (e) identifying areas of traffic congestion and accident prone zones on National and State highways, rural and city roads and plans to mitigate the identified problems in a time-bound manner;
  - (f) any other measures necessary for the purpose of giving effect to the purposes of this Act;

4. The National Authority shall make it public without undue delay –
  - (a) the opinions of the Technical Working Groups, including all representations made to it by external experts and at public hearings;
  - (b) the annual declarations of interest made by the Chairperson, members of the National Authority and members of the Technical Working Groups, including declarations of interest, if any, made in relation to items on the agenda of meetings;
  - (c) the results of its technical studies; and
  - (d) the annual report of its activities.
- (14) Proceedings of the National Authority.
  1. The Chairperson and the members of the National Authority shall, in addition to attending office regularly meet at least once a week, and at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings, including quorum at such meetings and procedure for such meetings, as may be prescribed by the Central Government.
  2. The Patron shall be free to attend and participate in any meetings or consultation or events of the National Authority, Technical Working Groups or all or any other bodies or groups or advisory teams established by the National Authority for the purposes of this Act.
  3. The Chairperson shall ordinarily preside at meetings of the National Authority unless the Patron is attending the said meeting in which case the Patron shall preside over such meeting.
  4. If the Chairperson is unable to attend a meeting of the National Authority, the Chairperson can designate any other member to preside over the meeting.

5. The Chairperson and members must, at all times, act in good faith, and use diligence in the discharge of their duties.
6. The Chairperson or any member who has any direct or indirect interest in any matter coming up for consideration at a meeting of the National Authority must, as soon as it comes to the Chairperson's or such member's knowledge, disclose the nature of interest to the National Authority.
7. A disclosure made by the Chairperson or a member will be recorded in the proceedings of the meeting, and the Chairperson or such member must recuse from any deliberation or decision of the National Authority with respect to that matter or any matter connected therewith.

Provided that if the Chairperson has to recuse himself or herself from a proceeding of the National Authority, the Patron shall designate a member of the Authority to discharge the functions of the Chairperson for that matter.

8. All orders and decisions of the National Authority shall be authenticated by the Chairperson.
  9. No act or proceedings of the National Authority shall be questioned or invalidated merely on the ground of existence of any vacancy or defect in the constitution of the National Authority.
- (15) Power of the National Authority to make regulations.

The National Authority may make regulations for the purpose of carrying into effect the provisions of this Act.

- (16) Process for making regulations.

1. If the National Authority proposes to make any regulations, it must publish a draft of the proposed regulations.

2. Every draft of a proposed regulation which is published under this section must be accompanied by a statement setting out:
  - (a) the objectives of the proposed regulation;
  - (b) how the draft regulations fulfil the particular provision of this Act under which the regulations are made;
  - (c) a regulatory impact analysis of the proposed regulations and a cost-benefit analysis where feasible;
  - (d) the process by which any person may make a representation in relation to the proposed regulations; and
  - (e) the implications of any regulations applied with retrospective effect.
  - (f) the implementation schedule for any regulations, which shall be determined after due consultation with all stakeholders including consumers and industry.
3. Before finalising the draft of any regulation, the National Authority must consider any representations made to it in accordance with sub-section (2)(d).

Provided that the decision of the National Authority shall be final with regard to whether or not it had considered any representations made to it.
4. To finalise the regulations –
  - (a) the National Authority must approve that the regulations are consistent with the Act; and
  - (b) must publish –
    - i. all the representations received under sub-section (2)(d); and
    - ii. unless specified otherwise, at least a general account of the response to the representations.

5. If the notified regulations substantially differ from the proposed regulations published by the National Authority under sub-section (1), in addition to complying with sub-section (4), it must publish the details and reasons for such change.
  6. When carrying out a cost-benefit analysis for the purposes of this section, the National Authority must consider the probable costs that will be borne by:
    - (a) the persons required to comply with the regulations;
    - (b) road users, both directly and indirectly;
    - (c) the National Authority in enforcing the regulations; and
    - (d) any other persons affected by the regulations.
  7. The National Authority must consider the probable benefits that will accrue to road users and other persons as a result of the regulations.
  8. The National Authority must use the best available data and, where not available, reasonable estimates to carry out the analysis.
- (17) Emergency regulation making.
1. The National Authority may dispense with the procedure under section (16), if the time taken to comply with such provision has the potential to cause considerable harm or losses for the persons likely to be affected by such regulations.
  2. If the National Authority makes regulations under this section, it must:
    - (a) publish the reasons for invoking this section; and
    - (b) submit a report to the Central Government within one week of invoking this section.
  3. Unless the Central Government communicates its approval in writing to the National Authority, the regulations made under this section will cease to have

effect after a period of one hundred and eighty days from the date on which the regulations are notified by the National Authority.

(18) Functions of the Chairperson.

1. The Chairperson shall be the legal representative of the National Authority and shall be responsible for:
  - (a) the day-to-day administration of the National Authority;
  - (b) drawing up proposals for the National Authority's work programmes, including the prioritisation of work;
  - (c) implementing the work programmes and the decisions adopted by the National Authority;
  - (d) ensuring the provision of appropriate technical and administrative support for the Technical Working Groups;
  - (e) ensuring that the National Authority carries out its tasks in accordance with the requirements of its stakeholders, in particular with regard to the adequacy of the services it provides and the time taken to provide such services;
  - (f) the preparation of the statement of revenue and expenditure and the execution of the budget of the National Authority;
  - (g) identifying potential risks for the transport ecosystem in India, particularly with respect to road and transport safety;
  - (h) pooling of knowledge;
  - (i) ensure close cooperation between the National Authority and the enforcement agencies and organisations operating in the field of transport, roads and motor vehicles;
  - (j) engaging with the Central Government, and for ensuring a regular dialogue with the Technical Working Groups; and
  - (k) reporting to the Patron on any matter relating to the National Authority as may be requested by the Patron.
2. Every year, the Chairperson shall submit for adoption, by way of an annual review meeting, to all the members of the National Authority :

- (a) programmes of work;
  - (b) the annual accounts for the previous year;
  - (c) the budget for the coming year;
  - (d) action taken report or response to instructions of the members of the National Authority; and
  - (e) a general report covering all the activities of the National Authority in the previous year.
3. The Chairperson shall, following adoption under sub-section (2), forward the general report and the programmes to the Central Government and the State Governments and shall have them published.
  4. The Chairperson shall approve all financial expenditure of the National Authority and report its activities to the Central Government.
  5. The Chairperson shall have administrative control over the officers and other employees of the National Authority.

(19) Technical Working Groups.

1. The National Authority shall establish Technical Working Groups, which shall consist of independent technical experts where such independence means the ability to maintain and exercise independent judgment in the discharge of duties.
2. Each Technical Working Group constituted under this section shall be headed by a member of the National Authority designated by the Chairperson in consultation with the Central Government, considering such member's special knowledge and field of professional experience and any declarations of interest made by members from time to time.
3. The Technical Working Group shall invite the relevant industry and consumer representatives to its deliberations.
4. Without prejudice to the generality of sub-section (1), the National Authority may establish such number of Technical Working Groups as it considers necessary, including on the following matters:



- (a) Motor Vehicles standards;
  - (b) Roads standards;
  - (c) Traffic management;
  - (d) Insurance relating to motor vehicles and third parties;
  - (e) Testing standards for offences including drink-driving, and over-speeding;
  - (f) Technology and enforcement;
  - (g) Transport infrastructure and safety; and
  - (h) Crash Investigation and Forensics.
5. The National Authority may from time to time re-constitute the Technical Working Groups by adding new members or by omitting the existing members or by changing the name of the Group as the case may be.
  6. The administrative and research support for the Technical Working Groups shall be provided by the National Authority.
- (20) Procedure for appointing Technical Working Groups
1. The National Authority shall appoint the members of all Technical Working Groups for a period of three years, which shall be renewable for such period as may be specified by the National Authority, and the call for applications shall be published in relevant leading international technical publications and on the website of the National Authority.
  2. The Technical Working Groups shall act through their Chairperson appointed under section (19)(2) and the views of all members shall be recorded.
  3. The mode and manner of operation of Technical Working Groups as well as coordination between the various Technical Working Groups shall be prescribed by the National Authority.

4. These regulations under sub-section (3) shall relate in particular to:
- (a) the number of times that a member can serve consecutively on a Technical Working Group ;
  - (b) the number of members in each Technical Working Group;
  - (c) the procedure to reimburse the expenses of members of the Technical Working Group;
  - (d) the manner in which tasks and requests for technical opinions are assigned to the Technical Working Groups;
  - (e) the creation and organisation of the body of the Technical Working Groups, and the mode and manner of involvement and engagement of external experts being included in the Technical Working Groups;
  - (f) the possibility, mode and manner of observers being invited to meetings of the Technical Working Groups;
  - (g) the possibility, mode and manner of organising public hearings;
  - (h) conduct of meetings, including provision for meetings, to be held without the physical presence of a member of a Technical Working Group; and
  - (i) quorum of the meeting, meeting notice, agenda of the meeting and such other matters.

(21) Power of the National Authority to delegate.

The National Authority shall have the power to delegate all or any powers or functions that have been conferred upon it by this Act to any person or group of persons barring such exceptions as may be provided for in this Act.

Provided that the National Authority cannot delegate its power to prescribe rules or regulations or guidelines or standards under this Act.

(22) National Authority and State Safety Authority.

For the purpose of exercising and discharging its functions specified in section (13), the National Authority may, subject to such conditions as may be prescribed, issue directions to any State Safety Authority, and the State Safety Authority shall, in the discharge of its functions under this Act, give effect to such directions.

(23) State Safety Authority.

1. Every State Government shall notify, for the purposes of this Act, an authority to be called the State Safety Authority.
2. The head office of the State Safety Authority shall be at such place as the State Government may decide.
3. The State Safety Authority shall be a body corporate having:
  - (a) perpetual succession;
  - (b) a common seal;
  - (c) the power to acquire, hold and dispose of property, both movable and immovable;
  - (d) the power to enter into and execute contracts;
  - (e) the power to sue or be sued; and
  - (f) the power to employ persons to discharge its duties.
4. The State Authority shall be responsible to the concerned State Government.
5. The State Government shall notify appropriate implementation agencies to function under the direction of the State Safety Authority and the National Authority.

(24) Composition of the State Safety Authority.

1. The State Transport Authority shall consist of the following –

- (a) a Chairperson being a member; and
  - (b) not less than four and not more than eight members excluding the Chairperson.
2. The Chairperson of the State Safety Authority shall be appointed by the Central Government and shall have the rank of Secretary to the State Government.
  3. Every member of the State Safety Authority shall be a person of ability, integrity and standing and with special knowledge of, or professional experience in either one or more subjects of economics, transport, urban planning, law, medical sciences and trauma care, accident investigation and forensics, air pollution, road safety, insurance, motor vehicles, civil engineering which, in the opinion of the State Government, will be useful for the State Safety Authority to render its functions and fulfil its objectives under this Act and every such member shall have the rank of Secretary to the State Government.
  4. All members of the State Safety Authority shall be whole-time members.
  5. The members of the State Safety Authority shall be appointed in such manner so as to secure the highest standards of professional competence and a range of relevant expertise in order to effectively discharge the duties and functions of the State Safety Authority under the Act.
- (25) Selection committee for appointing the Chairperson and the members of the State Safety Authority.
1. The Chairperson and the members of the State Safety Authority shall be appointed by the State Government from a panel of persons recommended by a selection committee established under sub-section (2).
  2. The selection committee shall consist of:
    - a) the Chief Secretary of the State as the Chairperson;

- b) the Secretary of the Transport Ministry of the State Government as a member; and
  - c) three experts of repute with special knowledge of, or professional experience in either one or more subjects of economics, transport, urban planning, law, medical sciences and trauma care, accident investigation and forensics, air pollution, road safety, insurance, motor vehicles, civil engineering as members.
3. The term of the selection committee and the manner of selection of the three experts shall be as prescribed by the State Government.
4. The State Government shall make a reference to the selection committee for filling up a vacancy in the State Safety Authority –
- (a) within one month from the date of occurrence of a vacancy by reason of death, resignation or removal of the Chairperson or a member of the State Safety Authority; and
  - (b) three months before the superannuation or completion of the term of office of the Chairperson or a member of the State Safety Authority.
5. For every vacancy referred to it, the selection committee shall –
- (a) recommend to the State Government two persons for appointment as member;
  - (b) recommend to the State Government two persons for appointment as Chairperson; and
  - (c) make such recommendations within two months from the date on which the reference is made to it.

6. Any person who is a member of the selection committee shall not be entitled to be recommended under sub-section 5(a) and sub-section 5(b), whether during his/her term with the selection committee or anytime thereafter.
  7. Before making any recommendations under sub-section 5(a) and sub-section 5(b), the selection committee shall satisfy itself that the persons so recommended are capable of functioning independently as the Chairperson or a member of the State Safety Authority, where such independence means the ability to maintain and exercise independent judgment in the discharge of duties.
  8. The State Government shall appoint the Chairperson and members of the State Safety Authority within one month of the recommendation of the selection committee being submitted under sub-section 5(a) and sub-section 5(b).
- (26) Terms of service of Chairperson and members.
1. The salary, term of office, and other terms and conditions of service of the Chairperson and the members, including leave, medical benefits and any other aspect of employment shall be such as may be prescribed by the State Government.
  2. The terms and conditions of service of the Chairperson and the members shall not be varied to their disadvantage after appointment.
- (27) Resignation of Chairperson and members.
1. The Chairperson or a member of the State Safety Authority may resign office at any time before the expiry of the prescribed term, by giving to the State Government advance notice in writing of not less than three months.
  2. The Chairperson or a member of the State Safety Authority, after providing notice under this section, will continue to hold office until the State Government appoints a person to the office vacated, or the expiry of three months from the date of notice, whichever is earlier, unless such member is permitted by the State Government to resign sooner

(28) Removal of Chairperson or Members.

1. The State Government may, in accordance with the process laid down in this section, remove the Chairperson or any member of the State Safety Authority if such person has:

- (a) been adjudged as an insolvent;
- (b) been sentenced to imprisonment;
- (c) engaged in any employment during the term of office;
- (d) been convicted of an offence which, in the opinion of the State Government, involves moral turpitude;
- (e) breached the terms and conditions of their service as member;
- (f) failed to adequately disclose any direct or indirect pecuniary interest;
- (g) acquired such financial or other interests as is likely to affect prejudicially the person's functions
- (h) made any material misrepresentation to the selection committee; or
- (i) become physically or mentally incapable of discharging their duties.

2. If the State Government proposes to remove the Chairperson or a member of the State Safety Authority, the following procedure must be followed :

- (a) a reference must be made by the State Government to the High Court of the State to conduct an inquiry mentioning the grounds on which the State Government believes that the Chairperson or the member cannot hold office;
- (b) such an inquiry shall be held by the High Court in accordance with such procedure as may be prescribed by it in this behalf;
- (c) upon completion of the inquiry, the High Court shall submit its findings in a report, which shall contain specific outcomes on whether or not the

grounds for removal mentioned by the State Government under clause (a) above have been met; and

(d) if the State Government is then satisfied that one or more grounds for removal has been met, then the State Government may remove the Chairperson or such member by publishing a notification that must contain:

(iii) the grounds for the removal of the Chairperson or such member under this section; and

(iv) the facts considered by the State Government to arrive at its decision.

3. The Chairperson or a member of the State Safety Authority may not be removed from office unless:

(a) the Chairperson or such member has been given a reasonable opportunity of being heard; and

(b) a notification to such effect has been published by the State Government.

4. The Chairperson or such member of the National Authority will cease to hold office from the date of the notification under this section.

(29) Restrictions on employment.

1. No member of the State Safety Authority may, for a period of two years from the date on which they cease to hold office, directly or indirectly, for their own account or as agent, administrator, officer, director, retainer, member of the executive body or shareholder or equity owner of any other person, conduct any activity within the jurisdiction of the National Authority or the State Safety Authority under this Act.



2. The provisions of sub-section (1) may not apply in cases where specific authorisation in this regard has been obtained in writing from the State Government.

(30) Functions of State Safety Authority.

1. The State Safety Authority shall perform functions in accordance with this Act and in accordance with any directions that may be issued by the National Authority in this regard.
2. The State Safety Authority shall exercise and discharge throughout the State the following powers and functions, :—
  - (a) prepare and implement a State Safety Improvement Plan.  
Provided that such State Safety Improvement Plan shall be funded by the State Government.
  - (b) coordinate and direct the activities of the implementation agencies notified by the State Government under section (23)(4) for implementation of this Act consistent with any guidelines, recommendations or directions made by the National Authority; and
  - (c) collect and store data in accordance with guidelines and regulations specified by the National Authority in this regard.
3. For the purpose of exercising and discharging the powers and functions specified, a State Safety Authority may, subject to such conditions as may be prescribed by the National Authority, issue recommendations to any implementation agencies notified by the State Government under section (23)(4), and such implementation agency shall, in the discharge of its functions under this Act, give effect to and be bound by such recommendations or directions.

(31) National Authority to perform functions in certain cases.

1. In relation to a Union Territory, the National Authority shall exercise the powers and perform the functions of a State Safety Authority for that Union territory.

2. If no State Safety Authority has been notified in a State, the National Authority shall exercise the powers and perform the functions of the State Safety Authority for that State.
3. For the purpose of sub-sections (1) and (2), the National Authority may delegate all or any of its powers or functions to such person or group of persons as the regulations may specify.

Provided that the National Authority cannot delegate its power to prescribe rules or regulations or guidelines or standards under this Act.

(32) Grants, loans and the National Road Safety Fund.

1. The Central Government may, after due appropriation made by Parliament in this behalf, make to the National Authority, grants and loans of such sums of money as the Central Government considers necessary.
2. There shall be constituted a Fund to be called the National Road Safety Fund to which the following shall be credited —
  - (a) any grants and loans made to the National Authority by the Central Government;
  - (b) notwithstanding anything contained in any other law, a proportion of the insurance premiums or a road safety cess on such insurance premiums collected in the country, apportioned under this Act, as specified by the Central Government; and
  - (c) all sums received by the National Authority from such other sources as may be specified by the Central Government.
3. The Fund shall be applied for making payments towards—

- (a) the salary, allowances and other remuneration of the Chairperson, other members, and employees of the National Authority and the State Safety Authorities;
- (b) the expenses of the National Authority and the State Safety Authorities in the discharge of their functions; and
- (c) any other matter or class of matters or special circumstance or objective considered fit by the National Authority and approved by the Central Government, including the preparation and implementation of a National Safety Improvement Plan.

Provided that the Central Government may apportion such monies from the Fund to support State Safety Improvement Plans.

(33) Accounts and audit.

1. The National Authority and the State Safety Authorities shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.
2. The Comptroller and Auditor- General of India shall audit the accounts of the National Authority and the State Safety Authorities, and specify the intervals at which such audits may be conducted, and any expenditure incurred in connection with such audit shall be payable by the National Authority and the State Safety Authorities to the Comptroller and Auditor General of India.
3. The Comptroller and Auditor-General of India may appoint any person in connection with the audit under sub-section (2) and such person shall have the same rights and privileges and authority in connection with the audit as the Comptroller and Auditor General of India generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books of accounts and other documents and papers and

to inspect any of the offices of the National Authority and the State Safety Authorities.

4. The accounts of the National Authority and the State Safety Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid, as soon as it is received, before each House of Parliament.

(34) Budget.

1. The National Authority shall prepare, in such form and at such time in each financial year as may be prescribed, the budget for the next financial year, showing the estimated receipts and expenditure of the National Authority and the State Safety Authorities and forward the same to the Central Government.
2. The State Safety Authority shall prepare, in such form and at such time in each financial year as may be prescribed, the budget for the next financial year, showing the estimated expenditure for implementing the State Safety Improvement Plan and forward the same to the State Government which shall fund such State Safety Improvement Plan.

(35) Reports.

1. The National Authority shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.
2. The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.
3. The State Safety Authority shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its

activities during the previous financial year, and submit a copy thereof to the Central Government and the State Government.

4. The State Government shall cause the annual report and auditor's report of the State Safety Authority to be laid, as soon as may be after they are received, before the State Legislature.

(36) General principles to be followed in administration of the Act.

The Central Government, the State Governments, the National Authority, the State Safety Authorities and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following principles namely:-

- (a) the desirability to facilitate the seamless movement of people, goods and services by way of motor vehicles throughout the territory of India;
- (b) the advantages offered to the public by the development of road transport and systems of public transportation;
- (c) the development of technology, its adoption, and innovation in motor vehicles and road transport;
- (d) the necessity to ensure public safety;
- (e) the necessity to protect public health;
- (f) the desirability of reducing the incidence and severity of road trauma;
- (g) the desirability of establishing a low carbon, energy-efficient and environment-friendly road transport system;
- (h) the desirability of preventing the deterioration of the road network; and
- (i) the desirability of competition in the market for public transport, including in the treatment of granting permits to transport vehicles.

(37) Maintenance of a National Unified Information System including for Driving Licences, Motor Vehicle Registrations, Insurance, Vehicle Data from Manufacturers, Permits, Road Accidents, Offences and Penalties.

1. The National Authority shall develop and maintain a National Unified Information System and shall specify the information to be included in the said system.
2. The system shall be developed to ensure that the payment of monies and the distribution of revenue to the states and the local government is facilitated in a seamless manner and protects against revenue leakage.
3. Notwithstanding anything contained in any other law, the National Authority shall have the power to call for information from any person in possession, control or ownership of such information, including the State Governments, and such person shall submit the said information forthwith.
4. Whoever fails to provide information to the National Authority under sub-section (2) shall be committing an offence under this Act.
5. Without prejudice to the generality of the above, the National Unified Information System shall include information relating to –
  - (a) the issuance and renewal of driving licences;
  - (b) the registration of motor vehicles and the renewals of such registrations;
  - (c) the information with manufacturers, including chassis number, engine number of motor vehicles either manufactured in India or registered in India;
  - (d) the details of insurance policies of motor vehicles registered in India;
  - (e) the issuance and renewal of permits; and
  - (f) road accidents involving motor vehicles.
6. Each competent licensing authority shall be obliged to provide all the details regarding the issuance and renewal of driving licences issued or renewed by it to the National Authority for the purpose of developing and maintaining the National Unified Information System and in such format and manner as may be specified by the National Authority.

7. Each competent registering authority shall be obliged to provide all the details regarding the registration of motor vehicles issued or renewed by it, including the chassis number and insurance of such vehicles, to the National Authority for the purpose of developing and maintaining the National Unified Information System and in such format and manner as may be specified by the National Authority.
8. Each State Transport Authority shall be obliged to provide all the details regarding the issuance and renewal of permits issued or renewed by it to the National Authority for the purpose of developing and maintaining the National Unified Information System and in such format and manner as may be specified by the National Authority.
9. Every motor vehicle manufacturer shall be obliged to provide details including the unique chassis number assigned by it to each vehicle it manufactures to the National Authority for the purpose of developing and maintaining the National Unified Information System and in such format and manner as may be specified by the National Authority.

### CHAPTER III – MOTOR VEHICLE REGULATIONS

- (38) Construction, maintenance, use of equipment, design and manner of use of motor vehicles and non-motorised transport on roads
1. Every motor vehicle, including goods vehicles, passenger vehicles, trailers, semi-trailers and mobile machinery, non-motorised transport shall be so constructed, maintained and designed so as to be at all times under the effective control of the person driving the vehicle.
  2. The National Authority shall specify by regulations generally as to the use of motor vehicles, including goods vehicles, passenger vehicles, trailers, semi-trailers and, mobile machinery, non-motorised transport, their construction, maintenance and design and the conditions under which they may be so used.
  3. In particular, the regulations also specify with respect to any of the following matters:

- (a) matters pertaining to design of motor vehicles or trailers or semi-trailers or mobile machinery including matters pertaining to design such as the width, height , length and the load carried by them the wheelbase, the diameter of wheels, and the width, nature and condition of tyres
- (b) the bus body code for different types and classes of buses and their use, including articulated arrangements;
- (c) the truck body codes for different types and classes of trucks and their use, including articulated and drop-and-hook arrangements
- (d) matters pertaining to the safety of vehicles including implementation of safety equipment of motor vehicles or trailers or semi-trailers or mobile machinery, including as and when feasible, technologies such as intelligent speed adaptation, driver alert control, eye drowsiness detectors, distance closure rate detection and green box monitoring;
- (e) matters pertaining to environmental safety including regulating the emission or consumption of smoke, fumes or vapour and the emission of sparks, ashes and grit;
- (f) noise levels;
- (g) the maximum unladen weight of motor vehicles, or trailers or semi-trailers or mobile machinery and the maximum laden weight of motor vehicles or trailers or semi-trailers or mobile machinery , and the maximum weight to be transmitted to the road or any specified area of the road by a motor vehicles, or trailers or semi-trailers or mobile machinery of any class or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested;
- (h) the particulars to be marked on motor vehicles or trailers or semi-trailers or mobile machinery (by means of the fixing of plates or otherwise) and the circumstances in which they are to be marked;
- (i) the towing of or drawing of vehicles by motor vehicles or mobile machinery;
- (j) speed limiters, the number and nature of brakes, the manner of securing those brakes, silencers and steering gear;



- (k) lighting equipment and reflectors;
  - (l) the testing and inspection, by persons authorised under the Act, of the brakes, silencers, steering gear, tyres, lighting equipment, reflectors, crash-safety of motor vehicles and general compliance with the technical and safety standards as specified by the National Authority by regulations;
  - (m) the appliances to be fitted for;
    - (j) signalling the approach of a motor vehicle, or trailers or semi-trailers or mobile machinery; or
    - (ii) enabling the driver of a motor vehicle or mobile machinery to become aware of the approach of another vehicle from the rear; or
    - (iii) communicating any intended change of speed or direction of a motor vehicle or trailers or semi-trailers or mobile machinery, and the use of any such appliance, and the manner of securing any such appliance.
  - (n) regulating the use of appliances fitted to motor vehicles or trailers or semi-trailers or mobile machinery for signalling their approach, being appliances for signalling by sound, at any time, or on any road or in any locality, specified in the regulations.
4. The National Authority may also, with regard to goods vehicles, public passenger vehicles, trailers, semi-trailers and mobile machinery, make regulations under this section:
- (a) specifying other descriptions of weight which are not to be exceeded in the case of such vehicles;
  - (b) providing that weights of any description or other particulars which are to be marked on particular goods vehicles, passenger vehicles and mobile machinery may be determined.
5. The National Authority shall develop bus body codes and truck body codes for different types and classes of buses and trucks and their use and promote competition in manufacture of passenger transport and goods transport vehicles.

6. Every motor vehicle, trailer, semi-trailer and mobile machinery in use in India shall have right hand steering control unless such vehicle is equipped with a signalling system and adequately adapted to drive on the left side of the road in accordance with the regulations to be specified by the National Authority.
- (39) Breach of requirement as to weight: goods vehicles, trailers, semi-trailers passenger vehicles and mobile machinery.
1. A person is guilty of an offence if that person:
    - (a) contravenes or fails to comply with a construction and use requirement as to any description of weight applicable to a motor vehicle, trailer, semi-trailer, mobile machinery; or
    - (b) uses on a road, a vehicle which does not comply with such requirement, or causes or permits a vehicle to be so used.
  2. In any proceedings for an offence under this section in which there is alleged a contravention of or failure to comply with construction and use requirement as to any description of weight applicable to a goods vehicle, it shall be a defence to prove either:
    - (a) at the time when the vehicle was being used on the road:
      - (i) it was proceeding to a weighbridge which was the nearest available one to the place where the loading of the vehicle was completed for the purpose of being weighed; or
      - (ii) it was proceeding from a weighbridge after being weighed to the nearest point it had been directed to proceed to at which it was reasonably practicable to reduce the weight to the relevant limit, without causing an obstruction on any road; or
    - (b) limit of that weight was not exceeded by more than 5 percent, provided that:
      - (i) the limit was not exceeded at the time when the loading of the vehicle was originally completed; and
      - (ii) since that time no person has made any addition to the load.

- (40) Breach of other construction, maintenance, equipment, design and use requirements.

A person is guilty of an offence if that person:

- (1) contravenes or fails to comply with any construction, maintenance, equipment including safety equipment, design or use requirement under this Act; or
- (2) uses on a road a motor vehicle or trailer or semi-trailer or mobile machinery which does not comply with a requirement for construction, maintenance, equipment including safety equipment, design or use, or causes or permits a motor vehicle or trailer or semi-trailer or mobile machinery to be so used.

- (41) Breach of requirement as to brakes, steering-gear or tyres

A person is guilty of an offence if that person:

- (1) contravenes or fails to comply with a construction and use requirement as to brakes, steering-gear or tyres; or
- (2) uses on a road a motor vehicle or trailer or semi-trailer or mobile machinery which does not comply with such a requirement, or causes or permits a motor vehicle or trailer or semi-trailer or mobile machinery to be so used.

- (42) Breach of requirement as to speed assessment and control equipment, vehicle locator equipment, fuel monitoring equipment devices

A person is guilty of an offence if that person:

- (1) contravenes or fails to comply with a construction or use requirement as to speed assessment and control equipment, vehicle locator equipment, fuel monitoring equipment; or
- (2) uses on a road a motor vehicle or trailer or semi-trailer or mobile machinery which does not comply with such a requirement, or causes or permits a motor vehicle or trailer or semi-trailer or mobile machinery to be so used.

(43) Authorisation of use on roads of special vehicles not complying with regulations

1. The National Authority may, by order in writing, authorise, subject to such conditions, as may be specified by or under the order, the use on roads:
  - (a) of special motor vehicles or trailers, semi-trailers, mobile machinery, or special types of motor vehicles or trailers, semi-trailers and mobile machinery, which are constructed either for special purposes or for tests or trials;
  - (b) of motor vehicles or trailers, semi-trailers or mobile machinery, or types of motor vehicles or trailers or semi-trailers or mobile machinery, constructed for use outside the Republic of India;
  - (c) of new or improved types of motor vehicles or trailers or semi-trailers or mobile machinery, whether wheeled or wheel-less, or of motor vehicles or trailers or semi-trailers or mobile machinery equipped with new or improved equipment or types of equipment.
2. The National Authority may, by order in writing, make provision for securing that, subject to such restrictions and conditions as may be provided by or under the order, regulations of this Act shall be applicable in connection with such motor vehicles, trailers, and types of motor vehicles and trailers or semi-trailers or mobile machinery as mentioned in sub-section (1) above subject to such modifications or exceptions as may be specified in the order.

(44) Vehicle Type Approval Requirements

1. No motor vehicle shall be used in a public place in India unless the National Authority has conferred a Vehicle Type Approval Certificate for such type of motor vehicle, trailer, semi-trailer, mobile machinery;
2. Without prejudice to section (38) of this Act, the National Authority may prescribe requirements (hereafter referred to as “type approval requirements”):
  - (a) with respect to the design, construction, equipment and marking of motor vehicles of any class, being requirements which are applicable before,

whether or not they are applicable after, motor vehicles of that class are used on a road;

- (b) with respect to the design, construction, equipment and marking of motor vehicle parts of any class, being requirements which are applicable before, whether or not they are applicable after, motor vehicle parts of that class are fitted to a motor vehicle used on a road.
3. Regulations under this section may provide for the determination, according to criteria or by methods prescribed by or determined under the regulations, of weights of any description which in the opinion of the National Authority should not be exceeded in the case of motor vehicles of any class.
  4. In this Act, references to design weights shall be construed as references to weights determined by virtue of subsection (2) above.
  5. The provisions of this Chapter apply in relation to parts of vehicles as they apply in relation to vehicles and, accordingly, any reference in those provisions to a vehicle is to be read as including a reference to a vehicle part unless such reference is repugnant to the context or meaning thereof.

Provided that parts of vehicles where the said vehicles have received type approval certificates under this Chapter and were a part of the vehicle at the time of the type approval shall be deemed to have received type approval under this chapter but such deemed approval shall not apply to parts manufactured by any manufacturer of vehicle parts whose product was not a part of the said vehicle at the time of the type approval.

6. In this Chapter, the relevant aspects of design, construction, equipment and marking, in relation to any vehicle, means those aspects of design, construction, equipment and marking which are subject to the type approval requirements or which were used as criteria in determining design weights for that vehicle.

(45) Vehicle Type Approval for use of Motor Vehicles in a public place in India

1. No motor vehicle shall be used in a public place in India unless the National Authority has conferred a Vehicle Type Approval Certificate for the said motor vehicle, trailer, semi-trailer, mobile machinery
2. The National Authority may approve a vehicle as a type vehicle if it is satisfied after examination it complies with the applicable type approval requirements;
3. Where the National Authority approves a vehicle as a type vehicle it must issue a certificate (hereafter referred to as a “type approval certificate”), stating that the vehicle complies with the relevant type approval requirements and specifying:
  - (a) the permitted variations from the type vehicle,
  - (b) the design weights for vehicles so conforming in all respects, and
  - (c) for vehicles so conforming with any such variations.
4. In the following provisions of this section and in section (46), or section (47), or section (48) of this Act “conform” means conform in all respects, or with any permitted variation.
5. Subject to sub-section (6), a type approval certificate may be issued for a type vehicle where the National Authority is satisfied that one or more, but not all, of the relevant type approval requirements are complied with in the case of that vehicle.
6. A further type approval certificate may be issued by virtue of sub-section (4) on the application of any person
  - (g) who manufactures any part of the vehicle, or
  - (h) by whom the vehicle is finally assembled, or by whom the vehicle is modified in conformity with the design, construction and maintenance requirements under this Act.
7. The first type approval certificate issued for a type of vehicle by virtue of sub-section (4) must specify the design weights for conforming vehicles. For a motor vehicle type that has been granted approval to be used in public places in countries notified by the Central Government, the National Authority must either grant or deny a Vehicle Type Approval Certificate for India for such vehicle within three months of an application for a Vehicle Type Approval Certificate

being submitted to the National Authority. The period of three months may be extended for a further period of three months by the National Authority for detailed reasons recorded in writing.

Provided that if a Vehicle Type Approval Certificate is neither granted nor denied within three months or six months of the application for a Vehicle Type Approval Certificate being submitted to the National Authority, as the case may be, the application for a Vehicle Type Approval Certificate shall be deemed to have been granted.

8. For a motor vehicle type that has not been granted approval to be used in public places in countries notified by the Central Government under sub-section (7) nor been granted a Vehicle Type Approval Certificate in India, the National Authority must either grant or deny a Vehicle Type Approval Certificate for India for such vehicle within six months of an application for a Vehicle Type Approval Certificate being submitted to the National Authority. The period of six months may be extended for a further period of three months by the National Authority for detailed reasons recorded in writing.

Provided that if a Vehicle Type Approval Certificate is neither granted nor denied within six months or nine months of the application for a Vehicle Type Approval Certificate being submitted to the National Authority, as the case may be, the application for a Vehicle Type Approval Certificate shall be deemed to have been granted.

9. The grant or denial of the Vehicle Type Approval Certificate by the National Authority shall be accompanied by a detailed written statement providing the reasons for grant or denial of the certificate.

(46) Conditions of suspension/cancellation of Type Approval Certificates

1. A type approval certificate may be issued subject to conditions with respect to:

- (a) the inspection by officers of the National Authority of vehicles conforming with the applicable type approval requirements and the entry of premises where they are manufactured; and
  - (b) the notification by the manufacturer of differences of design, construction, equipment or marking (other than permitted variations) between any such vehicles and the type vehicle which might affect the type approval requirements or the criteria for determining the design weights of those vehicles.
2. The National Authority may cancel or suspend the type approval certificate, if:
- (a) it appears to the National Authority that there has been a breach of a conditions subject to which a type approval certificate has been granted, or
  - (b) the National Authority ceases to be satisfied as to any other matter relevant to a type approval certificate.

The cancellation or suspension shall not affect the validity of any certificate of conformity previously issued in consequence of the type approval certificate.

3. Where the National Authority cancels or suspends a certificate in pursuance of this section, it shall give a detailed written explanation to the holder of the certificate stating the grounds for the cancellation or suspension.

#### (47) Certificates of Conformity

1. The manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each vehicle manufactured by him, which conforms with the type vehicle in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate
- (a) stating that it does so conform, and
  - (b) specifying the design weights for the vehicle.



2. Any certificate of conformity issued in consequence of any type approval certificate issued by virtue of section (45) of this Act shall relate only to the requirement or requirements to which that type approval certificate relates.

(48) Supplementary provisions as to Type Approval certificates and Certificates of Conformity

1. The National Authority may by regulations require that prescribed alterations made to any vehicle in any of the relevant aspects of design, construction, equipment or marking, for which a certificate of conformity is issued shall, subject to any exemption granted under sub-section (2), be notified to the National Authority.
2. The National Authority may by regulations require that a certificate of conformity issued for any vehicle shall specify:
  - (a) the regulations, if any, applicable to the vehicle under subsection (1) above at the time of the issue of the certificate,
  - (b) any exemption applicable to that vehicle under that subsection.
3. The National Authority or anyone authorised by the National Authority shall provide and maintain stations where examinations of vehicles under section (44) or section (45), or section (46), or section (47) of this Act or regulations under those sections maybe carried out and may provide and maintain the apparatus for carrying out such examinations.
4. Except in the case of vehicles of such class as may be prescribed, goods vehicle and passenger transport vehicle includes a vehicle which is a chassis for, or will otherwise form part of, a vehicle which when completed will be a goods vehicle or passenger transport vehicle.

(49) Vehicle and parts not to be sold without required certificate of conformity

1. A person is guilty of an offence if that person supplies a vehicle or vehicle part of a class and it does not appear from one or more certificates in force at that time under section (44) or section (45), or section (46), or section (47) of this Act, that the vehicle or vehicle part complies with all the relevant type approval requirements prescribed by those regulations.
2. In this section, references to supply include:
  - (a) sell,
  - (b) offer to sell or supply, and
  - (c) display such vehicles with an intention to invite offers for sale, by way of advertisement or otherwise.
3. A person shall not be convicted of an offence under this section in respect of the supply of a vehicle or vehicle part if he proves:
  - (a) that it was supplied for export from India,
  - (b) that he had reasonable cause to believe that it would not be used on a road in India or, in the case of a vehicle part, that it would not be fitted to a vehicle used on a road in India or would not be so used or fitted until it had been certified under section (44) or section (45), or section (46), or section (47) of this Act.
- (4) Nothing in subsection (1) above shall affect the validity of a contract or any rights arising under or in relation to a contract.

(50) Fitting and supply of defective or unsuitable vehicle parts

1. Any person is guilty of an offence under this section if that person:
  - (a) fits a part to a vehicle, or

- (b) knowingly causes or permits such vehicle part to be fitted to a vehicle the use of which by a vehicle on a road would, by reason of that part being fitted may result in a danger of injury to any person, or constitute a contravention of or failure to comply with any of the construction and use requirements.
- 2. A person shall not be convicted of an offence under subsection (1) above if he proves:
  - (a) that the vehicle to which the part was fitted was to be exported from India, or
  - (b) that he had reasonable cause to believe that that vehicle would not be used on a road in India.
- 3. A person is guilty of an offence under this section if that person:
  - (a) supplies such a vehicle part or causes or permits such vehicle part to be supplied, and
  - (b) has reasonable cause to believe that the part is to be fitted to a motor vehicle, or to a vehicle of a particular class, or to a particular vehicle, and
  - (c) if that part could not be fitted to a motor vehicle or, as the case may require, to a vehicle of that class or of a class to which the particular vehicle belongs, except in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements or involve a danger of injury to any person.
- 4. In this section references to supply include—
  - (a) sell, and

- (b) offer to sell or supply.
5. A person shall not be convicted of an offence under sub-section (3) in respect of the supply of a vehicle part if he proves:
- (a) that the part was supplied for export from India, or
  - (b) that he had reasonable cause to believe that:
    - (i). it would not be fitted to a vehicle used on a road in India, or
    - (ii). it would not be so fitted until it had been put into such a condition that it could be fitted otherwise than in such circumstances that the use of the vehicle on a road would, by reason of that part being fitted to the vehicle, constitute a contravention of or failure to comply with any of the construction and use requirements or involve a danger of injury to any person.
6. Nothing in this section shall affect the validity of a contract or of any rights arising under a contract.
- (51) Retrofitting of vehicle parts
- 1. The National Authority shall issue rules and regulations governing the retrofitting of vehicle parts.
  - 2. A manufacturer of motor vehicles, trailers, semi-trailers, mobile machinery, shall be required to retrofit safety equipment, or any other equipment, to improve the performance or comfort or efficiency of the vehicle or a vehicle part, on a motor vehicle in conformity with the rules and regulations prescribed by the National Authority.
  - 3. An owner of a motor vehicle, trailer, semi-trailer, mobile machinery, may retrofit safety equipment or any other equipment, to improve the performance or comfort or efficiency of the vehicle or a vehicle part, on their motor vehicle, trailer, semi-trailer, mobile machinery provided such parts and procedure of retrofitting conform with the rules and regulations prescribed by the National Authority and

in such cases the warranty from the motor vehicle, trailer, semi-trailer, mobile machinery manufacturer shall not be void or voidable by the manufacturer.

