

THE ASSAM MOTOR VEHICLE RULES, 2003

NOTIFICATION

(Dated 15th March, 2003)

No. TMV 394/88/Pt/142.-Whereas draft of certain rules, which the Governor of Assam proposes to make in exercise of the powers conferred by Sections 28, 38,95,96, 107, 111, 138 and 176 read with Section 200 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and in supersession of the Assam Motor Vehicles Rules, 1940, except as respects things done or omitted to be done before such supersession, were published as required under subsection (1) of Section 212 of the said Act in the Transport Department's Notification No. TMV-394/88/Pt./137, dated the 1st August, 2002, published in the Assam Gazette, Extra Ordinary No. 634, dated the 1st August, 2002 inviting objections or suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of this notification in the Official Gazette.

And whereas objections and suggestions received on the said draft have been considered by the Governor.

Now, therefore, in exercise of power conferred by Sections 28, 38, 95, 96, 107, 111, 138 and 176 read with Section 200 of the Motor Vehicles Act, 1988 Central Act 59 of 1988) and in supersession of the Assam Motor Vehicles Rules, 1940 except as respects things done or omitted to be done before such possession, the Governor of Assam is hereby pleased to make the following rules namely:

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencements-(1) these rules may be called the Assam Motor Vehicle Rules, 2003.

(2) They shall apply to all the Motor Vehicles in the whole of the State of Assam.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions-(1) In these rules, unless there is anything repugnant to the subject or the context,

(a) '**Act**' means the Motor Vehicles Act, 1988 (Act No. 59 of 1988).

(b) '**Agent**' means any person, company or firm engaged directly or indirectly in the business of

(i) Collecting, or

(ii) Forwarding and distributing, or

(iii) Collecting, forwarding and distributing goods for goods carriages, or

(iv) Sale and tickets or booking of passengers for travel by public service vehicles.

(c) "**Agent's Licence**" means a licence granted under Rule 51 and includes a licence granted either to a Collecting Agent, Forwarding and Distributing Agent or Booking Agent;

(d) '**Booking Agent**' means an agent licensed to do the business of selling or booking of passengers for travel by public service vehicles;

(e) "**Collecting Agent**" means an agent licensed to do the business of collecting goods to be carried by any goods carriage;

(f) '**Collecting Forwarding and Distributing Agent**' means an any agent licensed to do the business of collecting, forwarding and distributing goods to be carried by any goods carriage or of selling of ticket to passengers or of booking passengers for travel by public service vehicles;

(g) '**Commissioner of Transport**' means the officer appointed as such by the Government;

(h) '**Enforcement Inspector**' means the officer appointed as such by the Government for the purpose of enforcing the provisions of the Motor Vehicles laws and to detect the violation of such laws;

(i) '**Government**' means the Government of Assam;

(j) '**Motor Vehicle Inspector**' means an officer appointed as such by the Government for the purpose of inspecting the motor vehicles mechanically and for the purpose of examining the proficiency of drivers, detection of violations and enforcing of the provisions of Motor Vehicle Laws and includes any other person appointed and authorised by the Government for the purposes aforesaid.

(k) '**Licensing Authority**' in relation to a driving licence or a conductor's licence means the District Transport officer of the district or the Deputy Commissioner of the district where there is no such District Transport Officer within their area of jurisdiction or such other authority as may be specially empowered in this behalf by the State Government by notification published in the Official Gazette and, in relation to an Agent's licence, the Secretary, State Transport Authority. The licencing authority shall delegate the authority to one of his Subordinate officer in writing to issue or renewal of licence, during his leave period.

(m) '**Registering authority** : means the District Transport Officer of the district or the Deputy Commissioner of the district where there is no such District Transport Officer within their area of jurisdiction or such other authority as may be specially empowered in this behalf by the State Government by notification published in the Official Gazette. The licencing authority shall delegate the authority to one of his Subordinate officer in writing to issue or renewal of licence, during his leave period. After return from the leave the registering authority shall authenticate the works done by his subordinate officer during his leave period.

(n) '**rule**' means the Assam Motor Vehicle Rules, 2003.

(2) The terms of words used but not defined in these rules shall have the same meaning as has been respectively assigned to them in the Act or the Central Motor Vehicle Rules, 1989.

COMMENTS

Interpretation of statutes- Definitions under the enactment use of- Definition of any expression used in any enactment may not be wholly decisive to be adopted while construing the same in the context of a different legislation, more particularly if the object and purpose thereof is different from the former. [*Brihatar Dispur Mati Truck Malika Santha v. State of Meghalaya*, (2003) 2 GLT 446].

Interpretation of statute-words in a statute : It is not sound principle of construction to brush aside words in a statute as being in opposite surplusage, if they can have appropriate application in circumstances conceivably within the contemplation of the statute. [*Progoti Bora v. State of Assam*, 2003 (1) GLT 472].

Principles of natural justice-Violation of : It is not always necessary to strike down an order on ground of violation of principles of natural justice, it may be refused, if the same may result in an another order which may be violating the principle of natural justice. [*Mahesh Doley v. State of Assam*, 2003 (1) GLT 33].

Shall—Meaning of : The recording of reasons is mandatory on account of the use of the word 'shall'. It is further the mandate of sub-section (7) of Section (57) of the Motor Vehicles Act, 1988 that in case the financier fails to issue the certificate and further fails to communicate the reasons for renewal to issue the necessary certificate within the prescribed period of 7 days, the certificate applied for shall be deemed to have been issued by the financier. Even if the financier was simply to refuse to Issue the certificate but at the same time he fails to communicate the reasons, the certificate by fiction of law shall be deemed to have been granted. In other words not only the communication of the refusal but recording of the reasons is also mandatory in accordance with the provisions of sub-section (7) of Section 57 of the Motor Vehicles Act, 1988. This is the only construction which in considered view can be placed upon sub-section (7)

of Section 57 of the Motor Vehicles Act, 1988. Any other interpretation to be placed upon sub-section (7), it would mean doing violence to the language of provisions of Section 7 of Section 57 of the Motor Vehicles Act, 1988. [Gosha Behari Ghosh v. State of Tripura, 1998 (1) GLT 161].

CHAPTER-II

LICENSING OF DRIVERS OF MOTOR VEHICLES

3. Maintenance of State Register of Driving licence : (1) The Commissioner of Transport shall maintain a state register as required under Section 26 of the Act in respect of the driving licence issued or renewed by the Licensing Authorities in Form No. 10 as prescribed in the Central Motor Vehicles Rules, 1989.

(2) The Licensing Authorities of the State shall, while issuing a driving licence, record the information as required for the maintenance of the State Register of Driving licence and furnish the same to the Commissioner of Transport quarterly on or before 10th April, 10th October and 10th January every year covering the information so recorded during the preceding period of three months.

(3) (a) Every licence issued or renewed by Licensing Authority shall be in Form 6 of the Central Motor Vehicle Rules, 1989.

(b) Where the Licensing Authority has the necessary facility and apparatus for issuing a laminated card type driving licence such card type driving licence shall be in Form 7 of the Central Motor Vehicles Rules, 1989.

(c) The fees chargeable for the purpose of issuing a driving licence in Form 6 or in Form 7 or for their renewal shall be such as has been specified in Rule 32 of the Central Motor Vehicles Rules, 1989.

4. Licence defaced torn or lost : (1) If at any time it appears to the Licensing Authority that a licence held by any person is so torn or defaced

in any way so as to cease to be reasonably legible, the Licensing Authority may impound the licence and issue a duplicate thereof.

(2) If the licence is so impounded, the holder of the licence shall submit three copies of a recent passport size photograph along with the fee prescribed hereinafter for the issue of a duplicate licence.

(3) In the case of loss of a driving licence, the holder thereof shall make an application with the fee prescribed hereinafter along with three copies of a recent passport size photograph and shall satisfy the Licensing Authority about the circumstances under which the licence has been lost.

(4) The fee for the issue of a duplicate driving licence under this rule shall be Rs. 20.00 (Rupees Twenty) only to be credited to the Government.

(5) When a duplicate licence is issued under the foregoing sub-rules it shall be clearly stamped as "DUPLICATE" in red and shall bear the date and seal of the issuing Licensing Authority.