4. No person shall retrofit or cause to retrofit to a motor vehicle parts which do not conform with the rules and regulations prescribed by the National Authority.

(52) Setting of Vehicle Safety Standards

The National Authority shall set the basic safety standards for vehicles and shall consult all stakeholders, including manufacturers and consumers, when implementing such standards.

(53) Operator's duty to inspect and keep records of inspection of goods and passenger transport vehicles

1. The National Authority may make regulations requiring the operator of a goods vehicle or a public passenger vehicle or trailer or a semi-trailer or mobile machinery to which the regulations apply to secure:
  - (a) the carrying out by a suitably qualified person (including the operator if so qualified) of an inspection of the vehicle for the purpose of ascertaining whether the following requirements are complied with, namely:
    - (i) the construction and use requirements with respect to any prescribed matters, being requirements applicable to the vehicle, and
    - (ii) the requirement that the condition of the vehicle is not such that its use on a road would involve a danger of injury to any person and
  - (b) the making and authentication of records of such matters relating to any such inspection as may be prescribed, including records of the action taken to remedy any defects discovered in the inspection, and providing for the preservation of such records for a prescribed period not exceeding fifteen months and their custody and production during that period.
2. Regulations under this section may:

- (a) apply to all goods vehicles or to goods vehicles of such classes as may be prescribed,
  - (b) require the inspection of goods vehicles under the regulations to be carried out at such times, or before the happening of such events, as may be prescribed, and
  - (c) make different provision for different cases.
3. Any person who contravenes or fails to comply with any provision or regulations under this section is guilty of an offence.
4. In this section, “the operator”, in relation to a transport vehicle, means the person to whom it belongs or the hirer of it under a hire-purchase agreement or an operator under a concession agreement.

(54) Safety Assessment Tests.

1. The National Authority shall specify the regulations to provide a transparent, fair, meaningful and objective assessment of the safety performance of motor vehicles, trailers, semi-trailers and mobile machinery.
2. It shall conduct a safety performance test of all vehicles undergoing an assessment for grant of a Vehicle Type Approval Certificate.
3. It shall specify regulations to enable safety assessment tests to be performed for the intention of informing the public the impact assessment on motor vehicles and its passengers and other road users.
4. It shall enable the public to become aware, including by way of overall safety ratings, of the safety of the motor vehicles to support safety with regards to a vehicle, its passengers and other road users.

(55) Recall of Vehicles.

1. The National Authority shall have the power to order a recall of all the motor vehicles of a particular model where:
  - (a) a defect in that particular model of motor vehicle that may cause harm to the driver or occupants of that motor vehicle or to other road users, or

- which renders that model non-compliant under this Act or which renders that model of motor vehicle unusable; or
- (b) a defect in a particular model of motor vehicle has been reported to the National Authority by a hundred or more people and the defect reported may cause harm to the driver or passengers of that model of motor vehicle or to other road users, or render that model of motor vehicle non-compliant with the provisions of this Act or render that model of motor vehicle unusable; or
  - (c) the said model does not comply with the provisions and standards prescribed under the Act
2. A manufacturer whose vehicles are subject to an order of recall under sub-section (1) may be obliged to, in accordance with regulations specified by the National Authority:
- (a) compensate the buyers for the full value of the motor vehicle subject to such hire-purchase and lease-hypothecation agreement; or
  - (b) replace or repair the defective motor vehicle with another motor vehicle of similar or better specifications which must be fully compliant with the provisions under this Act; and
  - (c) pay such fines and other dues as may be specified in the regulations made under sub-section (5).
3. A manufacturer, as soon as it becomes aware of an electrical or mechanical or any other manufacturing defect in a particular model of motor vehicle, manufactured by it, that may cause harm to the driver or passengers of that motor vehicle or to other road users, or which renders the that model of motor vehicle non-compliant under the provisions of this Act, is obliged to inform the National Authority of the defect and initiate a recall immediately upon becoming aware of such defect.
4. Any manufacturer who informs the National Authority of any electrical or mechanical or any other manufacturing defect in a particular model of motor vehicle, manufactured by it, that may cause harm to the driver or passengers of that motor vehicle or to other road users, or which renders the that model of motor vehicle non-compliant under the provisions of this Act or renders the that model

of motor vehicle unusable, immediately upon becoming aware, shall not be subject to sub-section (2)(c).

5. The procedure for recall shall be specified by regulations made by the Central Government.
6. For the purposes of this section, “defect” means an electrical or mechanical or any other manufacturing defect.

(56) Liability of Manufacturers.

1. A manufacturer of motor vehicles shall be liable to pay compensation in case of damage caused due to accidents where the accident was caused by a mechanical or electrical defect in the construction of that motor vehicle that existed at the time of manufacture.
2. The liability of the manufacturer under sub-section (1) shall extend to any damage caused to the person or property of third parties.
3. The Central Government shall have the power to make regulations in respect of sub-sections (1) and (2).

(57) Obligation of Manufacturers.

1. All manufacturers shall notify the National Authority of any defects in any model of motor vehicle manufactured by themselves.
2. In case of non-compliance with sub-section 1, the National Authority shall have the power to make regulations setting out the procedure and penalties for the same.
3. For the purposes of this section, “defect” means an electrical or mechanical or any other manufacturing defect.

(58) Fuel Efficiency

The National Authority shall monitor the enforcement of fuel efficiency norms in India. The Authority shall, in consultation with Bureau of Energy Efficiency, issue regulations for necessary improvement in the engine efficiency for conversion of fuel energy to



power, efficiency of the power transmission to wheels and reduction in the power requirement of the vehicles.

(59) Fuel Quality and Emission

The National Authority, in consultation with the Central Pollution Control Board and Ministry of Petroleum, shall issue regulations related to engine standards and enforce the automotive emission standards of motor vehicles in a time bound manner.

(60) Alternative Vehicle Fuels

The National Authority shall issue regulations to promote the use of alternative vehicle fuels including ethanol, electricity, liquefied petroleum gas and compressed Natural Gas in motor vehicles.

(61) Effects of Technology

The National Authority shall issue standards to regulate the effect of any externalities arising out of the adoption of any proposed vehicle technology.

#### CHAPTER IV- UNIFIED DRIVER LICENSING SYSTEM

(62) Necessity for licence.

1. No person shall drive a motor vehicle in any place unless that person holds a valid driving licence issued by the competent licensing authority authorising that person to drive the vehicle.
2. No owner or person in charge of a motor vehicle shall intentionally cause or permit any person who does not hold a valid driving licence to drive the motor vehicle.
3. Sub-sections (1) and (2) shall not apply to a person receiving instruction in driving a motor vehicle, provided that person has a valid learner's licence and shall be subject to such conditions as may be specified by the National Authority in this regard.

4. No person shall drive a motor vehicle for a specific use, unless that person holds a valid authorisation for that specific use, in accordance with Schedule I.
5. A driving licence issued under this Act shall be valid and effective throughout the territory of India.

(63) Person to have only one valid licence.

1. No person shall, while holding a valid driving licence for the time being in force, hold any other driving licence except:
  - (a) a learner's licence; or
  - (b) a driving licence issued in accordance with the provisions of section (66); or
  - (c) a document authorising, in accordance with the regulations made under this Act, the person to drive a motor vehicle.
2. If a person is found, at any time, to hold more than one driving licence at any time, in contravention of the provisions of sub-section (1), subject to the provisions of section (64), then:
  - (a) All of the said driving licences shall be deemed invalid; and
  - (b) Such a person would be deemed to have been driving without a licence, and shall be liable to be punished under section (290) of this Act.
3. Where all the said driving licences are deemed invalid, the fact of such invalidation shall be communicated to the competent authority for licensing for appropriate action.

(64) Categories of licence.

1. A driving licence shall be issued by the competent authority for licensing for the category of licence mentioned in Schedule I authorising a person to drive the type of motor vehicle against that category.

Provided that a licence holder shall not be authorised to drive a vehicle mentioned in Schedule I unless that person has passed such test or has produced such certificate, in addition to requirements of section (66), as may be specified by the National Authority.

2. Any person holding a driving licence of any category may apply to the competent authority for licensing for the addition of any other category to the licence.
3. Subject to such regulations as may be specified by the National Authority, the provisions of section (65) shall apply to an application under this section as if the said application was for the grant of a licence under that section for that category of licence which the applicant desires to be added to their licence.

(65) Eligibility for driving a vehicle.

1. No person under the age of eighteen years shall drive a motor vehicle in any place.
2. No person under the age of twenty one years shall drive a transport vehicle in any place.
3. No driving licence to drive a transport vehicle shall be granted to a person unless that person produces a driving certificate, issued by a school or establishment recognised under section (70) and section (73), and has undergone, prior to the date of application, such advanced specialised training programmes as may be specified by the National Authority in accordance with this Act.
4. No driving licence to drive a school bus shall be granted to a person unless that person has held a driving licence for medium and heavy passenger vehicles as prescribed in Schedule I for a minimum of 2 years and has undergone such advanced specialised training programmes, as may be specified by the National Authority in accordance with this Act.
5. No person shall be granted a driving licence unless that person is medically fit to hold that category of licence and the criterion for fitness shall be as may be specified by the National Authority.
6. A differently-abled person may be granted a driving licence of a certain category if the competent authority for licensing is satisfied that such a person is fit to drive the types of vehicles under that category, in accordance with Schedule 1.

(66) Grant of licence.

1. A person who wants to acquire a driving licence may apply, from any location in the country, through the Unified Licensing System to the competent authority for licensing.
2. Every application for a driving licence shall be in such form and shall be accompanied by such fee and such documents as specified by the National Authority.
3. Any application that satisfies the requirements under sub-section (2) shall be deemed as complete and shall not be subjected to any additional requirements by the licensing authority.
4. A person who has applied for a driving licence of any category for the first time shall be issued a learner's licence, for that category of vehicle, which shall be valid for a period of nine months, and such learner's licence shall not be renewable.
5. No driving licence shall be issued to any person unless that person has held a learner's licence for a period of nine months and has passed to the satisfaction of the competent authority for licensing such tests of competence as may be specified by the National Authority and administered by a school or establishment recognised under section (70) and section (73).
6. The competent authority for licensing shall exempt the applicant for a licence from the tests of competence specified under this sub-section, if the competent authority for licensing is satisfied:
  - (a) that the applicant has previously held a driving licence and that the period between the date of expiry of that licence and the date of such application does not exceed one year; or
  - (b) that the applicant holds or has previously held a driving licence issued under section (79); or
  - (c) the applicant holds a driving licence to drive such type of vehicle issued by a competent authority for licensing of any country, notified by the National Authority, subject to the condition that the application shall be in

such form and shall be accompanied by such fee and such documents as may be specified by the National Authority.

(67) Unified Driver Licensing System.

1. The National Authority shall develop the roadmap for the Unified Driver Licensing System within one year of the date of this Act coming into force and shall implement the said roadmap within two years of this date.
2. The National Authority shall design a Unified Driver Licensing System in accordance with regulations, such that:
  - (a) it enables the submission of applications for driving licences from anywhere in the country, either electronically or at any competent authority for licensing in the country;
  - (b) it facilitates the collection of uniform standardised information including information authenticating the identity of the applicant for the driving licence, whether through biometric or any other equivalent unique identification technology, identified by the National Authority, and provides for different types of applications for different types of licences;
  - (c) it facilitates the grant of licences in a transparent, time-bound and efficient manner; and
  - (d) it facilitates the grant of licences in such form and format and containing such information as may be specified by the National Authority.
3. The National Authority shall set the fees for issuance of a driver's license in consultation with Central and State Governments and such fee shall also be payable electronically by any applicant.

(68) Grant of authorisation.

1. No authorisation for driving a type of motor vehicle for specific use in accordance with Schedule I shall be granted by a competent authority for licensing unless the applicant:
  - (a) holds a valid driving licence to drive the type of vehicle associated with such authorised use, as provided in Schedule 1; and

- (b) has submitted a certificate of competence from a school or establishment recognised under section (70) and section (73).
2. An application for authorisation for driving a type of motor vehicle for specific use as provided in Schedule 1 shall be made in such form and accompanied by such fee and such documents as may be specified by the National Authority.
  3. An authorisation issued under this section shall be valid for such period as may be specified by the National Authority.
  4. An authorisation under this section will be issued anywhere in India.
  5. An authorisation issued under this section may be renewed in such manner as may be specified by the National Authority.
- (69) Tests of competence.
1. A licence authorising the driving of motor vehicles of any type shall not be granted to any person unless that person meets the relevant requirements and the competent authority for licensing is satisfied:
    - (a) that at some time in the three months prior to the date of application, that person has passed:
      - (i) the specified tests of competence to drive, including an automated test; or
      - (ii) a test of competence which under sub-section (8) is a sufficient test; and
      - (iii) the tests of competence as prescribed in clauses (i) and (ii) were administered by a school or establishment recognised under section (70).
    - (b) that at some time not earlier than the appointed day the person has held a licence authorising the driving of that type of vehicle, or
    - (c) that in the three months prior to the date of application, the person has passed a test of competence to drive vehicles of that type or class.
  2. The National Authority may specify that:
    - (a) a test of competence to drive may consist of separate parts;

- (b) different tests of competence to drive different types and classes of vehicles; and
  - (c) a test of competence shall include a mandatory automated driving test.
3. The National Authority may specify, by regulations :
- (a) the nature of tests of competence to drive;
  - (b) the administrative arrangements for appearing for such tests;
  - (c) the qualifications, selection and appointment of persons by whom such tests may be conducted;
  - (d) conditions which must be satisfied for the appointment of persons by whom such tests may be conducted;
  - (e) the charging of reasonable fees in respect of applications for appointment or in connection with any examination or assessment which may be required before appointment or during any appointment and the revocation of any appointment of persons by whom such tests may be conducted;
  - (f) the duty of a person appearing for a test to produce, and in specified circumstances surrender, any licence previously granted to such person; and
  - (g) the evidence of the results of such tests, and generally with respect to the tests.
4. The National Authority may, by regulations under sub-section (3), in particular provide:
- (a) for requiring a person appearing for a test to provide safe and suitable vehicle for the purposes of the test and for requiring that the said vehicle be certified in the specified manner;
  - (b) for the charging (whether on the making of an appointment for a test or otherwise) of reasonable fees for or in connection with the test and any inspection of a vehicle required by regulations under clause (a) in relation to the test.
5. The National Authority may, by regulations under sub-section (3)(b), in particular provide for:

- (a) the form of certificates evidencing the results of tests of competence or parts of such tests; and
    - (b) the particular fees in the exercise of any functions performed by an Authority constituted under this Act.
  6. The National Authority may specify, by regulations, the cases in which persons are exempt from the requirement imposed by sub-section (2); and the regulations may:
    - (a) limit the exemption to persons in specified circumstances;
    - (b) limit the exemption to a specified period;
    - (c) attach conditions to the exemption; and
    - (d) regulate applications for, and the issue and form of, certificates evidencing a person's exemption from that requirement.
  7. For the issuance of a driving licence, passing a test of competence and a valid proof of identity, as specified by the National Authority, shall be sufficient for the granting of a licence authorising the specific use of vehicles of any type and class if the test passed authorised the granting of a licence to drive vehicles of that type and class.
  8. If vehicles of different types and classes are designated as a group by regulations then for the purposes of sub-section (1)(b), a licence authorising the driving of vehicles of a class included in the group shall be held to authorise the driving of vehicles of all types and classes included in the group (except where regulations otherwise provide).
  9. The reference in this sub-section to a licence does not include a licence which has been revoked in pursuance of section (74).
  10. The National Authority shall specify in regulations the manner in which complaints of persons, who believe that their test of competence was not held in accordance with the regulations made under this Act, may be addressed.
- (70) Registration of establishments imparting tests of competence.
1. Any establishment seeking to impart tests of competence shall register themselves with the competent authority for licensing.



2. Any establishment seeking to register itself under this section:
  - (a) will have an automated facility which may comprise of a driving track with embedded electronic sensor-based technology and monitored, including by CCTV, that will provide on-the-spot grading of a candidate's skill and knowledge or as specified by the National Authority; or
  - (b) will have a facility as specified by the National Authority.
3. The registration shall be in such form and manner as may be specified by the National Authority, and will require the names of all persons associated with the establishment who will be directly responsible for imparting the tests of competence.
4. The fees to be charged by any establishment registered under this section shall be in accordance with the fees prescribed by the National Authority under section (69) sub-section 5(b).

(71) Unique Driving Licence Identification.

1. A person authorised to drive a vehicle under this Act shall be assigned a unique driving licence identifier to their driving licence.
2. The unique driving licence identifier issued under this section shall remain the same irrespective of changes in category of licence under this Act.
3. The unique driving licence identifier shall be assigned in such manner as may be specified by the National Authority.
4. All licence holders who have obtained their licences before the commencement of this Act shall be required to obtain a driving licence under this Act within a period of two years from the date of the Unified Driver Licensing System is established.

(72) Change of address.

The National Authority shall prescribe the form and manner to be followed in cases of a change of address of a licence holder.

(73) Registration of schools or establishments imparting instruction in driving of vehicles.

1. Any school or establishment seeking to impart driving education shall register themselves with the competent authority for licensing.
2. The registration shall be in such form and manner as may be specified by the National Authority, and will require the names of all persons associated with the establishment who will be directly responsible for imparting driving education.

(74) Validity of licence.

1. A driving licence issued or renewed under this Act shall:
  - (a) in the case of a licence to drive a transport vehicle, be valid ordinarily for a period of five years, except in circumstances identified in clause (b);
  - (b) in the case of the authorisation to drive a transport vehicle carrying goods of dangerous or hazardous nature, be effective for a period of three years, and its renewal shall be subject to the condition that the driver undergoes such advanced specialised training programmes, as may be specified by the National Authority.
  - (c) in the case of any other licence, if the person obtaining the licence:
    - (i) has not attained the age of forty years on the date of issue, shall be valid until the date on which such person attains the age of forty years; or
    - (ii) has attained the age of forty years on the date of issue or, as the case may be, renewal thereof, shall be valid until the date on which such person attains the age of fifty years; or
    - (iii) has attained the age of fifty years on the date of issue or, as the case may be, renewal thereof, shall be valid until the date on which such person attains the age of sixty years; or
    - (iv) has attained the age of sixty years on the date of issue or, as the case may be, renewal thereof, shall be valid for a period of five years from the date of such issue or renewal.

2. Every driving licence of a non-transport vehicle shall, even if it expires under this section, continue to be effective for a period of sixty days from such expiry.

(75) Renewal of licences.

1. A person, who wants to renew their driving licence, may apply from anywhere in India through the Unified Driver License System to any competent authority for licensing.
2. The competent authority for licensing may, on an application being made to it, renew a driving licence issued under this Act with effect from the date of its expiry provided that the application for the same is made:
  - (a) within 60 days after the expiry period in case of a non-transport licence;
  - (b) before the period of expiry in cases other than those covered in clause (a).
3. Any such application may be made during such period before expiry of the licence as may be specified by the National Authority, different periods may be specified by the National Authority for different category of licences.
4. If the application for the renewal of a licence is made more than sixty days after the date of its expiry, but not later than one year from the date of expiry of the license, the driving licence shall be renewed with effect from the date of application.
5. An application for the renewal of a driving licence shall be made in such form and accompanied by such documents and such fee as may be specified by the National Authority.
6. No driving licence shall be renewed unless the applicant for such renewal undergoes a test of competence in accordance with section (69) and as may be specified by the National Authority.
7. A person who seeks renewal of their licence at the age of forty, fifty and subsequently at the age of sixty years shall be required to produce a medical certificate certifying that the applicant is physically fit to drive.

(76) Refusal to issue licence.

1. If, from the application or its accompanying documents, it appears that the applicant is suffering from any disease or disability or is consuming a prescribed drug which is likely to cause the driving by the applicant of a motor vehicle of the category applied for, to be a source of danger to the public or to the passengers, the competent authority for licensing shall notify the applicant in detail in writing of such infirmity noticed by it whereupon the applicant shall undertake a medical test from a medical institute and the medical institute shall recommend to the competent authority for licensing in a specified form whether or not to issue the driving licence or learner's licence.
2. This section may not apply in circumstances where a driving licence, limited to driving a vehicle for a differently-abled person is issued to the applicant, if the competent authority for licensing is satisfied that the applicant is fit to drive such a motor vehicle.
3. If the competent authority for licensing is satisfied, after giving the applicant an opportunity of being heard, that the applicant is a person whose licence to drive any motor vehicle has been revoked at any time earlier, it may for reasons to be recorded in detail in writing, make an order refusing to issue a driving licence to such person for a specified period.
4. If the competent authority for licensing is satisfied, after giving the applicant an opportunity to be heard, that the applicant is a person whose application is to be refused notwithstanding the applicant passing the required tests of competence, it shall provide the applicant a reasoned order, recorded in detail in writing, within thirty days.

(77) Revocation of licence on grounds of disease or disability.

If the competent authority for licensing has reasonable grounds to believe that the holder of a driving licence is, as a consequence of any disease or disability, unfit to drive a motor vehicle, the competent authority for licensing may, at any time, notify the applicant in writing of such infirmity noticed by the competent authority for licensing whereupon

the applicant shall undertake a medical test from a medical institute and the medical institute shall recommend in a specified form to the competent authority for licensing whether or not to issue the driving licence or learner's licence.

(78) Orders refusing or revoking licences and appeals.

1. Where a competent authority for licensing refuses to issue any learner's licence or to issue or renew, or revokes, any driving licence, or refuses to add a category of motor vehicle to any driving licence, it shall do so by an order communicated to the applicant or the holder, as the case may be, giving in detail in writing the reasons for such refusal or revocation.
2. Any person aggrieved by an order made under sub-section (1) may, within forty five days of the service on that person of the order, appeal as per the grievance redressal mechanism established by the National Authority under this Act, which shall decide the appeal after giving such person, and the competent authority for licensing which made the order, an opportunity of being heard.

(79) Licence to drive vehicles belonging to the Central Government.

1. Central Government shall notify the competent authority for licensing to issue driving licences to persons not below eighteen years of age to drive motor vehicles which are the property or for the time being under the exclusive control of the Central Government and are used by the armed forces of India or such other organizations as may be notified by Central Government and unconnected with any commercial enterprise.
2. A driving licence issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle referred to in sub-section (1).
3. The authority issuing any driving licence under this section shall, at the request of any State Government, furnish such information with regard to any person to whom a driving licence is issued under this section.

(80) Power of Competent Authority for Licensing to disqualify from holding a driving licence or revoke such licence.

1. A person may be disqualified from holding a driving licence, or have such driving licence revoked, if the person:
  - (a) is using or has used a motor vehicle in the commission of a cognizable offence under any law for the time being in force; or
  - (b) has shown, by previous conduct as driver of a motor vehicle, that the persons driving is likely to be attended with a sense of alarm or distress to occupants of the vehicle, other road users, and persons and owners of property near roads; or
  - (c) has obtained any driving licence or a licence to drive a particular type or class of motor vehicle by fraud or misrepresentation; or
  - (d) has committed any such act which is likely to cause nuisance or danger to the public, as may be specified by the National Authority, having regard to the objects of this Act; or
  - (e) has failed to submit to, or has not passed, the tests referred to in section (322), section (326) or section (327); or
  - (f) has as a licensed driver accumulated driver penalty points exceeding the limit specified by the National Authority.
2. If the competent authority for licensing, after giving the holder of the driving licence an opportunity of being heard, is satisfied that at least one of the conditions under sub-section (1) has been met, it may, for reasons to be recorded in detail in writing, make an order:
  - (a) disqualifying that person for a period specified in Schedule II for holding or obtaining any driving licence to drive all or any types or classes of vehicles specified in the licence; or

- (b) revoke any such licence.
- 3. An order of disqualification shall be for a period of one year which may extend to a period of five years on inviting disqualification a second time. Provided that if the person disqualified from driving for a period of one year is found to be driving during this period of disqualification such person shall automatically be disqualified from driving for a further period of five years and shall be guilty of an offence under this Act. Further provided that if such person is found to be driving during this further five year period of disqualification such person shall be permanently banned from driving and shall be guilty of an offence under this Act.
- 4. Where an order is made under this section, the holder of a driving licence shall immediately surrender their driving licence to the competent authority for licensing making the order, the competent authority for licensing shall:
  - (a) if the driving licence is a driving licence issued under this Act, keep it until the disqualification has expired or has been removed; or
  - (b) if it is not a driving licence issued under this Act, endorse the disqualification upon it and send it to the competent authority for licensing by which it was issued; or
  - (c) in the case of revocation of any licence, endorse the revocation upon it.
- 5. Where the driving licence of a person authorises the person to drive more than one type or class of motor vehicle and the order made under sub-section (1), disqualifies the holder from driving any specified category of motor vehicles, the competent authority for licensing shall endorse the disqualification upon the driving licence and return the same to the holder.
- 6. Any person aggrieved by an order made by a competent authority for licensing under sub-section (1) may, within thirty days of the receipt of the order, appeal as per the grievance redressal mechanism established by the National Authority under this Act.

(81) Power of court to disqualify.

1. Where a person is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, the Court by which such person is convicted may, subject to the provisions of this Act, in addition to imposing any other punishment authorised by law, declare the person so convicted to be disqualified, for such period as the Court may specify, from holding any driving licence to drive all types and classes of vehicles, or any particular type or class of such vehicles, as are specified in such licence:

Provided that in respect of an offence punishable under section (299) no such order shall be made for the first or second offence.

2. Where a person is convicted of an offence under section (301), the Court convicting any person of any such offence shall order the disqualification under sub-section (1), and if the offence is relatable to section (300) or section (318) or section (303), such disqualification shall be for a period of not less than one month, and if the offence is relatable to section (301), such disqualification shall be for a period of not less than six months.

3. A Court shall, unless for special reasons to be recorded in writing if it thinks fit to order otherwise, order the disqualification of a person:

- (a) who having been convicted of an offence punishable under section (300) is again convicted of an offence punishable under that section;
- (b) who is convicted of an offence punishable under section (315);
- (c) who is convicted of an offence punishable under section (301);

Provided that the period of disqualification shall not exceed, in the case referred to in clause (a), five years, or in the case referred to in clause (b), two years or, in the case referred to in clause (c), one year.



4. A Court ordering the disqualification of a person convicted of an offence punishable under section (328) may direct that such person shall, whether that person has previously passed the test of competence to drive as referred to in section (69) or not, remain disqualified until the person has subsequent to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.
5. The court to which an appeal would ordinarily lie from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made under that sub-section notwithstanding that no appeal would lie against the conviction as a result of which such order of disqualification was made.

(82) Suspension of licence in certain cases.

1. Where, in relation to a person who had been previously convicted of an offence punishable for dangerous driving under section (301), a case is registered by a police officer on the allegation that such person has, by such dangerous driving of any type or class of motor vehicle caused the death of, or grievous hurt to, one or more persons, the driving licence held by such person shall, in relation to such type or class of motor vehicle become suspended:
  - (a) for a period of three months from the date on which the case is registered, or
  - (b) if such person is discharged or acquitted before the expiry of the three months from the date on which the case is registered, until such discharge or acquittal, as the case may be.
2. Where the driving licence held by a person becomes suspended, the police officer, by whom the case referred to in sub-section (1) is registered, shall bring such suspension to the notice of the Court competent to take cognizance of such offence, and thereupon, such Court shall take possession of the driving licence,

endorse the suspension thereon and intimate the fact of such endorsement to the competent authority for licensing within a period of fifteen days.

3. Where the person referred to in sub-section (1) is acquitted or discharged, the Court shall cancel the endorsement on such driving licence with regard to the suspension thereof.

(83) Suspension or cancellation of licence on conviction.

1. Without prejudice to the provisions of sub-section (3) of section (81) where a person, referred to in sub-section (1) of section (81) is convicted of an offence of causing, by such dangerous driving as is referred to in section (300) of any type or class of motor vehicle, the death of or grievous hurt to, one or more persons, the Court by which such person is convicted may cancel, or suspend for such period as it may think fit, the driving licence held by such person insofar as it relates to that type or class of motor vehicle.
2. Without prejudice to the provisions of sub-section (1) of section (76), if a person, having been previously convicted of an offence punishable under section (301) is again convicted of an offence punishable under that section, the Court, making such subsequent conviction, shall, by order, cancel the driving licence held by such person.
3. If a driving licence is cancelled or suspended under this section, the Court shall take the driving licence in its custody, endorse the cancellation or, as the case may be, suspend, upon it and send the driving licence so endorsed to the competent licensing authority.
4. No driving licence shall be returned unless its holder has, after the expiry of the period of suspension, undergone and passed, to the satisfaction of the licensing authority, a fresh test of competence to drive referred to in section (66) and produced a medical certificate in the same form and in the same manner as is referred to section (66).

5. If a driving licence to drive a particular type or class of motor vehicles is cancelled or suspended under this section, the person holding such a licence shall be debarred from holding, or obtaining, any licence to drive such particular type or class of motor vehicles so long as the cancellation or suspension of the driving licence remains in force.

(84) Effect of disqualification order.

1. A person in respect of whom any disqualification order is made under section (80) or section (81) shall be debarred to the extent and for the period specified in such order from holding or obtaining a driving licence, and the licence, if any, held by such person at the date of the order shall cease to be effective to such extent and during such period.
2. The operation of a disqualification order made under section (81) shall not be suspended or postponed while an appeal is pending against such order or against the conviction as a result of which such order is made, unless the appellate Court so directs.
3. Any person in respect of whom any disqualification order has been made may, at any time after the expiry of six months from the date of the order, apply to the Court or other authority by which the order was made, to remove the disqualification; and the Court or authority, as the case may be, may, having regard to all the circumstances, either cancel or vary the disqualification order:

Provided that where the Court or other authority refuses to cancel or vary any disqualification order under this section, a second application shall not be entertained before the expiry of a period of three months from the date of such refusal.

4. A court or authority making an order of disqualification shall communicate such order to the competent licensing authority in this regard and on receipt of such order, competent licensing authority shall endorse the same on the licence in such manner as may be specified.

## CHAPTER V- UNIFIED VEHICLE REGISTRATION SYSTEM

### (85) Unified Vehicle Registration System.

1. The National Authority shall develop the roadmap for the Unified Vehicle Registration System within one year of the date of this Act coming into force and shall implement the said roadmap within three years of this date.
2. The National Authority shall design a Unified Vehicle Registration System in accordance with regulations, such that:
  - (a) it enables the submission of applications for registration from anywhere in the country, either electronically or at the competent authority for vehicle registration in the country;
  - (b) it facilitates the collection of uniform standardised information including information authenticating the identity of the applicant for the vehicle registration, whether through biometric or any other equivalent unique identification technology, identified by the National Authority, and provides for different types of applications for different types of vehicle registration;
  - (c) it facilitates the grant of registration in a transparent, time-bound and efficient manner; and
  - (d) it facilitates the grant of registration in such form and format and containing such information as may be specified by the National Authority.
  - (e) It appropriately integrates various stakeholders including manufacturers, insurance firms, centres of fitness certification, revenue departments of the Central and state governments, enforcement agencies, consumers and motor accident claims tribunal to both provide and share information in order to meet the objectives of this Act.
  - (f) The system shall be developed to ensure that the distribution of revenue to the states and the local government is facilitated in a seamless manner and protects against revenue leakage.

(g) The National Authority shall set the fees for issuance of a driver's license in consultation with Central and State Governments and such fee shall also be payable electronically by any applicant.

3. Each State Authority in consultation with the National Authority, within two years, shall develop a roadmap to implement a unified vehicle registration system, within one year.
4. The migration to the unified vehicle registration system for all motor vehicles or trailers or semi-trailers or mobile machinery shall take place within three years from the date this Act comes into force.

(86) Taxation of Motor Vehicles.

1. The Central Government shall develop the principles on which taxes on motor vehicles are to be levied.
2. The National Authority shall develop an electronic platform and ensure that the collection, distribution and reconciliation of revenue between states, local government is facilitated in a seamless manner.

(87) Necessity for identification.

1. No person shall drive any motor vehicle or any trailer and no owner of a motor vehicle or a trailer or a semi-trailer or a mobile machinery shall cause or permit the vehicle to be driven in any place in India unless the vehicle has a unique identification mark as prescribed by the National Authority.
2. This section shall not apply to a motor vehicle or a trailer or a semi-trailer or a mobile machinery in possession of a manufacturer, dealer or importer as may be specified by the National Authority.

(88) Necessity for registration.

1. No person shall drive any motor vehicle or trailer or semi-trailer or mobile machinery and no owner of a motor vehicle or trailer or semi-trailer or mobile

machinery shall cause or permit the vehicle to be driven in any place in India unless the vehicle is registered in accordance with this Chapter.

2. This section shall not apply to a motor vehicle or trailer or semi-trailer or mobile machinery in possession of a manufacturer, dealer or importer as may be specified by the National Authority.
3. A motor vehicle or a trailer or a semi-trailer or a mobile machinery will be registered or given a valid certificate of registration only if such motor vehicle or trailer or semi-trailer or mobile machinery is insured as per the provisions of this Act.
4. A motor vehicle or trailer or semi-trailer or mobile machinery will be registered or given a valid certificate of registration only if such motor vehicle has been marked with a unique chassis number by the manufacturer.
5. The registration of a motor vehicle or trailer or semi-trailer or mobile machinery under the unified registration system shall be valid and effective throughout India.
6. If a person is found, at any time, to be driving a motor vehicle or trailer or semi-trailer or mobile machinery, or causing or permitting to cause the vehicle to be driven without a valid certificate of registration, the certificate of registration ordinarily associated with that motor vehicle or trailer or semi-trailer or mobile machinery shall be cancelled or suspended and the motor vehicle or trailer or semi-trailer or mobile machinery confiscated or impounded, as may be specified by the National Authority, and the fact of such cancellation, suspension, confiscation or impoundment shall be communicated to the competent registering authority for appropriate action.

(89) Registration, where to be made.

Subject to the provisions of section (93), section (94) and section (107), every owner of a motor vehicle or trailer or semi-trailer or mobile machinery shall ensure that the vehicle

is registered by the competent registering authority in whose jurisdiction the person is resident or place of business where the vehicle is normally kept.

(90) Registration, how to be made.

1. An application by or on behalf of the owner of a motor vehicle or trailer or semi-trailer or mobile machinery for registration shall be in such form, accompanied by such documents, particulars and information, and fee and shall be made through the Unified Vehicle Registration System to the competent registering authority within such period as may be specified by the National Authority.
2. Where a motor vehicle or trailer or semi-trailer or mobile machinery is jointly owned by more than one person, the application shall be made by one of them on behalf of all the owners, and such applicant shall be deemed to be the primary owner of the motor vehicle or trailer or semi-trailer or mobile machinery for the purpose of this Act.
3. The application for registration shall be accompanied by such proof of parking space as may be specified by the State Government of the State within which the competent registering authority, being applied to, is located subject to a notification to this effect provided by the appropriate State Government or Municipality or Panchayat
4. The competent registering authority shall issue to the owner of a motor vehicle or trailer or semi-trailer or mobile machinery registered by it a certificate of registration in such form and containing such particulars and information and in such manner as may be specified by the Central Government.
5. The competent registering authority shall enter such particulars including the particulars of every certificate of registration issued by it in a database to be maintained in such form and manner as may be specified by the National Authority.

6. The competent registering authority shall assign to the vehicle, for display upon it, in a manner as may be specified by the Central Government, a distinguishing mark (referred to as the registration mark) consisting of alphabets and numbers as may be allotted to the State by the Central Government from time to time by notification.
7. A certificate of registration, whether issued before or after the commencement of this Act, in respect of a motor vehicle other than a transport vehicle, shall be valid only for such period as may be specified by the National Authority from time to time and shall be renewable.
8. The National Authority may specify different validity periods for the certificates of registration of different types of vehicles.
9. An application by or on behalf of the owner of a motor vehicle other than a transport vehicle, for the renewal of a certificate of registration shall be made within such period and in such form, containing such particulars and information and accompanied by such fee as may be specified by the National Authority.
10. Subject to the provisions of section (104), the competent registering authority may, on receipt of an application under sub-section (8), renew the certificate of registration for such period as may be specified but not exceeding five years of motor vehicles owned for a period more than one year.
11. An application for the issue of a duplicate certificate of registration shall be made to the competent registering authority in such form, containing such particulars and information along with such fee as may be specified by the National Authority.

(91) Third party insurance, valid vehicle fitness and manufacturer's information.

1. No motor vehicle shall be registered or certificate of registration renewed, unless there is in force, in relation to use of the vehicle, a policy of insurance, a valid



certificate of fitness and a unique identifier provided by the vehicle manufacturer to the unified vehicle registration system..

(92) Necessity for displaying registration mark.

1. No person shall drive any motor vehicle or a trailer or semi-trailer or mobile machinery and no owner of a motor vehicle or a trailer shall cause or permit the vehicle to be driven in any public place in India, where the competent registering authority has assigned to such vehicle a registration mark for display upon it, without such registration mark on such display in accordance with such regulations as may be specified by the National Authority.
2. No person shall drive any motor vehicle or any trailer or semi-trailer or mobile machinery and no owner of a motor vehicle or a trailer or semi-trailer or mobile machinery shall cause or permit a vehicle to be driven in any public place in India unless the identification mark referred to in sub-section 1 has been issued by the National Authority.
3. If a person is found, at any time, to be driving a motor vehicle or trailer or semi-trailer or mobile machinery, or causing or permitting to cause the vehicle to be driven without displaying the registration mark in accordance with sub-section (1), the certificate of registration of that motor vehicle or trailer or semi-trailer or mobile machinery shall be cancelled or suspended, as may be specified by the National Authority, and the fact of such cancellation or suspension shall be communicated to the competent registering authority for appropriate action.
4. No person may drive, or cause or permit to be driven, a motor vehicle with a beacon or a motor vehicle with a high decibel horn, other than such persons authorised to do so in the course of duty, in accordance with notifications published by the Central Government in this regard from time to time.

*Explanation* – For the purposes of this sub-section a high decibel horn is a horn that emits an unreasonably harsh or loud sound. The National Authority shall

prescribe rules for the determination of which horns would be classified as a high decibel horn.

(93) Special provision for registration of vehicles of diplomatic officers, etc.

1. Where an application for registration of a motor vehicle or trailer or semi-trailer or mobile machinery is made under section (92) by or on behalf of any diplomatic officer or consular officer, then the competent registering authority shall register the vehicle in such manner and in accordance with such procedure as may be specified by regulations made by the National Authority under this section.  
Provided that section (91) shall apply to vehicles registered under this section.
2. The competent registering authority shall assign to the vehicle for display upon it a special registration mark in accordance with the rules and shall issue a certificate (referred to as the certificate of registration) that the vehicle has been registered under this section.
3. Any vehicle so registered shall not, so long as it remains the property of any diplomatic officer or consular officer, require to be registered otherwise under this Act.
4. If any vehicle registered under this section ceases to be the property of any diplomatic officer or consular officer, the certificate of registration issued under this section shall also cease to be effective, and the provisions of sections (88) shall apply.
5. The Central Government may prescribe rules for the registration of motor vehicles belonging to diplomatic officers and consular officers regarding the procedure to be followed by the competent registering authority for registering such vehicles, the form in which the certificates of registration of such vehicles are to be issued, the manner in which such certificates of registration are to be sent to the owners of the vehicles and the special registration marks to be assigned to such vehicles.
6. For the purpose of this section, “diplomatic officer” or “consular officer” means any person who is recognised as such by the Central Government and if any

question arises as to whether a person is or is not such an officer, the decision of the Central Government in this regard shall be final.

(94) Temporary registration.

1. The owner of a motor vehicle or trailer or semi-trailer or mobile machinery may apply to the competent registering authority or other prescribed authority where the vehicle is purchased or brought into the territory of India in the specified manner to have the vehicle temporarily registered and for the issue of a temporary certificate of registration and a temporary registration mark.
2. A registration made under this section shall be valid only for a period not exceeding one month, and shall not be renewable.
3. Where a motor vehicle or trailer or semi-trailer or mobile machinery so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the period of one month for being fitted with a body or for any unforeseen circumstances beyond the control of the owner, the period may, on payment of such fees as may be specified, be extended by such further period as the competent registering authority may allow.

(95) Production of vehicle at the time of registration.

The competent registering authority shall, before proceeding to register a motor vehicle or renew the certificate of registration in respect of a motor vehicle other than a transport vehicle, require the person applying for registration or renewal, as the case may be, to produce the vehicle either before itself or such agency as the State Safety Authority may by order appoint so that the competent registering authority may satisfy itself that the particulars contained in the application are true and that vehicle complies with the requirements of the Act and its rules.

Provided that the dealer shall certify particulars of a new vehicle, which is type approved and fully body built as defined under section (100) and manufactured in India, as

mentioned in the application, for registration of the vehicle and the owner shall not be required to produce such a vehicle before the competent registering authority.

(96) Refusal of registration or renewal of the certificate of registration.

1. The competent registering authority may, by order, refuse to register any motor vehicle, or renew the certificate of registration in respect of a motor vehicle other than a transport vehicle, if the competent registering authority has reason to believe that:

- (a) the vehicle is a stolen motor vehicle; or
- (b) the vehicle is mechanically defective; or
- (c) the vehicle fails to comply with the requirements of this Act; or
- (d) the applicant has failed to provide particulars as specified in section (90) or to furnish particulars of any previous registration of the vehicle; or
- (e) the applicant has furnished inaccurate particulars in the application for registration of the vehicle or, as the case may be, for renewal of the certificate of registration thereof.

2. The competent registering authority shall furnish to the applicant whose vehicle is refused registration, or whose application for renewal of the certificate of registration is refused, a copy of such order, together with the detailed reasons for such refusal.

(97) Change of address.

1. If the registered owner of a motor vehicle or trailer or semi-trailer or mobile machinery ceases to reside at or changes the place of business from the address recorded in the certificate of registration of the vehicle, the owner shall, within ninety days of any such change of address, communicate, either electronically via the internet or otherwise, in such form and accompanied by such documents as

may be specified by the National Authority, the owner's new address, to the competent registering authority within whose jurisdiction the new residence or place of business is located.

2. On receipt of such communication, the competent registering authority may, after making such verification as it may think fit, cause the new address to be entered in the certificate of registration.
3. This section shall not apply where the change of the address recorded in the certificate of registration is due to a temporary absence of the owner, with the vehicle, not intended to exceed three months in duration or where the motor vehicle or trailer or semi-trailer or mobile machinery is neither used nor removed from the address recorded in the certificate of registration.
4. The unified registration system shall enable as far as possible the electronic adjustment and reconciliation of any taxes paid or due, to any state government or local authority, in pursuance of registering the vehicle under this Act, or refunds, due to the applicant for the change of address, recorded in the certificate of registration.

(98) Transfer of ownership of vehicle.

Where the ownership of any registered motor vehicle or trailer or semi-trailer or mobile machinery is transferred, the transferee shall, within thirty days of the transfer, and in such manner and with such accompanying documents as may be specified by the National Authority, report the transfer to the competent registering authority within whose jurisdiction the transferee has the residence or place of business where the vehicle is normally kept, as the case may be, so that particulars of the transfer may be entered in the certificate of registration.

(99) Special provisions regarding vehicle subject to hire-purchase agreement, etc.

1. An application for registration of a motor vehicle or trailer or semi-trailer or mobile machinery held under an agreement for hypothecation, lease or hire-purchase shall be made through the Unified Vehicle Registration System to the

competent registering authority in such form and manner, and with such accompanying documents as the National Authority may specify by regulations.

2. The competent registering authority shall process an application for the registration of a motor vehicle or a trailer or a semi-trailer or mobile machinery in accordance with the regulations specified by the National Authority.

(100) Alteration in vehicle.

1. No owner of a motor vehicle or a trailer or a semi-trailer or mobile machinery shall so alter the vehicle that the particulars contained in the certificate of registration change.
2. The Central Government, may by notification, prescribe the permissible and impermissible alterations to a motor vehicle or a trailer or a semi-trailer or mobile machinery.
3. For the purpose of this section and without prejudice to the generality of the foregoing power:
  - (a) changing the colour of the vehicle shall not be considered as alteration to the motor vehicle or a trailer or a semi-trailer or mobile machinery.
  - (b) where the owner of a motor vehicle or trailer or semi-trailer or mobile machinery makes modifications to part or whole of the engine of a vehicle to facilitate its operation by alternative vehicle fuel or sources of energy, by fitment of a conversion kit, or modification, such fitment or modification shall be carried out subject to such conditions as may be specified by the National Authority.
  - (c) an owner may change engine or chassis of vehicle if procured from same manufacturer or from a manufacturer having a certificate of conformity for such engine or chassis of vehicle subject to such conditions as may be specified by the National Authority.

4. A motor vehicle or a trailer or a semi-trailer or mobile machinery may be altered so as to make it a vehicle for differently-abled persons after approval of the competent registering authority subject to such conditions as may be specified by the National Authority.

Provided that if such altered vehicle has a type certificate such vehicle may be altered without any approval.

5. Where the colour of the vehicle has been changed or any alteration has been made in a motor vehicle or a trailer or a semi-trailer or mobile machinery or by reason of replacement of its engine or chassis, the owner of the vehicle shall, within fourteen days of the making of the alteration, report and update the alteration in the unified vehicle registration system with the specified fee in order that particulars of registration may be updated.
6. Subject to the provisions made under sub-section (1), (2), (3) and (4), no person holding a vehicle under a hire-purchase agreement shall make any alteration to the vehicle except with the written consent of the financier.

(101) Suspension of registration.

1. A competent registering authority may suspend the certificate of registration of a motor vehicle in its jurisdiction if it has reason to believe that the motor vehicle or trailer or semi-trailer or mobile machinery:
  - (a) is in such a condition that its use in a public place would compromise public safety and cause a sense of alarm or distress to occupants of the vehicle, other road users, and persons and property near roads, or that it fails to comply with the requirements of this Act or its rules; or
  - (b) has been, or is being, used for hire or reward without a valid permit for being used as such provided that the certificate of registration shall not be suspended merely on the grounds of a breach of the permit conditions.

2. An order for suspension of the certificate of registration of a motor vehicle must record the reasons in detail for such suspension in writing, and may be issued only after the competent registering authority has given the owner of the motor vehicle or the trailer or the semi-trailer or mobile machinery an opportunity of making a representation, by sending to the owner a notice in the manner specified by the regulations made by the National Authority.
3. The certificate of registration of the motor vehicle or the trailer or the semi-trailer or mobile machinery may be suspended:
  - (a) in any case falling under clause 1(a), until the defects are rectified to the satisfaction of the competent registering authority; and
  - (b) in any case falling under clause 1(b), for a period not exceeding two months.
4. An authority other than a competent registering authority shall, when making a suspension order under sub-section (1), communicate, immediately and in writing, the fact of such suspension and its reasons in detail to the competent registering authority within whose jurisdiction the vehicle is at the time of the suspension.
5. Where the registration of a motor vehicle has been suspended for a continuous period of not less than one month, the competent registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original competent registering authority, immediately and in writing, inform the original authority of the suspension.
6. The owner of a motor vehicle or trailer or semi-trailer or mobile machinery shall, on the demand of a competent registering authority which has suspended the certificate of registration of the vehicle under this section, surrender the certificate of registration.



7. A certificate of registration surrendered under this section shall be returned to the owner when the order suspending registration has been rescinded or after the suspension period is over.

(102) Responsibility of owner in case vehicle is unfit for use.

1. If a motor vehicle or a trailer or a semi-trailer or mobile machinery has been destroyed or has been rendered permanently incapable of use, the owner shall, within thirty days, report and update the fact in the unified vehicle registration system and shall forward to the competent registering authority the certificate of registration of the vehicle.
2. If a motor vehicle or a trailer or a semi-trailer or mobile machinery has been destroyed or has been rendered permanently incapable of use, it shall be disposed or recycled in such manner as may be specified by the National Authority.
3. The National Authority shall make rules prescribing the responsibilities and liabilities of motor vehicle or trailer or semi-trailer or mobile machinery manufacturers for the scrapping and recycling of a motor vehicle or a trailer that has been destroyed or has been rendered permanently incapable of use.

(103) Cancellation of registration.

1. Registration of a motor vehicle or trailer or semi-trailer or mobile machinery may be cancelled by the competent registering authority for the reasons to be recorded in detail in writing if it is satisfied that:
  - (a) the vehicle is destroyed or has been rendered permanently incapable of use in accordance with section (104);
  - (b) the vehicle is in such a condition that it is incapable of being used or its use in a public place would cause a sense of alarm or distress to occupants of the vehicle, other road users, and persons and property near roads and that it is beyond reasonable repair on examination of a motor vehicle by such authority as the National Authority may by order appoint;

- (c) the motor vehicle or the trailer or the semi-trailer or mobile machinery has been permanently removed out of India;
  - (d) the registration of a motor vehicle or a trailer or a semi-trailer or mobile machinery has been obtained on the basis of documents which were, or by representation of facts which was false in any material particular, or the engine number or the chassis number embossed upon it are different from such number entered in the certificate of registration or unified vehicle registration system; or
  - (e) the suspension of registration of a vehicle under this section has continued without interruption for a period of not less than six months.
2. No order under sub-section (1) shall be made unless the owner of the motor vehicle or the trailer or the semi-trailer or mobile machinery is given an opportunity to make a representation and the owner shall be served notice in such manner as may be specified by the National Authority.
3. A competent registering authority cancelling the registration of a motor vehicle or a trailer or a semi-trailer or mobile machinery under this section shall communicate such fact in writing to the owner of the vehicle, and the owner of the vehicle shall immediately surrender the certificate of registration of the vehicle to that authority.
4. If the competent registering authority making an order of cancellation under this section is:
- (a) the original competent registering authority, it shall cancel the certificate of registration and the entry relating to the vehicle in its records and the unified vehicle registration system; and
  - (b) if it is not the original competent registering authority, it shall forward the certificate of registration to that authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle or

trailer or semi-trailer or mobile machinery in its records and the unified vehicle registration system.

5. The expression “original competent registering authority” in this section and in section (101), means the competent registering authority in whose records the registration of the vehicle is recorded.
6. In this section “certificate of registration” includes a certificate of registration renewed under the provisions of this Act.

(104) Certificate of fitness.

1. Subject to the provisions of section (107) and section (108), a vehicle shall not be deemed to be validly registered for the purposes of section (88) unless it carries a certificate of fitness in such form containing such particulars and information as may be specified by the National Authority.

Provided a type or class of vehicle may be exempt from the provisions of this section by the Central Government for such period as it may notify.

2. The fitness certificate shall be issued by the specified authority or by an authorised testing station to the effect that the vehicle complies for the time being with all the requirements of this Act.
3. If the specified authority or the authorised testing station believes that the motor vehicle does not comply for the time being with all the requirements of this Act and its rules, it may refuse to issue a certificate of fitness for that vehicle, in which case it shall supply the owner of the vehicle with its reasons in detail in writing for such refusal.
4. No vehicle shall be issued a certificate of fitness without a valid pollution under control certificate.
5. Subject to the provisions of sub-section (4), a certificate of fitness shall remain effective for such period as may be specified by the National Authority having

regard to the object of this Act and such different periods may be specified for different category of vehicles.

6. The National Authority may for reasons to be recorded in detail in writing cancel a certificate of fitness at any time, if satisfied that the vehicle to which it relates no longer complies with all the requirements of this Act and its rules; and on such cancellation, the certificate of registration of the vehicle and any permit granted in respect of the vehicle under Chapter V shall be deemed to be suspended until a new certificate of fitness has been obtained:

Provided that no such cancellation shall be made by the specified authority unless such specified authority holds such technical qualification as may be specified or where the specified authority does not hold such technical qualification on the basis of the report of an officer having such qualification.

7. A certificate of fitness issued under this chapter shall be valid throughout India.
8. A vehicle service station or repair and maintenance facility or any other establishment whether public or private may be designated an authorised testing station by the National Authority, having regard to the experience, training and ability of the operator of such station or facility, the testing equipment and testing personnel, and in accordance with the regulations made by the National Authority in this regard.

Provided that the National Authority shall ensure that adequate number of fitness testing centres are established across the country in order to ensure the timely and efficient certification of fitness of vehicles in India.

9. For the purposes of this section:
  - (a) “certificate of fitness” means a certificate issued by a specified authority or an authorised testing station certifying fitness of a motor vehicle.

- (b) “authorised testing station” means a vehicle service station or repair and maintenance facility or establishment authorised to issue certificates of fitness.

(105) Appeals.

1. Any person aggrieved by an order of the competent registering authority under this Act may, within thirty days of the date on which that person has received notice of such order, appeal against the order as per the grievance redressal mechanism established by the National Authority under this Act.
2. The authority prescribed under sub-section 1 shall give notice of the appeal to the competent registering authority and after giving an opportunity to the competent registering authority and the appellant to be heard in the appeal pass such detailed order as it thinks fit.

(106) Power to fix the age limit of vehicle.

1. The National Authority may, having regard to the public safety, convenience and objects of this Act, by regulations, specify the life of a motor vehicle or a trailer or a semi-trailer or mobile machinery reckoned from the date of its manufacture, after the expiry of which the motor vehicle or trailer or semi-trailer or mobile machinery shall not be deemed to comply with the requirements of this Act and the rules and regulations made under the Act.

Provided that the National Authority may specify different ages for different classes or different types of motor vehicles or trailers or semi-trailers or mobile machinery.

2. Notwithstanding anything contained in sub-section (1), the National Authority may, having regard to the purpose of a motor vehicle or a trailer or a semi-trailer or mobile machinery, such as, display or use for the purposes of a demonstration in any exhibition, use for the purposes of technical research or taking part in a vintage car rally, by regulations, exempt, by a general or special order, subject to

such conditions as may be specified in such notification by the Central Government, any class or type of motor vehicle or trailer or semi-trailer or mobile machinery from the operation of sub-section (1) for the purpose to be stated in the notification.

3. Notwithstanding anything contained in section (Special provisions regarding transport vehicles), no specified authority or authorized testing station shall grant a certificate of fitness to a motor vehicle or a trailer in contravention of the provisions of any notification issued under sub-section (1).
4. The National Authority may, have regard to the public safety, convenience and objects of this Act, may frame rules for recycling of such vehicles and parts thereof.

(107) Registration of vehicles belonging to the Central Government.

1. Such authority as the National Authority may, by regulations, specify, may register any motor vehicle which is the property or for the time being under the exclusive control of the Central Government and is used for Government purposes relating to the defence of the country and unconnected with any commercial enterprises, and any vehicle so registered shall not, so long as it remains the property or under the exclusive control of the Central Government, require to be registered otherwise under this Act.

Provided that all government vehicles shall comply with the provisions of section (91) of the Act.

2. The competent authority registering a vehicle under sub-section (1) shall sign a registration mark in accordance with the provisions contained in the rules made in this behalf by the National Authority and shall issue a certificate in respect of that vehicle to the effect that such vehicle complies for the time being with all the requirements of this Act and the rules and regulations made under the Act and that the vehicle has been registered under this section.

3. Such vehicle shall be issued for display thereon such special registration mark as may be specified by the regulations made by the National Authority.
4. A vehicle registered under this section shall carry the certificate issued under subsection (2).
5. If a vehicle registered under this section ceases to be the property or under the exclusive control of the Central Government, the provisions of section (88) shall thereupon apply.

(108) Information regarding stolen and recovered vehicle.

1. An owner of a vehicle registered under the provisions of this Act shall inform the competent registering authority in such manner along with a copy of police report as may be specified by the National Authority regarding theft of the motor vehicle, if any.
2. The State Government may, if it thinks necessary or expedient so to do in the public interest, direct the submission by such police officers as the State Government may specify in this behalf, of such returns containing the information regarding vehicles which have been stolen and stolen vehicles which have been recovered of which the police are aware, to the competent registration authority concerned.
3. The National Authority shall establish a national database of all reports regarding theft of a motor vehicle, as part of the unified vehicle registration system.

Chapter VI – National Road Transport and Multimodal Co-ordination Authority

(109) Establishment of National Road Transport and Multimodal Co-ordination Authority

1. The Central Government shall, within 6 months of commencement of this Act, establish by notification a national body to be known as the National Road Transport and Multimodal Co-ordination Authority of India to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

2. The National Transport Authority shall be a body corporate having:
    - (a) perpetual succession;
    - (b) a common seal;
    - (c) the power to acquire, hold and dispose of property, both movable and immovable;
    - (d) the power to enter into and execute contracts;
    - (e) the power to sue or be sued; and
    - (f) the power to employ persons to discharge its duties.
  3. The National Transport shall be responsible to the Central Government.
  4. The head office of the National Transport Authority shall be at the National Capital Region.
  5. The National Transport Authority may establish such number of offices at such places in India as may be deemed fit by it to render its functions and towards fulfilment of its objectives.
- (110) Composition of the National Road Transport and Multi-Modal Co-ordination Authority
1. The National Road Transport and Multi-Modal Co-ordination Authority, (hereafter referred to as the National Transport Authority) shall consist of the following –
    - (a) a Chairperson being a member; and
    - (b) not less than four and not more than eight members excluding the Chairperson.
  2. The Chairperson of the National Transport Authority shall be appointed by the Central Government on the recommendations of the Selection Committee under



section (6) and shall have the rank of Additional Secretary to the Government of India.

3. Every member of the National Transport Authority shall be a person of ability, integrity and standing and with special knowledge of, or professional experience in either one or more subjects of economics, transport, logistics and freight movement, urban planning, law, road safety, motor vehicles, infrastructure development, civil engineering, which, in the opinion of the Central Government, will be useful for the National Transport Authority to render its functions and fulfil its objectives under this Act and every such member shall have the rank of Additional Secretary to the Government of India.
4. All members of the National Transport Authority shall be whole-time members.
5. The members of the National Transport Authority shall be appointed in such manner so as to secure the highest standards of professional competence and a range of relevant expertise in order to effectively discharge the duties and functions of the National Transport Authority under the Act.

(111) Selection committee for appointing the Chairperson and the members of the National Road Transport and Multi-Modal Co-ordination Authority

1. The Chairperson and the members of the National Transport Authority shall be appointed by the Central Government from a panel of persons recommended by a selection committee established under this Act.
2. The selection committee shall consist of:
  - a) the Secretary in the Ministry of Road Transport and Highways as the Chairperson;
  - b) the Secretary, Department of Industrial Policy and Promotion, in the Ministry of Commerce and Industry as a member;
  - c) the Secretary in the Ministry of Civil Aviation as a member;
  - d) the Secretary in the Ministry of Railways as a member;

- e) the Secretary in the Ministry of Shipping as a member;
  - f) the Chairperson of the National Authority; and
  - g) three experts of repute with special knowledge of, or professional experience in either one or more of subjects of economics, transport, logistics and freight movement, urban planning, law, road safety, motor vehicles, infrastructure development, civil engineering as members.
3. The term of the selection committee and the manner of selection of the panel of persons shall be such as may be prescribed by the Central Government.
4. The Central Government shall make a reference to the selection committee for filling up a vacancy in the National Transport Authority –
- (a) within one month from the date of occurrence of a vacancy by reason of death, resignation or removal of the Chairperson or a member of the National Transport Authority; and
  - (b) three months before the superannuation or completion of the term of office of the Chairperson or a member of the National Transport Authority.
5. For every vacancy referred to it, the selection committee shall –
- (a) recommend to the Union Minister for Road Transport and Highways two persons for appointment as member;
  - (b) recommend to the Central Government two persons for appointment as Chairperson; and
  - (c) make such recommendations within two months from the date on which the reference is made to it.
6. Any person who is a member of the selection committee shall not be entitled to be recommended under sub-section 5(a) and sub-section 5(b), whether during his/her term with the selection committee or anytime thereafter.

7. Before making any recommendations under sub-section 5(a) and sub-section 5(b), the selection committee shall satisfy itself that the persons so recommended are capable of functioning independently as the Chairperson or a member of the National Transport Authority, where such independence means the ability to maintain and exercise independent judgment in the discharge of duties.
8. The Central Government shall appoint the Chairperson, and the Union Minister for Road Transport and Highways shall appoint the members of the National Transport Authority, as the case may be, within one month of the recommendation of the selection committee being submitted under sub-section 5(a) or sub-section 5(b).

(112) Terms of service of Chairperson and members.

1. The salary, term of office, and other terms and conditions of service of the Chairperson and the members, including leave, medical benefits and any other aspect of employment shall be such as may be prescribed by the Central Government.
2. The terms and conditions of service of the Chairperson and the members shall not be varied to their disadvantage after appointment.

(113) Resignation of Chairperson and members.

1. The Chairperson or a member of the National Transport Authority may resign office at any time before the expiry of the prescribed term, by giving to the Central Government advance notice in writing of not less than three months.
2. The Chairperson or a member of the National Transport Authority, after providing notice under this section, will continue to hold office until the Central Government appoints a person to the office vacated, or the expiry of three months from the date of notice, whichever is earlier, unless such member is permitted by the Central Government to resign sooner

(114) Removal of Chairperson or Members.

1. The Central Government may, in accordance with the process laid down in this section, remove the Chairperson or any member of the National Authority if such person has:
  - (a) been adjudged as an insolvent;
  - (b) been sentenced to imprisonment;
  - (c) engaged in any employment during the term of office;
  - (d) been convicted of an offence which, in the opinion of Central Government, involves moral turpitude;
  - (e) breached the terms and conditions of their service as member;
  - (f) failed to adequately disclose any direct or indirect pecuniary interest;
  - (g) acquired such financial or other interests as is likely to affect prejudicially the person's functions
  - (h) made any material misrepresentation to the selection committee; or
  - (i) become physically or mentally incapable of discharging their duties.
2. If the Central Government proposes to remove the Chairperson or a member of the National Transport Authority, the following procedure must be followed :
  - (a) a reference must be made by the Central Government to the Cabinet Secretary to conduct an inquiry mentioning the grounds on which the Central Government believes that the member cannot hold office;
  - (b) such an inquiry shall be held by a Committee Constituted by the Cabinet Secretary in accordance with such procedure as may be prescribed by it in this behalf;

(c) upon completion of the inquiry, the findings in the report shall be submitted to the Cabinet Secretary, which shall contain specific outcomes on whether or not the grounds for removal mentioned by the Central Government under clause (a) above have been met; and

(d) if the Central Government is then satisfied that one or more grounds for removal has been met, then the Central Government may remove the Chairperson or such member by publishing a notification that must contain:

(i) the grounds for the removal of the Chairperson or such member under this section; and

(ii) the facts considered by the Central Government to arrive at its decision.

3. The Chairperson or a member of the National Transport Authority may not be removed from office unless:

(a) the Chairperson or such member has been given a reasonable opportunity of being heard; and

(b) a notification to such effect has been published by the Central Government.

4. The Chairperson or such member of the National Transport Authority will cease to hold office from the date of the notification under this section.

(115) Restrictions on employment.

1. No member of the National Transport Authority may, for a period of two years from the date on which they cease to hold office, directly or indirectly, for their own account or as agent, administrator, officer, director, retainer, member of the executive body or shareholder or equity owner of any other person, conduct any activity within the jurisdiction of the National Transport Authority under this Act.

2. The provisions of sub-section (1) may not apply in cases where specific authorization in this regard has been obtained in writing from the Central Government.

(116) Officers and employees of the National Transport Authority.

1. The National Transport Authority shall have the power to determine the number, nature and categories of officers and employees required by the National Transport Authority in the discharge of its functions.
2. The salaries and allowances payable to and other conditions of service of the, officers, and employees shall be such as may be specified by regulations by the National Transport Authority.

(117) Objectives of the National Road Transport and Multi-Modal Co-ordination Authority

1. The primary object of the National Transport Authority shall be to be to plan and develop integrated, safe and sustainable transport systems that contribute to an inclusive, prosperous and environmentally responsible India consistent with the purpose and objectives of this Act;
2. Without prejudice to the generality of sub-section (1), the primary object includes the following—
  - (a) to ensure, in collaboration with other transport bodies and public entities, that the public and goods transport system operates as part of an integrated transport system which seeks to meet the needs of all transport system users;
  - (b) to plan and develop the public transport system in a manner which supports an integrated transport system by-
    - (i) seeking to increase the share of public transport trips;
    - (ii) while seeking to give effect to sub-section (1), also seeking to improve the environmental performance and minimise the adverse environmental impacts of the public transport system;

- (c) to contribute to social well-being by providing access to livelihood opportunities and supporting social interaction among members of the community;
  - (d) to promote economic prosperity through efficient and reliable movement of public transport users while also supporting freight movement;
  - (e) in collaboration with relevant bodies including the Central Government, the State Governments, State Roads Transport Corporations, public and private transport operators, urban local bodies, the National Authority, state police and state transport departments to improve public transport for public transport users.
3. develop transit improvement infrastructure or any transport infrastructure project for the smooth movement of passengers and goods consistent with the objectives of the transport system.

(118) Functions of the National Road Transport and Multi-Modal Co-ordination Authority

1. The National Transport Authority shall:
- (a) develop a National Road Transportation Plan consistent with the statement of objects and reasons of this Act and on the basis of the directions given by the Central Government in the National Transportation Policy and in consultation with other agencies such as the National Highway Authority of India. The National Road Transportation Plan shall --
    - (i) establish a planning framework for passenger and goods transportation within which transport bodies are to operate;
    - (ii) establish a medium and long term planning framework for all forms of transport, identify areas for the development of transit improvement infrastructure across India in consultation with the authorities and agencies related to ports, railways and aviation as well as with local and state level planning, land holding and regulatory authorities for the delivery of an integrated multi-modal transport system;
    - (iii) establish the framework of grant of permits and schemes;

- (iv) establish strategic policy context for transport by road and its role as a link to other means of transport;
- (v) identify strategic policies and specify priorities for the transport system that address current and future challenges;
- (vi) provide medium to long term strategic directions, priorities and actions;
- (vii) promote competition, innovation, increase in capacity and greater efficiency in transport of goods or livestock or passengers, and economical use of resources;
- (viii) safeguard the interest of the public and promote equity, while seeking to enhance private participation and public-private partnership in the transport sector;
- (ix) demonstrate an integrated approach to transport and land use planning;
- (x) identify the challenges that the National Road Transportation Plan seeks to address; and
- (xi) address any other matter deemed relevant by the National Transport Authority.

Provided that the National Transport Authority shall publish the draft National Road Transportation Plan and undertake public consultations as may be prescribed.

- (xii) annually notify the National Road Transportation Plan.
- (b) shall design and frame schemes for the interstate transport of passengers and goods by defining service level benchmarks, quality norms, performance parameters and targets to achieve the objectives stated under such schemes;
- (c) provide technical assistance to the Central Government and appropriate agencies including State Governments, municipalities, panchayats to plan and develop public transport infrastructure, including, transit improvement infrastructure, roadsides amenities and other transport assets;



- (d) protect future options for the improvement of the transport system including advising the Central and State Governments on holding, retaining and reserving land for future transit improvement infrastructure projects, BRTS corridors for movement of passengers and heavy trucks lanes for movement of freight;
- (e) ensure the improvement asset utilization of road transport;
- (f) facilitate the multimodal integration of road transport and find out means and ways to fund transit improvement infrastructure development through public or private participation to enable speedy development;
- (g) conduct capacity building programs in association with educational institutions and non-governmental organisations for training skilled manpower required for the road transport sector;
- (h) monitor and report to the Central Government on whether the provision of passenger services meets government and community expectations;
- (i) develop and implement effective environmental policies, strategies and management systems consistent with the strategic policy of the National Transport Authority to support a sustainable transport system, including minimising any adverse environmental impacts from the public transport system and freight movement;
- (j) develop capabilities and enable dissemination of information to Indian Citizens about public transport including public transport service maps, routes, service schedules, fares and timetables;
- (k) collect transport data and undertake research in the transport system;
- (l) function as an economic regulator for schemes for inter-state transportation of passengers and their goods by transport vehicles under the national passenger transport permit for the purposes of scheduled services, restricted scheduled services, metered services, restricted metered services, chartered services or restricted chartered services;
- (m) discharge any other functions or duties conferred on the National Transport Authority by any other Act or any regulations under any other Act or that may be assigned to it by the Central Government.

2. In performing the functions conferred on the National Transport Authority, the Authority shall –
  - (a) engage with stakeholders so as to ensure better outcomes for all Citizens;
  - (b) conduct research and collect information relating to the performance, function and the operation of the public transport system efficiently address any complaints relating to the performance of the functions of the National Transport Authority;
  - (c) efficiently address any complaints relating to the performance of a public transport operator.

(119) Powers of the National Road Transport and Multi-Modal Co-ordination Authority

1. National Transport Authority has the power to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the achievement of the objects of the National Transport Authority;
2. Without prejudice to the generality of subsection (1), the National Transport Authority may:
  - (a) conduct or undertake the planning and development of infrastructure required for the smooth movement of passenger and goods vehicles, approval and declaration of various schemes to provide passenger services or other transport services;
  - (b) enter into any agreement or contract to support the provision of passenger services or other transport services in connection with the functions of National Transport Authority;
  - (c) enter into any lease or licence to support the provision of passenger services or other transport services in connection with the functions of the National Transport Authority;
  - (d) acquire, own, build, maintain and operate public transport infrastructure , transit improvement infrastructure and related infrastructure;
  - (e) enter into an agreement relating to the allocation of revenue which is derived from the provision of any passenger services or other transport related services;

- (f) give indemnities, guarantees, releases and charges, and anything else of a similar nature;
- (g) exercise the powers conferred on the National Transport Authority by any other Act or any regulations under any other Act or by the Central Government.

(120) Powers of the National Road Transport and Multi-Modal Co-ordination Authority in relation to land

1. The National Transport Authority may,—
  - a) hold or dispose of land; and
  - b) otherwise deal with any land held by the National Transport Authority.

(121) Proceedings of the National Road Transport and Multi-Modal Co-ordination Authority

1. The Chairperson and the members of the National Transport Authority shall, in addition to attending office regularly meet at least once a week, and at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings, including quorum at such meetings and procedure for such meetings, as may be prescribed by the Central Government.
2. The Patron shall be free to attend and participate in any meetings or consultation or events of the National Transport Authority, Technical Working Groups or all or any other bodies or groups or advisory teams established by the National Transport Authority for the purposes of this Act.
3. The Chairperson shall ordinarily preside at meetings of the National Transport Authority unless the Patron is attending the said meeting in which case the Patron shall preside over such meeting.
4. If the Chairperson is unable to attend a meeting of the National Transport Authority, the Chairperson can designate any other member to preside over the meeting.

5. The Chairperson and members must, at all times, act in good faith, and use diligence in the discharge of their duties.
6. The Chairperson or any member who has any direct or indirect interest in any matter coming up for consideration at a meeting of the National Transport Authority must, as soon as it comes to the Chairperson's or such member's knowledge, disclose the nature of interest to the National Transport Authority.
7. A disclosure made by the Chairperson or a member will be recorded in the proceedings of the meeting, and the Chairperson or such member must recuse from any deliberation or decision of the National Transport Authority with respect to that matter or any matter connected therewith.
8. Provided that if the Chairperson has to recuse himself or herself from a proceeding of the National Transport Authority, the Patron shall designate a member of the Authority to discharge the functions of the Chairperson for that matter.
9. All orders and decisions of the National Transport Authority shall be authenticated by the Chairperson.
10. No act or proceedings of the National Transport Authority shall be questioned or invalidated merely on the ground of existence of any vacancy or defect in the constitution of the National Transport Authority.

(122) Functions of the Chairperson

1. The Chairperson shall be the legal representative of the National Transport Authority and shall be responsible for:
  - (a) the day-to-day administration of the National Transport Authority;
  - (b) drawing up of proposal for the National Transport Authority's work programmes, including the prioritization of work;
  - (c) implementing the work programmes and the decisions adopted by the National Transport Authority;

- (d) ensuring the provision of appropriate technical and administrative support for the Working Group;
  - (e) ensuring that the National Transport Authority carries out its tasks in accordance with the requirements of its stakeholders, in particular with regard to the adequacy of the services provided and the time taken;
  - (f) the preparation of the statement of revenue and expenditure and the execution of the budget of the National Transport Authority;
  - (g) identifying potential systemic risks for the transport ecosystem in India;
  - (h) pooling of knowledge;
  - (i) ensure close cooperation between the National Transport Authority and the National Authority, enforcement agencies and organisations operating in the field of transport, roads and motor vehicles under this Act;
  - (j) engaging with the Central Government, and for ensuring a regular dialogue with the Technical Working Groups;
  - (k) reporting to the Patron on any matter relating to the National Authority as may be requested by the Patron.
2. Every year, the Chairperson shall submit for adoption, by way of an annual review meeting, to all the members of the National Transport Authority :
- (a) programmes of work;
  - (b) the annual accounts for the previous year;
  - (c) the budget for the coming year;
  - (d) action taken report or response to instructions of the members of the National Transport Authority; and
  - (e) a general report covering all the activities of the National Transport Authority in the previous year.
3. The Chairperson shall, following adoption under sub-section (2) above, forward the general report and the programmes to the Central Government and the State Governments and shall have them published.
4. The Chairperson shall approve all financial expenditure of the National Transport Authority and report its activities to the Central Government.

5. The Chairperson shall have administrative control over the officers and other employees of the National Transport Authority.

(123) Technical Working Groups

1. The National Transport Authority shall establish Technical Working Groups, which shall consist of independent technical experts where such independence means the ability to maintain and exercise independent judgment in the discharge of duties.
2. Each Technical Working Group constituted under this section shall be headed by a member of the National Transport Authority designated by the Chairperson in consultation with the Central Government, considering such member's special knowledge and field of professional experience and any declarations of interest made by members from time to time.
3. The Technical Working Group shall invite the relevant industry and consumer representatives to its deliberations.
4. Without prejudice to the generality of sub-section (1), the National Transport Authority may establish such number of Technical Working Groups as it considers necessary, including on the following matters:
  - (a) Roads standards for the transport of passengers and goods;
  - (b) Traffic management for the transport of passengers and goods;
  - (c) Transport infrastructure for the transport of passengers and goods;
  - (d) Multi-modal co-ordination for the movement of passengers and freight.
5. The National Transport Authority may from time to time re-constitute the Technical Working Groups by adding new members or by omitting the existing members or by changing the name of the Group as the case may be.

6. The administrative and research support for the Technical Working Groups shall be provided by the National Transport Authority.

(124) Procedure for appointing Technical Working Groups

1. The National Transport Authority shall appoint the members of all Technical Working Groups for a period of three years, which shall be renewable for such period, and the vacancy notice shall be published in relevant leading international technical publications and on the National Transport Authority's website for a call for expressions of interest.
2. The Technical Working Groups shall act through their Chairperson appointed under section (123) and the views of the members shall be recorded.
3. The mode and manner of operation of Technical Working Groups as well as coordination between the various Technical Working Groups shall be specified by regulations.
4. These regulations under sub-section (2) shall relate in particular to:
  - (a) the number of times that a member can serve consecutively on a Technical Working Group ;
  - (b) the number of members in each Technical Working Group;
  - (c) the procedure to reimburse the expenses of members of the Technical Working Groups;
  - (d) the manner in which tasks and requests for technical opinions are assigned to the Technical Working Groups;
  - (e) the creation and organisation of the body of the Technical Working Groups, and the mode and manner of involvement and engagement of external experts being included in the Technical Working Groups;

- (f) the possibility, mode and manner of observers being invited to meetings of the Technical Working Groups;
- (g) the possibility, mode and manner of organising public hearings;
- (h) conduct of meetings including provision for meetings to be held without the physical presence of a member; and
- (i) quorum of the meeting, meeting notice, agenda of the meeting and such other matters.

(125) Power of the National Road Transport and Multi-Modal Co-ordination Authority to delegate

1. The National Transport Authority shall have the power to delegate all or any powers or functions that have been conferred upon it by this Act to any person or group of persons except for such exceptions as may be provided for in this Act.
2. Without prejudice to sub-section (1), the National Transport Authority cannot delegate its power to make regulations, guidelines, standards under this Act.

(126) National Road Transport and Multi-Modal Co-ordination Authority and State Road Transport Development Authority

For the purpose of exercising and discharging its functions specified in section (118), the National Transport Authority may, subject to such conditions as may be prescribed, issue directions to any State Road Transport Development Authority, and the State Road Transport Development Authority shall, in the discharge of its functions under this Act, give effect to such directions.

(127) State Road Transport Development Authority

1. Every State Government shall notify, for the purposes of this Act, an authority to be called the State Road Transport Development Authority (hereafter referred to as the State Transport Authority).



2. The head office of the State Transport Authority shall be at such place as the State Government may decide.
3. The State Transport Authority shall be a body corporate having:
  - (g) perpetual succession;
  - (h) a common seal;
  - (i) the power to acquire, hold and dispose of property, both movable and immovable;
  - (j) the power to enter into and execute contracts;
  - (k) the power to sue or be sued; and
  - (l) the power to employ persons to discharge its duties.
4. The State Transport Authority may establish such number of offices at such places within the State as may be deemed fit by it to render its functions and towards fulfilment of its objectives.
5. The State Government shall notify appropriate implementation agencies to function under the direction of the State Safety Authority and the National Authority.

(128) Composition of the State Transport Authority.

1. The State Transport Authority, shall consist of the following –
  - (c) The appropriate Minister within the Cabinet of the respective State Government who is in-charge of road transport as the Patron, not being a member;
  - (d) a Chairperson being a member; and
  - (e) not less than four and not more than eight members excluding the Chairperson.

2. The Chairperson of the State Transport Authority shall be appointed by the Central Government on the recommendations of the Selection Committee under section (129) and shall have the rank of Secretary to the State Government.
3. Every member of the State Transport Authority shall be a person of ability, integrity and standing and with special knowledge of, or professional experience in either one or more subjects of economics, transport, logistics and freight movement, urban planning, law, road safety, motor vehicles, infrastructure development, civil engineering, which, in the opinion of the Central Government, will be useful for the State Transport Authority to render its functions and fulfil its objectives under this Act and every such member shall have the rank of Secretary to the State Government.
4. All members of the State Transport Authority shall be whole-time members.
5. The members of the State Transport Authority shall be appointed in such manner so as to secure the highest standards of professional competence and a range of relevant expertise in order to effectively discharge the duties and functions of the State Transport Authority under the Act.

(129) Selection committee for appointing the Chairperson and the members of the State Transport Authority

1. The Chairperson and the members of the State Transport Authority shall be appointed by the Central Government from a panel of persons recommended by a selection committee established under this Act.
2. The selection committee shall consist of:
  - a) the Chief Secretary as the Chairperson;
  - b) the Chairperson of the State Safety Authority as a member;
  - c) the Secretary of Road Transport within the State Government as a member;and

- d) three experts of repute with special knowledge of, or professional experience in either one or more of subjects of economics, transport, logistics and freight movement, urban planning, law, road safety, motor vehicles, infrastructure development, civil engineering as members.
3. The term of the selection committee and the manner of selection of the three experts shall be as prescribed by the State Government.
4. The State Government shall make a reference to the selection committee for filling up a vacancy in the State Transport Authority –
  - (a) within one month from the date of occurrence of a vacancy by reason of death, resignation or removal of the Chairperson or a member of the State Transport Authority; and
  - (b) three months before the superannuation or completion of the term of office of the Chairperson or a member of the State Transport Authority.
5. For every vacancy referred to it, the selection committee shall –
  - (a) recommend to the Central Government two persons for appointment as member;
  - (b) recommend to the Central Government two persons for appointment as Chairperson; and
  - (c) make such recommendations within two months from the date on which the reference is made to it.
6. Any person who is a member of the selection committee shall not be entitled to be recommended under sub-section 5(a) and sub-section 5(b), whether during his/her term with the selection committee or anytime thereafter.
7. Before making any recommendations under sub-section 5(a) and sub-section 5(b), the selection committee shall satisfy itself that the persons so recommended are

capable of functioning independently as the Chairperson or a member of the State Transport Authority, where such independence means the ability to maintain and exercise independent judgment in the discharge of duties.

8. The Central Government shall appoint the Chairperson and members of the State Transport Authority within one month of the recommendation of the selection committee being submitted under sub-section 5(a) and sub-section 5(b).

(130) Terms of service of Chairperson and members.

1. The salary, term of office, and other terms and conditions of service of the Chairperson and the members, including leave, medical benefits and any other aspect of employment shall be such as may be prescribed by the Central Government.
2. The terms and conditions of service of the Chairperson and the members shall not be varied to their disadvantage after appointment.

(131) Resignation of Chairperson and members.

1. The Chairperson or a member of the State Transport Authority may resign office at any time before the expiry of the prescribed term, by giving to the State Government advance notice in writing of not less than three months.
2. The Chairperson or a member of the State Transport Authority, after providing notice under this section, will continue to hold office until the Central Government appoints a person to the office vacated, or the expiry of three months from the date of notice, whichever is earlier, unless such member is permitted by the State Government to resign sooner

(132) Removal of Chairperson or Members.