(6) If the issuing authority of the duplicate licence is not the original Licensing Authority he shall forthwith intimate the fact to the original Licensing Authority along with a copy of the recent passport size photograph of the person to whom such a duplicate has been issued.

(7) If the holder of a licence applies in due time for renewal and/ or for endorsement of a new class or category of vehicles and if there is no space in the original licence, the Licensing Authority may issue a duplicate driving licence without charging any fee. But in such cases also the holder of the licence shall have to submit three copies of his recent passport photograph.

5. Driver's badge and uniform : (1) The driver of a public service vehicle, while on duty, shall wear and display on his left breast a metal badge in the form illustrated in illustration No.1s in the Schedule IV hereto issued by the Licensing Authority.

(2) The driver of a public service vehicle shall not hold more than one such badge within the State.

(3) The fee for the issue of a badge shall be Rs. 15/- (Rupees fifteen) only.

(4) No driver shall lend or transfer the badge to any other person.

(5) The driver of public service vehicle shall compulsorily wear, while on duty, a trouser and a bush shirt, both of khaki colour for ordinary vehicles and sky blue shirt and navy blue pant for Tourist Omni buses/delux buses/taxies. If a driver found without uniform shall be fined with Rs. 50/- and that shall be recorded in his Licence. After three such offences, his Licence shall be cancelled.

6. Fee for issue of Medical Certificate.-The fee chargeable by the authority other than Government medical practitioners for issuing a medical certificate shall be Rs. 15.00 (Rupees fifteen) only. No fee shall be charged if the medical certificate is issued by a Government medical practitioner.

7. Exemption from payment of fees.-The Government may, by notification in the official Gazette, exempt any person or class of persons or categories of persons, as may be declared from time to time, from the payment of all or a portion of the fees prescribed under this Chapter.

8. Communication to other Licensing Authorities.-When any Licensing Authority other than the original Licensing Authority makes any endorsement as to the addition of a new category of vehicle in the driving licence or renews a driving licence he shall forthwith intimate the original Licensing Authority about the facts of such endorsement or renewal, as the case may be. But before such endorsement for change of new category or residence etc of the driver, the original licence will have to be verified properly by obtaining particulars from the original Licensing authority through a Registered A/D Post.

9. Conduct and duties of drivers of public service vehicles.-The Driver of public service vehicle-

(a) shall not cause or allow any person, animal or thing to be placed in the space reserved for the driver or otherwise in such a way so as to impede him in having a clear vision of the road or proper control of the vehicle.

(b) shall not, shout in order of attract passengers to be on board or behave in such a manner that is likely to cause annoyance to any female passenger.

(c) shall not, while on board, smoke or shout or otherwise disturb the passengers on board.

(d) shall, subject to any rules or regulations in force prohibiting the taking up or setting down of passengers at, or except at, certain specified places, bring the vehicle to rest for a sufficient period of time in a safe and convenient position upon the demand or signal of the conductor for the purpose of taking up or setting down the passenger or otherwise.

(e) shall not, when bringing his vehicle to rest for the purpose of picking up or setting down any passenger at or near the place where another public service vehicle is at rest for the same purpose, drive the vehicle in such a way as to endanger or cause inconvenience to the passengers of any of the vehicles or public or interfere with the driver or conductor of the other vehicle or any person mounting or preparing to mount therein or alighting there from and shall bring his vehicle to rest in front of or behind the other vehicle and on the left hand side of the road or place.

(f) shall at all times exercise all reasonable care and diligence to maintain his vehicle in a fit and proper condition and shall not knowingly drive the vehicle when it or any brake, tyre horn and lamp thereof is in defective condition likely to endanger any passenger or other person or when there is not sufficient fuel and lubricant in the tank of the vehicle so as to enable him reach the next filling station of the route.

(g) shall not drive his vehicle without having due regard to the safety and security of the passenger and the user of the public roads or behave in such a manner so as to cause inconvenience or annoyance to the public.

(h) shall keep and maintain in the vehicle a first aid box, a fire extinguisher and an inflated spare tyre in excellent working condition. The first aid box and the fire extinguisher shall be properly placed and exhibited to the passengers prominently displaying those by sign and inscription.

(i) shall renew his licence minimum seven days before the date of expiry of the validity of licence, failing which a fine of Rs. 50/- per month shall imposed.

10. Conduct and duties of drivers of metered taxis or authorickshaw :

(1) The driver of a metered taxi or an authorickshaw-

(a) shall not refuse to accept any passenger for hire;

(b) shall proceed the destination named by the hirer by the shortest quickest route without fail or negligence;

(c) shall set the fare meter in motion as soon as and before he is hired without fail or negligence and upon the termination of the hiring, shall immediately stop the same;

Provided that in the event of meter cab or authorickshaw while hired being unable to proceed for any accident, mechanical deragements or tyre failure, either temporarily or otherwise the driver shall at once stop the mechanism of the fare meter as against the hire and in such an event the hirer shall be liable to pay the fare up to that time of the stoppage,

(d) shall not cry any person as attendant or otherwise in the motor cab or the authorickshaw, as the case may be, except in rural area where one attendant may be employed.

Provided that in case of a motor cab playing in cities or towns in between the hours of 8 P.M. to 5 A.M. one person may be employed as attendant.

(e) shall not be rude to a passenger and shall not misbehave with any passenger.

(2) The provisions of Rule 9 except clause (d) thereof, shall be applicable mutatis mutandis to the drivers of metered motor cabs or authorickshaw.

11. Licensing Authority may make enquiries for driving Licence : (i)

Upon receipt of an application for a driving licence or for an authorisation to drive a transport vehicle, the Licensing Authority may make such enquiries as may reasonably be necessary to establish the identity of the applicant and to ascertain that the applicant is not disqualified or liable to

be disqualified for holding a licence. In case of issue of Transport vehicle driving licence, the licensing authority shall collect police verification report. The issuing authority of PVR shall have to provide issue number of letter of his office, which shall be recorded by the licensing authority. For others for establishment of identity the Licensing Authority shall ask for a copy of Ration card or card of local Employment Exchange or a certificate from Gazetted Officer. Waiver of production of above documents may be made by the Licensing Authority, if he is satisfied about the address of the applicant.

(ii) For issue of a Transport vehicle driving licence the licensing authority must satisfy that the applicant has obtained a proper driving training from a licensed driving school in addition to the certificate issued by that Driving Training School.

(iii) A learner's and a driving licence shall be issued for the following categories:

- (a) Motor Cycle without gear;
- (b) Motor cycle with gear;
- (c) Invalid carriage;
- (d) Light Motor vehicle;
- (e) Transport vehicle;
- (f) Road roller, grader, etc,
- (g) Motor vehicle of a specified description;

12. Appellate Authority-Every appeal preferred under Chapter II of the Act shall lie before Commissioner of Transport, Assam who shall be the Appellate Authority to hear and dispose of the appeals in the manner hereinafter provided.

13. Conduct and hearing of appeals-(I) An appeal under Rule 12 of these shall be filed in duplicate in the form of memorandum. One copy thereof shall bear the Court fee of 20.00 (Rupees twenty) only and the appeal shall set forth concisely the grounds on which the appellant

disputes the order. It shall be accompanied by a certified copy of the order appealed against.

(2) The Appellate Authority after such enquiry, if any, as may deem necessary and after giving an opportunity to the appellant of being heard may confirm, vary, set aside or modify the order against which the appeal is preferred and shall make an order accordingly.

CHAPTER-III

LICENSING OF CONDUCTORS OF STAGE CARRIAGES

14. Application for a conductor's licence : (1) Any person having the requisite qualification as prescribed hereinafter may apply to the Licensing Authority in Form in No. 1 (C.L.A.) as prescribed in the Schedule 1 to these rules.

(2) The medical certificate to be accompanied with application for a Conductor's licence shall be in Form NO.2. (M.C.C.) as prescribed in the Schedule 1 to these rules and shall be accompanied by three copies of the applicant's recent passport photograph of the size of five centimeters by six centimeters.

(3) The provision of Rule 6 shall apply mutatis-mutandis for issue of medical certificate for a conductor's licence.