1. The State Government may, in accordance with the process laid down in this section, remove the Chairperson or any member of the State Transport Authority if such person has:

- (a) been adjudged as an insolvent;
  - (b) been sentenced to imprisonment;
  - (c) engaged in any employment during the term of office;
  - (d) been convicted of an offence which, in the opinion of the State Government, involves moral turpitude;
  - (e) breached the terms and conditions of their service as member;
  - (f) failed to adequately disclose any direct or indirect pecuniary interest;
  - (g) acquired such financial or other interests as is likely to affect prejudicially the person's functions
  - (h) made any material misrepresentation to the selection committee; or
  - (i) become physically or mentally incapable of discharging their duties.
2. If the State Government proposes to remove the Chairperson or a member of the State Transport Authority, the following procedure must be followed :
- (a) a reference must be made by the State Government to the High Court of the State to conduct an inquiry mentioning the grounds on which the State Government believes that the Chairperson or the member cannot hold office;
  - (b) such an inquiry shall be held by the High Court in accordance with such procedure as may be prescribed by it in this behalf;
  - (c) upon completion of the inquiry, the High Court shall submit its findings in a report, which shall contain specific outcomes on whether or not the grounds for removal mentioned by the State Government under clause (a) above have been met; and
  - (d) if the State Government is then satisfied that one or more grounds for removal has been met, then the State Government may remove the

Chairperson or such member by publishing a notification that must contain:

(i) the grounds for the removal of the Chairperson or such member under this section; and

(ii) the facts considered by the State Government to arrive at its decision.

3. The Chairperson or a member of the State Transport Authority may not be removed from office unless:

(a) the Chairperson or such member has been given a reasonable opportunity of being heard; and

(b) a notification to such effect has been published by the State Government.

4. The Chairperson or such member of the State Transport Authority will cease to hold office from the date of the notification under this section.

(133) Restrictions on employment.

1. No member of the State Transport Authority may, for a period of two years from the date on which they cease to hold office, directly or indirectly, for their own account or as agent, administrator, officer, director, retainer, member of the executive body or shareholder or equity owner of any other person, conduct any activity within the jurisdiction of the National Transport Authority or the State Transport Authority under this Act.

2. The provisions of sub-section (1) may not apply in cases where specific authorisation in this regard has been obtained in writing from the State Government.

(134) Objectives of the State Transport Authority

1. The primary object of the State Transport Authority is to plan and develop an integrated, safe and sustainable transport system, that contributes to an inclusive, prosperous and environmentally responsible society consistent with the statement of objects and reasons under this Act.
2. Without prejudice to the generality of subsection (1), the primary object includes the following—
  - (a) to ensure, in collaboration with National Transport Authority, other state transport bodies and public entities, urban local bodies and land holding agencies, that the public transport system is planned and operated as part of an integrated transport system which seeks to meet the needs of all transport system users within the state;
  - (b) to organise and regulate the public transport system in a manner which supports an integrated transport system within state by -
    - (i) increasing the share of public transport trips within the state;
    - (ii) actively promoting public transport usage;
    - (iii) improving the environmental performance and minimising the adverse environmental impacts of the public transport system;
    - (iv) contributing to social wellbeing by providing access to livelihood opportunities and supporting social interaction amongst members of the community;
    - (v) promoting economic prosperity through efficient and reliable movement of public transport users while also supporting the movement of livestock and freight;
    - (vi) collaborating with relevant bodies including the Central Government, the State Government, National Transport Authority, State Road Transport Corporations, public and private transport operators, urban local bodies , the National Authority, the State Safety Authority, State Police and other such bodies, in order to improve the efficiency of public transport for public transport users.

- (c) develop any transport infrastructure project; consistent with the transport system objectives.

(135) Functions of the State Transport Authority

1. The State Transport Authority shall —

- (a) in consultation with subject matter experts and other agencies such as the UMTA, urban local bodies and Panchayati Raj institutions, prepare a State Transportation Plan on the basis of the policy directions given by the Central Government, the State Government and the National Road Transportation Plan and shall notify such plan annually. The State Road Transportation Plan shall:
  - (i) set the planning framework within which the state transport bodies are to operate;
  - (ii) identify the requirement of the transportation facilities and infrastructure of the state to fulfil the goals of the National Road Transportation Plan;
  - (iii) identify the transportation facilities that would be required, strategic policies and specify priorities for the transport system that address current and future challenges;
  - (iv) set out medium to long term directions, priorities and actions;
  - (v) ensure the development of the transportation network, in a manner that promotes competition, private sector participation, innovation, efficiency while safeguarding consumer interest and promoting equity;
  - (vi) function as an economic regulator for schemes for transportation of passengers and their goods by transport vehicles only within the state under the state passenger transport permit for the purposes of



scheduled services, restricted scheduled services, metered services, restricted metered services, chartered services or restricted chartered services;

- (vii) Shall design and frame schemes for the transport of passengers and their goods only within the state and issue permits under specified conditions and operating guidelines to provide services.
- (b) act as the point of contact or interface for the public transport system in the respective state by—
- (i) providing and disseminating, or arranging for the provision and dissemination of, including by maintaining a public transport website, information on public transport matters including route maps, service schedules, fares and timetables;
  - (ii) engaging with stakeholders in the public transport system including their relationships inter-se;
  - (iii) acting as an advocate and spokesperson for the public transport system in accordance with the Government's public transport policies and priorities and under the planning framework of the State Transport Authority;
- (c) advise persons and bodies to construct, maintain or vary transit improvement infrastructure and any other transport infrastructure for its continued improvement, including roads, road-related infrastructure, roadsides and other transport assets;
- (d) supervise operational public transport infrastructure, including all transit improvement infrastructure and other transport assets, including by—
- (i) undertaking or causing to be undertaken audits of that infrastructure and assets and reporting on the condition of, and works programs for, that infrastructure and those assets;

- (ii) setting standards for the maintenance and condition of that infrastructure and those assets;
  - (iii) setting medium and long term asset management strategies for that infrastructure and those assets;
  - (iv) plan for the development of public transport networks as part of an integrated transport system, including by undertaking feasibility studies, under the planning framework of the State Authority;
  - (v) manage the coordination of buses, including by setting standards and parameters for timetabling and intramodal and intermodal connectivity of passenger services;
- (e) develop and implement policies and strategies to improve the safety of passenger services and the security of the public transport system;
  - (f) develop and implement operational and service policies, plans, guidelines, standards, limits and practices for the public transport system and related matters under the planning framework of the National Transport Authority;
  - (g) facilitate the adoption and operation of ticketing systems used for the public transport system and manage ongoing improvements in the ticketing systems for the public transport system;
  - (h) monitor and report to the Central Government and the State Government on whether the provision of passenger services meets government and community expectations, including through conducting surveys in relation to customer satisfaction with the provision of passenger services and with the public transport system generally;
  - (i) protect future options for the improvement of the transport system including advising the Central and State Governments on holding, retaining and reserving land for future transit improvement infrastructure

projects, BRTS corridors for movement of passengers and heavy trucks lanes for movement of freight;

- (j) develop and implement effective environmental policies, strategies and management systems under the planning framework of the State Transport Authority to support a sustainable transport system, including minimising any adverse environmental impacts from the public transport system;
- (k) provide support to public transport operating companies, private operators and tourist operators to promote tourism;
- (l) perform any other functions or duties conferred on the State Transport and Authority by any other Act or any regulations under any other Act.

2. In performing the functions conferred on the State Transport Authority, the said Authority shall —

- (a) Engage, where relevant, with stakeholders so as to ensure better outcomes for all citizens;
- (b) conduct research and collect information relating to the performance of its functions and the operation of the public transport system so as to enable it to meet its objects, including information in relation to the performance and operation of the public transport system in comparable jurisdictions for the purpose of setting standards, defining performance parameters and review mechanisms;
- (c) efficiently deal with any complaints relating to the performance of—
  - (i) the public transport system, including users and service providers;
  - (ii) the functions of the State Transport Authority;
  - (iii) a public transport operator; and
  - (iv) freight forwarders, transportation and logistics companies.

- (d) perform the functions consistent with government policies and strategies for passenger and goods transportation services in the state.

(136) Powers of the State Transport Authority

1. The State Transport Authority has the power to do all things that are necessary or convenient to be done for or in connection with, or as incidental to, the achievement of the objects of the State Transport Authority;
2. Without prejudice to the generality of subsection (1), the State Transport Authority may—
  - (a) conduct or undertake the general administration of arrangements entered into with any person or body to provide passenger services or other transport services in connection with the functions of the State Transport Authority;
  - (b) enter into any agreement or contract to support the provision of passenger services or any other transport services in connection with the functions of the State Transport Authority;
  - (c) enter into any lease or licence to support the provision of passenger services or other transport services in connection with the functions of the State Transport Authority;
  - (d) acquire, own, build, maintain and operate public transport infrastructure and transit improvement infrastructure;
  - (e) enter into an agreement relating to the allocation of revenue which is derived from the provision of any passenger services or other transport services;
  - (f) give indemnities, guarantees, releases and charges, and anything else of a similar nature;

- (g) participate in the formation of a corporation, trust, partnership or other body; and
- (h) exercise the powers conferred on the State Transport Authority by any other Act or any regulations under any other Act.

(137) Power of the State Transport Authority to delegate

1. The State Transport Authority shall have the power to delegate all or any powers or functions that have been conferred upon it by this Act to any person or group of persons except for such exceptions as may be provided for in this Act.
2. Without prejudice to sub-section (1), the State Transport Authority cannot delegate its power to make regulations, guidelines, standards under this Act.

(138) Principles for determination of tariff

The National Transport Authority shall, subject to the provisions of this Act, specify the terms and conditions and principles for determination of tariff and granting route, and shall be guided by the following -

- (a) recognition that movement of passengers and their goods is a public utility service;
- (b) the general principles identified for the administration of this Act under section 30;
- (c) commercial principles governing the transport of goods and passengers including that the tariff charged is commensurate to the services being provided;
- (d) requirement to encourage competition, innovation, efficiency, and economical use of resources;
- (e) requirement to safeguard consumer interest and ensure equity; and
- (f) requirement to facilitate increase in capacity and availability of transport services to all parts of the country.

(139) Approval of specific schemes for tariff determination

1. State Governments, urban local bodies and Panchayati Raj Institutions can submit schemes for determination of tariff for the approval of:
  - a. the National Transport Authority, in case inter-state transportation of passengers and their goods by transport vehicles under the national passenger transport permit for the purposes of scheduled services, restricted scheduled services, metered services, restricted metered services, chartered services or restricted chartered services.
  - b. the State Transport Authority, in case of transportation of passengers and their goods by transport vehicles within the state under the state passenger transport permit for the purposes of scheduled services, restricted scheduled services, metered services, restricted metered services, chartered services or restricted chartered services.
2. Any scheme approved under sub-section (1) shall cease to be in effect when the National Transport Authority or the State Transport Authority, as the case may be, issues schemes applicable to the area of operations sought to be covered under any such approved scheme.
3. In the event of any conflict or repugnancy between any scheme approved under sub-section (1) and any scheme issued under this Act by the National Transport Authority or the State Transport Authority, as the case may be, the scheme issued by the National Transport Authority shall prevail.

(140) Single Window Permit System

1. Every application for a permit to the National Transport Authority and State Transport Authority under Chapters VII and VIII of this Act shall be made through a Single Window Permit System under this Act.
2. The Single Window Permit System shall be developed by the National Transport Authority:

- (a) to ensure that the payment of monies and the distribution of revenue to the states and the local government is facilitated in a seamless manner and protects against revenue leakage.
- (b) enables the submission of applications for permits and issuance thereof electronically;
- (c) facilitates the collection of standardised information, and provide for different types of applications to be submitted for different types and sub types of permits;
- (d) facilitates the grant of permits in a transparent, time-bound and efficient manner.

(141) Duration and renewal of Permit.

1. A permit under this Act, other than a temporary permit, shall be effective from the date of issuance or renewal for such period as may be specified by the National Transport Authority.
2. A permit may be renewed on an application being made in such format and such manner as may be specified by the National Transport Authority.

(142) Transfer of Permit

1. Except as provided in sub-section (2), a permit granted under Chapter VII and VIII of this Act shall not be transferable from one person to another except with the permission of the National Transport Authority or State Transport Authority, as the case may be, which granted the permit or as may be specified by regulations issued by National Transport Authority.
2. Without a permission under this Section, no person shall have any right to use a vehicle in the manner authorised by the permit even if the vehicle covered by the permit has been transferred to such person.

3. Where the holder of a permit dies, the person succeeding to the ownership of the vehicle covered by the permit may, for a period of three months, use the permit as if it had been granted to such person, if such person succeeding to the ownership of the vehicle covered by the permit, reports or updates, within thirty days of the demise of the holder of the permit, by way of the Single Window Permit System, his/her details, as may be specified by the National Authority, in order to transfer the permit in his/her favour;

(143) Fleet Management Policy

1. Every company which operates more than one transport vehicle shall be obliged to develop a Fleet Management Policy for such transport vehicles in accordance with such regulations as may be specified by the National Authority including with regard to operation, equipment, and maintenance of such transport vehicles.
2. All Fleet Management Policies made in accordance with sub-section (1) shall be made available to the public upon formulation.
3. Every company which operates more than one transport vehicle shall be obliged to designate a person who shall be liable for the operation, equipment and maintenance of all such transport vehicles.
4. For the purposes of this section, “company” means anybody corporate and includes a firm or other association of individuals.

(144) Restrict hours of work of drivers.

1. The hours of work for any person engaged for operating a transport vehicle shall be such as provided in the Motor Transport Workers Act, 1961 (27 of 1961) or as specified by the National Authority.
2. No person shall work or shall cause or allow any other person to work in addition to the hours fixed or recorded as per regulations specified by the National Authority.



3. The National Authority may specify, by regulations, the circumstances under which and the period during which the driver of a vehicle although not engaged in work is required to remain on or near the vehicle within the meaning of subsection (1).

## Chapter VII: Public Passenger Transport

### (145) Definitions

In this Chapter, unless the context otherwise requires:

1. “Bus Rapid Transit System” means a bus transit system in which the majority of each line operates in a separated right-of-way dedicated for public transportation use during peak periods; and that includes features that emulate the services provided by rail fixed guide way public transportation systems, including:
  - (a) defined stations;
  - (b) traffic signal priority for public transportation vehicles;
  - (c) short headway bi-directional services for specified periods of time; and
  - (d) any other features that the National Transport Authority may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guide way public transportation systems.
2. “chartered service” means a service that is provided by any passenger transport vehicle for hire or reward, on the basis of either time or distance or time and distance.
3. “fixed guide way” means a public transportation facility using and occupying a separate right-of-way for the exclusive use of public transportation for a bus rapid transit system.
4. “metered service” means a service provided by any transport vehicle having a carrying capacity of not more than six persons excluding the driver and which charges a fee on the basis of the time and distance travelled.

5. “national passenger transport permit” means a permit allowing the use of a transport vehicle to travel interstate for the purpose of transportation of passengers and their goods.
6. “passenger transport service operator” means a person who has been issued a passenger transport permit and includes a state transport undertaking or a special purpose vehicle formed by the appropriate government.
7. “public transportation” means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public.
8. “restricted chartered service” means a service that is provided by any passenger transport vehicle to an organisation, for a specified period under an agreement, to primarily transport its employees, contract workers or students.
9. “restricted metered service” is a service provided by a transport vehicle having a carrying capacity of not more than six passengers excluding the driver and plies from one fixed designated stand to another and where fares are charged as per the stages defined by distance travelled.
10. “restricted scheduled service” means a service provided by a transport vehicle of carrying capacity of more than six passengers excluding the driver, plying as per a predefined schedule and stops, where such stops are provided within the permit or schemes approved under this Act, for hire or reward where separate fares are paid by an individual or for a group of passengers, either for the whole journey or for a stage of the journey and having a route distance of less than 125 kilometres or as may be specified by the National Transport Authority and where each passenger travels more than 50 kilometres or for such distance as may be specified by the National Transport Authority.
11. “scheduled service” means a service provided by a transport vehicle of carrying capacity of more than twelve passengers excluding the driver, plying as per a predefined schedule and stops, for hire or reward where separate fares are paid by an individual or for a group of passengers, either for the whole journey or for a stage of the journey and having a route distance of more than 125 kilometres or as may be specified by the National Transport Authority and where each passenger

travels at least 50 kilometres or for such distance as may specified by the National Transport Authority.

12. “scheduled service permit” means a permit to provide a scheduled service.
13. “state passenger transport permit” means a permit allowing the use of a transport vehicle for the purpose of transporting passengers and their goods within one state only.
14. “taxi” means a light motor vehicle used for carriage of not more than six persons excluding the driver, for hire or reward and stands or plies for hire for the transport of passengers along a road or road related area, and includes a restricted taxi.
15. “transport system” mean a system designed for movement of goods and passengers.

(146) Schemes by the National Transport Authority

1. The National Transport Authority shall design and frame schemes for the transportation of passengers and their goods by transport vehicles under the national passenger transport permit for the purposes of scheduled services, restricted scheduled services, metered services, restricted metered services, chartered services or restricted chartered services. Provided that the Central Government, State Governments, urban local bodies and Panchayati Raj Institutions may submit for the consideration and approval of the National Transport Authority schemes for the transportation of passengers and their goods by transport vehicles under the national passenger transport permit.
2. The National Transport Authority, the Central Government, State Governments, urban local bodies and Panchayati Raj Institutions while designing and framing a scheme under a national passenger transport permit shall also consider —
  - (a) the enhancement to the economic vitality of the area, especially by enabling global competitiveness, productivity, and efficiency;
  - (b) the increase in the accessibility and mobility of people by integrated land use;

- (c) the protection and enhancement of the environment, the promotion of energy conservation, improvement of the quality of life, and the promotion of consistency between transportation improvements;
- (d) the enhancement to the integration and connectivity of the transportation system, across and between modes, for people by providing required infrastructure;
- (e) the promotion of efficiency;
- (f) the passenger transport performance targets that address performance measures where applicable, to use for tracking progress towards attainment of critical outcomes for transportation of passengers and the geographical region to be served under that scheme;
- (g) the objectives under the national road transportation plan and the applicable state road transportation plans; and
- (h) the regulations and guidelines issued under this Act.

(147) Declaration of a Scheme by the National Transport Authority

1. A scheme under a national passenger transport permit shall only come into force when it has been approved and notified as a scheme under this Act by the National Transport Authority.
2. If a scheme proposed by either the Central Government, State Governments, urban local bodies and Panchayati Raj Institutions has been approved and notified by the National Transport Authority, the authority or authorities who proposed the scheme may bring it into effect at any time not later than six months after the date of the notification by the National Transport Authority.
3. The scheme must specify:
  - (a) the area to which it relates;
  - (b) the date on which it is to come into operation, which must not be earlier than the timelines defined by the National Transport Authority in its approval; and
  - (c) the period for which it is to remain in operation, which must not be more than ten years; and

- (d) whether the tariff under the scheme will be determined by the Central Government or the passenger transport service operator
4. The scheme must outline:
  - (a) the services which are to be provided under the specific permits;
  - (b) the passenger transport service operators who may participate in the scheme, including state transport undertakings, private operators, public-private partnerships; and
  - (c) the manner in which passenger transport service operators may be selected to participate in the scheme including by way of tender.
5. The scheme may provide that:
  - (a) local services specified in it; or
  - (b) local services of a class specified in it, are to be excluded from the scheme, subject to such conditions as may be specified.
6. The scheme may contain such ancillary provisions as the National Transport Authority thinks fit.
7. The scheme may include provisions:
  - (a) varying or revoking any scheme previously notified by the National Transport Authority or which only relates to the area of the authority, or combined area of the authorities, by which the scheme is made; or
  - (b) varying any other scheme to the extent that it so relates.
8. Not later than one month after the date on which the scheme is made, the authority or authorities must publish the scheme in an area to which the scheme relates.
9. The notice must state:
  - (a) that the scheme has been made;
  - (b) where a copy of the scheme may be inspected; and
  - (c) the date on which the scheme is to come into operation.
10. The National Transport Authority may by order vary the timelines mentioned in this section.

(148) Schemes by State Transport Authority

1. The State Transport Authority shall design and frame schemes for the transportation of passengers and their goods by transport vehicles under the state passenger transport permit for the purposes of scheduled services, restricted scheduled services, metered services, restricted metered services, chartered services or restricted chartered services. Provided that the State Government, urban local bodies and Panchayati Raj Institutions may submit for the consideration and approval of the State Transport Authority schemes for the transportation of passengers and their goods by transport vehicles under the state passenger transport permit.
2. The State Transport Authority, the State Government, urban local bodies and Panchayati Raj Institutions while designing and framing a scheme under a state passenger transport scheme shall also consider:
  - (a) the enhancement to the economic vitality of the area, especially by enabling global competitiveness, productivity, and efficiency;
  - (b) the increase in the accessibility and mobility of people by integrated land use;
  - (c) the protection and enhancement of the environment, the promotion of energy conservation, improvement of the quality of life, and the promotion of consistency between transportation improvements;
  - (d) the enhancement to the integration and connectivity of the transportation system, across and between modes, for people by providing required infrastructure;
  - (e) the promotion of efficiency;
  - (f) the passenger transport performance targets that address the performance measures where applicable, to use in tracking progress towards attainment of critical outcomes for transportation of passengers and geographical region to be served under that scheme;
  - (g) the objectives under the national road transportation plan and the applicable state road transportation plans; and
  - (h) the regulations and guidelines issued under this Act.

(149) Declaration of a Scheme by the State Transport Authority

1. A scheme under a state passenger transport permit shall only come into force when it has been approved and notified as a scheme under this Act by the State Transport Authority.
2. If a scheme proposed by either the State Government, urban local bodies and Panchayati Raj Institutions has been approved and notified by the State Transport Authority, the authority or authorities who proposed the scheme may bring it into effect at any time not later than six months after the date of the notification by the State Transport Authority.
3. The scheme must specify:
  - (a) the area to which it relates;
  - (b) the date on which it is to come into operation, which must not be earlier than the timelines defined by the State Transport Authority in its approval; and
  - (c) the period for which it is to remain in operation, which must not be more than ten years; and
  - (d) whether the tariff under the scheme will be determined by the State Government or the UMTA or urban local bodies or Panchayati Raj Institutions or the passenger transport service operator.
4. The scheme must outline:
  - (a) the services which are to be provided under specific permits;
  - (b) the passenger transport service operators who may participate in the scheme, including state transport undertakings, private operators, public-private partnerships; and
  - (c) the manner in which passenger transport service operators may be selected to participate in the scheme including by way of tender.
5. The scheme may provide that:
  - (a) local services specified in it; or
  - (b) local services of a class specified in it, are to be excluded from the scheme, subject to such conditions as may be specified.

6. The scheme may contain such ancillary provisions as the State Transport Authority thinks fit.
7. The scheme may include provision:
  - (a) varying or revoking any scheme previously notified by the State Transport Authority or which only relates to the area of the authority, or combined area of the authorities, by which the scheme is made; or
  - (b) varying any other scheme to the extent that it so relates.
8. Not later than one month after the date on which the scheme is made, the authority or authorities must publish the scheme in an area to which the scheme relates
9. The notice must state:
  - (a) that the scheme has been made,
  - (b) where a copy of the scheme may be inspected, and
  - (c) the date on which the scheme is to come into operation.
10. The State Transport Authority may by order vary the timelines mentioned in this section.
11. Notwithstanding anything contained in this Act, in the event of any repugnancy between schemes notified by the National Transport Authority or the State Transport Authority, schemes by the National Transport Authority, to the extent of such repugnancy, shall prevail.

(150) Effect of Scheme:

During any period in which the scheme is in operation:

1. No service shall be provided in that area (if there is a stopping place for the service in that area) unless it is provided under a scheme.
2. The National Transport Authority or the State Transport Authority or the authority or authorities implementing the scheme must initiate the process of participation in the scheme, including by way of tender, and issue the appropriate permits to the selected passenger transport service operators in accordance with this Act and not later than:
  - (a) three months, or



- (b) such other period as the National Transport Authority or the State Transport Authority may by order specify, after the scheme has been made.

(151) Regulation about Schemes

1. The National Transport Authority may by regulations further provide with respect to:
  - (a) the procedure to be followed when making, varying or revoking schemes;
  - (b) the approval of schemes;
  - (c) the local services or classes of local services which are to be, or may be, excluded from schemes;
  - (d) the conditions of permits which must be, or may be, attached to such exclusions; and
  - (e) such other incidental matters in connection with schemes as the National Transport Authority thinks fit.
2. The regulations may in particular provide with respect to:
  - (a) giving notice of proposed schemes or proposed variations or revocation of schemes;
  - (b) objections to such proposals;
  - (c) the holding of inquiries or hearings into objections;
  - (d) modifications of such proposals;
  - (e) the form and manner of applications for approval of such proposals;
  - (f) the form of schemes or variations; and
  - (g) giving notice of schemes which have been made or of the variation or revocation of schemes.

(152) Transition plan

The National Transport Authority or the State Transport Authority may by regulations make such transitional provision as it considers appropriate in connection with:

- (a) the coming into operation of schemes;

- (b) the variation or modifications of such schemes;
- (c) the termination or closure of such schemes, whether or not as a result of their revocation;
- (d) the areas to be added or deleted in consultation with concern authorities; and
- (e) the qualification of operators to be select.

(153) Parking Places and Halting Stations

The State Government or the State Transport Authority authorised on this behalf by the State Government may, in consultation with the local authority having jurisdiction in the area concerned, determine places at which passenger transport vehicles will stand either indefinitely or for a specified period of time, and may determine the places at which passenger transport vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers.

(154) Necessity of a permit for the transport of passengers

1. No owner of a motor vehicle shall use or permit the use of the vehicle as a transport vehicle for the transport of passengers and their goods in any public place whether or not such vehicle is actually carrying any passengers save in accordance with the conditions of a permit issued under this Act.
2. The provisions of sub-section (1) shall not apply :
  - (a) to any transport vehicle owned by the Central Government or a State Government and used for Government purposes unconnected with any commercial enterprise;
  - (b) to any transport vehicle used solely for police, fire brigade or ambulance purposes;
  - (c) to any transport vehicle which has been temporarily registered under section 99 while proceeding empty to any place for the purpose of registration of the vehicle;

- (d) to any transport vehicle while proceeding empty to any place for purpose of repair;
- (e) any transport vehicle used for towing a disabled vehicle to a place of safety;
- (f) any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies for attachment to chassis, solely for such purposes, and in accordance with such conditions as the National Transport Authority may specify in this behalf;
- (g) if it is not carrying any goods or passengers or their goods, any transport vehicle which is subject to a hire-purchase or lease hypothecation agreement, and which, owing to the default of the owner, has been taken possession of by or on behalf of, the person with whom the owner has entered into such agreement, to enable such transport vehicle to reach the principal place of business of the owner;
- (h) any transport vehicle used solely for the conveyance of corpses and the mourners accompanying the corpses; and
- (i) to any transport vehicle used solely for such purposes and in accordance with such conditions as the National Transport Authority may, by notification, specify in this behalf.

(155) Application for a permit for the transport of passengers

The owner of a motor vehicle, who intends to use or cause the use of the motor vehicle as a transport vehicle for the transport of passengers and their goods in any public place shall make an application to the National Transport Authority for a national passenger transport permit or the State Transport Authority for a state passenger transport permit as the case may be in the form and manner specified, by notification, by the National Transport Authority.

(156) Voidance of contracts restrictive of liability.

Any contract for the conveyance of a passenger in a transport vehicle, in respect of which a permit has been issued under this Chapter, shall, so far as it purports to negate or restrict the liability of any person in respect of any claim made against that person in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

(157) Grant, suspension, cancellation and modification of a permit for the transport of passengers

1. The National Transport Authority shall prescribe the rules and regulations regulating the following –
  - (a) the application for a permit;
  - (b) the modification of an existing permit;
  - (c) the procedure to be followed in considering an application for a permit or for the modification of an existing permit;
  - (d) the renewal or suspension or cancellation of a permit; and
  - (e) the procedure to be followed for obtaining a temporary permit.
2. The National Transport Authority shall specify, by notification, the fee to be charged for the issuance or renewal of a national passenger transport permit.
3. Each State Transport Authority shall specify, by notification, the fee to be charged for the issuance or renewal of a state passenger transport permit.
4. A national passenger transport permit or a state passenger transport permit, when granted or renewed, shall specify the purpose, the route to be plied and the maximum number of passengers to be transported by the motor vehicle, which is the subject of the permit and any other conditions as may be specified.
5. The holder of an existing national passenger transport permit or a state passenger transport permit, may on payment of a fee prescribed by the National Transport Authority or the relevant State Transport Authority, make an application to the said authority for the modification of any particular in the existing permit or any

other modification including replacing a vehicle under a permit, temporary modification of the purpose of the permit if the vehicle meets the conditions that may be specified for the modified purpose. Provided that if such permission for modification is withheld, the detailed reasons for doing so shall be recorded in writing and provided to the permit holder.

6. Refusal to grant a permit or rejection of an application for grant of permit under this Act shall be communicated through a detailed order in writing stating the reasons for such rejection or refusal.

*Provided that* no application for a permit shall be rejected or refused without providing the applicant an opportunity of being heard in the matter

- (158) Power of National Transport Authority to make rules for the purposes of this Chapter

The National Transport Authority may, in consultation with the National Authority make rules and regulations for the purpose of carrying into effect the provisions of this Chapter.

- (159) Taxation of transport vehicles used in the transportation of passengers

The Central Government shall frame and notify the principles on which taxes are to be levied under this Act on carriage of passengers by transport vehicles under a national passenger transport permit.

- (160) Schedule for Implementation.

The National Transport Authority shall issue guidance on a schedule for implementation of the changes made under this Chapter, taking into consideration the established planning update cycle for States and such States shall reflect changes made to their transportation plan or transportation improvement program updates not later than two years after the date of issuance of guidance by the National Transport Authority under this subsection.

(161) Facilitation of Interstate Movement of Passengers and their Goods

No State shall prevent or hinder the inter-state movement of any transport vehicle under a national passenger transport permit.

(162) Power to obtain information from operator or aggregator or any concerned person

1. The appropriate authority authorized in this behalf by the National Transport Authority or the State Transport Authority may, in connection with the exercise of any of their functions relating to public transport of passengers and their goods, require a passenger transport service operator or aggregator or any concerned person to furnish any information relating to the matters specified in subsection (2) which is in their possession or control.
2. The matters referred to in subsection (1) may include—
  - (a) the total number of journeys undertaken by passengers on the services operated by the operator in the jurisdiction of the authority;
  - (b) the structure of fares for those journeys; and
  - (c) the total distance covered by vehicles used by the operator in those services.
3. The operator may be required to provide the information digitally or in any form in which, having regard to the manner in which the information is kept, it is reasonable to expect him to provide it.

Chapter VIII – Public Goods Transport and National Freight Policy

(163) Definitions

In this Chapter,

1. “hazardous goods”, is as defined in the Environment (Protection) Act, 1986, the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, Hazardous Wastes (Management and Handling) Rules, 1989 and the Rules for the Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms, Genetically Engineered Organisms or Cells, 1989.

2. “transportation of hazardous goods by road” includes --
  - (a) marking or in any way dealing with packages and unit loads containing dangerous goods for transport by road, and placarding containers and vehicles in which dangerous goods are transported by road;
  - (b) consigning dangerous goods for transport by road;
  - (c) loading or unloading dangerous goods onto or from a vehicle, or into or from a container that is to be put on a vehicle, for or after transport by road;
  - (d) undertaking, or being responsible for, otherwise than as an employee or sub-contractor, the transport of dangerous goods by road;
  - (e) driving a vehicle carrying dangerous goods by road; and
  - (f) being the consignee of dangerous goods transported by road; and
  - (g) being involved as a director, secretary or manager of a body corporate, or other person who takes part in the management of a body corporate, that takes part in any activity under (a) – (f) above covered by this definition.
3. “national goods permit” means a permit allowing the use of a transport vehicle for the purpose of interstate transportation of goods.
4. “state goods permit” means a permit allowing the use of a transport vehicle for the purpose of transporting goods within one state alone.

(164) National Transport Authority to designate a Freight Network

1. The National Transport Authority shall notify and make public a Freight Network within one year of commencement of this Act.
2. The National Transport Authority shall, in notifying the Freight Network under sub-section (1), consider—
  - (a) The points of origin and destination for the movement of goods in India;
  - (b) The total tonnage and value of goods moved on various categories of roads;
  - (c) The percentage of annual average daily truck traffic of critical freight cargo such as steel, coal, iron ore and other minerals or natural resources;

- (d) Quantum of goods loaded or unloaded by trucking industry at land and maritime ports of entry;
- (e) Current and potential sites of and access to, energy and mineral exploration, development, installation, or production areas;
- (f) Population centres;
- (g) Freight Network intermodal connectivity; and
- (h) The views and opinions received from states, statutory authorities and by way of public consultation.

(165) National Freight Strategic Plan

1. The National Transport Authority shall develop a National Freight Strategic Plan within two years from the date of commencement of this Act and shall update the said plan on an annual basis.
2. The National Freight Strategic Plan shall include --
  - (a) an assessment of the condition and performance of the national freight network;
  - (b) an identification of bottlenecks on the national freight network that create significant congestion, based on analysis of appropriate data and information, including:
    - (i) information about the Freight Network;
    - (ii) an estimate of the cost of addressing each bottleneck and any operational improvements that may be implemented;
  - (c) long-term forecasts of freight volumes;
  - (d) an identification of major trade gateways and national freight corridors that connect major population centres, trade gateways, and other major freight generators for current and forecasted traffic and freight volumes;
  - (e) identification and impact assessment of statutory, regulatory, technological, institutional, financial, and other factors that act as an impediment to efficient transportation of goods, including opportunities for overcoming the said factors;
  - (f) an identification of routes providing access to energy and mineral exploration, development, installation, or production areas;



- (g) best practices for improving the performance of the national freight network;
- (h) best practices to mitigate the impact of movement of goods on communities;
- (i) a model framework for addressing design, development and implementation of inter-state projects; and
- (j) strategies to improve freight intermodal connectivity.

(166) State Freight Plans

The State Transport Authority shall develop a State Freight Plan, providing for a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to the movement of goods, within two years from the commencement of this Act and shall update the said plan on an annual basis. The State Freight Plan shall include --

- (a) an identification of significant freight system trends, needs, and issues with respect to the State;
- (b) a description of the freight policies, strategies, and performance measures that will guide the goods-related transportation investment decisions of the State;
- (c) a description of how the plan will improve the ability of the State to meet the goals of the National Freight Strategic Plan;
- (d) evaluation of innovative technologies and operational strategies, including intelligent transportation systems, to improve the safety and efficiency of the movement of goods;
- (e) for routes on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) substantially deteriorates or is projected to substantially deteriorate the condition of roads, evaluation of potential improvements that may reduce or impede the deterioration;
- (f) an inventory of facilities with freight mobility issues, such as truck bottlenecks, within the State, and a description of the strategies the State is employing or proposes to employ to address the same; and
- (g) the development of freight transit infrastructure.

(167) Parking Places and Halting Stations

The State Government or the State Transport Authority authorised on this behalf by the State Government may, in consultation with the local authority having jurisdiction in the area concerned, determine places at which passenger transport vehicles will stand either indefinitely or for a specified period of time, and may determine the places at which passenger transport vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers.

(168) Necessity of a permit for the transport of goods

1. No owner of a motor vehicle shall use or permit the use of the motor vehicle as a transport vehicle for the transport of goods, whether or not such vehicle is actually carrying any goods, save in accordance with the conditions of a permit under this Act.
2. The provisions of sub-section (1) shall not apply:
  - (a) to any transport vehicle owned by the Central Government or a State Government and used for Government purposes unconnected with any commercial enterprise;
  - (b) to any motor vehicle whose gross vehicle weight does not exceed 3,000 kilograms;
  - (c) to any transport vehicle which has been temporarily registered under section (94) while proceeding empty to any place for the purpose of registration of the vehicle;
  - (d) to any transport vehicle while proceeding empty to any place for purpose of repair;
  - (e) any transport vehicle used for towing a disabled vehicle to a place of safety;

- (f) any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies for attachment to chassis, solely for such purposes, and in accordance with such conditions as the National Transport Authority may specify in this behalf;
- (g) if it is not carrying any goods or passengers or their goods, any transport vehicle which is subject to a hire-purchase or lease hypothecation agreement, and which, owing to the default of the owner, has been taken possession of by or on behalf of, the person with whom the owner has entered into such agreement, to enable such transport vehicle to reach the principal place of business of the owner
- (h) any transport vehicle used solely for the conveyance of corpses and the mourners accompanying the corpses; and
- (i) to any transport vehicle used solely for such purposes and in accordance with such conditions as the National Transport Authority may, by notification, specify in this behalf.

(169) Application for a permit for the transport of goods

The owner of a motor vehicle, who intends to use or cause the use of the motor vehicle as a transport vehicle for the transport of goods shall make an application to the National Transport Authority or the relevant State Transport Authority, as the case may be, in the form and manner specified, by notification, by the National Transport Authority.

(170) Facilitation of inter-state movement of goods

No state shall prevent or hinder the inter-state movement of any transport vehicle which has been granted a national goods transport permit by the National Transport Authority.

(171) Taxation of Goods Transport Vehicle

The Central Government shall develop the principles for taxation of inter-state transportation of goods under this Act.

(172) Grant, suspension, cancellation and modification of a permit for the transport of goods

1. The National Transport Authority shall prescribe the rules and regulations for the following –
  - (a) the application for a permit or for the modification of an existing permit;
  - (b) the procedure to be followed by the National Transport Authority and the State Transport Authorities in considering an application for a permit or for the modification of an existing permit; and
  - (c) the renewal or suspension or cancellation of a permit.
  - (d) the issuance of temporary permits for goods transport.
2. The National Transport Authority shall specify, by notification, the fee to be charged for the issuance or renewal of a national goods permit.
3. Each State Transport Authority shall specify, by notification, the fee to be charged for the issuance or renewal of a state goods permit.
4. Refusal to grant a permit or rejection of an application for grant of permit under this Act shall be communicated through an order in writing stating the reasons for such rejection or refusal.

Provided that no application for a permit shall be rejected or refused without providing the applicant an opportunity of being heard in the matter

5. The holder of an existing national goods transport permit or a state goods transport permit may, on payment of a fee prescribed by the National Transport Authority or the relevant State Transport Authority, make an application to the said authority for the modification of any particular in the existing permit or any other modification including replacing a vehicle under a permit, temporary modification of the purpose of the permit if the vehicle meets the conditions that may be specified for the modified purpose.

*Provided that* if such permission for modification is withheld, the detailed reasons for doing so shall be recorded in writing and provided to the permit holder.

(173) Power of the National Transport Authority to make rules for the transportation of hazardous goods.

1. The National Transport Authority may, in consultation with the National Authority, make rules and regulations for the purpose of carrying into effect the provisions of this Chapter including the transportation of hazardous goods by road.
2. Without prejudice to the generality of the foregoing, rules and regulations under this section may be made with respect to all or any of the following --
  - (a) method and manner in which hazardous goods shall be stored, packaged, handled and transported;
  - (b) routes and schedules for the transportation of hazardous goods;
  - (c) safety procedures and equipment;
  - (d) mandatory accreditation of people involved in the transport of hazardous goods by road;
  - (e) training of and essential qualifications of authorised officers and other persons performing various functions under this Act with respect to transport of hazardous goods by road;
  - (f) training of and essential qualifications of people involved in, and the approval of training courses and qualifications relating to involvement in, the transport of hazardous goods by road;
  - (g) inspection of facilities and motor vehicles involved in the transportation of hazardous goods by road; and
  - (h) issuance of a permit, including validity and requirements for renewal of such permit.

(174) Power of a State Transport Authority to make rules for the purposes of this Chapter.

1. Each State Transport Authority may make rules for the purpose of carrying into effect the provisions of this chapter for matters that are not provided under rules and regulations provided by the National Transport Authority.

2. In case of any repugnancy between the rules made by the State Transport Authority and the National Authority, the latter shall prevail.

(175) Power of the Central Government to suspend application of certain rules

The Central Government may notify the suspension of the application of any rule made under this Chapter in the case of an exigent or emergent situation provided that such suspension shall only be in force for the period of the said exigent or emergent situation.

(176) Non-compliance of conditions of Permit.

Any person contravening or assisting in contravention of any of the conditions of a permit granted under this Chapter shall have committed an offence punishable under this Act.

Provided that no permit shall be cancelled or suspended under this Section without providing the person holding the permit an opportunity of being heard.