(4) **Qualification**-No person shall be granted a conductor's licence unless he has studied up to class VIII and completed the age of 18 years on the date of the application.

(5) On receipt of an application along with the due fee a conductor's licence as prescribed by sub-section (5) of Section 30 of the Act read with Rule 32 of the Central Motor Vehicles Rules, 1989, the Licensing Authority may make such enquiry as may deem fit and necessary to establish the

identity of the applicant and to ascertain that the applicant is not disqualified for holding the licence.

(6) The Licensing Authority may summon the applicant to appear before it at such time and place as he may appoint and conduct a test to satisfy himself that the applicant has adequate knowledge of the provisions of the Acts and the rules relating to the duties and functions of a conductor.

The Licensing Authority may then issue the licence in Form No.3 (C.I.) as prescribed in the Schedule I to these rules.

15. Duties of Conductors of Public Service Vehicle-The conductor of a Public Service Vehicle shall-

(i) as far reasonably be possible, having regard to his duties, be responsible for due observance of the provisions of the Act and the rules framed thereunder;

(ii) not smoke or cause or allow anyone to smoke inside the vehicle;

(iii) behave in the most gentle and orderly manner to the passengers and also to other persons including the persons intending to be passenger of the vehicle or any other vehicle;

(iv) be dressed in a neat and clean manner with the dress hereinafter prescribed;

(v) shall maintain the vehicle in a clean and hygienic condition;

(vi) not solicit passengers save in a civil, gentle and quiet manner;

(vii) not interfere with any person mounting or preparing to mount any other vehicle;

(viii) not allow any person except a medical practitioner and medical staff requiring accommodation in order to visit the site of road accident or attend a person with serious illness to be carried in the vehicle to be on board of the vehicle in excess of the capacity specified in the certificate of registration of the vehicle;

(ix) not save for good and sufficient reasons, refuse to carry any person tendering the due and legal fare;

(x) realise the fare and the freight for luggage, if any to which he is legally entitled and issue tickets to the passenger immediately after the boarding of the passenger on the vehicle;

(xi) where goods are carried in accordance with the provisions of the Act and the rules in addition to the passengers, take all reasonable and due precautions to ensure the passengers on board are not endangered or unduly inconvenienced by the presence of the goods;

(xii) not save for good and sufficient reasons, require any person who had paid the legal and due fare to alight from the vehicle before the completion of his journey;

(xiii) not allow any person who does not hold ticket or any other valid document in lieu thereof for the journey to be performed to remain the vehicle;

(xiv) not loiter or cause undue delay to any journey and shall proceed to his destination as near as may be in accordance with the timetable, pertaining to the vehicle or where there is no such fixed or specified timetable, in all reasonable promptness;

(xv) in the event of the vehicle being unable to proceed to the destination on account of mechanical break down or any other cause beyond the control of the driver or the conductor arrange to convey the passengers to their destination in some other similar vehicles, or if unable to do so to arrange within a period of half an hour after the failure of the vehicle, shall on demand, refund to each passenger a proper proportion of fare. Provided that in the case of the vehicle owned by the Assam State Transport Corporation, the conductor shall instead of refunding to a passenger the proportionate amount of the fare issue on demand to each passenger a memorandum in respect of the said proportionate fare on production of which a passenger shall be entitled to a refund of the amount from the corporation;

(xvi) not cause or allow anything to be placed in the vehicle in such manner so as to obstruct the entry or exist of the passengers;

(xvii) not demand from any passenger any amount more than due fare to which he is legally entailed;

(xviii) not wrongfully prevent or attempt to prevent the driver or the conductor of any other motor vehicle from being hired by the intending passenger.

(xix) not desist from the hiring or contract before the contract is fulfilled duly;

(xx) not stop or cause to stop the vehicle in any place other than a stand. or other place specified for the purpose so as to solicit customers;

(xxi) not cause the vehicle to be driven without having due regard to the safety and security of the passengers and the users of the public road or behave in such a way so as to cause inconvenience or annoyance to the public;

(xxii) keep a complain book for the purpose of recording complaints by the traveling passenger.

(xxiii) display on the vehicle such time table and fare-table as may be prescribed by the Government from time to time by notification for the route to be served by vehicle; and

(xxiv) whenever the vehicle approaches on unmanned railway level crossing cause to stop the vehicle and shall get down from the vehicle and only after being satisfied that the way is clear allow the vehicle to cross the railway tracks.

16. Application for renewal-(1) An application for renewal of a conductor's licence shall be made in Form NO.4 (C.L.A.) (R) as prescribed in the Schedule - I to these rules along with the due fees as prescribed under sub-section (5) of Section 30 of the Act read with Rule 32 of the Central Motor Vehicle Rules, 1989 to the Licensing Authority having jurisdiction over the area in which the applicant ordinarily resides or carries on business.

(2) Every renewal of a conductor's licence shall be made by way an endorsements made to that effect stating the period up to which it is

renewed on the body of the original licence. Such endorsement shall be duly signed and sealed by the Licensing Authority renewing the licence,

3) Where a conductor's licence is renewed by any Licensing Authority other than the Licensing Authority who originally granted the licence, forthwith communicate the particulars of the conductor's licence, the date and the terms and conditions if any of the renewal to the original Licensing Authority.

17. Duplicate licence: (1) The provisions of Rule 4 as far as may be, shall apply in relation to a conductor's licence as they apply in relation to duplicate driving licence.

(2) Notwithstanding anything contained hereinbefore the fee for the issue of a duplicate licence for conductor shall be Rs. 15.00 (Rupees fifteen) only.

18. Conductor's Licence issue in other District/State : (1) Notwithstanding anything contained herein a conductor's licence issued by any competent authority belonging to any other State shall be recognised to be valid in Assam if the holder thereof enters Assam while on Duty in the vehicle in which he has been appointed.

(2) When any Licensing Authority other than the original Licensing authority makes any endorsement, the provisions of Rule 8 as far as may be, shall apply in relations to the Conductors Licence.

19. Production of licence on demand : A conductor of a Public Service Vehicle shall on demand by police Officer in uniform not below the rank of Sub-Inspector of Police or any officer of the Transport Department in uniform, produce his licence for inspection;

Provided that if at the time of the inspection he is displaying his conductor's badge and the licence, for any reason, is not readily available with him, it shall be sufficient compliance of this Rule if he produces the licence within ten days at any Police Station in the State or any District Transport Office in the State.

20. Conductor's Badge and Uniform : (1) The conductor of a Public Service Vehicle shall while on duty, wear and display on his left breast a

metal badge in the form illustrated in Illustration No. 2 in the Schedule IV hereto issued by the Licensing Authority and each badge shall contain the name of the district and a district running serial number.

(2) The conductor of a Public Service Vehicle shall not hold more than one such badge within the State.

(3) The fee for the issue of a badge shall be Rs. 10.00 (Rupees ten) only.

(4) The conductor of a Public Service Vehicle shall, while on duty, wear a trouser and a shirt, both are of blue colour.

21. Appellate Authority : The Commissioner of Transport shall be the Appellate Authority for the purpose of Chapter - III of the Act and shall dispose of the Appeals preferred under any of the provisions of the Chapter of the Act in manner hereinafter appearing.

22. Conduct and Hearing of appeals : (1) An appeal under Chapter-III of the Act shall be filled in duplicate in the form of a memorandum. One copy thereof shall bear the Court Fee of Rs. 20.00 (Rupees twenty) only and the appeal shall set forth concisely the grounds on which the appellant disputes the order. It shall be accompanied by as certified copy of the order appealed against.

(2) The Appellate Authority after such enquiry, if any, as it may be deemed necessary and after giving an opportunity to the appellant of being heard, may confirm, vary, set aside or modify the order against which the appeal is preferred and shall make an order accordingly.

CHAPTER-IV

REGISTRATION OF MOTOR VEHICLES

23. Failure to get Registration mark/change of address/Transfer of ownership/Renewal of certificate of Registration assigned-If the owner of a motor vehicle or the person in possession of a motor vehicle fails to submit an application for registration motor vehicle within the prescribed period as stipulated under Rule 47 of the Central Motor Vehicle Rules,

1989, or to submit an application for renewal of certificate of registration with the prescribed period as stipulated under Rule 52 of the Central Motor Vehicle Rules, 1989 or to submit an application for assignment of new registration mark within the prescribed period as stipulated under Rule 54 Central Motor Rules, 1989 or to submit an application for recording the change of residence or place of business within the prescribed period as stipulated under subsection (l) of Section 49 of the Act submit an application for recording the ownership within the prescribed period as stipulated under clause (a) or clause (b) of subsection (l) of Section 50 of the Act, as the case may be he may in lieu of any action that may be taken against him under Section 177 of the Act be made liable to pay a late fine at the rate as laid down below in addition to the normal fees—

(a) Rs. 100.00 (Rupees one hundred) if the application is submitted within 30 days after expiry of prescribed period.

(b) Rs. 200.00 (Rupees two hundred) if the application is submitted after 30 days but within 60 days of the expiry of prescribed period.

(c) Rs. 300.00 (Rupees three hundred) if the application is submitted after 60 days of the expiry of prescribed period.

24. Assignment of new registration mark : (1) An application for new registration mark under sub-section (l) of Section 47 of the Act, shall be in the form prescribed by the Central Government.

(2) The registration authority shall before assigning registration mark under Section 47 (l) or before entering particulars of transfer of ownership of a motor vehicle in the Certificate of Registration, require owner or, as the case may be the transferee, to produce the motor vehicles before itself in order that the registering authority may satisfy itself that the particulars of the vehicle recorded in the Certificate of the Registration are correct and the vehicle complies with the provision of Chapter - VII of these rules.

(3) The owner of a motor vehicle who has brought such motor vehicles from outside the State into the State or the vehicle is for the time being kept in the State shall intimate to the Registering Authority in whose jurisdiction the vehicle is kept in Form No. AMV 5A (Form for intimation when a Motor Vehicle registered outside the State has been brought to the

State) within 30 days from the date of entry of the motor vehicle in the State.

(4) If the owner of the motor vehicle or the person in possession of the motor vehicle fails to apply for assignment of new registration mark under sub-section (I) of Section 47 of the Act he shall be liable to pay the amount as provided below:

(a) Rs. 100.00 (Rupees one hundred) if the application is submitted within 7 days after expiry of the prescribed period.

(b) After lapse of 7 days again a fine of Rs. 300.00 (Rupees three hundred) can be re-imposed if the vehicle is not reassigned within 7 days of detection. This practice can be repeated after every 7 days till the vehicle is reassigned.

(5) The registering authority before recording transfer of registration of a motor vehicle from one district to another, one State to another State shall have to obtain a No Objection Certificate and a Tax Clearance Certificate from the original registering authority together with all particulars of vehicle through a Registered A/D post.

The registering authority assigning a new registration mark to a motor vehicle shall intimate the registering authority which originally issued the certificate of the registration, that a new registration mark has been assigned to the motor vehicle and call for the records of registration of vehicle or certified copies thereof. The registering authority shall simultaneously inform the owner and the other party, if any, to an agreement of hire purchase, specified in the note appended to the certificate of registration of such new registration mark.

(6) The No objection certificate Obtained for reassignment of vehicle must contain the following additional particulars if the vehicle is also earlier reassigned.

(a) The date of registration of vehicle in the original district/State.

(b) The date of registration of vehicle in their district/State.

(c) The old registration number allotted by the original registering authority.

25. Temporary Registration : (1) An application for temporary registration shall be made in Form No. 5 (AR) (Temporary) as set forth in the Schedule-I to these rules accompanied by the specified fee and clearly marked "Temporary". It shall not be necessary to fill in the items No 14 to 20 of the aforesaid Form notwithstanding that the vehicle may be a transport vehicle.

(2) A temporary Certificate of Registration shall be in Form No. 6 (C.R.) (Tem) as set forth in the Schedule-I to these rules.

(3) The fee in respect of temporary registration of vehicles shall be as under:

<i>Class of Vehicles</i>	<i>Temporary Registration</i>
1. Motor Cycle/Scooter (2 Wheeler)	Rs. 30.00 (Rs. Thirty)
2. Auto-Rickshaw (3 Wheeler)	Rs. 50.00 (Rs. Fifty)
3. Light Motor vehicle	Rs. 100.00 (Rs. One hundred)
4. Medium Motor Vehicle	Rs. 150.00 (Rs. One hundred fifty)
5. Heavy Motor Vehicle other than multiaxial	Rs.200.00 (Rs. Two hundred only)
6. Multiaxial / Articulated	Rs. 250.00 (Two hundred fifty only)

The purchaser of a motor vehicle shall apply to any Registering Authority or other prescribed authority to have trailer/crane/dumper the vehicle in prescribed manner and for the issue in the prescribed manner of a temporary certificate of registration and temporary registration mark. A registration made under Section 43 of the M.V. Act shall be valid only for a period not exceeding one month and shall not be renewable. Provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted with a body or any unforeseen

reason/circumstances beyond the control of the owner the period may on payment of half (50%) of the prescribed fee for the particular class of vehicle mentioned above per month be extended by such further period or periods as the registering authority or other prescribed authority, as the case may be, may allow.

In case where the motor vehicle is held under hire purchase agreement, lease or hypothecation temporary registration may be done in accordance with the provision of Section 43 (3) of the M.V. Act.

(4) The Registration Authority granting temporary certificate of registration shall assign a temporary registration mark to be affixed to the front and the rear sides of the motor vehicle in the manner laid down in this behalf in the Central Motor Vehicle Rules, 1989.

(5) As per Section 42 of the Central Motor Vehicle Rule, 1989 no holder of trade certificate shall deliver a motor vehicle to purchaser without registration, whether temporary or permanent.

For contravention of above provision a penalty which may extend up to Rs. 100.00 for each offence may be proposed by any officer of the motor vehicle Department on the dealer of the Motor Vehicle.

26. Certificate of Fitness : (i) A Certificate of Fitness shall be issued or renewed on receipt of an application to the Inspector of Motor Vehicle through Registering Authority at least 30 days ahead of the expiry of the fitness certificate in the Form Nos. 21 and 21 (A) as the case may be by the officer of the Transport (MV) Department not below the rank of Inspector of Motor Vehicle or an Authorised Testing Station, having a letter of authority issued under sub-section (2) of Section 56 of the Act read with Rule 63 of the Central Motor Vehicle Rules, 1989 in Form No. 39 as prescribed in the Central Motor Vehicle Rules 1989 to the effect the vehicle complies with all the requirements of the Act and the Rules made there under together with the type of vehicle inspected. The Fitness Certificate issued by Motor Vehicle Inspector must be countersigned by DTO and DTO will keep a record of each certificate issued.

Provided that where the authority prescribed for issue or renewal of Certificate of Fitness refuses to issue such certificate, it shall furnish the

owner of the vehicle with its reasons in writing for such refusal in the Form No. 21 (C):

(ii) A Fitness Certificate can be issued to a vehicle only at the office of the District Transport Officer where the vehicle is either registered or recorded.

But a temporary Fitness Certificate may be issued at other offices in the Form No. 21 (B) for a period not more than 30 days, if the vehicle is stuck off in a place for repair etc.

(iii) The owner of a vehicle applying for Fitness Certificate shall cause the vehicle to be produced for inspection on such date, on such time and place as the Inspector of Motor Vehicles may thereafter upon reasonable notice, appoint.

COMMENTS

Maximum Gross Vehicle Weight - specification of : The power to specify the maximum gross vehicle weight of a vehicle is vested with the Central Government and such power is to be exercised by the Central Government through a notification issued under sub-section (1) of Motor Vehicles Act, 1988 Section 58 of the Act. Since the impugned notification specifying the maximum gross vehicle weight has been issued of the Central Government in exercise of such statutory powers under sub-section (1) of Section 58 of the Act of Motor Vehicles Act, 1988, it is difficult to hold that the said notification is *ultra vires*, Rule 95 of the Rules 1989 and is liable to be quashed. [*Shiv Kr. Pandit v. State of Assam*, 1999 (2) GLT 116].