## Chapter IX: Infrastructure & Multi-modal Facilitation Authority

(177) Definitions:

1. Transit Improvement Infrastructure shall include:
  - (a) The development of bus, truck & multimodal terminals, interchanges, transfer and depot facilities;
  - (b) Development of parking places;
  - (c) Development of rest areas;
  - (d) Traffic calming controls and other safety related infrastructure;
  - (e) Construction of turnouts, overlooks, and viewing areas;
  - (f) Construction of over bridges and underpasses, grade separators;
  - (g) Construction of grade and grade separated pedestrian facilities;
  - (h) Facilities for non-motorised transport like footpath, cycle tracks.
2. “Integrated Freight Transport Hub” means an operational place on roads and highways that is designated as such and equipped with adequate facilities and equipment, and capable of functions such as providing paid services to the public,

warehousing, information transaction centers, yards, parking spaces and roads, in connection with all aspects of freight transport.

3. “Intermodal Transport Facility” means an Integrated Freight Transport Hub connected by road with at least one other mode of transport.

(178) Transit Improvement Infrastructure Development

1. The National Transport Authority shall as part of the National Freight Strategic Plan --

- (a) identify suitable locations for development of adequate numbers of integrated freight transport hubs and inter-modal transport facilities, in consultation with the Central Government, including the ministries of shipping, railways, aviation, State Governments, local and state authorities, where necessary, taking into consideration various criterion, including

- (i) urban clusters with a population as specified by the Central Government;

- (ii) within the vicinity of notified industrial or mining areas or along the industrial corridors or any other growth center identified by the National Transport Authority;

- (iii) within the vicinity of ports, major railway junctions, inland water terminals, airports as determined by the National Transport Authority.

- (b) develop suitable guidelines for systems for aggregation, disaggregation, collection and distribution of freight at the integrated freight transport hubs, intermodal transport facilities and any other associated facility as determined by the National Transport Authority.

2. The National Transport Authority shall stipulate --

- (a) the procedures for registration, obtaining construction completion certificate and operation commencement certificates of Integrated Freight Transport Hubs and Intermodal Transport Facilities;

- (b) the operating rules and regulations for safe operation, in consultation with the National Authority;
  - (c) the procedures for supervision and inspection of the Integrated Freight Transport Hubs and Intermodal Transport Facilities; and
  - (d) the quality standards and procedures for quality assessment.
3. Liability of operators for Integrated Freight Transport Hubs and Intermodal Transport Facilities:
- (a) Operators shall run the Integrated Freight Transport Hubs and Intermodal Transport Facilities as per the approved license and shall not change the use and service functions of these without prior permission of the National Transport Authority;
  - (b) Operators shall allocate a designated location for handling and storing of hazardous materials as per the rules specified by the National Authority;
  - (c) Operators shall enable publication of electronic information and data exchange and shall assist the State Transport Authority in collecting and publishing dynamic information of the freight market.

(179) Road Infrastructure Development

- 1. The National Transport Authority shall develop process for categorisation of roads by:
  - (a) Developing standards for various category of roads such as urban, rural or highway road;
  - (b) Within each category, developing sub-definitions, based on hierarchy of functions of roads i.e. local or regional context, adjacent land-use etc.;
  - (c) Developing the parameters for classification of roads as per these categories
  - (d) Developing guidelines / standards for priority of road uses;
  - (e) Developing guidelines / standards for segregation of road space by function / transport vehicle category.



2. The National Transport Authority shall develop a mechanism for testing, monitoring and updating the above standards
3. The National Transport Authority shall develop a specification for construction of the roads as per the standards laid down in Section 177 (1) including:
  - (d) Material standards;
  - (e) Construction standards;
  - (f) Sourcing of materials which are renewable and energy efficient;
  - (g) Any other details
4. The National Transport Authority shall develop infrastructure service level benchmarks for all categories of road users.
5. The National Transport Authority shall coordinate with the NHAI to establish rest areas along national highways and issue regulations on their use.
6. The National Transport Authority shall ensure that infrastructure development is disabled friendly.
7. The National Transport Authority shall co-ordinate with various institutions and government bodies to achieve a significant reduction in congestion in urban areas.
8. The National Authority shall develop guidelines for safety and traffic management infrastructure, including --
  - a) Segregation of mixed traffic including motorcycle lane, bicycle lane, and footpath;
  - b) Pedestrian crossings;
  - c) Intersections & interchanges;
  - d) Active Traffic calming & speed control measures;
  - e) Roadside hazards;
  - f) Traffic signals, signs and lane marking ;
  - g) Intelligent transport systems;
  - h) Parking zones on-street / off street;
  - i) Speed limits / weight limits;
  - j) Zoning and congestion pricing;
  - k) Traffic restrictions for different vehicles; and

- l) Temporary road closures and car-free programs.

(180) Transit Improvement Infrastructure Performance Program

1. The National Transport Authority shall establish a Monitoring and Evaluation Framework to ensure that investments in construction are directed to support progress toward the achievement of performance targets established in the State's plans for improvement of transit infrastructure
2. For the Monitoring & Evaluation framework, the National Transport Authority may specify:
  - (a) Minimum requirements & methodology of inspection guidelines;
  - (b) Maximum time period between inspections;
  - (c) Qualifications for those charged with carrying out the inspections;
  - (d) Requirements for each state, central agency to maintain and make available to the Central Government on request:
    - (i) Written reports on the results of transit improvement infrastructure and any action taken pursuant to the findings of the inspections;
    - (ii) Current inventory data for all transit improvement infrastructure.

(181) Highway Safety Improvement Performance Program

1. The National Authority shall establish a Monitoring and Evaluation Framework to ensure that investments of NHAI in construction are directed to support progress toward the achievement of performance targets established in the NHAI's plans for safety improvement of national highway infrastructure
2. For the Monitoring & Evaluation framework, the National Authority will specify:
  - (a) the minimum requirements & methodology of inspection guidelines;
  - (b) the maximum time period between inspections;

- (c) the qualifications for those charged with carrying out the inspections;
- (d) the requirements for NHAI to maintain and make available to the Central Government on request:
  - (i) written reports on the results of highway safety improvement infrastructure and any action taken pursuant to the findings of the inspections; and
  - (ii) current inventory data for all transit improvement infrastructure.

(182) City Safety and Traffic Management Improvement Program

1. The National Authority shall establish a Monitoring and Evaluation Framework to ensure that in case of all cities or urban local bodies with population greater than as specified by the Central Government, investments of such cities or urban local bodies in construction are directed to support progress toward the achievement of performance targets established in the plans for safety improvement of city traffic infrastructure of such cities or urban local bodies.
2. For the Monitoring & Evaluation framework, the National Authority will specify:
  - (a) the minimum requirements & methodology of inspection guidelines;
  - (b) the maximum time period between inspections;
  - (c) the qualifications for those charged with carrying out the inspections;
  - (d) the requirements for the city or urban local body, as the case may be, to maintain and make available to the Central Government on request -

(i) written reports on the results of highway safety improvement infrastructure and action taken pursuant to the findings of the inspections; and

(ii) current inventory data for all transit improvement infrastructure.

(183) Reviews of State Compliance.

The National Transport Authority shall annually review State compliance with the standards mentioned in Section (180).

(184) Update of Standards.

Not later than three years after the date of commencement of this Act, the National Transport Authority shall update inspection standards to cover the methodology, training, and qualifications for inspectors and the frequency of inspection.

## CHAPTER X: ROAD SAFETY AND TRAFFIC MANAGEMENT

(185) Unified Road Accident and Offences System

1. The National Authority shall develop a road map for the Unified Road Accident and Offences System to enable the submission of data related to road accidents and traffic offences within two years of the date of this Act coming into force and shall implement the said road map within one year of its development.
2. The National Authority shall design and implement a Unified Road Accident and Offences System through regulations, in such manner that:
  - (a) it enables the submission of data on road accidents and offences either electronically or at any police station in the country; and
  - (b) it facilitates the collection of uniform standardised information regarding road accidents and offences.
3. The Unified Road Accident and Offences System shall be updated as per the guidelines prescribed by the National Authority under section (220).

(186) Protective gear and visibility requirements: Bicyclists.

1. The National Authority shall make regulations prescribing (by reference to shape, construction or any other quality) protective gear and visibility requirements including, but not limited to, types of helmets, reflector material and jackets, recommended for affording protection to persons on bicycles from death or injury in the event of accident.
2. Subject to sub-section (3), if a person sells, or offers for sale, any protective or visibility gear for affording such protection and the gear is not of a type authorised under regulations made under this section and sold or offered for sale, subject to any conditions specified in the authorisation, the person is guilty of an offence.
3. A person shall not be convicted of an offence under this Section in respect of the sale or offer for sale of any protective or visibility gear if that person proves that such protective or visibility gear was sold or offered for sale solely for export purposes.

*Explanation:* For the purposes of this section, “helmet” includes any head-dress as prescribed by the National Authority, and references in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

(187) Restriction of carriage of persons: Non-Motorized Transport.

1. No person shall conduct carriage on a road or riding of or carriage in non-motorised transport of persons more than such number prescribed by the National Authority
2. If a person is carried on or in non-motorised transport in contravention of sub-section (1) above, the driver is guilty of an offence.

(188) Protective gear and visibility requirements: motor cyclists.

1. A person who is driving or riding (otherwise than in side-cars) on motor cycles of any class without wearing protective headgear or following any mandatory visibility requirements as prescribed by the National Authority is guilty of an offence under this Act.
2. A requirement for protective head gear imposed by regulations under this section shall not apply to any follower of the Sikh religion and while such person is wearing a turban.
3. Regulations under this Section may make different provisions in relation to different circumstances.
4. A person who drives or rides on a motor cycle in contravention of regulations under this section is guilty of an offence, and no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention unless the person actually committing the contravention is a child under the age of sixteen years.
5. The National Authority shall make regulations prescribing (by reference to shape, construction or any other quality) protective gear and visibility requirements including, but not limited to, types of helmets, daytime running lights, reflectorizing material, and reflector jackets, recommended as affording protection to persons on or in motor cycles, or motor cycles of different classes, from death or injury in the event of a collision.

(189) Unauthorized sale of protective & visibility gear.

1. If a person sells, or offers for sale, any protective or visibility gear, as specified by the National Authority in sections (186) and (188) for affording such protection and the gear is not:
  - (a) of a type specified under this section; or

- (b) of a type authorised under regulations made under this section and sold or offered for sale subject to any conditions specified in the authorisation subject to sub-section (3)

such person is guilty of an offence.

- 2. A person shall not be convicted of an offence under this Section in respect of the sale or offer for sale of any protective or visibility gear if that person proves that such protective or visibility gear was sold or offered for sale solely for export purposes.

*Explanation-I:* For the purposes of this section, “helmet” includes any head-dress as prescribed by the National Authority, and references in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

*Explanation-II:* For the purposes of this Section “Daytime Running Lights” include headlamps or lights switched on during the day in order to increase visibility and conspicuity of the vehicle.

(190) Authorisation of head-worn appliances.

- 1. The National Authority shall make regulations specifying (by reference to shape, construction or any other quality) types of head-worn appliance of any description to which this section applies as authorised for use by persons driving or riding (otherwise than in side cars) on motor cycles of any class specified in the regulations.
- 2. Regulations under this section:
  - (a) may impose restrictions or requirements with respect to the circumstances in which appliances of any type specified by the regulations may be used; and
  - (b) may make different provisions in relation to different circumstances.

3. If a person driving or riding on a motor cycle on a road uses an appliance of any description for which a type is specified under this section, that person is guilty of an offence if that appliance:
  - (a) is not of a type so specified; or
  - (b) is otherwise used in contravention of regulations under this section.
4. If a person sells, or offers for sale, an appliance of any such description as authorised for use by persons on or in motor cycles, or motor cycles of any class, and that appliance is not of a type specified under this section as authorised for such use, the person is, subject to sub-section (5) below, guilty of an offence.
5. A person shall not be convicted of an offence under this Section in respect of the sale or offer for sale of any head-worn appliance if that person proves that such head-worn appliance was sold or offered for sale solely for export purposes.
6. This section applies to appliances of any description designed or adapted for use:
  - (a) with any headgear; or
  - (b) by being attached to or placed upon the head (as, for example, eye protectors or earphones).

*Explanation:* References in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

(191) Restriction of carriage of persons: Motor Cycles.

1. Not more than one person in addition to the driver may be carried on a motor cycle.
2. No person in addition to the driver may be carried on a motor cycle otherwise than sitting on a proper seat securely fixed to the motor cycle behind the driver's seat.



3. If a person is carried on a motor cycle in contravention of this section, the driver of the motor cycle is guilty of an offence.

(192) Restriction of carriage of persons: Three Wheelers

1. Not more than the prescribed number of persons as provided by the National Authority may be carried on a road in a three wheeler.
2. If a person is carried in a three wheeler in contravention of sub-section (1) above, the driver of the three wheeler is guilty of an offence.

*Explanation:* In this section, references to a person carried in an auto rickshaw includes references to persons driving the three wheeler.

(193) Safety and Visibility requirements: Three Wheeler.

The National Authority shall make regulations prescribing (by reference to shape, construction or any other quality) safety and visibility requirements, including, but not limited to, fog lights & tail lights, retro-reflective material, or other requirements for poor/dense weather conditions, and recommended as affording protection to persons on or in Three Wheeler of different classes, from death or injury in the event of accident.

(194) Seat belts: Adults.

1. A person is guilty of an offence if such person does not wear a seat belt, as a driver or passenger, when driving or riding in a motor vehicle on a road.
2. For the purposes of this section, the National Authority may by regulations specify:
  - (a) the description of seat belts to be worn;
  - (b) different requirements in relation to different classes of vehicles, different descriptions of persons and different circumstances;

- (c) any exceptions to sub-section (1), and may require persons seeking such exception to obtain a certificate, which, in certain cases, may be issued for a specified fee.
- 3. A person who drives or rides in a motor vehicle in contravention of regulations under this section is guilty of an offence, and no person other than the person actually committing the contravention is guilty of an offence by reason of the contravention.
- 4. If the holder of any such certificate as under sub-section (2)(c) is informed by a police officer that the person may be prosecuted for an offence under sub-section (3) above, the person is not entitled to rely on the exception afforded by the certificate in proceedings for that offence unless:
  - (a) it is produced to the police officer at the time that person is so informed; or
  - (b) it is produced:
    - (i) within seven days after the date on which the person is so informed; or
    - (ii) as soon as is reasonably practicable, at such police station as the person may have specified to the police officer; or
  - (c) where it is not produced at such police station, it is not reasonably practicable for it to be produced there before the day on which the proceedings are commenced.
- 5. For the purposes of sub-section (4), the service of the complaint on the accused shall be treated as the commencement of the proceedings.

(195) Seating & Seat belts: Children.

1. Except as provided by regulations, a parent or guardian of the child, or in the absence of such parent or guardian, the driver of the motor vehicle must not without reasonable excuse allow a child below the age of eight years to occupy the front seat of a motor vehicle when the vehicle is in motion.
2. Except as provided by regulations, where a child above the age of eight years occupies the front seat of a motor vehicle, a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.
3. It is an offence for a person to drive a motor vehicle in contravention of subsection (1) or (2) above.
4. Except as provided by regulations, where a child under the age of fourteen years is in the rear of a motor vehicle, a person must not without reasonable excuse drive the vehicle on a road unless the child is wearing a seat belt in conformity with regulations.
5. Except as provided by regulations, a person must not, without reasonable excuse, drive the passenger car on a road in cases where a child of the specified description is in the rear of the passenger car when:
  - (a) no seat belt is fitted in the rear of the passenger car; and
  - (b) a seat in the front of the passenger car is provided with a seat belt but is not occupied by any person.
6. It is an offence for a person to drive a motor vehicle in contravention of subsections (4) & (5) above.
7. The National Authority by way of regulations may:

- (a) exempt from the prohibition under this section for children of any specified description, vehicles of a specified category or the driving of vehicles in such circumstances as may be specified;
  - (b) define, in relation to any category of vehicle, what part of the vehicle is to be regarded as the front or as the rear of the vehicle for the purposes of this section;
  - (c) specify the description of seat belts to be worn by children of any specified description and the manner in which such seat belt is to be fixed and used.
8. Regulations made for the purposes of sub-section (4) or (5) above shall include an exemption for any child holding a valid certificate signed by a medical practitioner, in the form and manner specified by the National Authority, to the effect that it is inadvisable on medical grounds for that child to wear a seat belt.
9. If the driver of a motor vehicle is informed by a police officer that the person may be prosecuted for an offence under sub-section (6) above, the person is not entitled to rely on an exception afforded to a child by a certificate referred to in sub-section (8) above in proceedings for that offence unless:
- (a) it is produced to the police officer at the time such person is so informed;  
or
  - (b) it is produced to the police officer within seven days after the date on which such person is so informed.
10. For the purposes of sub-section (9) above, the service of the complaint on the accused shall be treated as the commencement of the proceedings.

(196) Safety equipment for children in vehicles.

1. The National Authority shall make regulations prescribing (by reference to shape, construction or any other quality) types of equipment of any description to which

this section applies that are recommended as conducive to the safety, in the event of a collision or a sudden stop, of specified categories of children in specified classes of motor vehicles.

2. Regulations under this section may specify types of child restraints required for children under a certain weight and height
3. Regulations under this section may make provision for securing that when equipment of a type specified by the regulations is sold or offered for sale as equipment which is so conducive:
  - (a) appropriate information is provided in relation to it in such manner as may be specified; and
  - (b) inappropriate information is not provided in relation to it.
4. Except in such circumstances as may be specified, if a person sells, or offers for sale, equipment of any description for which a type is specified under this section as equipment which is so conducive and that equipment:
  - (a) is not of a type so specified; or
  - (b) is sold or offered for sale in contravention of regulations under this section,that person is, subject to sub-section (5) below, guilty of an offence.
5. Except in such circumstances as may be specified, if a person sells, or offers for sale, equipment of any description for which a type is specified under this section as equipment conducive to the safety in the event of accident:
  - (a) of children not of a category specified in relation to equipment of that type; or
  - (b) of children in motor vehicles not of a category specified in relation to equipment of that type,

that person is, subject to sub-section (5) below, guilty of an offence.

6. A person shall not be convicted of an offence under this section in respect of the sale or offer for sale of equipment if the person proves that it was sold or, as the case may be, offered for sale for export.
7. Regulations under this section may make different provision in relation to different circumstances.
8. This section applies to equipment of any description for use in a motor vehicle consisting of:
  - (a) a restraining device for a child or for a carry-cot; or
  - (b) equipment designed for use by a child in conjunction with any description of restraining device.

*Explanation:* References in this section to selling or offering for sale include respectively references to letting on hire and offering to let on hire.

(197) Safety and Visibility requirements: Light Motor Vehicles.

1. The National Authority shall make regulations prescribing (by reference to shape, construction or any other quality) safety and visibility requirements including, but not limited to, air-bags, daytime running lights, and reflectorizing material recommended as affording protection to persons on or in Light Motor Vehicles of different classes, from death or injury in the event of a collision.

(198) Requirement to notify bus passengers to wear seat belts.

1. Subject to sub-section (6) below, the operator of a bus in which any of the passenger seats are equipped with seat belts shall take all reasonable steps to ensure that every passenger is notified of the requirement to wear a seat belt at all times when:
  - (a) the passenger is in a seat equipped with a seat belt; and

- (b) the bus is in motion.
2. For the purposes of sub-section (1) above, a passenger may be notified only by one or more of the following means:
    - (a) an official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of doing so where “official announcement” means an announcement by the driver of the bus, by a conductor or courier or by a person who is a group leader in relation to any group of persons who are passengers on the bus;
    - (b) a sign prominently displayed at each passenger seat equipped with a seat belt.
  3. For the purposes of sub-section (2)(b) above, a sign that takes the form of a pictorial symbol must be in the form specified.
  4. An operator who fails to comply with sub-section (1) above is guilty of an offence.
  5. Where an offence under sub-section (4) above which has been committed by a company is proved to have been committed with the consent or connivance of, or may be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such a capacity, that person as well as the company shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
  6. Sub-section (1) above does not apply in relation to a bus:
    - (a) which is being used to provide a local service in a built-up area; or
    - (b) which is constructed or adapted for the carriage of standing passengers and on which the operator permits standing as per the regulations prescribed by National Authority.

For the purposes of clause (a) above, a local service is provided in a built-up area if the entire route used by that service consists of restricted roads.

(199) Prohibition of parking or abandoning of Heavy Motor Vehicles in certain places.

1. Subject to sub-section (2), a person is guilty of an offence if such person parks or abandons a heavy motor vehicle (as specified in regulations made by the National Authority) wholly or partly on any road including:
  - (a) on the verge of a road; or
  - (b) on any land situated between two carriageways and which is not a footpath; or
  - (c) on a footpath.
2. A person shall not be convicted of an offence under this section in respect of a vehicle if that person proves to the satisfaction of the court:
  - (a) that it was parked or abandoned in accordance with permission given by an authorised person; or
  - (b) that it was parked or abandoned in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency; or
  - (c) that it was parked or abandoned in contravention of this section but the conditions specified in sub-section (3) were satisfied.
3. The conditions mentioned in sub-section (2)(c) are:
  - (a) that the vehicle was parked on the verge of a road or on a footpath for the purpose of loading or unloading with adequate warning signs, barricading and other safety measures as specified by the National Authority;
  - (b) that the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been parked on the footpath or verge; and
  - (c) that the vehicle was not left unattended at any time while it was so parked and had adequate warning signs, barricading and other safety measures as specified by the National Authority.



(200) Safety & Visibility Requirements: Heavy Motor Vehicles

The National Authority shall make regulations prescribing (by reference to shape, construction or any other quality) safety and visibility requirements including, but not limited to, daytime running lights, tail lights or fog lights, retro-reflective material, and barricading requirements in case of being stationary on the road, recommended as affording protection to persons on or in, or from Heavy Motor Vehicles of different classes, from death or injury in the event of accident.

(201) General speed limit for restricted roads.

1. A person who drives a motor vehicle on a restricted road at a speed exceeding the speed limit specified for such roads is guilty of an offence.
2. The traffic authority for a road may direct that the road:
  - (a) which is a restricted road for the purposes of this shall cease to be a restricted road for those purposes; or
  - (b) which is not a restricted road for those purposes shall become a restricted road for those purposes.
3. For the purposes of this section a “traffic authority” shall mean an authority that manages and regulates traffic under this Act.

(202) Speed limits on roads other than restricted roads.

1. An order made under this sub-section regarding any road may prohibit:
  - (a) the driving of motor vehicles on that road at a speed exceeding that specified in the order;
  - (b) the driving of motor vehicles on that road at a speed exceeding that specified in the order during periods specified in the order; or
  - (c) the driving of motor vehicles on that road at a speed exceeding the speed for the time being indicated by traffic signs in accordance with the order.
2. An order made by virtue of sub-section (1)(c) may:

- (a) make provision restricting the speeds that may be indicated by traffic signs or the periods during which the indications may be given; and
- (b) provide for the indications to be given only in such circumstances as may be determined by or under the order;

but any such order must comply with regulations made under sub-section (3), except where the State Government authorises otherwise in a particular case.

3. The State Government may make regulations governing the provision which may be made by orders of local authorities under sub-section (1)(c) above, and any such regulations may in particular:

- (a) prescribe the circumstances in which speed limits may have effect by virtue of an order;
- (b) prescribe the speed limits which may be specified in an order; and
- (c) make transitional provision and different provision for different cases.

4. The power to make an order under sub-section (1) is exercisable by the traffic authority, which shall before exercising it in any case give public notice of their intention to do so.

5. While an order made under sub-section (1)(a) above is in force with regard to a road, that road shall not be a restricted road for the purposes of section (201) of this Act.

#### (203) Speed Management Signs.

1. For the purpose of ensuring that adequate guidance is given to drivers of motor vehicle as to whether any, and if so what, limit of speed is to be observed on any road, it shall be the duty of the State Government, in the case of a road for which that person is the traffic authority, to place and maintain speed management signs in such positions as may be requisite for that purpose.

2. In the case of any other road, the local traffic authority may issue an order in writing:

(a) to place and maintain such number of traffic signs in such positions as may be requisite in order to give effect to general or other directions given by the State Governments for the purpose mentioned in sub-section (1) above; and

(b) to alter or remove traffic signs as may be requisite in order to give effect to such directions, either in consequence of the making of an order by the Central Government or otherwise.

(204) Speed limits for particular types of vehicles.

It shall be an offence for a person to drive a motor vehicle of any class on a road at a speed greater than the speed specified by the National Authority as the maximum speed in relation to a vehicle of that type.

(205) Exemption of designated emergency vehicles from speed limits and unhindered right of way.

1. No statutory provision imposing a speed limit on motor vehicles shall apply to any designated emergency vehicle on an occasion when it is being used for fire and rescue authority, ambulatory purposes, disaster response or police purposes, if the observance of that provision would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

2. Notwithstanding anything contained under any other law, upon the approach of an emergency vehicle equipped with, and operating, one or more flashing, rotating, or oscillating red or blue lights, visible under normal conditions from a distance of five hundred (500) feet to the front of such vehicle; or the driver is given audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle, including VIP vehicles and VIP convoys shall yield the right-of-way, immediately drive to a position parallel to, and as close as possible to, the edge or curb of the

road clear of any intersection, and stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.

(206) Maintenance of Safe Distance from Non-Motorised Transport and Pedestrians

1. A person who drives a motor vehicle shall maintain a safe distance, as prescribed by the National Authority, while overtaking or passing non-motorised transport or pedestrian, on restricted roads.
2. A person who drives a motor vehicle in contravention of this provision, shall be guilty of an offence, except if
  - (a) it was necessary to do so to ensure safety of passengers in the motor vehicle
  - (b) to avoid a collision on the road

(207) Speeding offences generally.

1. A person who drives a motor vehicle on a road at a speed exceeding a limit imposed by or under any law in force shall be guilty of an offence.
2. If a person who employs other persons to drive motor vehicles on roads publishes or issues any time-table or schedule, or gives any directions, under which any journey, or any stage or part of any journey, is to be completed within a specified time, and it is not practicable in the circumstances of the case for that journey (or that stage or part of it) to be completed in the specified time without the commission of such an offence as is mentioned in sub-section (1) above, the publication or issue of the time-table or schedule, or the giving of the directions, may be produced as prima facie evidence that the employer procured or (as the case may be) incited the persons employed by that person to drive the vehicles to commit such an offence.

(208) Driving under the influence of alcohol or drugs.

1. No person shall drive a motor vehicle under the influence of alcohol or drugs.
2. The National Authority may prescribe additional standards in this regard.
3. A person who drives a motor vehicle on a road while under the influence of alcohol or drugs as per standards notified by the National Authority shall be guilty of an offence.

(209) Causing danger to road-users.

1. A person is guilty of an offence if the person intentionally and without lawful authority or reasonable cause:
  - (a) causes anything to be on or over a road or near a road such that it affects the safety of road users or obstructs clear and safe vision of road users; or
  - (b) interferes with a mechanically propelled vehicle; or
  - (c) interferes (directly or indirectly) with traffic equipment, in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous; or
  - (d) damages public property.
2. In sub-section (1) above “dangerous” refers to danger either of injury to any person while on or near a road, or of serious damage to property on or near a road; and in determining for the purposes of that sub-section what would be obvious to a reasonable person in a particular case, regard shall be had not only to the circumstances of which a reasonable person could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.
3. In sub-section (1) above “traffic equipment” means:

- (a) anything lawfully placed on or near a road by a highway authority;
  - (b) a traffic sign lawfully placed on or near a road by an authorised person or by an authorised member of the police or by a person acting under the instruction whether general or specific of a police officer other than a highway authority;
  - (c) any fence, barrier or light lawfully placed on or near a road for the purposes of construction or maintenance of the road, or by an authorised member of the police or a person acting under the instructions (whether general or specific) of a senior officer of police.
4. For the purposes of sub-section (3) above anything placed on or near a road shall unless the contrary is proved be deemed to have been lawfully placed there.

(210) Leaving vehicles in dangerous positions.

If a person in charge of a vehicle causes or permits the vehicle or a trailer or a semi-trailer or mobile machinery drawn by it to remain at rest on a road in such a position or in such condition or in such circumstances as to cause a sense of alarm or distress to occupants of the vehicle, other road users, and persons and property near roads, that person is guilty of an offence.

(211) Tampering with vehicles.

A person is guilty of an offence if, while a motor vehicle is on a road or on a parking place provided by a local authority, without consent of the owner, the person:

- (a) gets on to the vehicle; or
- (b) tampers with the brake or other part of its mechanism, without lawful authority or reasonable cause; or
- (c) tampers with safety electronic device.

(212) Holding or getting on to vehicle in order to be towed or carried.

1. If, for the purpose of being carried, a person without lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion on a road, the person is guilty of an offence.
2. If, for the purpose of being drawn, a person takes or retains hold of a motor vehicle or trailer while in motion on a road, the person is guilty of an offence.

(213) Disruption of Flow of Traffic.

1. A person who parks a motor vehicle in a manner so as to disrupt the flow of traffic is guilty of an offence unless that person can show that there was an emergency which necessitated such an act.
2. For the purposes of this section, “flow of traffic” means the authorized movement of mechanically propelled vehicles, non-motorized transport and pedestrians.

(214) Prohibition of driving or parking in certain places.

1. Subject to the provisions of this section, any person who, without lawful authority, drives or parks a mechanically propelled vehicle wholly or partly on a cycle track or a footpath is guilty of an offence.
2. A person shall not be convicted of an offence under sub-section (1) above with respect to a vehicle if the person proves to the satisfaction of the court:
  - (a) that the vehicle was driven or (as the case may be) parked in contravention of that sub-section for the purpose of saving life, or extinguishing fire or meeting any other like emergency; or
  - (b) that the vehicle was owned or operated by a highway authority or by a person discharging functions on behalf of a highway authority and was driven or (as the case may be) parked in contravention of that sub-section

in connection with the carrying out by or on behalf of that authority of any of the following, that is:

- (i) the cleaning, maintenance or improvement of; or
- (ii) the maintenance or alteration of any structure or other work situated in, the cycle track or footpath or their verges; or
- (iii) the preventing or removing of obstructions to the cycle track or the footpath; or
- (iv) the preventing or abating in any other way of nuisances or other interferences with the cycle track or footpath.

(215) Overloading.

1. All persons are guilty of the offence of overloading who drive a motor vehicle, or cause or allow a motor vehicle to be driven, where:
  - (a) the unladen weight of which exceeds the unladen weight specified in the certificate of registration of the vehicle;
  - (b) the laden weight of which exceeds the gross vehicle weight specified in the certificate or registration;
  - (c) the number of persons carried in the vehicle exceeds the number of passengers the vehicle is authorized to carry in such vehicles as may be specified by the National Authority;
  - (d) which carries an object that protrudes outside the body of the vehicle in a manner that is likely to compromise the safety of or poses a danger to any person or property.

Provided that a toll operator, as defined in National Highways Authority Act Rules, shall be guilty of an offence under sub-section (1), if the toll operator allows such a motor vehicle to be driven in the section of the road over which such toll operator has obtained a concession/operates.

Provided that a police officer shall be guilty of an offence under sub-section (1) if the police officer allows such a motor vehicle to be driven in an area over which he exercises jurisdiction.



2. Where the driver or person in charge of a motor vehicle driven in contravention of sub-section (1) is not the owner of the vehicle or consignor of the goods carried by the vehicle, a Court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or consignor of the goods.

Provided that a consignor shall be held responsible for the offence only if that person is the sole consignor for the goods carried in the motor vehicles.

(216) Power to have vehicle weighed.

1. Any person authorised in this behalf by the National Transport Authority or the State Transport Authority shall, if that person has reason to believe that a motor vehicle is being used in contravention of section 213 require the driver to convey the motor vehicle to a weighing device in such manner as may be specified by the National Transport Authority or the State Transport Authority and if on such weighing the motor vehicle is found to contravene in any respect the provisions of section (215) regarding weight, that person may, by order in writing, direct the driver to off-load the excess weight at the driver's own risk and cost and not to remove the vehicle or trailer from that place until the laden weight has been reduced or the vehicle or trailer has otherwise been dealt with so that it complies with section (215) and on receipt of such notice, the driver shall comply with such directions.

In case the vehicle owner or driver, as the case may be, fails to do so, such person may cause the extra weight to be unloaded at the risk and cost of owner or consignor and such cost shall be recoverable from the owner of motor vehicle or consignor of goods.

2. Where the person authorised under sub-section (1) makes the said order in writing, that person shall furnish the relevant details of the overloading on the goods carriage permit and also intimate the fact of such details to the authority which issued that permit.

(217) Powers regarding vehicles suspected of overloading.

Any police officer authorized in this behalf may enter into a passenger vehicle and check whether the vehicle is carrying more passengers than it is authorized to carry. In the event of vehicle carrying more passengers than it is authorized to carry, the officer may direct the driver or the owner of the vehicle to offload passengers beyond the authorized capacity and shall direct the driver or the owner to make other provisions for such passengers.

(218) Power to restrict the use of vehicles in certain cases.

The State Government or any authority authorised in this behalf by the State Government, or the State Transport Authority or any authority authorised in this behalf by the State Transport Authority, or the State Authority or any authority authorised in this behalf by the State Authority, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by notification, prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified category of motor vehicles or the use of trailers or other road users either generally in a specified area or on a specified road and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed in accordance with this Act.

(219) Power to place traffic signs.

1. The State Government or any authority authorised in this behalf by the State Government, or the State Transport Authority or any authority authorised in this behalf by the State Transport Authority, or the State Authority or any authority authorised in this behalf by the State Authority, may cause or permit traffic signs to be placed in any place for the purpose of bringing to public notice any speed limits fixed under sub-section (2) of section or any prohibitions or restrictions imposed under Section (217) or generally and may designate certain roads as main roads by notification or by the placement at suitable places of the

appropriate traffic sign for the purposes of the driving regulations made by the National Authority.

2. Traffic signs placed under sub-section (1) shall be of such size, colour and type and shall have the meanings set forth as per regulations by the National Authority, but the State Government or any authority empowered in this behalf by the State Government, or the State Transport Authority or any authority authorised in this behalf by the State Transport Authority, or the State Authority or any authority authorised in this behalf by the State Authority, may make or authorise the addition to any sign set forth in the regulations by the National Authority, of transcriptions of the words, letters or figures thereon in such script as the State Government or the State Transport Authority or the State Authority may think fit provided that the transcriptions shall be similar size and colour to the words, letters or figures set forth in the Schedule.

Provided that such sign mentioned in the Schedule shall be reviewed every three years and shall reflect International Standards as subscribed to by the Government of India.

3. A State Government or the State Transport Authority or the State Authority may, by notification, empower any police officer to remove or cause to be removed any sign or advertisement which is so placed in that officer's opinion as to obscure any traffic sign from view or any sign or advertisement which in that officer's opinion is so similar in appearance to a traffic sign as to be misleading or which in that officer's opinion is likely to distract the attention or concentration of the driver.
4. No person shall wilfully remove, alter, deface, or in any way tamper with, any traffic signs placed under this section.
5. If any person accidentally causes such damage to a traffic sign and renders it useless for the purpose for which it is placed under this section, that person shall

report the circumstances of the occurrence to a police officer or at a police station as soon as possible, and in any case within twenty four hours of the occurrence.

(220) Electronic Enforcement

1. The State Government shall prescribe electronic enforcement of road safety and traffic regulations for any urban city within the State, which has a population above the limit prescribed by the Central Government.
2. For the purposes of this section, the National Authority shall prescribe the national standards and guidelines for electronic monitoring and enforcement for road safety, which may include speed cameras, CCTV cameras, speed guns and other similar, progressive technology that achieves the objectives specified by the National Authority.

(221) Nation-wide Road Accident Emergency Access Telephone Number

1. The National Authority shall establish a toll-free Nation-wide Road Accident Emergency Access Telephone Number for the entire country in order for persons involved in a road accident or any other person to alert and access first-response emergency services that shall provide emergency services including golden-hour trauma care.
2. The Central Government, State Government and State Safety Authority shall ensure, through appropriate regulations or orders or directives, that all emergency services are coordinated in their response to road accidents via the said Nation-wide Road Accident Emergency Access Telephone Number.
3. The National Authority shall, by way of rules or regulations, specify the form and manner in which such Nation-wide Road Accident Emergency Access Telephone Number is established and operated.

(222) Duty to obey traffic signs.

Every person shall conform and obey any indication given by mandatory traffic sign, as specified by the National Authority, and in conformity with the traffic regulations made under this Act, and shall comply with all directions given to that person by any police officer or other authorized person for the time being engaged in the regulation of traffic in any place.

(223) Duty to obey Child Zones

Every person shall conform to and obey any indication of a Child Zone, as specified by the National Authority and shall comply with all directions given to that person by any police officer, or other authorized person, for the time being engaged in regulation and surveillance of a child zone.

“Child Zone” in this section shall mean a specified area, as notified by the State Authority in conformity with regulations prescribed by the National Authority, frequented by children including spaces outside schools, parks or specified times in the day, where the traffic shall be regulated through interventions including speed limits, engineering interventions and other measures to ensure the safety of children.

(224) Duty of driver to stop in certain cases and Duty of owner.

1. The driver of a motor vehicle shall cause the vehicle to stop & remain stationary, in the event of the vehicle being involved in a collision with a person, animal or vehicle or causing damage to property, for such reasonable time as may be necessary, but not exceeding twenty four hours, when required to do so by a police officer, and the driver shall produce their license and share the name and address of the owner of the vehicle to any person affected by any such collision or damage who demands it provided such person also furnishes their name and address.
2. The driver of a motor vehicle shall, furnish their particulars including their name and address and telephone number to any person alleging that the driver has

committed an offence punishable under section (215), provided that the person making the allegations also provides their particulars to the driver alleged to have committed an offence.

(225) Duty of driver in case of accident and injury to a person.

1. When any person is injured or any property of a third party is damaged, as a result of an accident in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall:
  - (a) unless it is not practicable to do so on account of mob fury or any other reason beyond the control of the driver, take all reasonable steps to secure medical attention for the injured person, by conveying that person to the nearest medical practitioner or hospital, and it shall be the duty of every registered medical practitioner or the doctor on duty in the hospital to immediately to attend to the injured person and render medical aid or treatment without waiting for any procedural formalities, or financial arrangements unless the injured person or the guardian of the injured person, in case the person is a minor, desires otherwise;  
*Provided that* it shall be an offence if the registered medical practitioner or the doctor on duty in the hospital do not immediately attend to the injured person.
2. Give on the demand of a police officer any information required by that person, or, if no police officer is present, report the circumstances of the occurrence, including the circumstances, if any, for not taking reasonable steps to secure medical attention as required under clause (a), at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence;
3. Give the following information in writing to the insurer, who has issued the certificates of insurance, about the occurrence of the accident, namely:
  - (a) insurance policy number and period of its validity;

- (b) date, time and place of accident;
- (c) particulars of the persons injured or killed in the accident;
- (d) name of the driver and the particulars of the driving licence of the driver.

*Explanation*— For the purposes of this section, the expression “driver” includes the owner of the vehicle.

(226) Duty of the driver to take certain precautions at unguarded railway level crossings.

Every driver of a motor vehicle at the approach of any unguarded railway level crossing shall cause the vehicle to stop and the driver of the vehicle shall cause the conductor or cleaner or attendant or any other person in the vehicle to walk up to the level crossing and ensure that no train or trolley is approaching from either side and then pilot the motor vehicle across such level crossing, and where no conductor or cleaner or attendant or any other person is available in the vehicle, the driver of the vehicle shall get down from the vehicle himself to ensure that no train or trolley is approaching from either side before the railway track is crossed.

(227) Duty to obey traffic signs.

Every person shall conform and obey any indication given by mandatory traffic sign, as specified by the National Authority, and in conformity with the traffic regulations made under this Act, and shall comply with all directions given to that person by any police officer or other authorized person for the time being engaged in the regulation of traffic in any place.

## CHAPTER XI: INSURANCE OF MOTOR VEHICLES AGAINST THIRD PARTY RISKS

(228) Definitions.

In this Chapter:

- (a) “authorised insurer” means an insurer for the time being carrying on general insurance business in India under the General Insurance Business

(Nationalisation) Act, 1972, and any Government insurance fund authorised to do general insurance business under that Act;

- (b) “certificate of insurance” means a certificate issued by an authorised insurer in pursuance of sub-section (3) of section (230) and includes a cover note complying with such requirements as may be prescribed, and where more than one certificate has been issued in connection with a policy, or where a copy of a certificate has been issued, all those certificates or that copy, as the case may be;
- (c) “policy of insurance” includes “certificate of insurance”;
- (d) “reciprocating country” means any such country as may on the basis of reciprocity be notified by the Central Government to be a reciprocating country for the purposes of this Chapter;
- (e) “third party” includes the Central Government and the State Government;
- (f) “grievous hurt” shall have the same meaning as in the Indian Penal Code, 1860 (45 of 1860);
- (g) “hit and run motor accident” means an accident arising out of the use of a motor vehicle or motor vehicles the identity whereof cannot be ascertained in spite of reasonable efforts for the purpose;
- (h) “scheme”, for the purposes of this Chapter, means the scheme framed under section (244).

(229) Necessity for insurance against third party risk.

1. No person shall use, except as a passenger, or knowingly cause or allow any other person to use, a motor vehicle in a public place, unless there is in force in relation to the use of the vehicle a policy of insurance complying with the requirements of this Chapter.



Provided that in the case of a vehicle carrying, or meant to carry, dangerous or hazardous goods, there shall also be a policy of insurance under the Public Liability Insurance Act, 1991 (6 of 1991).

*Explanation* – A person driving a motor vehicle merely as a paid employee, while there is in force in relation to the use of the vehicle no such policy as is required by this sub-section, shall not be deemed to act in contravention of the sub-section unless that person knows or has reason to believe that there is no such policy in force.

2. Sub-section (1) shall not apply to any vehicle owned by, operated by or for, and under the exclusive control of the Central Government and used by the armed forces of India, subject to an order in writing made in this regard by the Central Government.
3. No order under sub-section (2) shall be made unless a fund has been established and is maintained in accordance with regulations under this Act for meeting any liability to third parties arising out of the use of such motor vehicles sought to be exempted.

(230) Requirement of policies and limits of liability.

1. In order to comply with the requirements of this Chapter, a policy of insurance must be a policy which --
  - (a) is issued by a person who is an authorised insurer; and
  - (b) insures the person or classes of persons specified in the policy against any liability incurred in respect of the death of or bodily injury to any person including their successors and heirs in case of death, owner of the goods or such owner's authorised representative carried in the vehicle or damage to any property of a third party caused by or arising out of the use of the vehicle in a public place;

- (c) against the death of or bodily injury to any passenger of a transport vehicle caused by or arising out of the use of the vehicle in a public place.

*Explanation* – For the removal of doubts, it is hereby declared that the death of or bodily injury to any person or damage to any property of a third party shall be deemed to have been caused by or to have arisen out of, the use of a vehicle in a public place, notwithstanding that the person who is dead or injured or the property which is damaged was not in a public place at the time of the accident, if the act or omission which led to the accident occurred in a public place.

2. Notwithstanding anything contained under any other law, the minimum premium, including for third party insurance and the maximum liability of an insurer, in relation to such premium for an insurance policy under sub-section (1), shall be as prescribed by the Central Government in consultation with the Insurance Regulatory and Development Authority and the National Authority.
3. Any policy of insurance issued with any limited liability and in force, immediately before the commencement of this Act, shall continue to be effective for a period of four months after such commencement or till the date of expiry of such policy whichever is earlier.
3. Where a cover note issued by the insurer under the provisions of this Chapter or the rules and regulations made under it is not followed by a policy of insurance within the prescribed time, the insurer shall, within seven days of the expiry of the period of the validity of the cover note, notify the fact to the registering authority or to such other authority as the State Government may prescribe.
4. An insurer issuing a policy of insurance under this section shall be liable to indemnify the person or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of that person or those classes of persons.

(231) Validity of policies of insurance issued in reciprocating countries.

Where, in pursuance of an arrangement between India and any reciprocating country, the motor vehicle registered in the reciprocating country operates on any route or within any area common to the two countries and there is in force in relation to the use of the vehicle in the reciprocating country, a policy of insurance complying with the requirements of the law of insurance in force in that country, then, notwithstanding anything contained in section (230) but subject to any rules which may be made under section (248), such policy of insurance shall be effective throughout the route or area in respect of which the arrangement has been made, as if the policy of insurance had complied with the requirements of this Chapter.

(232) Duties of the insurance company.

1. Immediately upon receiving information of occurrence of a case from the relevant authorities, and after the Detailed Accident Information Report under Section (242) (4) in connection with that case is filed by the police, the insurance company shall appoint a person as a designated officer for each case, who shall be responsible for:
  - (a) processing that case and
  - (b) for taking decisions for the amount of compensation payable in accordance with law.
    - (i) Where in the opinion of the Insurance Company, a claim is payable it shall confirm the same to the Claims Tribunal within thirty days of the receipt of complete Detailed Accident Information Report, by way of an offer of settlement of claim, with supporting calculations, under a duly attested affidavit of the Divisional Officer or Officer appointed for such purpose;
    - (ii) The claimant or claimants, as the case may be, shall provide a response stating their acceptance or rejection of the offer of settlement of claim, under a duly attested affidavit submitted to the Claims Tribunal;

- (iii) Where the claimant or claimants, as the case may be, accept such offer that has been filed by the insurance company;
    - a. the Claims Tribunal shall make a record of such settlement, and such record shall be deemed to be a consent decree; and
    - b. the payment shall be made by the insurance company within a maximum period of thirty days from the date of receipt of such record.
  - (iv) Where the claimant or claimants, as the case may be, reject such offer that has been filed by the insurance company, a date of hearing shall be fixed by the Claims Tribunal to settle such claim.
- 2. The insurance company may, at any stage of the proceeding, file an application under Section (259), which shall be considered and adjudicated upon by the Claims Tribunal on its own merits.
- 3. While filing the detailed written statement in response to the claim, the concerned insurance company is required to furnish details of its Bank account, and the Bank to the Claims Tribunal.
- 4. The insurance company is required to tender the payment awarded by the Claims Tribunal by issuing cheques in the name of the claimant(s) within a period of thirty days of the award, which is the period prescribed for depositing the amount under Section (253)(3) to the High Court, unless a stay order has been obtained from the High Court; and the names of the claimants who are to be paid the amounts along with the amount payable shall be stated in the award.

(233) Duty of insurers to satisfy judgments and awards against persons insured in respect of third party risks.

- 1. If, after a certificate of insurance has been issued under sub-section (3) of section (230) in favour of the person by whom a policy has been effected, judgment or award in respect of any such liability as is requirement to be covered by a policy

under clause (b) of sub-section (1) of section (230) (being a liability covered by the terms of the policy) or under the provisions of section (244) is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy, the insurer shall, subject to the provisions of this section, pay to the person entitled to the benefit of the decree any sum not exceeding the sum assured payable thereunder, as if that person were the judgment debtor, in respect of the liability, together with any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

2. No sum shall be payable by an insurer under sub-section (1) in respect of any judgment or award unless, before the commencement of the proceedings in which the judgment or award is given the insurer had notice through the Court or, as the case may be, the Claims Tribunal of the bringing of the proceedings, or in respect of such judgment or award so long as its execution is stayed pending an appeal; and an insurer to whom notice of the bringing of any such proceedings is so given shall be entitled to be made a party to the same, and to defend the action on any of the following grounds, namely:
  - (a) that there has been a breach of a specified condition of the policy, being one of the following conditions, namely :
    - (i) a condition excluding the use of the vehicle:
  - (b) for hire or reward, where the vehicle is on the date of the contract of insurance a vehicle not covered by a permit to ply for hire or reward; or
  - (c) for organised racing and speed testing; or
  - (d) for a purpose not allowed by the permit under which the vehicle is used, where the vehicle is a transport vehicle; or
  - (e) without side-car being attached where the vehicle is a motor cycle; or

- (i) a condition excluding driving by a named person or persons or by any person who is not duly licenced, or by any person who has been disqualified for holding or obtaining a driving licence during the period of disqualification; or
  - (ii) a condition excluding liability for injury caused or contributed to by conditions of war, civil war, riot or civil commotion; or
  - (f) that the policy is void on the ground that it was obtained by the non-disclosure of a material fact or by a representation of fact which was false in some material particular.
3. Where any such judgment as is referred to in sub-section (1) is obtained from a Court in a reciprocating country and in the case of a foreign judgment is, by virtue of the provisions of section 13 of the Code of Civil Procedure, 1908 (5 of 1908) conclusive as to any matter adjudicated upon by it, the insurer (being an insurer registered under the Insurance Act, 1938 (4 of 1938) and whether or not that person is registered under the corresponding law of the reciprocating country) shall be liable to the person entitled to the benefit of the decree in the manner and to the extent specified in sub-section (1), as if the judgment were given by a Court in India.
- Provided that no sum shall be payable by the insurer in respect of any such judgment unless, before the commencement of the proceedings in which the judgment is given, the insurer had notice through the Court concerned of the bringing of the proceedings and the insurer to whom notice is so given is entitled under the corresponding law of the reciprocating country, to be made a party to the proceedings and to defend the action on grounds similar to those specified in sub-section (2).
4. Where a certificate of insurance has been issued under sub-section (3) of (230) to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any

conditions other than those in clause (b) of sub-section (2) shall, as respects such liabilities as are required to be covered by a policy under clause (b) of sub-section (1) of section (230), be of no effect:

5. Any sum paid by the insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this sub-section shall be recoverable by the insurer from that person;
6. If the amount which an insurer becomes liable under this section to pay in respect of a liability incurred by a person insured by a policy exceeds the amount for which the insurer would apart from the provisions of this section be liable under the policy in respect of that liability, the insurer shall be entitled to recover the excess from that person.
7. No insurer to whom the notice referred to in sub-section (2) or sub-section (3) has been given shall be entitled to avoid their liability to any person entitled to the benefit of any such judgment or award as is referred to in sub-section (1) or in such judgment as is referred to in sub-section (3) otherwise than in the manner provided for in sub-section (2) or in the corresponding law of the reciprocating country, as the case may be.
8. In this section:
  - a) “material fact” and “material particular” means, respectively, a fact or particular of such a nature as to influence the judgment of a prudent insurer in determining whether the insurer will take the risk and, if so, at what premium and on what conditions; and
  - b) “liability covered by the terms of the policy” means liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel or has avoided or cancelled the policy;
  - c) “Claims Tribunal” means a Claims Tribunal constituted under section (250); and

d) “award” means an award made by that Tribunal under section (253).

(234) Rights of third parties against insurers on insolvency of insured.

1. Where under any contract of insurance effected in accordance with the provisions of this Chapter, a person is insured against liabilities which that person may incur to third parties, then:

(a) in the event of the person becoming insolvent or making a composition or arrangement with the creditors of that person; or

(b) where the insured person is a company, in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to the company or of a receiver or manager of the company’s business or undertaking being duly appointed, or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge, if, either before or after that event, any such liability is incurred by the insured person,

the rights of the insured against the insurer under the contract in respect of the liability shall, notwithstanding anything to the contrary in any provision of law, be transferred to and vest in the third party to whom the liability was so incurred.

2. Where an order for the administration of the estate of a deceased debtor is made according to the law of insolvency, then, if any debt provable in insolvency is owing by the deceased in respect of a liability to a third party against which that person was insured under a contract of insurance in accordance with the provisions of this Chapter, the deceased debtor’s rights against the insurer in respect of that liability shall, notwithstanding anything to the contrary in any provision of law, be transferred to and vest in the person to whom the debt is owing.



3. Any condition in a policy issued for the purposes of this Chapter purporting either directly or indirectly to avoid the policy or to alter the rights of the parties thereunder upon the happening to the insured person of any of the events specified in clause (a) or clause (b) of sub-section (1) or upon the making of an order for the administration of the estate of a deceased debtor according to the law of insolvency, shall be of no effect.
4. Upon a transfer under sub-section (1) or sub-section (2), the insurer shall be under the same liability to the third party as the insurer would have been to the insured person, but:
  - (a) if the liability of the insurer to the insured person exceeds the liability of the insured person to the third party, nothing in this Chapter shall affect the rights of the insured person against the insurer in respect of the excess; and
  - (b) if the liability of the insurer to the insured person is less than the liability of the insured person to the third party, nothing in this Chapter shall affect the rights of the third party against the insured person in respect of the balance.
5. Where a certificate of insurance has been issued to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in sub-section (1) or sub-section (2) shall, notwithstanding anything contained in this Chapter, not affect any liability of that person of the nature referred to in clause (b) of sub-section (1) of section (230); but nothing in this section shall affect any rights against the insurer conferred under the provisions of sections (235), and (236), on the person to whom the liability was incurred.

(235) Duty to give information as to insurance.

1. No person against whom a claim is made in respect of any liability referred to in clause (b) of sub-section (1) of section (230) shall on demand by or on behalf of

the person making the claim refuse to state whether or not the person against whom the claim is made was insured in respect of that liability by any policy issued under the provisions of this Chapter, or would have been so insured if the insurer had not avoided or cancelled the policy; nor shall that person refuse, if that person was or would have been so insured, to give such particulars with respect to that policy as were specified in the certificate of insurance issued in respect hereof.

2. In the event of any person becoming insolvent or making a composition or arrangement with their creditors or in the event of an order being made for the administration of the estate of a deceased person according to the law of insolvency, or in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to any company or of a receiver or manager of the company's business or undertaking being duly appointed or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge on any property comprised in or subject to the charge, it shall be the duty of the insolvent debtor, personal representative of the deceased debtor or company, as the case may be, or the official assignee or receiver in insolvency, trustee, liquidator, receiver or manager, or person in possession of the property to give at the request of any person claiming that the insolvent debtor, deceased debtor or company is under such liability to that person as is covered by the provision of this Chapter, such information as may reasonably be required by that person for the purpose of ascertaining whether any rights have been transferred to and vested in that person by section (234), and for the purpose of enforcing such rights, if any;

And, any such contract of insurance as purports whether directly or indirectly to avoid the contract or to alter the rights of the parties upon the giving of such information in the events aforesaid, or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

3. If, from the information given to any person in pursuance of sub-section (2) or otherwise, that person has reasonable ground for supporting that there have or may have been transferred to that person under this Chapter rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the said sub-section on the persons mentioned in the sub-section.
4. The duty to give the information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty so imposed to be inspected and copies thereof to be taken.

(236) Settlement between insurers and insured persons.

- (1) No settlement made by an insurer in respect of any claim which might be made by a third party in respect of any liability of the nature referred to in clause (b) of sub-section (1) of section (230) shall be valid unless such third party is a party to the settlement in accordance with payment schedule under this Act.
- (2) The investigating officer shall ensure that such settlement is bona fide and was not made under any undue influence and that the payment made under the settlement is in accordance with payment schedule under this Act
- (3) Where a person who is insured under a policy issued for the purpose of this Chapter has become insolvent, or where, if such insured person is a company, a winding-up order has been made or a resolution for a voluntary winding-up has been passed with respect to the company, no agreement made between the insurer and the insured person after the liability has been incurred to a third party and after the commencement of the insolvency or winding-up, as the case may be, nor any waiver, assignment or other disposition made by or payment made to the insured person after the commencement aforesaid, shall be effective to defeat the rights transferred to the third party under this Chapter; but those rights shall be the same as if no such agreement, waiver, assignment or disposition or payment has been made.

(237) Saving in respect of sections (234), (235) & (236).

1. For the purposes of sections (234), (235) and (236), a reference to “liabilities to third parties” in relation to a person insured under any policy of insurance shall not include a reference to any liability of that person in the capacity of insurer under some other policy of insurance.
2. The provisions of sections (234), (235) and (236) shall not apply where a company is wound-up voluntarily merely for the purposes of reconstruction or of an amalgamation with another company.

(238) Effect of death on certain causes of action.

Notwithstanding anything contained in section 306 of the Indian Succession Act, 1925 (39 of 1925) the death of a person in whose favour a certificate of insurance had been issued, if it occurs after the happening of an event which has given rise to a claim under the provisions of this Chapter, shall not be a bar to the survival of any cause of action arising out of the said event against that person’s estate or against the insurer.

(239) Effect of certificate of insurance.

When an insurer has issued a certificate of insurance in respect of a contract of insurance between the insurer and the insured person, then:

- (a) if and so long as the policy described in the certificate has not been issued by the insurer to the insured, the insurer shall, as between the insurer and any other person except the insured, be deemed to have issued to the insured person a policy of insurance conforming in all respects with the description and particulars stated in such certificate; and
- (b) if the insurer has issued to the insured the policy described in the certificate, but the actual terms of the policy are less favourable to persons claiming under or by virtue of the policy against the insurer either directly or through the insured than the particulars of the policy as stated in the certificate, the policy shall, as between

the insurer and any other person except the insured, be deemed to be in terms conforming in all respects with the particulars stated in the said certificate.

(240) Transfer of certificate of insurance.

1. Where a person in whose favour the certificate of insurance has been issued in accordance with the provisions of this Chapter, transfers to another person the ownership of the other vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, the certificate of insurance and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

*Explanation* – For the removal of doubts, it is hereby declared that such deemed transfer shall include transfer of rights and liabilities of the said certificate of insurance and policy of insurance.

2. The transferee shall apply within fourteen days from the date of transfer in the prescribed form to the insurer for making necessary changes in regard to the fact of transfer in the certificate of insurance and the policy described in the certificate in that person's favour, and the insurer shall make the necessary changes in the certificate and the policy of insurance in regard to the transfer of insurance.

(241) Production of certain certificates, licence and permit in certain cases.

1. Any person driving a motor vehicle in any public place shall, on being so required by a police officer in uniform authorised in this behalf by the State Government, produce:
  - (a) the certificate of insurance;
  - (b) the certificate of registration;
  - (c) the driving licence;

- (d) in the case of a transport vehicle, also the certificate of fitness referred to in section (104), and the permit relating to the use of the vehicle; and
  - (e) any certificates or authorisations of exemption that might have been granted under this Act.
2. If, where owing to the presence of a motor vehicle in a public place, an accident occurs involving death or bodily injury to another person, the driver of the vehicle does not at the time produce the certificate, driving licence and permit referred to in sub-section (1) to a police officer, the driver shall produce the said certificates, licence and permit at the police station at which the driver makes the report required by section (225).
  3. No person shall be liable to conviction under sub-section (1) or sub-section (2) by reason only of the failure to produce the certificate of insurance if, within seven days from the date on which its production was required under sub-section (1), or as the case may be, from the date of occurrence of the accident, that person produces the certificate at such police station as may have been specified by that person to the police officer who required its production or, as the case may be, to the police officer at the site of the accident or to the officer-in-charge of the police station at which that person reported the accident.

Provided that except to such extent and with such modifications as may be prescribed, the provisions of this sub-section shall not apply to the driver of a transport vehicle.
  4. The owner of a motor vehicle shall give such information as may be required of that person by or on behalf of a police officer empowered in this behalf by the State Government for the purpose of determining whether the vehicle was or was not being driven in contravention of section (229) and on any occasion when the driver was required under this section to produce the certificate of insurance.
  5. In this section, the expression “produce the certificate of insurance” means produce for examination the relevant certificate of insurance or such other

evidence as may be prescribed that the vehicle was not being driven in contravention of section (229).

(242) Procedure for investigation.

1. Immediately upon being informed about the accident under section (241), the investigating officer appointed in this regard by the police shall:
  - (a) inspect the spot of accident;
  - (b) prepare a site plan;
  - (c) take photographs of the accident spot;
  - (d) conduct a spot inquiry by examining any eye-witnesses and bystanders.
2. The investigating officer shall communicate the particulars of the accident, within twenty four hours of the accident, to:
  - a) the Claims Tribunal; and
  - b) if the particulars of insurance are available, the concerned insurance company of the offending vehicle.
3. The particulars of the accident shall be uploaded on the website of the investigating authority.
4. Immediately upon receipt of communication of the particulars of the accident, the insurance company shall appoint a Designated Officer for each case, who shall be responsible for dealing with and processing of that case and for taking decision for the amount of compensation payable in accordance with law after the Detailed Accident Information Report by the police.
5. The Investigating Officer shall collect the relevant evidence relating to the accident as well as computation of compensation.

6. The Investigating Officer shall file the Detailed Accident Information Report, including in the manner provided in the Schedule IV, with the Claims Tribunal within fifteen days of the accident, with a copy each to the Insurance Company, the claimant and the National Authority.
7. The Detailed Accident Information Report shall be accompanied by:
  - (a) certified copies of the first information report;
  - (b) site plan;
  - (c) photographs;
  - (d) registration cover;
  - (e) driving licence;
  - (f) Insurance policy;
  - (g) permit;
  - (h) Medico Legal Certificate;
  - (i) post-mortem report, challan and the documents relating to the proof of age, occupation, income and the number of legal representatives and their age in case of death; and
  - (j) proof of injuries and expenditure incurred by the insured in injury cases.
8. The investigation officer shall immediately electronically record or archive the completed Detailed Accident Information Report to a data repository specified by the National Authority and shall transmit such Detailed Accident Information Report by means of uploading a photographic copy, scanned copy or any other means prescribed by the National Authority with the aim of recording the original form of the Detailed Accident Information Report and contents thereof.



9. Where the Investigating Officer is unable to complete the investigation of the case within fifteen days, the Investigating Officer shall approach the Claims Tribunal for extension of time whereupon the Claims Tribunal may suitably extend the time in the facts of each case, not more than thirty days at a time, in cases of:
  - (a) hit and run accidents;
  - (b) cases where the parties reside outside the jurisdiction of the Court cases;  
or
  - (c) where the victim has suffered grievous injuries and is undergoing treatment in cases where the victim was the only victim.
9.
  - (a) The Investigating Officer shall produce the driver, owner, claimant and eye-witnesses before the Claims Tribunals along with the Detailed Accident Information Report.
  - (b) In case the Police is unable to produce the owner, driver, clamant and eye-witnesses before the Claims Tribunal on the first date of hearing for the reasons beyond its control, the Claims Tribunal shall issue notice to them to be served through the Investigating Officer for a date for appearance not later than thirty days.
  - (c) The Investigating Officer shall give advance notice to the Insurance Company about the date of filing of the Detailed Accident Information Report before the Claims Tribunal so that the nominated counsel for the Insurance Company can remain present on the first date of hearing before the Claims Tribunal.

(243) Duty to furnish particulars of vehicle involved in accident.

A registering authority or the officer-in-charge of a police station shall, if so required by a person who alleging entitlement to claim compensation in respect of an accident arising out of the use of a motor vehicle, or if so required by an insurer against whom a claim has been made in respect of any motor vehicle, furnish to that person or to that insurer, as the case may be, on payment of the specified fee, any information at the disposal of the said

authority or the said police officer relating to the identification marks and other particulars of the vehicle and the name and address of the person who was using the vehicle at the time of the accident or was injured by it and the property, if any, damaged in such form and within such time as the National Authority may specify.

(244) Special provisions as to compensation in case of hit and run motor accident.

1. Notwithstanding anything contained in the General Insurance Business (Nationalisation) Act, 1972 (57 of 1972) or any other law for the time being in force or any instrument having the force of law, the General Insurance Corporation of India formed under section 9 of the said Act and the insurance companies for the time being carrying on general insurance business in India shall provide for paying in accordance with the provisions of this Act and the scheme, compensation in respect of the death of, or grievous hurt to, persons resulting from hit and run motor accidents.
2. Subject to the provisions of this Act and the scheme, there shall be paid as compensation:
  - (a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of such amount as may be notified by the Central Government;
  - (b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of such amount as may be notified by the Central Government.
3. The provisions of sub-section (1) of section (251) shall apply for the purpose of making applications for compensation under this section as they apply for the purpose of making applications for compensation referred to in that sub-section.
4. The Central Government may, by notification, make a scheme specifying, the manner in which the scheme shall be administered by the General Insurance Corporation, the form, manner and the time within which applications for

compensation may be made, the officers or authorities to whom such applications may be made, the procedure to be followed by such officers or authorities for considering and passing orders on such applications, and all other matters connected with, or incidental to, the administration of the scheme and the payment of compensation.

5. A scheme made under sub-section (1) may provide that:
- (a) a contravention of any provision thereof shall be punishable with imprisonment for such term as may be specified but in no case exceeding three months, or with fine which may extend to such amount as may be specified or with both;
  - (b) the powers, functions or duties conferred or imposed on any officer or authority by such scheme may be delegated with the prior approval in writing of the National Authority, by such officer or authority to any other officer or authority;
  - (c) any provision of such scheme may operate with retrospective effect from a date not earlier than the date of establishment of the Solatium Fund under the Motor Vehicles Act, 1939 (4 of 1939) as it stood immediately before the commencement of this Act.

Provided that no such retrospective effect shall be given so as to prejudicially affect the interests of any person who may be governed by such provision.

(245) Special provisions as to treatment of road accident victims during the “Golden Hour”.

1. Notwithstanding anything contained in the General Insurance Companies (Nationalisation) Act, 1972 (57 of 1972) or any other law for the time being in force or any instrument having the force of law, the insurance companies for the time being carrying on general insurance business in India shall provide in accordance with the provisions of this Act, and the rules made under it, for treatment of road accident victims during the “Golden Hour”.

2. The Central Government may, by notification, make a scheme for cashless treatment of victims of road accidents during the “Golden Hour”, including by way of creating a fund for such treatment, in accordance with such rules as may be prescribed in this regard.

(246) Refund in certain cases of compensation paid under section (243).

1. The payment of compensation in respect of the death of, or grievous hurt to, any person under section (244) shall be subject to the condition that if any compensation (hereafter in this sub-section referred to as the other compensation) or other amount in lieu of or by way of satisfaction of a claim for compensation is awarded or paid in respect of such death or grievous hurt under any other provision of this Act or any other law or otherwise, so much of the other compensation or other amount aforesaid as is equal to the compensation paid under section (244), shall be refunded to the insurer.
2. Before awarding compensation in respect of an accident involving the death of, or bodily injury to, any person arising out of the use of a motor vehicle or motor vehicles under any provision of this Act (other than section (244)) or any other law, the Claims Tribunal, Court or other authority awarding such compensation shall verify as to whether in respect of such death or bodily injury compensation has already been paid under section (244) or an application for payment of compensation is pending under that section, and such Tribunal, Court or other authority shall:
  - (a) if compensation has already been paid under section (244), direct the person liable to pay the compensation awarded by it to refund to the insurer, so much thereof as is required to be refunded in accordance with the provisions of sub-section (1);
  - (b) if an application for payment of compensation is pending under section (244) forward the particulars as to the compensation awarded by it to the insurer.

*Explanation* – For the purpose of this sub-section, an application for compensation under section (244) shall be deemed to be pending.

- (i) if such application has been rejected, till the date of the rejection of the application; and
- (ii) in any other case, till the date of payment of compensation in pursuance of the application.

(247) Special provisions as to payment of compensation on structured formula basis.

1. Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle of the authorized insurer shall be liable to pay in the case of death or permanent disablement due to accident arising out of the use of motor vehicle compensation, as notified by the Central Government, to the legal heirs or the victim, as the case may be.

*Explanation* – For the purposes of this sub-section, “permanent disability” shall have the same meaning and extent as in the Workmen’s Compensation Act, 1923.

2. In any claim for compensation under sub-section (1), the claimant shall not be required to plead or establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or vehicles concerned or of any other person.

(248) Motor Accident Fund.

- (1) A Fund, called the Motor Accident Fund, shall be constituted and the following shall be credited to the Fund:
  - (a) A cess or tax or payment of a nature notified and approved by Central Government;
  - (b) Any grant or loan made to the Fund by the Central Government;
  - (c) Any other source of income as may be specified by the Central Government.

- (2) The Fund shall be constituted for the purpose of providing compulsory insurance cover to all road users in the territory of India.
  - (3) The following persons may claim from the Fund:
    - (a) A person who has been grievously hurt in a road accident till such time as the person may be stabilized;
    - (b) One or more legal representatives of a person who died in a road accident that was not caused by the deceased on whose behalf the claim is being made and for which road accident no person can be held liable;
    - (c) A person grievously hurt in a road accident where no fault can be fixed upon either that person or on any other person involved in the accident;
    - (d) Any other person as the National Authority may specify by regulations.
  - (4) The maximum liability of the Fund in any case shall be as may be specified by the National Authority.
  - (5) In all cases specified in sub-section 3(a), when the claim of such person becomes payable, then the Fund is entitled to recover from the insurer the amount equivalent to such compensation received by such person.
  - (6) The Fund shall be managed by such authority or agency as the National Authority may specify with special regard to the following:
    - (a) Knowledge of insurance business of the agency;
    - (b) Capability of the agency to manage funds;
    - (c) Any other criteria the National Authority may prescribe.
- (249) Power of National Authority to make rules.
1. The National Authority may make rules for the purpose of carrying into effect the provisions of this Chapter.
  2. Without prejudice to the generality of the foregoing power, such rules may provide for:
    - (a) the forms to be used for the purposes of this Chapter;
    - (b) the making of applications for and the issue of certificates of insurance;

- (c) the issue of duplicates to replace certificates of insurance lost, destroyed or mutilated;
- (d) the custody, production, cancellation and surrender of certificates of insurance;
- (e) the records to be maintained by insurers of policies of insurance issued under this Chapter;
- (f) the identification by certificates or otherwise of persons or vehicle exempted from the provisions of this Chapter;
- (g) the furnishing of information respecting policies of insurance by insurers;
- (h) adopting the provisions of this Chapter to vehicles brought into India by persons making only a temporary stay or to vehicles registered in a reciprocating country and operating on any route or within any area in India by applying those provisions with prescribed modifications;
- (i) the form in which and the time limit within which the particulars referred to in section (243) may be furnished;
- (j) the operation of the scheme made for the treatment of victims of road accidents during the “Golden Hour”;
- (k) the establishment and operation of a fund for treatment of road accident victims during the “Golden Hour”;
- (l) the principles on the basis of which insurance companies will contribute to the fund for treatment of road accident victims; and
- (m) any other matter which is to be, or may be, prescribed.

## CHAPTER XII: CLAIMS TRIBUNALS.

### (250) Claims Tribunals.

1. A State Government may, by notification, constitute one or more Motor Accidents Claims Tribunals (referred to as Claims Tribunals) for such area as may be specified in the notification, for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of motor vehicles, or damage to any property of a third party so arising, or both.

*Explanation* – For the removal of doubts, it is hereby declared that the expression “claims for compensation in respect of accidents involving the death of or bodily injury to persons arising out of the use of motor vehicles” includes claims for compensation under section (247).

2. A State Government shall use the details from the registers maintained in accordance with section (258) to carry out an assessment annually, in order to determine the number of Claims Tribunals needed for that State, the results of which must be made public upon being determined.
3. A Claims Tribunal shall consist of such number of members as the State Government may think fit to appoint; and where it consists of two or more members, one of them shall be appointed as its Chairman.
4. A person shall not be qualified for appointment as a member of a Claims Tribunal unless such person:
  - (a) is, or has been, a Judge of a High Court; or
  - (b) is, or has been, a District Judge; or
  - (c) is qualified for appointment as a High Court Judge or as a District Judge.



5. Where two or more Claims Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.

(251) Application for compensation.

1. An application for compensation arising out of an accident of the nature specified in sub-section (1) of section (252) may be made:
  - (a) by the person who has sustained the injury; or
  - (b) by the owner of the property; or
  - (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or
  - (d) by any agent duly authorised by the person injured, or all or any of the legal representatives of the deceased, as the case may be.

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

2. Every application under sub-section (1) shall be made in such form and manner as may be notified by the National Authority at the option of the claimant either to the Claims Tribunal having jurisdiction over the area in which the accident occurred or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides, or carries on business, or within the local limits of whose jurisdiction the defendant resides.
3. The Claims Tribunal shall treat any Detailed Accidental Information Report forwarded to it under section (242) as an application for compensation under this Act.

4. The Claims Tribunals shall examine whether the Detailed Accident Information Report is complete in all respects and shall pass appropriate orders in this regard.
5. If the Detailed Accident Information Report is not complete in any particular respect, the Claims Tribunal shall direct the Investigating Officer to complete the same and shall fix a date for the said completion.
6. The Claims Tribunals shall treat the Detailed Accident Information Report filed by the Investigating Officer as a claim petition under sub-section (4), except in cases where the Police is unable to produce the claimants on the first date of hearing, the Claims Tribunal shall initially register the Detailed Accident Information Report as a miscellaneous application which shall be registered as a main claim petition after the appearance of the claimants.
7. The Claims Tribunal shall list the miscellaneous application for preliminary hearing to enable the police to notify such date to the victim/family of the victim, owner, driver and insurer of the vehicle involved in the accident.
8. After the appearance of the claimants, the miscellaneous application shall be converted and registered as a claim petition.
9. Where the claimants have filed a separate claim petition, the Detailed Accident Information Report shall be tagged to the claim petition.
10. If no independent claim has been preferred, the Claims Tribunal shall call upon the claimant to submit statement of facts regarding compensation in such form and manner as may be prescribed in this regard.
11. If the police is unable to produce the claimants for up to a period of three months after the first date of hearing, the Claims Tribunal shall deem the matter disposed of.

Provided that a claimant may, at any time up to a period of six months after the matter has been disposed under sub-section (11), file a fresh claim relating to the same accident.

(252) Option regarding claims for compensation in certain cases.

Notwithstanding anything contained in the Workmen's Compensation Act, 1923 (8 of 1923) where the death of, or bodily injury to, any person gives rise to a claim for compensation under this Act and also under the Workmen's Compensation Act, 1923 (8 of 1923), the person entitled to compensation may without prejudice to the provisions of this Act, claim such compensation under either of those Acts but not under both.

(253) Award of Claims Tribunal.

1. On receipt of an application for compensation made under section (251), the Claims Tribunal shall, after giving notice of the application to the insurer and after giving the parties (including the insurer) an opportunity of being heard, hold an inquiry into the claim or, as the case may be, each of the claims and, subject to the provisions of section (246) may make an award determining the amount of compensation which appears to it to be just and specifying the person or persons to whom compensation shall be paid and in making the award the Claims Tribunal shall specify the amount which shall be paid by the insurer or owner or driver of the vehicle involved in the accident or by all or any of them, as the case may be.
2. The Claims Tribunal shall, while making an award under this Chapter, also refer to the impairment schedule detailing the various types of injuries or impairments along with the compensation prescribed thereunder which shall be notified under this Section by the Central Government in consultation with the Union Ministry of Health and Family Welfare and the National Authority.

Provided that the said Schedule shall be updated by the National Authority from time to time.

2. The Claim Tribunal shall arrange to deliver copies of the award to the parties concerned expeditiously and in any case within a period of fifteen days from the date of the award.

3. When an award is made under this section, the person who is required to pay any amount in terms of such award shall, within thirty days of the date of announcing the award by the Claims Tribunal, deposit the entire amount awarded in such manner as the Claims Tribunal may direct.

(254) Procedure and powers of Claims Tribunals.

1. In holding any inquiry under section (253), the Claims Tribunal may, subject to any rules that may be made in this behalf, follow such summary procedures as it thinks fit.
2. The Claims Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Claims Tribunal shall be deemed to be a Civil Court for the purposes of this Act and Chapter XXVI of the Code of Criminal Procedure, 1973.
3. Subject to any rules that may be made in this behalf, the Claims Tribunal may, for the purpose of adjudicating upon any claim for compensation, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist it in holding the inquiry.

(255) Judgment and award of compensation.

1. The Claims Tribunal in passing orders shall record concisely in a judgment, the findings on each of the issues framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the opposite party or parties and also the person or persons to whom compensation shall be paid.
2. The procedure of adjudicating the liability and award of compensation may be set apart from the procedure of disbursement of compensation to the legal heirs in a case of death, and where the Claims Tribunal feels that the actual payment to the claimant is likely to take some time because of the identification and

determination of legal heirs of the deceased; the Claims Tribunal may call for the amount of compensation awarded to be deposited with it, and then, proceed with the identification of the legal heirs for disbursing payment of compensation to each of the legal heirs equitably.

(256) Settlement of claims outside of Claims Tribunal.

1. If the parties to an application for compensation or claims petition under this chapter settle the same between themselves at any time during the pendency of the application for compensation or claims petition before the Claims Tribunal, the investigating officer shall ensure that such settlement is bona fide and was not made under any undue influence and, if so satisfied, shall assent to placing such settlement before the Tribunal which, in turn, shall satisfy itself as to the bona fide of such settlement, and then the Tribunal shall give its assent to such settlement and pass an order decreeing the settlement to be final.
2. Such assent shall be deemed to have been accorded if the Tribunal does not pronounce a decision on the settlement within 30 days of the settlement having been laid before it.

(257) Enforcement of award of the Claims Tribunal.

1. Subject to the provisions of section (263), the Claims Tribunal shall, for the purpose of enforcement of its award, have all the powers of a Civil Court in the execution of a decree under the Code of Civil Procedure, 1908 (5 of 1908), as if the award were a decree for the payment of money passed by such court in a civil suit.
2. Claims Tribunals shall proceed to recover/execute the award in following terms:
  - (a) If after the expiry of 90 days from the pronouncement of the award by the Claims Tribunal, payment of the amount awarded by the Claims Tribunal has not been made, notice must be issued to the Bank named by the Insurance Company directing such Bank to deposit the cheque drawn in

the name of the claimant/claimants legally entitled in accordance with the award covering the amount(s) in accordance with the Claims Tribunal award within a week of receipt of such orders, and cheques should be retained for being given to the claimant;

- (b) Once the amount is deposited by cheque in accordance with the aforesaid procedure, the Claims Tribunal is required to ensure that within a period of six weeks thereafter the amount is disbursed to the claimants under the supervision of the Presiding Officer by issuing the said cheque to the claimant, so that the claimants are not put to undue harassment
- (c) In case for some reason it is not possible to make the payment to the claimant within three months of the issue of the cheques in the name of the claimant, then the Claims Tribunal should ensure that such cheques are returned to the Insurance Companies in lieu of fresh cheques drawn in favour of the appropriate account of the Claims Tribunal and which are required to be deposited in an interest bearing short term fixed deposit for a six monthly period by the Claims Tribunal;
- (d) If directions given by the Claims Tribunal to the banks are not complied with, the Claims Tribunal may order freezing of bank accounts to the extent covered by the award.

(258) Registers.

1. The Claims Tribunal shall maintain in addition to any register that may be required to be maintained by a court of Additional District Judge, the following registers:
  - (a) Register for applications for interim award on principle of no fault liability;
  - (b) Register for deposit of payments in the Claims Tribunal through cheques, etc.

2. Claim petitions on the ground of death, permanent disability, injury and damage to property shall be entered in a separate register.
3. The record of all the awards passed by the Claims Tribunals shall be maintained by the court officials in such manner as may be prescribed.

(259) Impleading insurer in certain cases.

Where in the course of any inquiry, the Claims Tribunal is satisfied that:

- (a) there is collusion between the person making the claim and the person against whom the claim is made; or
- (b) the person against whom the claim is made has failed to contest the claim, it may, for reasons to be recorded in writing, direct that the insurer, who may be liable in respect of such claim, shall be impleaded as a party to the proceeding and the insurer so impleaded shall thereupon have, without prejudice to the provisions contained in sub-section (2) of section (233), the right to contest the claim on all or any of the grounds that are available to the person against whom the claim has been made.

(260) Award of interest where any claim is allowed.

Where any Claims Tribunal allows a claim for compensation made under this Act, such Tribunal may direct that in addition to the amount of compensation, simple interest shall also be paid at such rate and from such date not earlier than the date of making the claim as it may specify in this behalf.

(261) Award of compensatory costs in certain cases.

1. Any Claims Tribunal adjudicating upon any claim for compensation under this Act may, in any case where it is satisfied for reasons to be recorded by it in writing that:

- (a) the policy of insurance is void on the ground that it was obtained by representation of fact which was false in any material particular; or
- (b) any party or insurer has put forward a false or vexatious claim or defence or is guilty of misrepresentation,

make an order for the payment, special costs by way of compensation to the insurer or, as the case may be, to the party against whom such claim or defence has been put forward.

- 2. No person or insurer against whom an order has been made under this section shall, by reason thereof, be exempted from any criminal liability in respect of such misrepresentation, claim or defence as is referred to in sub-section (1).
- 3. Any amount awarded by way of compensation under this section in respect of any misrepresentation, claim or defence, shall be taken into account in any subsequent suit for damages for compensation, in respect of such misrepresentation, claim or defence.

#### (262) Appeals.

- 1. Subject to the provisions of sub-section (2), any person aggrieved by an award of a Claims Tribunal may, within ninety days from the date of the award, prefer an appeal to the High Court.

Provided that no appeal by the person who is required to pay any amount in terms of such award shall be entertained by the High Court, unless that person has deposited with it twenty-five thousand rupees, or fifty per cent of the amount so awarded, whichever is less, in the manner directed by the High Court:

Provided further that the High Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.



2. No appeal shall lie against any award of a Claims Tribunal if the amount in dispute in the appeal is less than ten thousand rupees.

(263) Recovery of money from insurer as arrear of land revenue.

Where any amount is due from any person under an award, the Claims Tribunal may, on an application made to it by the person entitled to the amount, issue a certificate for the amount to the Collector, and the Collector shall proceed to recover the same in the same manner as an arrear of land revenue.

(264) Bar on jurisdiction of Civil Courts.