27. Certificate lost, destroyed or mutilated : (1) If a Certificate of Registration or a Certificate of Fitness is lost, destroyed or mutilated, the owner of the vehicle shall file forthwith report the matter to the authority by whom the certificate was issued or last renewed and shall apply with the fee prescribed under the Central Motor Vehicle Rules, 1989 for issue of a duplicate certificate;

Provided that in case of certificate of fitness the prescribed fee for the issue of a duplicate certificate shall be half of the fee prescribed in serial 11 of Rule 1 of the Central Motor Vehicles Rules, 1989.

(2) On receipt of application and the fee referred to in sub-rule (1) above the authority shall furnish to the owner a duplicate copy of the Certificate of Registration or the Certificate of Fitness, as the case may be, duly stamped "DUPLICATE" in red ink.

28. (A) Maintenance of State Register of Motor Vehicle : (1) The State Register of Motor Vehicle may be either in bound book form or on computer disc form or in computerised audio tape form in the office of the Commissioner Transport, Assam.

(2) As soon as the vehicle is registered, the necessary entries shall be taken up or entered in the State Register of Motor Vehicle.

(3) The State Register of Motor Vehicle shall be maintained according to the two broad classes of the vehicle, e.g. transport or non-transport and as per detailed classification of vehicles, e.g. two wheelers, cars, goods carriage, public service vehicle, tractor etc.

(4) The State Government shall supply to the Central Government a copy of the register referred to in sub-rule (1) so as to reach the Director (Transport Research), Ministry of Surface Transport, New Delhi on or before 21st July and 31st January of every year covering the details of the preceding period of six months.

(5) The Registering Authorities of the State while registering a motor vehicle shall record the information as required for maintenance of the State Register of Motor Vehicles and furnish the same to the Commissioners of Transport on or before 10th July and 10th January of every year covering the information so recorded during the preceding period of six months. The Registering authorities shall also inform the Commissioner without delay about all the additions to and other amendments in such registers from time to time.

(6) The Commissioner of Transport shall furnish to the Government a copy of the Register referred to in sub-rule (4) above on or before 20th July and 20th January of every year for the purpose of onward transmission to the Director (Transport Research), Ministry of surface Transport, New Delhi.

28. (B) Issue of Certificate of Registration : (1) Upon the receipt of an application for registration or for any other purpose under the Act, the

Registering Authority, shall make such enquiries as may be reasonably necessary to establish the identity, eligibility and bonafides of the applicant.

(2) Every application for registration of a motor vehicle under Section 41 of the Act shall also be accompanied by a certificate issued by the officer in charge of the local Police Station under which the applicant resides verifying thereon the address of the applicant or a similar certificate from an officer of the Central or State Government subject to the satisfaction of the registering authority. This is in addition to the formalities to be complied with under Rule 47 of the Central Motor Vehicles Rules, 1989 and other provisions of the Act.

(3) On receipt of an application under Rule 47 of the Motor Vehicles Rules, 1989 and after verification of the documents furnished herewith, the Registering Authority shall subject to the proving of Section 44 issue to the owner of the motor vehicle a certificate of registration in Form 23 of the Motor Vehicles Rules, 1989.

Provided that where the Registering Authority has the necessary facility and apparatus issue laminated card type Registration Certificate, such card type registration certificate only for personalised vehicles owned and not used for hire or reward shall be in Form 23 of the Motor Vehicles Rules, 1989.

(4) The fee which shall be charge under provisions of this Chapter shall be as specified under Rule 81 of the Motor Vehicles Rules, 1989.

Provided further that the fee which shall be charged in respect of issue of duplicate registration certificate in Form 23 shall be half of the amount of fee specified under Rule 81 of the Motor Vehicles Rules, 1989 for the purpose of registration of that category of motor vehicles.

COMMENTS

Imposition of composite fee Section 88 of Motor Vehicles Act, 1988. *The contention of the Counsel for petitioner that composite fee is not contemplated either under the Act or (Section 88 (9) of the Motor Vehicles Act, 1988) in the rules framed there under and that plea finds place in paragraph 15 of the writ application. This contention is not correct in as much as in the authorisation certificate issued in the prescribed form on*

the reverse side of the authorisation certificate of composite fee is mentioned and Rule 83 also provides for payment of taxes or fees if any levied by the concerned State. Form 47 also provides for certificate of payment of composite fees and taxes. [Ratanlal Baid v. State of Mizoram, 2000 (2) GLT 163]

29. Particulars to be exhibited : (1) Save in the case of motor cabs, tractors or trailers, the following particulars in respect of every transport vehicle shall be exhibited on the left hand side of the vehicle in the manner prescribed below -

(i) the name of the owner as set-forth in the certificate of registration and his address in brief.

(ii) the unladen weight, denoted by

“U.W ----- kg”

(iii) the registered axle weight, denoted by

“RAW -----kg”

(iv) the number of passengers for whom, in addition to goods, accommodation is provided, denoted by

“Number of seats -----“

(v) the pay load allowed, denoted by

“P.Ld -----M.T.”

(2) The particulars referred to in sub-rule (1) above shall painted in English alphabet and numerals, each not less than 2.5 cm. in high breadth on the outer surface of the vehicle.

30. Information regarding stolen vehicles : (1) An officer-in-Charge of a Police Station where the theft of motor vehicle is reported by the owner or any other person in possession of the vehicle shall immediately after registering a case, send the intimation to the Commissioner of Transport Assam with a copy thereof to the Registering Authority where the vehicle was registered.

(2) On receipt of the information referred to in sub-rule (1) above the Commissioner of Transport shall inform all the Registering Authorities in this State and all the Commissioner of the State the details of the stolen vehicle.

(3) The Commissioner of Transport shall also maintain a register of Stolen vehicles with necessary particulars.

(4) The Registering Authorities shall also maintain a register of stolen vehicles on the basis for the information received from the Commissioner of Transport or from the police, as the case may be.

(5) If the vehicle reported to be stolen is recovered, the police station which recovers the vehicle shall forthwith intimate the fact to the Commissioner of Transport and to the relevant Registering Authorities.

(6) On receipt of intimation under sub-rule (5), the Commissioner of Transport and the Registering Authority shall make note of such recovery in the register maintained under sub-rules (3) and (4) of this rule, as case may be.

31. Exemption for road rollers, graders, etc. /Government vehicles :

(i) Nothing contained in this Chapter shall be applicable to road rollers, graders and other vehicle designed and used solely for the construction, repairing and cleaning of road and the power tillers used for agricultural purpose.

(ii) All Motor vehicles belonging to the Government of Assam shall be exempted from payment of Registration fees.

32. Appeals : (1) An appeal under Section 57 of the Act against the order passed by the Registering authority shall lie to the Commissioner of Transport, Assam who shall be the prescribed Appellate Authority for the purpose.

(2) An appeal under Section 57 of the Act against the order passed by an Inspector of Motor Vehicles or an authorised Testing Station in respect of fitness certificate shall lie to the Registering Authority having jurisdiction over the area, who shall be the prescribed Appellate Authority for purpose.

(3) The order of the Appellate Authority referred to in sub-rule (2) above shall be final subject to the powers of revision by the Commissioner of Transport, Assam.

33. Conduct and hearing of Appeals.-(1) An Appeal under Rule 32 of these rules shall be filled in duplicate in the form of a memorandum. One copy thereof shall bear the Court Fee Rs. 20/- (Rupees twenty) only and the appeal shall set forth concisely the grounds on which the appellant disputes the order. It shall be accompanied by a certified copy of the order appealed against.

(2) An Appellate Authority referred to in Rule 32, after such enquiry, if any, as it may deem necessary and after giving an opportunity to the appellant of being heard may confirm or set aside or modify the order against which the appeal is preferred and shall make an order accordingly.

34. Revision : The revision against the order passed by the Appellate Authority referred to in sub-rule (3) of Rule 32 shall lie to the Commissioner of Transport and each such revision petition shall be filed in the same manner as prescribed in sub-rule (1) of Rule 33 and shall be disposed of by the Commissioner of Transport after making such enquiries as he may deem necessary and after giving an opportunity to the petitioner of being heard.

CHAPTER-V

CONTROL OF TRANSPORT VEHICLES

35. Removal of person contravening the Rules : The driver or the conductor of public service vehicles or a Police Officer on the request of the driver or the conductor or any passenger may remove any person contravening any provision of the Act or the rules from such vehicle and if such person paid fare for the journey that he intended to make, the conductor shall return the proportionate amount for the remaining part of the journey to the person so removed.

36. Passenger to disclose his name and Address : The driver or the conductor of a public service vehicle or a Police Officer may require a

passenger reasonable suspected by the driver or the conductor or the Police Officer of contravening any of the provisions of the Act or the rules to give his name and address to such driver or conductor or Police Officer, as the case maybe.

37. Passenger to declare his journey and to pay fare : The driver or the conductor of public service vehicle may require a passenger to declare the journey he intends to take or has taken in the vehicle to pay the due fare for the whole of journey covered and to accept ticket therefore and to produce the same during the journey for inspection by the conductor, to surrender the same at the end of the journey to the conductor of the vehicle and to leave the vehicle on the completion of journey the fare for which he has paid.

38. Passenger to abstain from doing certain things : The conductor or driver of a public service vehicle may require any passenger to abstain from smoking while on board of the vehicle in which a notice prohibiting smoking is exhibited or from doing anything which is likely to obstruct or interfere with the working of the vehicle or to cause damage to any part of the vehicle or its equipment or to cause injury or discomfort to any other passenger.

39. Passenger may enter in the complain book : (1) When any passenger on board or a public service vehicle finds that any provision of the Act of or the rules has not been complied with either by the owner or the driver or the conductor of the vehicle or by a fellow passenger, he may require the conductor to produce the complain book and may record the complaint as the case may be there under.

(2) The conductor of a public service vehicle shall keep and maintain the complaint book in a neatly and orderly manner and shall produce the same at the end of every month for inspection by the State Transport Authority or Regional Transport Authority, as the case may be.

(3) The State Transport Authority or the Regional Transport Authority, as the case may be, after scrutinizing the complaints so received shall take appropriate action in terms of the provisions of the Act and the rules framed thereunder.

40. Conduct of passenger in public service vehicle : Any passenger while on board in a public service vehicle shall not-

- (i) obstruct the conductor in the execution of his duties, or
- (ii) knowingly or intentionally enter the vehicle which is carrying the maximum number of passenger according to the seating capacity specified in the certificate of registration of the vehicle and any additional number permitted under the terms of the permit to be carried in excess of the seating capacity to the vehicle, or
- (iii) refuse or be unable to pay the fare, or
- (iv) refuse or be unable to show any ticket on demand by any authorised person, or
- (v) refuse to pay a fresh fare when he has altered or defaced his ticket so as to render the number of any portion thereof illegible, or
- (vi) travel in the vehicle beyond a distance for which he holds a ticket without paying any additional fare for the distance to be traveled by him in that vehicle, or
- (vii) have bulky luggage of a form on description likely to obstruct, annoy or cause inconvenience to another passenger, or
- (viii) carry any animal, flesh, fish other than tinned fish in its original packing instrument implement, substance or any other articles which is likely to annoy or inconvenience of be offensive to other passengers, or
- (ix) without lawful excuse occupy any seat exclusively reserved for females, or
- (x) sing or play upon any musical instrument, or
- (xi) ring the calling bell without lawful excuse or interfere with any signal of the vehicle, or
- (xii) behave in a disorderly manner, or
- (xiii) behave in a manner likely to cause annoyance to any female passenger, physically handicapped persons, or
- (xiv) use abusive language, or,
- (xv) molest any other passenger, or

- (xvi) spit or eject betel nut juice, or
- (xvii) interfere without due cause with the conductor or the driver of the vehicle, or physically handicapped persons.
- (xviii) use or attempt to use ticket other than the ticket valid for a particular journey, or a ticket which has already been used by another passenger or on another journey, or
- (xix) commit or abet any offence under the Act or the rules made thereunder, or
- (xx) willfully damage or spoil or remove any fittings in or on the vehicle or its equipment, or
- (xxi) alight from the vehicle without paying the legal fare.

41. Period of office and terms of appointment of the members of the State Transport Authority and Regional Transport authority :

(1) The State Government shall appoint the member of the State Transport Authority and the Regional Transport Authority in a honorary capacity ordinary for a period of two years and thereafter they shall continue to function until their successors are appointed in accordance with Section 68 of the Motor Vehicle Act, 1988. The State Government may however reconstitute before the expiry of the two years term any or all the authorities or remove any of the members at any time if it considers necessary or expedient so to do in the interest of the public.

(2) Where the State Transport Authority or the Regional Transport Authority as the case may be, consists of both of official and non official members, the Government may appoint the non-official members of such authorities only by name.

(3) When a non-official member of any authority dies or is removed from or vacates his office, the Government may appoint another non-official member in his place who shall, subject to the provision of sub-rule (1), hold office for the remaining period of the term of the authority.

(4) Non-Official member of State Transport Authority or the Regional Transport Authority, as the case may be, shall be entitled to receive traveling and daily allowance at the rate and on the conditions as specified in subsidiary Rules 309 of the Fundamental Rules and Subsidiary Rules, Assam for all meeting of the said Authority and any such member performing any journey other than attending the meeting of

the said authority when required to do so in connection with the business of the said authority, shall with the sanction of the Chairman, be entitled to receive traveling and daily allowance like-wise.

(5) The minutes of the meeting of the Regional Transport Authority shall be submitted to the State Transport Authority and the Government and the minutes of the meetings of the State Transport Authority shall be submitted to the Government.

(6) The State Government shall appoint the Chairman of the State Transport Authority or the Regional Transport Authority.

(7) The State Government shall appoint an Officer in the Transport service or serving in the Transport Deptt. of the State Government to be the Secretary of the State Transport Authority or the Regional Transport Authority.

42. Regions and Regional Transport Authorities : The regions for the purpose of Section 68 of the Act shall be as under and shall comprise of the area as shown against each such regions.

Region	Area
1. Nalbari	Nalbari District
2. Barpeta	Barpeta District
3. Bongaigaon	Bongaigaon District
4. Kokrajharh	Kokrajharh District
5. Dhubri	Dhubri District
6. Guwahati	Kamrup District
7. Goalpara	Goalpara District
8. Morigaon	Morigaon District
9. Nagaon	Nagaon District

10. Golaghat	Golaghat District
11. Jorhat	Jorhat District
12. Sivasagar	Sivasagar District
13. Dibrugarh	Dibrugarh District
14. Tinsukia	Tinsukia District
15. Dhemaji	Dhemaji District
16. North Lakhimpur	Lakhimpur District
17. Tezpur	Sonitpur District
18. Mangaldoi	Darrang District
19. Diphu	Karbi Anglong District
20. Halflong	N.C. Hills District
21. Silchar	Chachar District
22. Hailakandi	Hailakandi District
23. Karimganj	Karimganj District

43. Conduct of business of Transport Authorities : (1) Subject to the provisions of the Act and these rules and also subject to the approval of the Government, the State Transport Authority or the Regional Transport Authority, as the case may make bye laws to regulate and conduct its business and the business of such authority shall be conducted accordingly.

(2) The State Transport Authority or the Regional Transport Authority, as the case may be shall meet at such place, date and time as the Chairman may appoint and summon. In the case of the State Transport Authority, not less than 10 days notice and in the case of Regional Transport Authority, not less than 7 days' notice shall be given and all such notice shall be accompanied by a copy of the agenda of the meeting.

(3) Half of the total members including the Chairman shall constitute the quorum for a meeting of the State Transport Authority or a Regional Transport Authority.

(4) If the Chairman of the State Transport Authority or the Regional Transport Authority, as the case may be is unable to attend a meeting he shall nominate a member thereof to act as the Chairman at the meeting.

(5) The Chairman or the acting Chairman nominated under sub-rule (4) shall have a second or casting vote.

(6) Save in the case of the hearing of an objection to the grant of a stage carriage permit or a goods carriage permit and in the case of the hearing of a representation, the State Transport Authority, as the case may be, may decide any matter by the majority of votes of members recorded in writing and sent to the Secretary of the State Transport Authority in the manner hereinafter appearing and referred to as the circulating procedure even without holding any meeting.