Where any Claims Tribunal has been constituted for any area, no Civil Court shall have jurisdiction to entertain any question relating to any claim for compensation which may be adjudicated upon by the Claims Tribunal for that area, and no injunction in respect of any action taken or to be taken by or before the Claims Tribunal in respect of the claim for compensation shall be granted by the Civil Court.

(265) Power of State Government to make rules.

A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter, and in particular, such rules may provide for all or any of the following matters, namely:

- (a) the form of application for claims for compensation and the particulars it may contain, and the fees, if any, to be paid in respect of such applications;
- (b) the procedure to be followed by a Claims Tribunal in holding an inquiry under this Chapter;
- (c) the powers vested in a Civil Court which may be exercised by a Claims Tribunal;
- (d) the form and the manner in which and the fees (if any) on payment of which an appeal may be preferred against an award of a Claims Tribunal; and
- (e) any other matter which is to be, or may be, prescribed.

## CHAPTER XIII: HIGHWAY TRAFFIC REGULATION AND PROTECTION FORCE

Objectives of this Chapter: This Chapter shall constitute a Highway Traffic Regulation and Protection Force for India which will ensure enforcement of traffic regulation, reduce road crash trauma and make national highways safer for road users by providing a highly visible, dedicated enforcement presence.

### (266) Definitions.

In this Act unless the context otherwise requires:

- (a) "Force" means the Highway Traffic Regulation and Protection Force constituted under section 250 of this Act
- (b) "highway" means a highway designated as National Highway by the Central Government or a State Highway designated by the State Government;
- (c) "member of the Force" means a person appointed to the Force, other than a superior officer;
- (d) "officer of the Force" means an officer of and above the rank of Assistant Sub Inspector appointed to the Force and includes a superior officer;
- (e) "superior officer" means any of the officers appointed under section (268) of this Act, and includes any other officer appointed by the State Government as a superior officer of the force.

### (267) Constitution of Highway Traffic Regulation and Protection Force.

- (1) There shall be constituted and maintained by the State Government, for the purpose of effective policing and enforcement of traffic regulations on highways, an armed force of the State to be called the Highway Traffic Regulation and Protection Force.
- (2) The Force shall be constituted in such manner, and shall consist of such number of superior officers, subordinate officers, under officers and other enrolled

members of the Force and shall receive such pay and other remuneration as may be prescribed by the State Government.

- (3) The jurisdiction of the Force shall be structured as per the zones prescribed for National and State Highways by the State Government, for effective enforcement of traffic regulations in such zones or maybe as notified by the State Government.

(268) Appointment and powers of superior officers.

- (1) The State Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspector-General, Additional Inspectors-General, or Deputy Inspector-General, Assistant Inspector-General, Senior Commandants, Commandants or Assistant Commandants of the Force.
- (2) The Director-General and every other superior officer so appointed shall possess and exercise such powers and authority over the members of the Force under their respective commands as is provided by or under this Act.

(269) Appointment of enrolled members of the Force.

The appointment of enrolled members of the Force shall rest with the Inspector-General, Additional Inspector- General or Deputy Inspector General, who shall exercise that power in accordance with rules made under this Act.

Provided that the power of appointment under this section may also be exercised by other superior officer as the Inspector-General, Additional Inspector-General or Deputy Inspector-General concerned may, by order specify in this behalf.

(270) Certificates to enrolled members of the Force.

- (1) Every member of the Force shall receive on his appointment a certificate in the form specified by the State Government, under the seal of the Inspector-General, Additional Inspector-General or Deputy Inspector-General, or such other superior officer as the Inspector-General, Additional Inspector-General or Deputy Inspector-General may specify in this behalf, by virtue of which the person holding such certificate shall be vested with the powers of a member of the Force.

- (2) Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a member of the Force.

(271) Superintendence and administration of the Force.

- (1) The superintendence of the Force shall vest in the State Government; and the command, supervision and administration of the Force shall vest in the Director-General, subject to the provisions of this Act, of any rules made thereunder, and the superintendence of the State Government.
- (2) Subject to the provisions of sub-section (1), the State Police will have superintendence within such local limits which may be with the jurisdiction of the Force, for offences falling outside the purview of this Act.

(272) Dismissal, removal etc. of enrolled members of the Force.

- (1) Subject to the provisions of Article 311 of the Constitution and to such rules as the State Government may make under this Act, any superior officer may:
  - (a) dismiss, suspend or reduce in rank any enrolled member of the Force whom he thinks remiss or negligent in the discharge of his duty or unfit for the same; or
  - (b) award any one or more of the following punishments to any enrolled member of the Force who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, namely:
    - (i) fine to any amount not exceeding seven days' pay or reduction in pay scale;
    - (ii) confinement to quarters for a period not exceeding fourteen days, with or without punishment drill, extra guard, fatigue or other duty;
  - (c) removal from any office of distinction or deprivation of a special emolument.

- (2) Any enrolled member of the Force aggrieved by an order made under sub-section (1) may, within 30 days from the date on which the order is communicated to him, prefer an appeal against the order to such authority as may be prescribed.

Provided that the prescribed authority may entertain the appeal after the expiry of said period of 30 days if it is satisfied that appellant was prevented by sufficient cause from filing the appeal in time.

- (3) In disposing of the appeal, the prescribed authority shall follow such procedure as may be prescribed.

Provided that no order imposing an enhanced penalty under sub section (2) shall be made unless a reasonable opportunity of being heard has been given to the person affected by such order.

(273) Functions of members of the Force.

- (1) The Highway Traffic Regulation and Protection Force shall be equipped and empowered on the national and state highways to:
- (a) enforce traffic regulations under this Act;
  - (b) reduce road crash trauma;
  - (c) ensure safety of transport assets
  - (d) ensure the safe and efficient movement of passengers and freight.
- (2) In pursuit of the functions in sub-section (1), the Force shall regulate, monitor and discharge on national highways:
- (a) Support national highway users and the state police in the registration and investigation of cases pertaining to violations under this Act on national highways.
  - (b) The latest forensic and scientific tools for investigation of accidents and violations under this Act on national highways
  - (c) Supporting investigation and independently reporting, including electronically or otherwise, of every road accident on national highways

resulting in death or injury, to the National Authority and the relevant State Safety Authority in accordance with the manner laid out in Schedule IV of this Act;

- (d) The maintenance and recalibration of all equipment required for free flow of traffic on national highways;
- (e) The applicability and maintenance of traffic signs, street lighting and electronic enforcement of this Act on national highways;
- (f) The removal of any sign or advertisement or street furniture or construction which obscures any traffic sign from view, or which misleads due to similarity of appearance with any traffic sign, or which distracts the attention or concentration of the driver; and
- (g) The enforcement of this Act on national highways.

(274) Duties of members of the Force.

- (1) It shall be the duty of every superior officer and member of the Force:
  - (a) To promptly execute all orders lawfully issued to him by his superior authority;
  - (b) To perform any act, when a person is injured or any property of a third party is damaged, as a result of an accident on the highways, unless it is not practicable to do so on account of mob fury or any other reason beyond the control of the member of the Force;
  - (c) To take all reasonable steps to secure medical attention for the injured person, by conveying that person to the nearest medical practitioner or hospital or making arrangements to do so;  
Provided that this sub-section shall be applicable to the nearest police officer on duty, whether such officer is a member of the Force or the State Police or any other authority constituted for the purpose of enforcement of laws.
  - (d) To do any other act conducive to policing of national highways.

(275) Power to arrest without warrant.

Any member of the Force may impound a motor vehicle immediately or, without an order from a Magistrate and without a warrant, arrest:

- (a) any person who voluntarily causes hurt to, or attempts voluntarily to cause hurt to, or wrongly restrains or attempts wrongfully to restrain, or assaults, threatens to assault, or uses, or threatens or attempts to use, criminal force on such member or any other member of the Force in the execution of such member's duty, or with intent to prevent or to deter such member from discharging the said duty, or in consequence of anything done or attempted to be done by such member in the lawful discharge of the said duty; or
- (b) any person who while driving, or attempting to drive, a motor vehicle, such person is deemed to have consumed alcohol or drugs as laid out in section (301); or
- (c) any person who is driving a motor vehicle in a manner as laid out in Section (299) and Section (300) of the Act; or
- (d) any person who has, or attempts to destroy public property on the National highways as laid out in Section (300).

(276) Procedure to be followed after arrest.

Any member of the Force making an arrest under this Act, shall, without unnecessary delay, hand over the person so arrested to an officer of the State police or in the absence of such officer, take such person or cause him to be taken to the nearest Police station.

(277) Restrictions respecting right to form Association etc.

1. No member of the Force shall without the previous sanction in writing of the State Government or of the prescribed authority:
  - (a) be a member of, or be associated in any way with any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or

- (b) be a member of, or be associated in any way with any society, institution, association or organisation that is not of a purely social, recreational or religious nature; or
- (c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bonafide discharge of his duties or is of a purely literary artistic or scientific character or is of prescribed nature.

*Explanation* – If any question arises as to whether any society, institution, association or organization is of a purely social, recreational or religious nature under clause b) of this sub-section, the decision of the State Government thereon shall be final.

- 2. No member of the Force shall participate in, or address, any meeting or take part in any demonstration organized by any body of persons for any political purposes or for such other purposes as may be prescribed.

(278) Power to designate Special Police Officers.

The Force shall, to assist in the enforcement of any Section of this Act on the national highways, have the power to designate special police officers from among the public, with adequate training and knowledge, to be able to perform such duties as may be specified in this regard by the Force.

(279) Procedure for investigation.

- 1. Immediately upon taking cognizance of a road accident, the investigating officer appointed in this regard by the Force shall:
  - (a) secure the site of the accident;
  - (b) inspect the scene of accident;
  - (c) prepare a site plan;
  - (d) collect forensic data of the accident scene including photographs of the accident scene; and



- (e) conduct a spot inquiry by examining any eye-witnesses and bystanders.
- (f) prepare a report as per schedule IV of this Act

Provided that the investigating officer shall only record the personal details including the name and address of the bystander, if such bystander volunteers to provide the information to be recorded.

Provided further that such information collected under this section shall be expeditiously provided to the officer of the state police in whose jurisdiction the accident occurred.

2. The investigating officer shall communicate the particulars of the accident, within twenty four hours of the accident, to the National Authority, the State Safety Authority and if the particulars of insurance are available, to the concerned insurance company of the offending vehicle.
3. The particulars of the accident shall be uploaded on the website of the Force.
4. Immediately upon receipt of communication of the particulars of the accident from the Force, the insurance company shall appoint a Designated Officer for each case, who shall be responsible for dealing with and processing of that case and for taking decision for the amount of compensation payable in accordance with law after the Detailed Accident Information Report by the police.
5. If requested by the Motor Accident Claims Tribunal for a Detailed Accident Information Report the Force shall file such Detailed Accident Information Report, including in the manner provided in the Schedule IV, with the Motor Accident Claims Tribunal within 15 days of such request from the Motor Accident Claims Tribunal.
7. The Detailed Accident Information Report may be accompanied by:
  - (a) site plan;
  - (b) photographs;
  - (c) registration cover;

- (d) driving licence;
- (e) Insurance policy;
- (f) permit; and
- (g) proof of injuries and expenditure incurred by the insured in injury cases.

(280) Responsibilities of members of Force during suspension.

A member of the Force shall not by reason of his suspension from office cease to be a member of the Force; and he shall during that period, be subject to the same responsibilities, discipline and penalties to which he would have been subject if he were on duty.

(281) Surrender of certificate, arms, etc., by persons ceasing to be enrolled members of the Force.

- (1) Every person who for any reason ceases to be a member of the Force, shall forthwith surrender to any superior officer empowered to receive the same, his certificate of appointment, the arms, accoutrements, clothing, and other articles which have been furnished to him for the performance of his duties as a member of the Force.
- (2) Any person who wilfully neglects or refuses to surrender his certificate of appointment, the arms, accoutrements, clothing, and other articles furnished to him, as required by sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.
- (3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Director General, has become the property of the person to whom the same was furnished.

(282) Penalties for neglect of duty etc.

- (1) Every enrolled member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or lawful order made by a superior officer,

or who shall withdraw from duties of his office without permission, or who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority for any employment other than his duty as an enrolled member of the Force, or who shall be guilty of cowardice, may be taken into the Force's custody and shall, on conviction, be punished with imprisonment which may extend to one year.

- (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 an offence punishable under this section shall be cognizable and non-bailable.

(283) Certain Acts not to apply to members of the Force.

Nothing contained in the Payment of Wages Act, 1936 or the Industrial Disputes Act, 1947 or the Factories Act, 1948, or any corresponding law relating to investigation and settlement of industrial disputes in force in a state, shall apply to members of the Force.

(284) Protection of acts of members of the Force.

- (1) In any suit or proceeding against any member of the Force for any act done by such member in the discharge of such member's duties, it shall be lawful for such member to plead that such act was done by such member under the orders of a competent authority.
- (2) Any such plea may be proved by the production of the order directing the act, and if it is so proved, the member of the Force shall thereupon be discharged from any liability in respect of the act so done by such member, notwithstanding any defect in the jurisdiction of the authority which issued such order.
- (3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any member of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of any provision of this Act or the rules thereunder, shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such proceeding and the cause thereof shall be given to the person concerned and to

such person's superior officer at least one month before the commencement of such proceedings.

#### CHAPTER XIV- OFFENCES & PENALTIES.

(285) General provision as regards penalties.

1. Any Offence committed under this Act, may be punishable with one or more of the following penalties:
  - (a) fines as specified;
  - (b) imprisonment for both cognisable and non-cognisable offences, as specified;
  - (c) impounding of vehicles, as specified;
  - (d) awarding of penalty points, as specified;
  - (e) cancellation of licences, registrations or permits, as specified;
  - (f) compulsory training, as specified by the National Authority for each offence.
2. Where a motor vehicle has been used in the commission of an offence as defined under this Act, the fact of the offence, and relevant details of its commission including licence details of the person committing such offence, as may be specified, shall be recorded against the registration certificate of such motor vehicle, in such manner as may be specified by the National Authority.

(286) General provision for punishment of offences.

Whoever contravenes any provision of this Act or of any rule, regulation, order or notification made under this Act shall, if no penalty is provided for the offence, be punishable for the offence in accordance with Schedule III.

(287) General provision for driver penalty points scheme.

1. Any person, who, while driving commits an offence under this Act shall be allocated penalty points for the offence, in accordance with Schedule II, in addition to the fine or imprisonment as the case may be.
2. The consequences of allocation of such penalty points, and the period of validity of such penalty points to any holder of a driving licence shall be as specified in Schedule II.
3. The procedure for awarding penalty points and maintaining records associated with such penalty points shall be as specified by the National Authority.
4. The National Authority may also develop incentive schemes to encourage safe driving behavior.

(288) Driving motor vehicles in contravention of section (62) or section (64) or section (65).

Whoever drives a motor vehicle in contravention of section (62) or section (64) or section (65) shall be punishable in accordance with Schedule III.

(289) Causing unauthorised person to drive a vehicle.

Whoever, being the owner or the driver of a motor vehicle, or the person under whose instructions the driver of a motor vehicle, knowingly causes or permits any other person who does not satisfy the provisions of section (62) or section (64) or section (65) to drive that vehicle shall be punishable in accordance with Schedule III.

(290) Offences relating to driving licences.

1. Any person who, while holding any driving licence for the time being in force, attempts to obtain any other driving licence except as provided under this Act, shall be punishable in accordance with Schedule III.

2. Any person who, while holding any driving licence for the time being in force, obtains any other driving licence except as provided under this Act, then both such licences issued to that person are deemed to be invalid.
3. Any person who, while holding any driving licence for the time being in force, holds any other driving licence except as provided under this Act shall be punishable in accordance with Schedule III.
4. Any person who, being disqualified under this Act for holding or obtaining a driving licence, drives a motor vehicle in any place, or applies for or obtains a driving licence, shall be punishable in accordance with Schedule III.
5. Any person who, not being entitled to have a driving licence issued to such person free of endorsement, applies for or obtains a driving licence without disclosing the endorsement made on a driving licence previously held by such person, shall be punishable in accordance with Schedule III and may have to undergo compulsory training.

(291) Punishment for offences relating to regulation of vehicles.

Any person who contravenes the provisions of section (38) shall be punishable in accordance with Schedule III.

(292) Punishment for offences relating to manufacturing of faulty vehicles.

Any manufacturer who contravenes the provisions of section (38) shall be punishable in accordance with Schedule III.

(293) Using vehicle in unsafe condition.

1. Any person who drives or causes or allows to be driven in any place a motor vehicle while the vehicle has any defect, which such person knows of or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the vehicle a source of danger to a motor vehicle in a manner which causes a sense of alarm or distress to occupants of the vehicle, other road users, and persons and property near roads, shall be punishable in accordance with Schedule III and shall be awarded penalty points in accordance with Schedule II.

2. Any person who drives or causes or allows to be driven, in any place a motor vehicle, which violates the standards specified in relation to road safety, including control of noise and air-pollution, or with reduced vehicle visibility for other road users, shall be punishable in accordance with Schedule III, and in each case, shall be awarded penalty points in accordance with Schedule II.
3. Any person who drives or causes or allows to be driven, in any place a motor vehicle which violates the provisions of this Act or the rules and regulations made under the Act relating to the carriage of goods which are of dangerous or hazardous nature, shall be punishable in accordance with Schedule III, and in each case, shall be awarded penalty points in accordance with Schedule II.

(294) Using vehicles without registration.

1. Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of section (88) shall be punishable in accordance with Schedule III and shall be awarded penalty points in accordance with Schedule II.
2. This section does not apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injuries or for the transport of food or materials to relieve distress or of medical supplies for a like purpose.
3. Whoever knowingly delivers or hands over or instructs to hand over a motor vehicle to a person without the vehicle being registered under section (88) or section (94) is punishable in accordance with Schedule III and shall be awarded penalty points in accordance with Schedule II.

(295) Using vehicles without permit.

1. Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of sub-section (1) of section (153) and sub-section (1) of section (167)

2. Whoever drives a transport vehicle in contravention of any condition of a permit issued under this Act shall be punishable in accordance with Schedule III subject to provisions of section (157) and section (172).
3. This section shall not apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repair or for the transport of food or materials to relieve distress or of medical supplies for a like purpose.

(296) Sale of vehicle in or alteration of vehicle to condition contravening this Act.

Whoever, being a manufacturer, importer or dealer of motor vehicles, sells or delivers or offers to sell or deliver, a motor vehicle in such condition that its use in any place would be in contravention of Chapter VI or any regulation made under it, or alters the motor vehicle so as to render its condition such that its use in any place would be in contravention of Chapter VI or any regulation made under it, shall be punishable in accordance with Schedule III.

(297) Taking a vehicle without authority.

1. Whoever takes or drives away any motor vehicle without having either the consent of its owner or other lawful authority shall be punishable in accordance with Schedule III.
2. No person shall be convicted under this section, if the Court is satisfied that such person acted in the bona fide belief that such person had lawful authority to take or drive the vehicle.
3. Whoever, unlawfully by force or threat of force or by any other form of intimidation, seizes or exercises control of a motor vehicle, shall be punishable in accordance with Schedule III.
4. Whoever attempts to commit any of the acts referred to in sub-section (1) or sub-section (2) in relation to any motor vehicle, or abets the commission of any such



act, shall also be deemed to have committed an offence under sub-section (1) or, as the case may be, sub-section (2).

(298) Unauthorised interference with vehicle.

Whoever, without lawful authority or reasonable excuse, enters or moves any stationary motor vehicle or tampers with the brake or any part of the mechanism of a motor vehicle shall be punished in accordance with Schedule III.

(299) Driving at excessive speed, etc.

1. A person who drives a motor vehicle in contravention of the speed limits referred to in section (202), shall be punishable in accordance with Schedule III, shall be awarded penalty points in accordance with Schedule II for each offence so committed, and may have to undergo compulsory refresher training.
2. Whoever causes a person who is in their employment or under their control when driving a motor vehicle to drive the vehicle in contravention of the speed limits referred to in section (202), shall be punishable in accordance with Schedule III.
3. The publication of a time table or log book, or the giving of any direction electronically as per which any journey or part of a journey is to be completed within a specified time shall, if in the opinion of the Court it is not practicable in the circumstances of the case for that journey or part of a journey to be completed in the specified time without contravening the speed limits referred to in section (202) be prima facie evidence that the person who published the time table or log book or gave the direction electronically has committed an offence punishable under sub-section (3).
4. Any person who commits an offense under this section may also have his/her license suspended or revoked subject to the penalties mentioned in Schedule III, and may have to undergo compulsory training for renewal of license, or as the case may be, as specified by the National Authority.

(300) Driving which causes threat to public safety.

Whoever drives a motor vehicle in a manner which causes a sense of alarm or distress to occupants of the vehicle, other road users, and persons and property near roads, which includes driving against the authorized flow of traffic, dangerous passing and overtaking including by authorized convoys with escort vehicles, convoy of private service vehicle and vehicles carrying personal security officers in the convoy, driving dangerously and dangerous driving with children on board, having regard to all the circumstances including the nature, condition and use of the place where the vehicle is driven and the volume of traffic at the time or which might reasonably be expected to be at such place even if such person is within the limits of speed for that particular road, shall be punishable for each mentioned offense, in accordance with Schedule III, and shall be awarded penalty points in accordance with Schedule II.

(301) Driving under the influence of alcohol or drugs.

1. A person shall be punishable in accordance with sub-section (2) if, while driving, or attempting to drive, a motor vehicle, such person is deemed to have alcohol in his breath or blood on an impairment test, on a test by a breath analyser, or any other test including clinical test.
2. The punishment for driving, or attempting to drive, a motor vehicle under sub-section (1) shall be, in addition to the awarding of penalty points in accordance with Schedule II, punishable in accordance with Schedule III.
3. A person who, while driving, or attempting to drive, a motor vehicle, is under the influence of a narcotic, or a psychotropic substance or a drug or a prescription drug as specified by the Central Government in this behalf, by notification, shall be punishable in accordance with Schedule III, if:
  - (a) the person does not complete a compulsory impairment test in a manner satisfactory to a police officer under section (322), provided that any such police officer should be trained to give such test in the manner prescribed by the National Authority; and

- (b) the person's blood or urine, as ascertained from an analysis through a clinical test subsequently taken under section (327) contains evidence of the use of a drug or drugs as specified by the National Authority.
4. A police officer may arrest a person without warrant if the person refuses or fails to comply with provisions of sections (322) and (326).
  5. Any driver of a motor vehicle, carrying a child or children in the vehicle, who violates sub-section (1) or sub-section (3) of this section, shall be punishable in accordance with Schedule III, and subjected to an immediate cancellation of license.
  6. A Heavy Motor Vehicle driver who violates sub-section (1) or sub-section (3) of this section shall be punishable in accordance with Schedule III, and subjected to an immediate cancellation of license.
  7. Any person who has committed an offense under sub-section (3) of this section will have a valid defence, if the court is satisfied that the person had consumed the relevant qualifying drug:
    - (a) in accordance with:
      - (i) a current and valid prescription written for that person by a registered medical practitioner; and
      - (ii) any instructions from a registered medical practitioner or from the manufacturer of the qualifying drug; or
    - (b) because it was administered by a registered medical practitioner, provided that the person complied with the instructions (if any) that the registered medical practitioner has given.
  8. It is no defense to proceedings for an offense that a provision forming part of sections (322), (326) and (327) has not been strictly complied with or has not

been complied with at all, provided there has been reasonable compliance with such of those provisions as apply.

(302) Causing death in certain circumstances.

1. Whoever while driving a motor vehicle or attempting to drive a motor vehicle causes death of a person shall be punishable for an offence in accordance with Schedule III, and subjected to an immediate cancellation of license.
2. A person commits an offence if:—

the person does not complete a compulsory impairment test in a manner satisfactory to a police officer, who is trained to give the test as prescribed by the National Authority, when required to do so by a police officer under section (322).

(303) Driving when mentally or physically unfit to drive.

Any person who drives a motor vehicle in any place with the knowledge that they are suffering from any disease or disability calculated to cause such driving of the vehicle to be a source of danger to a motor vehicle in a manner which causes a sense of alarm or distress to occupants of the vehicle, other road users, and persons and property near roads, shall be punishable in accordance with Schedule III.

(304) Driving vehicle exceeding permissible weight.

1. Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section (215), or section (216), or section (217), shall be punishable in accordance with Schedule III.
2. Any driver of a vehicle who refuses to stop and submit the vehicle to weighing after being directed to do so by a person authorised in this behalf under section (216) or section (217), or removes or causes the removal of the load or part of it prior to weighing, shall be punishable in accordance with Schedule III.

(305) Driving uninsured vehicle.

Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions relating to insurance, shall have committed a cognizable offence and shall be punishable in accordance with Schedule III.

Any person responsible for insuring a vehicle including the vehicle owner or consignor or driver, as the case may be, fails to insure, such person shall have committed a cognizable offence and shall be punishable in accordance with Schedule III.

(306) Violation of Traffic Signals.

Whoever violates a traffic signal shall be subjected to penalties in accordance with Schedule III and shall be awarded penalty points in accordance with Schedule II.

(307) Offences relating to certain communication devices.

1. Whoever uses any handheld communication device while driving a motor vehicle shall be punishable in accordance with Schedule III and shall be allocated penalty points in accordance with Schedule II.
2. For the purpose of this section, “communication device” means a portable communication device, other than a two-way radio where authorized, with which a person is capable of making or receiving a call or performing an interactive communication function with any other person.
3. For the purpose of this section, “uses” includes any activity that could divert a person’s attention away from the primary task of driving. Such types of distractions include, sending a short message service (SMS) message, watching a video, other phone applications as may be specified by the National Authority.

(308) Offences relating to seat belts.

Whoever, while driving or being driven in a vehicle, contravenes the provisions under sections (194), (195), and (198) shall be punished in accordance with Schedule III. In case of contravention by the driver, the person shall be awarded penalty points in accordance with Schedule II.

(309) Offences relating to protective headgear.

1. Whoever, while driving or riding a motor cycle or bicycle, contravenes the provisions under section (186) and section (188) shall be punished in accordance with Schedule III. In case of contravention by the driver, the person shall be awarded penalty points in accordance with Schedule II.
2. Whoever, while driving a motor cycle, fails to affix a helmet onto a child, of such age groups as prescribed by the National Authority, while riding a motor cycle, shall be punished in accordance with Schedule III and shall be awarded penalty points in accordance with Schedule II.

(310) Offences relating to visibility.

Whoever, while driving a motor vehicle of any kind to which the provisions of Sections (186), (188), (197) and (200), shall be punishable in accordance with Schedule III, and shall be awarded penalty points in accordance with Schedule II.

(311) Offences relating to Children.

If a child up to the age of eight years is seated in the vehicle in violation of the provisions contained in section (195), the driver shall be punished in accordance with Schedule III and shall be awarded penalty points in accordance with Schedule II.

(312) Railroad Crossing Offences.

Any person who drives a motor vehicle through a railroad crossing, and fails to yield to barriers at the crossing, or disobeys traffic signals at the crossing or commits any other violation which could put the driver and passengers in danger at the railway crossing, shall be punishable in accordance with Schedule III.

(313) Failing to restrict the number of people on motor cycles.

Whoever, while driving a motor cycle, contravenes the provisions under Section (191) shall be punished in accordance with Schedule III and awarded penalty points in accordance with Schedule II.

(314) Penalty for causing obstruction to free flow of traffic.

1. Whoever causes impediment to the free flow of traffic by keeping a vehicle, whether disabled or not in any place, in contravention of the provisions of section (199), or section (210), or section (213), or section (214), parking shall be liable for penalty in accordance with Schedule III, so long as it remains in that position, and shall be awarded penalty points in accordance with Schedule II.
2. An obstructing vehicle involved in an accident shall be liable for penalty only from the time of completion of inspection formalities under the law.
3. Where the vehicle is removed by an agency authorised by the Central or State Government, removal charges shall be recovered from the vehicle owner or person in-charge of such vehicle.
4. Penalties and removal charges, as the case may, under this section shall be recovered by such person or authority as the State Government may, by notification, authorise.
5. For the purpose of this section, “removal charges” means any costs involved in removing the vehicle from one location to another, including by means of towing.
6. Sub-section (1) shall not apply where the vehicle has suffered an unforeseen breakdown and is in the process of being removed.

(315) Racing and trials of speed.

Whoever without the written consent of the State Government (as prescribed by the rules or notifications from time to time) permits or takes part in a race or trial of speed of any

kind between motor vehicles in any place shall be punishable in accordance with Schedule III, and in each case, shall be awarded penalty points in accordance with Schedule II may have to undergo compulsory training.

(316) Failure to comply with standards for road design, construction & maintenance.

1. Any person or principal authority or contractor responsible for the design, construction and maintenance of the safety standards of the road shall follow design, construction and maintenance standards, as determined by the National Authority from time to time and shall ensure, to the extent reasonably possible, that no death, injury or damage is caused to road users as a result of failure to adhere to such safety standards.
2. Any enforcing authority may bring an action for failure to maintain a road against the designated authority under sub-section (1), if the persons responsible for the design, construction and maintenance of the road had not exercised due care to secure the safety circumstances as was reasonably required in the part of the road to which the action relates to. The designated authority shall be punishable in accordance with Schedule III with reference to causing death or injury.

For the purposes of the action under subsection (1) the court shall in particular have in regard to the following matters:

- (a) the character of the road, and the traffic which was reasonably expected to use it;
- (b) the standard of maintenance appropriate for a road of that character and use by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find in the road;
- (d) whether the persons responsible for the maintenance of the road knew, or could reasonably have been expected to know, that the condition of the part of the road to which the action relates was likely to cause danger to users of the road;



- (e) where the persons responsible for the maintenance of the road could not reasonably have been expected to repair that part of the road before the cause of action arose;
- (f) whether adequate warning notices of its condition had been displayed.

(317) Penalty for refusal to ply

If the holder of a permit, or the driver, of a transport vehicle refuses, in contravention of the provisions of this Act or its regulations, to ply as per the permit or to carry the passengers, such person shall be punishable in accordance with Schedule III and be allocated penalty points in accordance with Schedule II.

(318) Punishment for offences relating to accident.

Any person who while driving or attempting to drive, a motor vehicle or a motor cycle causes an accident, shall be punishable in accordance with Schedule III, shall be awarded penalty points in accordance with Schedule II, and shall have to undergo compulsory training.

(319) Punishment for abetment of certain offences.

Whoever abets the commission of an offence under section (300), or section (301), or section (303) and section (215)(1)(d) shall be punishable in the same manner as that offence.

Provided that the punishment in case of Section (215)(1)(d) shall only be applicable to the owner or consigner of the vehicle.

(320) Offences by companies.

1. Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as

well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

2. This sub-section shall not render any such person liable to any punishment in this Act, if such person proves that the offence was committed without that person's knowledge or that the person exercised reasonable due diligence to prevent the commission of such offence.
3. Where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation* - For the purposes of this section "director" means a partner in the firm.

(321) Power to arrest without warrant.

1. A police officer in uniform may arrest without warrant any person who in the presence of such officer commits an offence punishable under section (301), or section (300), or section (304), or section (297), subject to the provisions of this section.
2. Any person arrested in connection with an offence punishable under section (301) shall, within two hours of such arrest, be subjected to a medical examination referred to in section (325), (326) or (327), by a registered medical practitioner failing which such shall be released from custody.
3. A police officer in uniform may arrest without warrant any person, who has committed an offence under this Act, if such person refuses to provide their name and address on demand of such information.

4. A police officer arresting the driver of a motor vehicle without warrant shall, if the circumstances so require, take or cause to be taken any steps such officer may consider proper for the temporary disposal of the vehicle.
5. A female offender may be arrested without warrant only by a female police officer in uniform.

(322) Power to impound document.

1. If any police officer or other person authorised in this behalf by the State Transport Authority has reason to believe that any identification mark carried on a motor vehicle or any licence, permit, certificate of registration, certificate of insurance or other document produced by the driver or person in charge of a motor vehicle is a false document within the meaning of section 464 of the Indian Penal Code (45 of 1860), such officer or authorised person may seize the mark or document and call upon the driver or owner of the vehicle to account for their possession of or the presence in the vehicle of such mark or document.
2. If any police officer or other person authorised in this behalf by the State Transport Authority has reason to believe that the driver or owner of a motor vehicle who is charged with any offence under this Act may abscond or otherwise avoid the service of a summons, such officer or authorised person may seize any licence held by such driver or certificate of registration of the vehicle and forward it to the Court taking cognizance of the offence and the said Court shall on the first appearance of such driver before it, return the licence or certificate of registration to the driver or owner, as the case may be, in exchange for the temporary acknowledgement given under sub-section (3).
3. A police officer or other person seizing a licence or the certificate of registration under sub-section (2) shall give to the person surrendering the licence or the certificate of registration a temporary acknowledgement for the same, and such acknowledgement shall authorise the holder to drive until the licence has been

returned or until such date as may be specified by the officer or authorised person in the acknowledgement, whichever is earlier.

Provided that if any Magistrate, police officer or other person authorised by the State Transport Authority in this behalf is, on an application so made, satisfied that the licence cannot be, or has not been, returned to its holder before the date specified in the acknowledgement for any reason for which the holder is not responsible, the Magistrate, police officer or authorised person, as the case may be, may extend the period of authorization to drive to such date as may be specified in the acknowledgement.

(323) Power to detain vehicles in unsafe condition or used without registration permit, etc.

1. If any police officer, or other person authorised in this behalf by the National Authority or the State Authority, has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of section (64) or section (63), or section (62), or section (65), or section (88), or without the permit required by the provisions of sub-section (1) of section (153) and sub-section (1) of section (167) or in contravention of any condition of such permit, in the manner as specified by the National Authority or the State Authority and for this purpose take or cause to be taken any steps such person may consider proper for the temporary safe custody of the vehicle:
2. In pursuance of sub-section (1), any such officer or person authorized by the National Authority or State Authority may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgement in respect of the same.
3. Where a motor vehicle has been seized and detained under sub-section (1), the owner or person in charge of the motor vehicle may apply to the appropriate authority or any officer authorised in this behalf by the National Authority together with the relevant documents for the release of the vehicle, and such authority or officer may, after verification of such documents, by order, release

the vehicle subject to such conditions as the authority or officer may deem fit to impose.

(324) Disobedience of orders, obstruction and refusal of information.

1. Whoever willfully disobeys any order lawfully issued by any person or authority empowered under this Act to issue such order, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence, be punishable in accordance with Schedule III and be awarded penalty points in accordance with Schedule II.
2. Any person who, being required by or under this Act to supply any information, willfully withholds such information or gives information which such person knows to be false or does not believe to be true, shall, if no other penalty is provided for the offence, be punishable in accordance with Schedule III, and be awarded penalty points in accordance with Schedule II.
3. Whoever causes the death of or injures any person in the discharge of any functions which such person is required or empowered under this Act to discharge, shall, if no other penalty is provided for the offence, be punishable in accordance with Schedule III.

(325) Impairment Tests

1. A police officer in uniform or a person authorized by the traffic authority in this behalf, may require any person, driving or attempting to drive a motor vehicle in any place, or whom the police officer has reasonable cause to suspect has recently committed an offence under this Act, or who is driving or attempting to drive a vehicle involved in an accident or whom the officer has reasonable cause to suspect was driving a motor vehicle involved in an accident, to undergo a compulsory impairment test as prescribed by the National Authority, given by a police officer trained to give the test if the police officer has reasonable cause to suspect that the person has consumed a drug or drugs:

2. A police officer may require a person specified under subsection (1) to—
  - (a) remain in the place where stopped, for a period of time that is reasonable in the circumstances, to undergo the compulsory impairment test; or
  - (b) accompany a police officer to another place to undergo the compulsory impairment test if it would enhance road safety, personal safety, the person's privacy, or the giving or taking of the test.
3. A person who has undergone a compulsory impairment test must remain at the place where the person underwent the test until after the result of the test is ascertained.
4. A police officer may exercise the powers in subsections (1) and (2) in addition to any breath tests under section (326) and regardless of the outcome of any such tests.
5. Any person will have a valid defence, if the court is satisfied that the person's failure or refusal to undergo a compulsory impairment test is because of—
  - (a) a pre-existing medical condition or pre-existing disability that precludes undergoing the test:
  - (b) an injury, sustained in a motor vehicle accident giving rise to an obligation to undergo the test, that precludes undergoing the test.

(326) Breath tests.

1. A police officer in uniform or a person authorised by the traffic authority in this behalf, may require any person driving or attempting to drive a motor vehicle in any place, or whom the police officer has reasonable cause to suspect has recently committed an offence under this Act, or who is driving or attempting to drive a vehicle involved in an accident or whom the officer has reasonable cause to suspect was driving a motor vehicle involved in an accident, to provide one or

more specimens of their breath for breath tests at or near that place, if such police officer or authorised person has reasonable cause to suspect such person of having committed an offence under section (301).

2. A person who has undergone a Breath test must remain at the place where the person underwent the test until after the result of the test is ascertained.
3. A requirement for breath tests under sub-section (1) shall be made (unless it is already been made) as soon as may be reasonably practicable after the commission of such offence in accordance with the procedure specified by the National Authority.
4. If a motor vehicle is involved in an accident in any place and a police officer in uniform has reasonable cause to suspect that the person who was driving the motor vehicle at the time of the accident had alcohol in their blood or that such person was driving under the influence of a drug referred to in section (301), the officer may require the person so driving to provide a specimen of their breath for a breath test:
  - (a) if such person is at a hospital as an indoor patient, at the hospital, subject to sub-section (2);
  - (b) in the case of any other person, either at or near the place where the requirement is made; or,
  - (c) if the police officer thinks fit, at a police station specified by the police officer.
5. A person shall not be required to provide such a specimen while at a hospital as an indoor patient if the registered medical practitioner in immediate charge of that person's case:
  - a) is not first notified of the proposal to make the requirement; or
  - b) objects to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

6. If it appears to a police officer in uniform, in consequence of a breath test carried out by that officer on any person under sub-section (1) or sub-section (3), that the device by means of which the test was carried out indicates the presence of alcohol in the person's blood, the officer may arrest that person without warrant except while that person is at a hospital as an indoor patient.
7. If a person is required by a police officer under sub-section (1) or sub-section (3) to provide a specimen of breath for a breath test, and refuses or fails to do so, and the police officer has reasonable cause to suspect that person of having alcohol in their blood, the police officer may arrest that person without warrant except while that person is at a hospital as an indoor patient.
8. A person arrested under this section shall, while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.
9. The results of a breath test made in pursuance of the provisions of this section shall be admissible in evidence.
10. For the purposes of this section, "breath test" means a preliminary test for the purpose of obtaining, by means of a device of a type approved by the National Authority, by notification, an indication whether as to the presence of alcohol in a person's blood or breath is likely to exceed the specified limit.

(327) Clinical test.

1. A person who has been arrested under section (301) may, while at a police station, be required by a police officer to provide to such registered medical practitioner as may be produced by such police officer, a specimen of their blood or urine for a clinical test if:
  - (a) it appears to the police officer that the device, by means of which breath test was taken in relation to such person, indicates the presence of alcohol in the blood or urine of such person; or
  - (b) such person, when given the opportunity to submit to a breath test, has refused, omitted or failed to do so; or



- (c) the police officer has reasonable cause to suspect that the person has consumed a drug or drugs, and such person, when required to complete a compulsory impairment test, under section (325) and subject to the exceptions in section (325) (5), by the police officer who is trained to give such test does not complete such test in a manner satisfactory to such police officer.
2. A person who has been required by a police officer under sub-section (1) to permit the taking of a blood specimen must, without delay after being requested to do so by a registered medical practitioner, permit that practitioner to take a blood specimen from that person.
3. Where the person required to provide such specimen is a female, and the registered medical practitioner produced by such police officer is a male medical practitioner, the specimen shall be taken only in the presence of a female, whether a medical practitioner or not.
4. A person while at a hospital as an indoor patient may be required by a police officer to provide at the hospital a specimen of their blood or urine for a clinical test:
- (a) if it appears to the police officer that the device by means of which a breath test is carried out in relation to the breath of such person indicates the presence of alcohol in the blood or urine of such person; or
  - (b) if the person having been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, has refused, omitted or failed to do so and a police officer has reasonable cause to suspect that person of having alcohol in their blood or urine; or
  - (c) if the police officer has reasonable cause to suspect that the person has consumed drug or drugs, and the person does not complete a compulsory impairment test in a manner satisfactory to a police officer, who is trained

to give the test, when required to do so by a police officer under section (325), and subject to the exceptions in section (325) (5).

5. A person shall not be required to provide a specimen of blood or urine for a clinical test under sub-section (2) if the registered medical practitioner in immediate charge of such person's case:
  - a) is not first notified of the proposal to make the requirement; or
  - b) objects to the provision of such specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.
6. The results of a clinical test made in pursuance of this section shall be admissible in evidence.
7. For the purposes of this section, "clinical test" means the analysis of a specimen of blood or urine made at a laboratory established, maintained or recognised by the Central Government or a State Government.