(7) In the event of adopting the circulation procedure, the Secretary shall send to each member of the State Transport Authority, or the Regional Transport Authority, as the case may be, the matter along with all such particulars thereof as may be reasonably necessary in order to enable the member to arrive at a decisions and shall specify the date by which the votes of the members are to reach the office of the authority. On receipt of the votes of the members as aforesaid, the Secretary shall lay the papers before the Chairman who shall thereupon record the decision by endorsement in the form of application or other document, as the case may be, according to the votes received and the vote or votes cast by the Chairman. The record of the votes cast shall be kept by the Secretary and shall not be make available for inspection by any person other than a member of the said authority at a regularly convened meeting of the Authority.

Provided that no decision shall be made through the circulation procedure if before the date by which the votes of members are required to reach the office of the authority not less than one-third of the members of the Authority by notice in writing to the Secretary demand that the matter be referred to a meeting of the Authority.

(8) The number of votes, excluding the chairman's second or casting vote, necessary for the decision to be taken through circulation shall not be less than the number necessary to constitute a quorum.

(9) The State Transport Authority or Regional Transport Authority, as the case may be may summon any applicant for a permit to appear before it and may decline to grant the permit until the applicant has so appeared either in person or through an agent authorised by him in writing and until the applicant has furnished such information as may reasonably be required by the Authority in connection with the application.

(10) When a matter is decided by the votes of members at a meeting of the State Transport Authority or a Regional Transport Authority, no person other than a member of the authority shall be entitle to present and no record of the voting shall be kept except the number of votes cast on either side.

Provided that when any matter is decided by the exercise of .the second or casting vote of Chairman the fact shall be recorded.

(11) The State Transport Authority, or Regional Transport Authority may, by general or special resolution recorded in its proceedings as subject to such conditions as may be specified in the resolution, delegate to the Secretary or any such officer of the department competent to function on his behalf to grant contract carriage, goods carriage, stage carriage permits and agent licences.

(12) The State Transport Authority, or the Regional Transport Authority may delegate any of the powers and functions of its Secretary to another Gazetted Officer of the Department, subordinate to the Secretary.

44. Appeal and revision application against order of the State Transport Authority or the Regional Transport Authority : (I) An appeal to the State Transport Appellate Tribunal under Section 89 of the Motor Vehicle Act 1988, against the order of the State Transport Authority, or a Regional Transport Authority may be made within 30 days from the receipt of the order by the person aggrieved by the order. The appeal petition shall be in the form of memorandum setting forth concisely the grounds of objections to the order of the State Transport Authority, or the Regional Transport Authority, as the case may be, and shall be accompanied by a

certified copy of the order appealed against and as many copies of the memorandum of appeal as there are respondents and a fee of Rs. 50/- (Rupees fifty) only.

(2) Any person aggrieved by an order of the State Transport Authority, or a Regional Transport Authority, as the case may be, may file an application of revision of order under Section 90 of the Motor Vehicle Act in the form of a memorandum setting forth concisely the grounds of objection to the said order. Such a memorandum shall be accompanied by a certified copy to the impugned order and as many copies of the memorandum as there are respondents and a fee of Rs. 50/- (Rupees fifty) only.

(3) The State Transport Appellate Tribunal, after admitting an appeal under sub-section (1) of Section 89 of the Act or a revision application under sub-section 90 of the Act, as the case may be, shall give intimation to the Authority against whose order the appeal, the revision application is made and also to the appellant or the concerned and any other person likely to be affected by the grant of the relief prayed for. Such appellant, applicant, respondent or the person interested shall appear before the Tribunal either by person or through an authorised representative along with the original document or records pertaining to the case on the appointed date and place of the hearing and subsequent dates thereof, if any.

(4) The Secretary of the State Transport Authority, or a Regional Transport Authority concerned shall within 14 days from the receipt of such intimation, send all the original documents and records pertaining to the appeal of the revision, as the case may be with proper index and paging, to the State Transport Appellate Tribunal when the same are called for by it.

(5) The Tribunal may, after following the procedure laid down in sub-section (1) of Section 89 or in Section 90 of the Act, as the case may be, and after such further enquiry, if any, confirm, vary or set-aside the order against which the appeal or the revision application is made or pass such other order as it may deem fit under facts and circumstances of the case.

45. Application for permit and reservation permit for SC/ST : (l) Every application for grant of a permit for private service vehicle under Section 76 of the Act, shall be made before the Secretary, Regional Transport Authority in whose regional jurisdiction or one more contiguous region the applicant wants to operate his vehicle and in respect of any route covering more than two regions shall be made before the Secretary, State Transport Authority, as the case may be in Form No. 7 (P.S.V.A.) as appears in the Schedule- I.

(2) (a) Every application for grant or renewal of a permit of a public service vehicle including Local and All Assam Taxi shall be made before the Secretary, RTA in whose regional jurisdiction the vehicle is registered or recorded.

(b) For the application received to operate in contiguous two regions the RTA shall issue the permit.

(c) For the application received to operate in three or more contiguous regions the STA shall issue the permits.

(d) For the applications received to operate in more than two regions the applications shall have to be forward to STA to issue the permit by STA. After issue of the permit the STA will transfer the record to the RTA in whose jurisdiction the Vehicle is either registered or recorded.

(e) Permits issued by the STA under Rule 45(c) shall be renewed by the Secretary RTA on transfer of records by STA. The RTA will have to record the letter number of STA by which the record is transferred on the permit itself.

(f) A temporary permit issued under the Rule 45(2) cannot be renewed by the STA/RTA as the case may be, more than three times.

(g) Applications for issue of special permits maximum for a duration of 10 days shall be made before the STA/RTA. STA/RTA as the case may be, shall issue the permit after observing all formalities. But it cannot be renewed or re-issued.

(h) All the stage carriage permits issue by other States under reciprocal agreement shall be countersigned by the STA, Assam.

(i) In addition to the other permit conditions the STA/RTA as the case may be, shall fix the time table of a stage carriage vehicle in the permit itself, to avoid unhealthy competition.

(j) Before issue of the permit the STA/RTA as the case may be, shall follow the instructions contained under Rule 28(1) and 28(2) to establish the identity of the applicant.

(3) All applications for National permit under sub-section (12) of Section 88 of the Act. shall be made before the Secretary, State Transport Authority and shall be subject to the provisions of the Act and the Rules as framed by the Central Government or State Government in this behalf.

(4) An application for permit of a Tourist Vehicle under sub-section (9) of Section 88 of the Act. shall made before that State Transport Authority.

Provided that the State Transport Authority may restrict the number of permit for such vehicles and may also reserve certain percentage of permits for the self-employed driver or the educated unemployed.

Provided further that the vehicle to be entered in the permit conforms to the specification laid down under these rules and the Central Motor Vehicle Rule, 1989.

(5) The Regional Transport Authorities shall reserve such number of stage carriage permit for the Scheduled Castes and Scheduled Tribes under sub-clause (b) of sub-section (3) of Section 71 in the same ratio as in the case of appointment made by direct recruitment to public services in the State.

(6) Government may issue general Instructions from time to time limiting the numbers of permits to be issued in a particular year.

46. (A) Forms of permits : (I) The permits granted shall be in either of the forms specified below and appearing in the Schedule-I.

- (a) in Form No. 12 (Pr. S.V.) in respect of private service;
- (b) in Form No. 13 (P. St. P.) in respect of Stage carriage permit;
- (c) in Form No. 14 (P. Co. P.) in respect of contract carriage;

(d) in Form No. 15 (P. Tem) in respect of Temporary permit;

(e) in Form No. 22 (P. Goods) in respect of Periodic Permit of Goods.

(2) Except in the case of a temporary permit every permit shall be in two parts A and B. One copy of Part A only shall be issued. One copy of Part-B shall be issued in respect of every vehicle authorised by the permit and where the permit relates to more than one vehicle, each such, copy shall carry in addition to the number of the permit a separate S1. No. contained in the brackets after the No. of the permit. Each such copy shall be sealed and signed by the authority who issued the permit and the authority by which the permit is countersigned.