(328) Presumption of unfitness to drive.

In any proceeding for an offence punishable under section (301) if it is proved that the accused when requested by a police officer at any time so to do, had refused, omitted or failed to consent to the taking of or providing a specimen of their breath for a breath test or a specimen of their blood or urine for a clinical test, such refusal, omission or failure may, unless reasonable cause for the same is shown, be presumed to be a circumstance supporting any evidence given on behalf of the prosecution, or rebutting any evidence given on behalf of the defence, with respect to that person's condition at that time.

(329) Failure in the delivery of services in a time-bound manner under the Act.

It shall be an offence on the part of any officer or any other service provider, so notified by the National Authority or the National Transport Authority, to fail to provide services specified in the Act or notified by the said authorities, within the time provided under the

Act or notified by the said authorities unless such officer or service provider can provide sufficient and reasonable cause for the delay.

(330) Compounding of certain offences.

1. Any offence committed before or after the commencement of this Act punishable with fine only, may, before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification, provide in this behalf.
2. Sub-section (1) is subject to the following:
  - a. that the amount is not less than the minimum amount of fine as may have been provided under this Act;
  - b. that offences involving imprisonment shall not be compounded;
  - c. that any third or subsequent offence shall not be compoundable;
  - d. that penalty points, specified for the offence, will apply and cannot be waived.

(331) Summary disposal of cases.

1. The Court taking cognizance of any offence (other than an offence which the Central Government may by rules specify in this behalf) under this Act:
  - (a) may, if the offence is an offence punishable with imprisonment under this Act; and
  - (b) shall, in any other case, state upon the summons to be served on the accused person that he:
  - (c) may appear by pleader or in person; or
  - (d) may, by a specified date prior to the hearing of the charge, plead guilty to the charge and 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 the plea of guilt indicated in the money order coupon itself.

Provided that the Court shall, in the case of any of the offences referred to in sub-section (2), state upon the summons that the accused person, if such person pleads guilty, shall so plead in the manner specified in clause (b) and shall forward the driving licence to the Court with such letter containing such plea.

2. Where the offence dealt with in accordance with sub-section (1) is an offence specified by the Central Government by rules for the purposes of this sub-section, the Court shall, if the accused person pleads guilty to the charge and forwards that person's driving licence to the Court with the letter containing such plea, make an endorsement of such conviction on such driving licence.

(332) Courts to inform authority about conviction.

1. Every Court by which any person holding a driving licence is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, shall inform the National Authority or State Authority or the National Transport Authority or the State Transport Authority of the relevant details of its commission including licence details of the person committing such offence, as may be specified and the registration details of such motor vehicle, in such manner as may be specified.
2. Every communication sent under sub-section (1) shall state the name and address of the holder of the licence, the licence number, the date of issue and renewal of the same, certificate of registration of the vehicle used in the offence, nature of the offence, the punishment awarded, award of penalty points for the same and such other particulars as may be specified.

## CHAPTER XV- MISCELLANEOUS

(333) Publication, commencement and laying of rules, regulations and notifications.

1. The power to make rules and regulations under this Act is subject to the condition of the said rules and regulations, as the case may be, being made after prior public consultation and appropriate publication.

Provided that the Central Government may, in the public interest, by order in writing dispense with the condition of public consultation and appropriate publication in any case.

2. All rules and regulations made under this Act shall be published, and shall unless some later date is appointed, come into force on the date of such publication.
3. Every rule and regulation made by any State Government shall be laid, as soon as may be after it is made before each house of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.
4. Every rule and regulation made by the Central Government under this Act, and every notification issued by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, scheme or notification or both Houses agree that the rule or scheme should not be made or the notification should not be issued, the rule, scheme or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, regulation or notification.

(334) Power to remove difficulties.

1. If any difficulty arises in, giving effect to the provisions of this Act, the Central Government may, by order published, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty-

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

3. Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

(335) Power to amend Schedules.

The Central Government shall have the power to amend Schedules under this Act through a notification from time to time.

(336) Repeal and savings.

1. Save as otherwise provided in this Act, The Motor Vehicles Act, 1988 (4 of 1939) and any law corresponding to that Act in force in any State immediately before the commencement of this Act in that State (hereafter in this section referred to as the repealed enactments) are hereby repealed.
2. Notwithstanding such repeal under sub-section (1):
  - a) anything done or purported to have been done or taken, including any notification, rule, regulation, order or notice issued, or any appointment or declaration made, or exemption granted or any confiscation made, or any penalty or fine imposed, any forfeiture, cancellation or any other thing done or any other action taken under the repealed enactments, and in force immediately before such commencement shall, so far as it is not inconsistent with the provisions of the Act, be deemed to have been issued, made, granted, done or taken under the corresponding provision of this Act;
  - b) any certificate of fitness or registration or licence or permit issued or granted under the repealed enactments shall continue to have effect after such commencement under the same conditions and for the same period as if this Act had not been passed;
  - c) any document referring to any of the repealed enactments or the provisions thereof, shall be construed as referring to this Act or to the corresponding provisions of this Act;

- d) the assignment of distinguishing marks by the registering authority and the manner of display on motor vehicles in accordance with the provision of the repealed enactments shall, after the commencement of this Act, continue to remain in force until a notification under this Act is issued;

3. Any penalty payable under any of the repealed enactments may be recovered in the manner provided by or under this Act, but without prejudice to any action already taken for the recovery of such penalty under the repealed enactments.

4. The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeals.

#### (337) Use of Technology

The Central Government, State Government and all or any authorities discharging any obligations under this Act shall utilize appropriate technology solutions for the purpose of enabling, compliance, implementation, monitoring and regulation of the objectives under this Act.

#### (338) Co-operative Citizen Enforcement

The Central Government, State Government, any authorities or any police officer or Force under this Act shall have the power to investigate and prosecute any person who commits an offence under this Act based on evidence of photographs or information obtained through any other means provided by any other person, if such evidence contains sufficient and discernible information with respect to the date, time and nature of the said offence.

#### (339) Right-of-way to emergency vehicles

1. Notwithstanding anything contained under any other law, upon the approach of an emergency vehicle equipped with, and operating, one or more flashing, rotating, or oscillating red or blue lights, visible under normal conditions from a distance of five hundred (500) feet to the front of such vehicle; or the driver is given audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle, including VIP vehicles, yield the right-of-way, immediately drive to a

position parallel to, and as close as possible to, the edge or curb of the road clear of any intersection, and stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a police officer or firefighter.

2. Upon the approach of any emergency vehicle, operated in conformity with the provisions of subsection (1) of this section, the operator of every vehicle shall immediately stop clear of any intersection and shall keep such position until the emergency vehicle has passed, unless directed otherwise by a police officer or firefighter

3. No operator of any vehicle, unless he is on official business, shall follow any emergency vehicle being operated in conformity with the provisions of subsection (1) of this section closer than five hundred (500) feet, nor shall he drive into, or park the vehicle into, or park the vehicle within, the block where the vehicle has stopped in answer to an emergency call or alarm unless he is directed otherwise by a police officer or firefighter.

4. No motor vehicle shall be driven over any unprotected hose of a fire department when the hose is laid down on any street, private driveway, or track for use at any fire or fire alarm unless the fire department official in command consents that the hose be driven over.

5. This section does not operate to relieve the person who drives an emergency vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the roads.

#### (340) Protection of action taken in good faith

No suit, prosecution or other proceedings shall lie against the Central Government, State Government, any authorities or any police officer or Force under this Act or any officer or employee thereof for anything done or in good faith purporting to be done under this Act or the rules or regulations made thereunder.



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## SCHEDULE I

### Category of Driver's Licenses

Sr. No	Category of licence	Type of vehicle	Basic criteria: Age, education	Authorisation for specific use	Criteria for authorisation for specific use: Age, medical fitness, education, e.xperience	Remarks
A	Two wheelers	All kinds of 2 wheelers	18 years	1. Two wheelers used as transport vehicle; 2. Vehicle for differently-abled persons.	Age: 20 years  Medical certificate	Specific tests/ Certification to be prescribed under rules
B	Three wheelers	1. Goods vehicles with/without trailers; 2. Passenger	20 years;			

		Vehicles				
C	Light Motor Vehicle (vehicles having gross vehicle weight not exceeding 7500 kg)	<p>1. Passenger vehicles: All kind of cars, SUVs, MUVs (having not more than 12 seats including driver)</p> <p>2. Passenger vehicles: All kind of cars, SUVs, MUVs (having more than 12 seats including driver)</p>	18 years	Taxi, School-vans, Trailers,	Age: 20;	Specific tests to be prescribed under rules
				Vehicle for differently-abled persons	Medical certificate	
D	Medium and heavy passenger vehicle	All kinds of buses	20 years;	School buses		Specific tests/ Certification to be prescribed under rules
E	Light and Medium goods	All four or more wheeler goods	20 years;	Vehicles carrying hazardous		Specific tests/ Certification

	vehicle	vehicles up to 12 Ton gross vehicle weight		goods; trailers		to be prescribed under rules
F	Heavy goods vehicle	All goods vehicles above 12 Ton gross vehicle weight;  Tractor and Trailers;  Horses and puller units;  Articulated Vehicles	20 years;	Vehicles carrying hazardous goods;  Hydraulic trailers		Specific tests/ Certification to be prescribed under rules
G	Non-road mobile machinery	All kinds of construction vehicles;  Special purpose vehicles;  Recovery vans;  Cranes; Ambulances	20 years;	Specific applications need specific authorisation	Specific tests to be prescribed in rules	Specific tests/ Certification to be prescribed under rules
H	Agriculture	All kind of	18 years			

	Tractors	agricultural tractors with or without trailer, Power tillers, Combine harvester				
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## SCHEDULE II

### Scheme of Penalty Points for Drivers

#### 1. Penalty Point System

An offender of offence mentioned in column 2 of table below shall be awarded penalty points as mentioned in column of the table.

Section	Gist of offence	Penalty Points
(286)	General provision for punishment of offences	1
(293) (1); (2); and (3).	Using vehicle in unsafe condition	3
(294)	Using vehicles without registration	3
(299)	Driving at excessive speed, etc.	<ul style="list-style-type: none"> <li>• 2 for 1<sup>st</sup> offence</li> <li>• 3 each for 2<sup>nd</sup> offence and subsequent offence</li> </ul>
(300)	Driving which causes threat to public safety	<ul style="list-style-type: none"> <li>• 3 for the 1<sup>st</sup> offence</li> </ul>

		<ul style="list-style-type: none"> <li>• 4 for 2<sup>nd</sup> and subsequent offence</li> </ul>
(301)	Driving under the influence of alcohol or drugs	3
(306)	Violation of Traffic Signals	3
(307)	Offences relating to certain communication devices	2
(308)	Offences relating to seat belts	2
(309)	Offences relating to protective headgear	2
(310)	Offences relating to visibility	1
(311)	Seating of a child in vehicle	2
(313)	Failing to restrict the number of people on motor cycles	2
(314)	Penalty for causing obstruction to free flow of traffic	1
(315)	Racing and trials of speed	2
(317)	Penalty for refusal to ply	1
(318)(294)	Punishment for offences relating to accident	2
(324) (1) and (2)	Disobedience of orders, obstruction and refusal of information	3

## 2. Allocation of penalty points:

(1) The enforcing authority or any person authorized in this behalf shall allocate penalty points corresponding to the specific offence to any person who commits an offence as provided under

Schedule 2. The penalty points shall be endorsed and their record shall be maintained in a manner as may be prescribed by the national authority

(2) For the offences involving judicial proceedings and imprisonment, the court shall allocate penalty points in addition to the fine or imprisonment that may be imposed.

3. Duration of validity of penalty points:

Penalty points awarded for an offence shall remain on record for a period of 3 years from the date of award.

4. Suspension:

At any point of time, if the cumulative total of the penalty points accrued by a driver crosses the limit of twelve (12) points, the driving licence shall be suspended for the period of one year. On suspension of the driving licence, the accrued penalty points shall cease to subsist.

5. Cancellation:

If a driver whose licence has been suspended again accumulates twelve (12) points, that person's driving licence shall be cancelled for a period of five years.

6. Cancellation of learner's licence:

If a person holding a learner's licence accrues four (4) points, then that person's learner's licence shall be cancelled. The person whose learner's licence has been cancelled shall produce a certificate of driving as prescribed from recognized school or establishment when that person applies for fresh learner's licence.

### SCHEDULE III

#### Scheme for levying penalties including fines, imprisonment and impounding of vehicles.

An offender of offence mentioned in column 2 of table below shall be punished in accordance with the penalty mentioned in column of the table.

Section	Gist of offence	Penalties for offences (Imprisonment/ Fines/ Impounding)
(286)	General provision for punishment of offences	1 <sup>st</sup> offence - Rs.2,500 fine; and 2 <sup>nd</sup> or subsequent offence - Rs.5,000 fine
(287)	General provision for driver penalty points scheme	Fine and/ or imprisonment
(288)	Driving motor vehicles in contravention of section (62) or section (64) or section (65)	Rs.10,000 fine and impounding of the vehicle
(289)	Causing unauthorised person to drive a vehicle	Rs.10,000 fine and impounding of the vehicle
(290)(1)	Offences relating to driving licences – Person holding driving licence attempting to hold any other driving licence	Rs. 25,000 fine, or imprisonment for a term of 3 months, or with both
(290)(3)	Offences relating to driving licenses – Person holding driving licence holds any other	Rs. 25,000 fine, or imprisonment for a term of 3 months, or with both



	driving licence	
(290)(4)	Offences relating to driving licenses – Disqualified for holding or obtaining driving licenses	Rs. 15,000 fine, or imprisonment for a term of 3 months, or with both
(290)(5)	Offences relating to driving licenses - Not disclosing endorsement made	Rs. 15,000 fine, or imprisonment for a term of 3 months, or with both
(291)	Punishment for offences relating to regulation of vehicles	1 <sup>st</sup> offence -Rs.10,000fine; and 2 <sup>nd</sup> or subsequent offence -Rs.50,000 fine
(292)	Punishment for offences relating to manufacturing of faulty vehicles	Rs. 5,00,000 fine per vehicle, or imprisonment for a term of 3 months, or or with both, where the fine may be differentiated on basis of the vehicle size
(293)(1)	Using vehicle in unsafe condition	Rs.5,000 fine, Rs.25,000 fine - If causing bodily injury or damage to property
(293)(2)	Using vehicle in unsafe condition – Violation of standards prescribed in relation to road safety, control of noise and air-pollution	1 <sup>st</sup> offence - Rs.5,000 fine; and 2 <sup>nd</sup> or subsequent offence - Rs.15,000 fine
(293)(3)	Using vehicle in unsafe condition – Driving of motor	1 <sup>st</sup> offence - Rs.50,000 fine, or imprisonment for a term of 6 months , or

	vehicle violating provisions and rules relating to carriage of dangerous and hazardous goods	with both; Each subsequent offence - Rs.1,00,000 fine, or imprisonment for a term of 6 months which may extend to 1 year, or with both
(294)(1)	Using vehicles without registration	1 <sup>st</sup> offence - Rs.25,000 fine; and Each subsequent offence - Rs. 50,000 fine
(294)(3)	Using vehicles without registration – delivering of vehicle without registration of vehicle	Rs. 1,00,000 fine
(295)	Using vehicles without permit	1 <sup>st</sup> offence - Rs.25,000 fine; and Each subsequent offence - Rs.50,000 fine
(296)	Sale of vehicle in or alteration of vehicle to condition contravening this Act	1 <sup>st</sup> offence - Rs.25,000 fine; and Each subsequent offence - Rs.50,000 fine
(297)(1)	Taking a vehicle without authority – Driving without consent of owner or lawful authority	Rs. 10,000 fine
(297)(3)	Taking a vehicle without authority – Unlawfully seizing or exercising control over a motor vehicle	Rs. 5,000 fine, or imprisonment for a term of 3 months, or with both
(298)	Unauthorised interference with vehicle	Rs. 2, 500 fine

<p>(299)(1)</p>	<p>Driving at excessive speed, etc - in contravention of speed limits</p> <p><i>Speeding by Light Vehicles – (cars, motor cycles &amp; other vehicles)</i></p> <ul style="list-style-type: none"> <li>• More than 9 km/h but not more than 19 km/h</li> <li>• More than 19 km/h but not more than 29 km/h</li> <li>• More than 29 km/h but not more than 40 km/h</li> <li>• More than 40 km/h</li> </ul> <p><i>Speeding by heavy motor vehicles</i></p> <ol style="list-style-type: none"> <li>1. More than 9 km/h but not more than 19 km/h</li> <li>2. More than 19 km/h but not more than 29 km/h</li> <li>3. More than 29 km/h but not</li> </ol>	<ul style="list-style-type: none"> <li>• Rs. 5,000 fine</li> <li>• Rs. 7,500 fine, 2 weeks license suspension, and compulsory refresher training post suspension</li> <li>• Rs. 10,000 fine, 3 weeks license suspension, and compulsory refresher training post suspension</li> <li>• Rs. 12,500 fine, 8 weeks license suspension, impounding of vehicle, and compulsory refresher training post suspension</li> </ul> <p>Speeding offences with children on board – the fine shall be double or as prescribed by the National Authority.</p> <ul style="list-style-type: none"> <li>• Rs. 10,000 fine</li> <li>• Rs. 15,000 fine, 3 weeks license suspension, and compulsory refresher training post suspension</li> <li>• Rs. 20,000 fine, 6 weeks license suspension, and compulsory refresher training post suspension</li> </ul>
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	<p>more than 40 km/h</p> <p>4. More than 40 km/h</p>	<ul style="list-style-type: none"> <li>Rs. 25,000 fine, 8 weeks license suspension, impounding of vehicle, and compulsory refresher training post suspension.</li> </ul> <p>Each subsequent offense:</p> <ul style="list-style-type: none"> <li>Light Motor Vehicles - Rs. 25, 000 fine and immediate license suspension, which may extend to 6 months.</li> <li>Heavy Motor Vehicles - Rs 50, 000 fine and immediate license suspension, which may extend to 6 months.</li> </ul>
(299)(2)	<p>Driving at excessive speed, etc</p> <p>- Providing instructions to drive at excessive speed.</p>	<p>Penalties same as specified in Section 296 (1), and impounding of the vehicle for 24 hours.</p>
(300)	<p>Driving which causes threat to public safety</p> <ul style="list-style-type: none"> <li>Driving against the authorized flow of traffic</li> <li>Dangerous passing or overtaking</li> <li>Not giving way to emergency vehicles</li> <li>Dangerous driving with children on board.</li> </ul>	<ul style="list-style-type: none"> <li>Rs. 5,000 fine, or imprisonment for a term of 1 week, or with both</li> <li>Rs. 2,500 fine, or imprisonment for a term of 3 days, or with both</li> <li>Rs. 5, 000 fine</li> <li>Rs. 15,000 fine, and 6 months license suspension, or imprisonment for a term of 15 days, or with all.</li> <li>2nd or subsequent offenses - the fine shall be doubled, along with a compulsory refresher training.</li> </ul>

(301)(2)	Driving under the influence of alcohol or drugs – Alcohol	<p>Rs. 15, 000 fine, or imprisonment for a term of 6 months, which may extend to 12 months, or with both, and a 6 month license suspension from the date of conviction, or date of sentencing or date of release.</p> <p>2<sup>nd</sup> offence – Permanent cancellation of driving license and imprisonment for a term extending to 2 years.</p> <p>School-bus drivers -Rs. 50,000 fine, and imprisonment for a term which may extend to 3 years.</p> <p>Drink-driving offenses for the following categories: Immediate cancellation of license for a period of 3 months(minimum), along with the above mentioned fines and imprisonment term.</p> <ul style="list-style-type: none"> <li>i) Drivers between the age of 18 to 25 years;</li> <li>ii) Recently qualified or disqualified drivers;</li> <li>iii) Vehicles with children on board;</li> <li>iii) Drivers of vehicles exceeding 22.5 tonne Gross Combination Mass;</li> <li>iv) Vehicles carrying dangerous goods (when such goods are being carried);</li> <li>v) Buses (while carrying passengers where the vehicle is equipped to carry more than 12 adults, including the driver);</li> </ul>
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		<p>vi) Small charter vehicles (when carrying passengers for hire or reward); and</p> <p>vii) Taxis (when carrying passengers for hire or reward)</p>
(301)(3)	Driving under the influence of alcohol or drugs – Drugs	<ul style="list-style-type: none"> <li>• 1st offence – Rs. 25,000 fine, or imprisonment for a term not exceeding 3 months, or with both, and a 6 month license suspension.</li> <li>• 2nd or subsequent offence (if committed within 3 years of the 1st offence) – Rs. 50, 000 fine, or imprisonment for a term of 6 months which may extend to 1 year, or with both, and a 1 year license suspension.</li> <li>• Any subsequent offence shall result in the cancellation of the license, and impounding of the vehicle which may extend to 30 days.</li> </ul>
(302)	Causing death in certain circumstances	<ul style="list-style-type: none"> <li>• Death: Rs. 1,00,000 fine, and imprisonment for a term of not less than 4 years.</li> <li>• Causing death of a child: Rs. 3,00,000 fine, and imprisonment for a term not less than 7 years.</li> </ul>
(303)	Driving when mentally or physically unfit to drive	Rs.5,000 fine
(304)(1)	Driving vehicle exceeding permissible weight – Section 213 (1) (a), (b), (c)	<ul style="list-style-type: none"> <li>• 2 Wheelers: Rs. 10, 000 fine</li> <li>• Light Motor Vehicle: Rs. 25, 000 fine</li> <li>• Heavy Motor Vehicle: Rs. 50,000</li> </ul>

		fine
(304)(1)	Driving vehicle exceeding permissible weight – Section 213 (1) (d)	Rs. 50,000 fine from the owner or consignor
(304)(2)	Driving vehicle exceeding permissible weight – Refusal for submitting vehicle for weighing after being directed to do so by a person authorized in this behalf	Rs.35,000 fine
(305)	Driving uninsured vehicle	<ul style="list-style-type: none"> <li>• Two-wheelers: Rs.10,000 fine</li> <li>• Light Motor Vehicle &amp; Three wheelers: Rs.25,000 fine</li> <li>• Other Categories of Motor Vehicles: Rs.75,000 fine</li> </ul>
(306)	Violation of traffic signals.	<ul style="list-style-type: none"> <li>• 1st offence - Rs.5,000 fine;</li> <li>• 2nd offence - Rs. 10,000 fine; and</li> <li>• 3rd offence - Rs. 15,000 fine, 1 month license suspension, and compulsory refresher training</li> </ul>
(307)(1)	Offences relating to certain certain communication devices	<ul style="list-style-type: none"> <li>• 1st offence - Rs. 4,000 fine;</li> <li>• 2nd offence -Rs. 6, 000 fine; and</li> <li>• 3rd offence - Rs. 10, 000 fine, 1 month license suspension , and compulsory refresher training.</li> </ul>
(308)	Offences relating to seat belts	Rs. 5,000 fine
(309)	Offences relating to protective headgear	Rs.2,500 fine
(310)	Offences relating to visibility	

	<ol style="list-style-type: none"> <li>1. Motor Cyclists</li> <li>2. Bicyclists</li> <li>3. Three-Wheeler</li> <li>4. Light Motor Vehicles</li> <li>5. Heavy Motor Vehicles</li> </ol>	<ol style="list-style-type: none"> <li>1. Rs.2,500 fine for the owner</li> <li>2. Rs. 1,500 fine</li> <li>3. Rs. 2,500 fine</li> <li>4. Rs. 5,000 fine for the owner</li> <li>5. Rs. 10,000 fine for the owner</li> </ol>
(311)	Offences Relating to Children	Rs.5,000 fine
(312)	Railroad Crossing Offences	Rs. 5,000 fine, or imprisonment for a term of not more than 2 weeks, or with both.
(314)(1)	Penalty for causing obstruction to free flow of traffic	Rs.1,000 fine per hour
(315)	Racing and trials of speed	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> offence -Rs.10,000 fine;</li> <li>• 2<sup>nd</sup> offence -Rs.15,000 fine; and</li> <li>• Each subsequent offence -Rs.25,000 fine, and imprisonment for a term of up to 2 weeks.</li> </ul>
(317)	Penalty for refusal to ply: <ol style="list-style-type: none"> <li>(a) In case of motor cycles or three wheeled motor vehicles</li> <li>(b) Any other case</li> </ol>	<ol style="list-style-type: none"> <li>(a) Rs.2,500 fine</li> <li>(b) Rs.5,000 fine</li> </ol>
(318)	Punishment for offences relating to accident	Rs.10,000 fine, 2 weeks license suspension, and compulsory refresher training.



(319)	Punishment for abetment of certain offences	Punishment as provided for in each offence
(324)(1)	Disobedience of orders, obstruction and refusal of information – Disobedience of order	Rs. 2, 500 fine
(324)(2)	Disobedience of orders, obstruction and refusal of information – Withholding of information or giving false information	Rs. 5,000 fine, or imprisonment for a term of 1 month, or with both
(324)(3)	Disobedience of orders, obstruction and refusal of information – Causing injury or death in certain circumstances	Death: Rs. 1,00,000 fine, and imprisonment for a term of 4 years; Injury: Rs. 1, 00,000 fine, and imprisonment for a term of 2 years.

#### **SCHEDULE IV**

#### **Format for Detailed Accident Investigation Report**

<p><b>Road Divided By:</b></p> <p>1. Barrier Median 2. Curbed Median 3. Grass Median 4. Painted Median 5. None</p>
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**Temporary Traffic Control Zone**

1. None 2. Construction zone 3. Maintenance Zone 4. Utility Zone 5. Incident Zone

**Light Condition**

1. Daylight 2. Dusk 3. Dark (No Street Lights) 4. Dark (Street Lights On, Spot)  
5. Dawn 6. Dark (Street Lights Off) 7. Dark (Street Lights On, Continuous)

**Road System**

1. Expressway 2. State Highway 3. National Highway 4. Rural Road 5. City Road

**Road Character**

1. Straight and Level 2. Straight and Grade 3. Straight and Hillcrest  
4. Curve and Level 5. Curve and Grade 6. Curve and Hillcrest

**Road Surface Type**

1. Concrete 2. Blacktop 3. Gravel 4. Steel Grid  
5. Dirt 6. Pot Holes 7. Cave in 8. Construction Material on Road

**Road Surface Condition**

1. Dry 2. Wet 3. Snowy 4. Water (standing /moving) 5. Sand, mud, dirt 6. Oil

**Environmental Condition**

1. Clear 2. Fog/Smog/Smoke 3. Snow 4. Severe Crosswinds 5. Rain  
6. Blowing Sand or Dirt 7. Sun Glare

Total Number of Entities involved in the crash –

**Crash Type:**

With other Motor Vehicle as First Event:

1. Same Direction (Rear End) 2. Same Direction (Side Swipe)
3. Right Angle 4. Opposite Direction (Here On, Angular)
5. Opposite Direction (Side Swipe) 6. Struck Parked Vehicle
7. Left Turn/ U Turn 8. Backing 9. Encroachment

**With Below as First Event**

1. Overturn 2. Fixed Object 3. Animal 4. Pedestrian 5. Pedal Cyclist
6. Non-Fixed Object 7. Railcar Vehicle

<p>Oversize/ Overweight Vehicle Permit</p> <p>Vehicle 1:</p> <ol style="list-style-type: none"><li>1. Yes</li><li>2. No</li></ol>	<p>Oversize/ Overweight Vehicle Permit</p> <p>Vehicle 2:</p> <ol style="list-style-type: none"><li>1. Yes</li><li>2. No</li></ol>
<p>Vehicle Type</p>	<p>Vehicle Type</p>

Vehicle 1: Private/Commercial/Any other	Vehicle 2: Private/Commercial/Any other
<p>Vehicle 1:</p> <p>Passenger Vehicles</p> <ol style="list-style-type: none"> <li>1. Car/ Mini Van</li> <li>2. Passenger Van (&lt; 9 seats)</li> <li>3. Motor cycle</li> <li>4. Auto Rickshaw</li> <li>5. Pedal Cycle</li> <li>6. Other</li> </ol> <p>Truck/ Bus</p> <ol style="list-style-type: none"> <li>7. Single Unit (2 axle)</li> <li>8. Single Unit( 3+ axle)</li> <li>9. Light Truck with trailer</li> <li>10. Single Unit Truck with Trailer</li> <li>11. Truck Tractor</li> <li>12. Tractor Semi-Trailer</li> <li>13. Tractor Double/ Triple</li> </ol>	<p>Vehicle 2:</p> <p>Passenger Vehicles</p> <ol style="list-style-type: none"> <li>1. Car/ Mini Van</li> <li>2. Passenger Van (&lt; 9 seats)</li> <li>3. Motor cycle</li> <li>4. Auto Rickshaw</li> <li>5. Pedal Cycle</li> <li>6. Other</li> </ol> <p>Truck/ Bus</p> <ol style="list-style-type: none"> <li>7. Single Unit (2 axle)</li> <li>8. Single Unit( 3+ axle)</li> <li>9. Light Truck with trailer</li> <li>10. Single Unit Truck with Trailer</li> <li>11. Truck Tractor</li> <li>12. Tractor Semi-Trailer</li> <li>13. Tractor Double/ Triple</li> </ol>

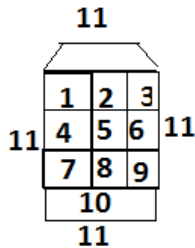
14. Other Truck	14. Other Truck
15. Bus/ Large Van (> 9 seats)	15. Bus/ Large Van (> 9 seats)
Vehicle 1:	Vehicle 2:
Special Function Vehicles	Special Function Vehicles
1. Work Equipment	1. Work Equipment
2. Police	2. Police
3. Military	3. Military
4. Fire	4. Fire
5. Public Rescue	5. Public Rescue
6. Ambulance	6. Ambulance
7. School Bus	7. School Bus
8. Transit Bus	8. Transit Bus
9. Other	9. Other
<hr/>	
Cargo Body Type	Cargo Body Type
Vehicle 1:	Vehicle 2:
1. Bus (9-15 seats)	1. Bus (9-15 seats)
2. Bus (> 15 seats)	2. Bus (> 15 seats)

3. Van/ Enclosed Box	3. Van/ Enclosed Box
4. Cargo Tank	4. Cargo Tank
5. Flatbed	5. Flatbed
6. Dump	6. Dump
7. Concrete Mixer	7. Concrete Mixer
8. Auto Transporter	8. Auto Transporter
9. Garbage/ Refuse	9. Garbage/ Refuse
10. Hopper (Grain, Gravel, Chips)	10. Hopper (Grain, Gravel, Chips)
11. Pole (trailer)	11. Pole (trailer)
12. No Cargo Body	12. No Cargo Body
<b>Direction of Travel of Vehicle</b>	<b>Direction of Travel of Vehicle</b>
Vehicle 1:	Vehicle 2:
1. North 2. East	1. North 2. East
3. South 4. West	3. South 4. West

**Victim Investigation**

<p><b>Which Vehicle Occupied</b></p> <p>1. Vehicle 1 2. Vehicle 2 3. Pedal cycle 4. Pedestrian 5. Other</p>
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**Position in/on Vehicle**



- 1. Driver 2 through 9 – passengers
- 10. Cargo Area 11. Riding/ Hanging Outside

**Ejection From Vehicle**

- 1. Not Ejected 2. Ejected 3. Partial Ejection 4. Trapped

**Victim's Physical Condition**

- 1. Killed. 2. Incapacitated 3. Moderate Injury 4. Complain of Pain

Age -

Sex -

**Location of Most Severe Physical Injury**

- 1.Head 2.Face 3.Eye 4.Neck 5.Chest 6.Back
- 7.Shoulder/ Upper Arm 8.Elbow 9.Lower Arm 10.Hand



11. Abdomen 12. Hip/ Upper Leg 13. Knee/ Lower Leg/ Foot

14. Entire Body

**Type of Most Severe Physical Injury**

1. Amputation 2. Concussion 3. Internal 4. Bleeding

5. Contusion/ Bruise/ Abrasion 6. Burn

7. Fracture/ Dislocation

**Refused Medical Treatment**

1. Yes 2. No

**Safety Equipment**

1. None 2. Lap Belt 3. Harness 4. Lap Belt and Harness

5. Child Restraint 6. Helmet 7. Reserved

8. Airbag 9. Airbag and Seat belts 10. Safety Vest (Ped only)

**Airbag Deployment**

1. Front 2. Side 3. Other 4. Multiple

**Apparent Contributing Circumstances**

<p>Driver/ Pedal cyclist Action</p> <p>Vehicle 1:</p> <ol style="list-style-type: none"><li>1. Unsafe Speed</li><li>2. Driver's inattention</li><li>3. Failed to Obey Traffic Control Device</li><li>4. Failed to Yield Right-of-way to vehicle/ pedes</li><li>5. Improper Lane Change</li><li>6. Improper Passing</li><li>7. Improper Use/ Failed to Use Turn Signal</li><li>8. Improper Turning</li><li>9. Following too closely</li><li>10. Backing Unsafely</li><li>11. Improper Use/ No lights</li><li>12. Wrong Way</li><li>13. Improper Parking</li><li>14. Failure to Keep Left</li></ol>	<p>Driver/ Pedal cyclist Action</p> <p>Vehicle 2:</p> <ol style="list-style-type: none"><li>1. Unsafe Speed</li><li>2. Driver's inattention</li><li>3. Failed to Obey Traffic Control Device</li><li>4. Failed to Yield Right-of-way to vehicle/ pedes</li><li>5. Improper Lane Change</li><li>6. Improper Passing</li><li>7. Improper Use/ Failed to Use Turn Signal</li><li>8. Improper Turning</li><li>9. Following too closely</li><li>10. Backing Unsafely</li><li>11. Improper Use/ No lights</li><li>12. Wrong Way</li><li>13. Improper Parking</li><li>14. Failure to Keep Left</li></ol>
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Vehicle Factors	Vehicle Factors	Pedestrian Factors
Vehicle 1:	Vehicle 2:	
1. Defective Lights	1. Defective Lights	1. Failed to obey Traffic Control Device
2. Defective Brakes	2. Defective Brakes	2. Crossing where Prohibited
3. Defective Steering	3. Defective Steering	3. Dark Clothing/ Low Visibility to Driver
4. Defective Tires	4. Defective Tires	4. Inattentive
5. Defective Wheels	5. Defective Wheels	5. Failure to Yield Right-of-way
6. Defective Windows/ Windshield	6. Defective Windows/ Windshield	6. Walking on Wrong Side of the Road
7. Defective Mirrors	7. Defective Mirrors	7. Walking in Road When Sidewalk present
8. Defective Wipers	8. Defective Wipers	8. Running/ Darting across traffic
9. Defective Veh Coupling/ Hitch/ Safety Chains	9. Defective Veh Coupling/ Hitch/ Safety Chains	9. None
10. Other Vehicle Factors	10. Other Vehicle Factors	10. Other Pedestrian Factors

<p>Apparent Physical Status of Driver</p> <p>Vehicle 1:</p> <ol style="list-style-type: none"> <li>1. Apparently Normal</li> <li>2. Alcohol Use</li> <li>3. Drug Use(illicit)</li> <li>4. Medication</li> <li>5. Alcohol and Drug/ Medication Use</li> <li>6. Physically Handicapped</li> <li>7. Illness</li> <li>8. Fatigue</li> <li>9. Fell Asleep</li> </ol> <p>Cell Phone Use by Driver</p> <p>Vehicle 1:</p> <ol style="list-style-type: none"> <li>1. Hand held</li> <li>2. Hands free</li> </ol>		<p>Apparent Physical Status of Driver</p> <p>Vehicle 2:</p> <ol style="list-style-type: none"> <li>1. Apparently Normal</li> <li>2. Alcohol Use</li> <li>3. Drug Use(illicit)</li> <li>4. Medication</li> <li>5. Alcohol and Drug/ Medication Use</li> <li>6. Physically Handicapped</li> <li>7. Illness</li> <li>8. Fatigue</li> <li>9. Fell Asleep</li> </ol> <p>Cell Phone Use by Driver</p> <p>Vehicle 2:</p> <ol style="list-style-type: none"> <li>1. Hand held</li> <li>2. Hands free</li> </ol>	
Vehicle/ Pedal cyclist action	Vehicle/ Pedal cyclist action	Pedestrian Action	

Vehicle 1:	Vehicle 2:	
1. Going Straight Ahead	1. Going Straight Ahead	1. Pedestrian off road
2. Making Right Turn (not turn on red)	2. Making Right Turn (not turn on red)	2. Walking to/ from School
3. Making Left Turn	3. Making Left Turn	3. Walking/ Jogging with Traffic
4. Making U-Turn	4. Making U-Turn	4. Walking/ Jogging against Traffic
5. Starting from parking	5. Starting from parking	5. Playing on Road
6. Starting in Traffic	6. Starting in Traffic	6. Standing/ Lying/ Kneeling on Road
7. Slowing or Stopping	7. Slowing or Stopping	7. Getting on/ off vehicle
8. Stopped in Traffic	8. Stopped in Traffic	8. Pushing/ Working on Vehicle
9. Parking	9. Parking	9. Other Working on Roadways
10. Parked	10. Parked	10. Approaching/ Leaving Schoolbus
11. Changing Lanes	11. Changing Lanes	11. Coming from Behind Parked Vehicles
12. Merging/ Entering Traffic Lane	12. Merging/ Entering Traffic Lane	
13. Backing	13. Backing	
14. Driverless/ Moving	14. Driverless/ Moving	
15. Passing	15. Passing	Pre- crash Action
16. Negotiating Curve	16. Negotiating Curve	At intersection:
17. Driving on Shoulder	17. Driving on Shoulder	12. Crossing at Marked

<p>18. Right Turn on Red</p> <p>19. Other Vehicle/ Pedal cyclist Action</p>	<p>18. Right Turn on Red</p> <p><b>19.</b> Other Vehicle/ Pedal cyclist Action</p>	<p>Crosswalk</p> <p>13. Crossing at unmarked Crosswalk</p> <p>At Mid Block</p> <p>14. Crossing at Marked Crosswalk</p> <p>15. Crossing at unmarked Crosswalk</p> <p>16. Other Pedestrian Action</p>
<p><b>Traffic Controls</b></p> <p>1. Police Officer 2. Watchman, Gates, etc.</p> <p>3. Traffic Signal 4. Lane Markings</p> <p>5. Channelization – Painted 6. Channelization – Physical</p> <p>7. Warning Signal 8. Stop Sign</p> <p>9. Flagman 10. No Control present</p> <p>11. Flashing Traffic Control 12. School Zone</p> <p>13. Adult Crossing Guard</p>		

**Sequence Of Events** (Select up to 4 options for vehicle)

**Non-Collision**

1. Overturn/ Rollover 2. Fire/ Explosion 3. Immersion  
4. Jack knife 5. Ran Off Road – Right 6. Ran Off Road – Left  
7. Crossed Median/ Centerline 8. Downhill Runaway  
9. Cargo/ Equipment Loss or Shift 10. Separation of units  
11. Fell/ Jumped from Vehicle 12. Thrown/ Fallen Object  
13. Equipment Failure 14. Other

**Collision with person, Motor Vehicle, or Non- Fixed Object**

15. Pedal cyclist 16. Pedestrian 17. Train/ Trolley/ other Railcar  
18. Animal 19. MV in Transport 20. MV in Transport, other Roadway  
21. Parked MV 22. Work Zone or Maintenance Equipment  
23. Struck by Object Set in Motion by MV 24. Other Non-fixed Object

**Collision with Fixed Object**

25. Impact Attenuator/ Crash Cushion 26. Bridge Overhead Structure  
27. Bridge Pier or Support 28. Bridge Parapet End

29. Bridge Rail 30. Guardrail Face

31. Guardrail End 32. Concrete Traffic Barrier

33. Other Traffic Barrier 34. Traffic Sign Support

35. Traffic Signal Standard 36. Light Standard

37. Other Post, pole, Support 38. Culvert

39. Curb 40. Ditch 41. Embankment

42. Fence 43. Tree 44. Mailbox

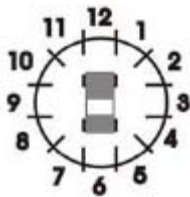
45. Fire Hydrant 46. Other Fixed Object

Vehicle Impact

Vehicle 1:

Initial Impact-

Principal Impact-

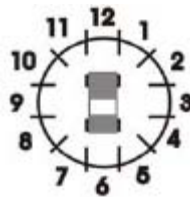


Vehicle Impact

Vehicle 2:

Initial Impact-

Principal Impact-





13. Roof	13. Roof
14. Undercarriage	14. Undercarriage
15. Overturn	15. Overturn
16. None Visible	16. None Visible

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