(3) The holder of the permit shall cause the relevant copy of Part-B thereof or the temporary permit, as the case may be, to be carried in a glazed frame or other suitable container carried on or affixed to the interior of the vehicle in such a way so as to maintain it in a clean and legible condition readily available for inspection at any time by any authorised person.

46. (B) Permit Fees on different categories of permits will be as follows except for ASTC's own Vehicles.-

Nature of Permit	Max. Duration	Amount
(a) Periodic permit (Passenger/Goods carrying) within the State		
(i) Three Wheelers	3 yrs to 5 yrs	500.00
(ii) Local/All Assam Taxis	3 yrs to 5 yrs	750.00
(iii) Other vehicles	3 yrs to 5 yrs	1500.00
(b) Periodic permit (Passenger/goods carriage) within the State		
(i) Three Wheelers	Upto 3 yrs.	250.00
(ii) Local/All Assam Taxis	Upto 3 yrs.	500.00

(iii) Other Vehicles	Upto 3 yrs.	1000.00
 (c) Temporary permit (Passenger/ Goods carrying)		
1. Within one Region		
(i) Three Wheeler/Taxi	4 months	50.00
(ii) City Service Bus	4 months	150.00
(iii) Other vehicles	4 months	100.00
 2. More than one region upto 3 Regions-		
(i) Three Wheelers/Taxis	4 months	75.00
(ii) Other Vehicles	4 months	150.00
 3. More than three Regions		
(i) Taxi	4 months	100.00
(ii) Other Vehicles	4 months	200.00
 4. Special permit within the State/ Inter State routes		
(d) Temporary permits on Inter State routes	4 months	250.00
(e) Periodic Permits on Inter State routes	3 to 5 Years upto 3 years	2000.00 1500.00
 (f) Fees for countersignature of Permits		
(i) Temporary permit	100.00	
(ii) Periodic permit	500.00	

46 (C) Duration of Permits : (a) A periodic permit for carrying goods and passengers shall be issued for a duration of minimum one year upto a maximum, period of 5 years, subject to payment of due Motor Vehicle Taxes for that period of permit issued.

(b) A temporary permit for carrying goods and passenger shall be issued for a maximum duration of 4 months, but it cannot be renewed for more than three times.

46. (D) Transfer of Permit : (I) When the holder of permit desires to transfer the permit to some other persons order sub-section (1) of Section 82 of the Act, he shall together with the person to whom he desires to make the transfer, make joint application in writing to the Regional Transport Authority or the State Transport Authority, by which the permit was issued, setting forth the reasons for the proposed transfer.

(2) On receipt of an application under sub-rule (1), the Transport Authority may require the holder and the other party to state in writing whether any premium payment or other consideration arising out of the transfer is to pass or has passed between them and nature and amount of any such premium payment or other consideration.

(3) Without prejudice to any other penalty to which the parties may be liable, any transfer of a permit ordered upon as application, which the Regional Transport Authority or the State Transport Authority, is subsequently satisfied after having given the parties an opportunity of submitting an explanation to be false in respect of the matter specified in sub-rule (2) or in respect of any other material particulars shall be void.

(4) The Regional Transport Authority or the State Transport Authority may summon both the parties to the application to appear before in and it may, if it deems fit, deal with the application as if it were an application for a permit.

(5) If the Regional Transport Authority or the State Transport Authority is satisfied that the transfer of a permit may properly be made, it shall call upon the holder of the permit in writing to surrender parts A and B of the permit within seven days of the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred to deposit the prescribed transfer fee of rupees fifty only.

(6) Upon receipt of Parts A and B of the permit and of the prescribed fee, the Regional Transport Authority or State Transport Authority, shall cancel the particulars of the holder thereon and endorse particulars of the transfer and shall return the permit to the transferee.

(7) The Transport Authority making such a transfer of permit as may, unless any other, Transport Authority, by which the permit has been countersigned, has by general or special order otherwise required endorse Parts A and B of the permit with the words "transfer of permit valid for " inserting the name of the authority by which the permit had been countersigned with effect from the date of transfer.

(8) Unless Parts A and B of the permit have been endorsed as provided in sub-rule (6) or (7) or unless the Transport Authority which countersigned the permit has endorsed the same, the counter-signature shall be of no effect after the date of transfer.

Provided that in the case of the death of the holder of the permit, the Transport Authority which granted the permit may transfer the permit as provided under sub-section (2) of Section 82 of the Act, after making such enquiry as it thinks fit subject to the provisions as laid down therein on receipt of the prescribed fee.

(9) Any use of the permit, except by its holder, in any manner whatsoever, either through power of attorney or by any other deed or agreement shall render the permit to be cancelled. The onus of proving that the permit was not being used in contravention of this rule shall be on the holder of the permit.

47. Maintenance of register for permits granted : (1) The authority granting the permits, except in the case of temporary permit, shall maintain a register for permit granted in Form NO.1 (RP) as appears in Schedule-II.

(2) The authority granting the temporary permit shall maintain register in Form NO.2 (RP) (Tern) as appears in Schedule-II.

48. Issue of duplicate permit : (1) When a Part A or B of any permit or an temporary permit is lost or destroyed, defaced or mutilated, the holder thereof shall forthwith intimate the facts to the authority by which it was

issued and shall deposit the prescribed fee for the issue of a duplicate permit and in the case of destruction of Part B, he shall forward the Part A thereof also.

(2) The Transport Authority on receipt of an application in accordance with the sub-rule (1) may issue a duplicate permit or parts of a permit, as the case may be and to the extent that it is able to verify the facts made, endorsed thereon certified copies of and countersignature by other authority intimating the fact to the authority.

(3) A duplicate permit or duplicate part of a permit issued under this Rule be clearly stamped "DUPLICATE" in red ink and the certified copy of any countersignature by any other Transport Authority or part of the permit made under this Rule shall be valid in the region of that other authority and as if, it was a countersignature.

(4) When a permit or part of a permit becomes dirty or is torn or is otherwise defaced or has in any way become illegible in the opinion of the Transport Authority, the holder thereof shall surrender the permit or the part of the permit, as the case may be, to the Transport Authority and apply for the issue of a duplicate permit or the part of a permit in accordance with the rules.

(5) The fee for the issue of duplicate permit be Rs. 100/- (Rupees Hundred) for Part A and Rs. 50/- (Rupees Fifty) for each copy of Part B and the fee for a duplicate Authorisation of National Permit for goods truck or Tourist permit shall be Rs. 200/- (Rupees two hundred) and the fee for duplicate temporary permit issued in accordance with this Rule shall be Rs. 150/- (Rupees one Hundred Fifty) only.

(6) Any permit or any part of a permit which is found subsequently by any person shall be delivered to the nearest Police Station or to the holder or to the Transport Authority by which it was issued and if the holder finds or receives any permit or any part of the permit in respect of which duplicate has been issued, he shall return the original to the Transport Authority concerned.

49.(1) Returning of Permit : Every permit cancelled or suspended under any of the provisions of the Act or the Rules shall be returned to the issuing authority thereof within fortnight from the date of cancellation or

suspension. In the event of cancellation or suspension of permit, the permit fees already paid shall not be refunded.

49. (2) Temporary exemption of Taxes : If a vehicle owner desires to withdraw his vehicle off the road for repair etc. for a period more than 30 days continuously he must submit application in Form "H" in triplicate along with the documents of vehicle/Number plates etc., before the Registering Authority. One copy of the "H" form will be returned by the Registering Authority to the owner of the vehicle accepting his application for exemption for payment of tax during the period of withdrawal of the vehicle, as has been provided in Section 9 of the Assam Motor Vehicles Taxation Act, 1936 (Assam Act XI of 1936).

The 'H' form in triplicate duly serial numbered will be supplied by the concerning Registering Authority on payment of Rs. 10/- (Rupees ten only).

The Registering Authority shall keep a proper record in a register the S1.Nos. of 'H' Form, the name of the vehicle owner, the money receipt number and the period for which the owner will keep the vehicle off the road.

50. Documents, plates and marks to be carried by Transport Vehicles : (1) Every Transport Vehicle shall carry Registration Certificate, Fitness Certificate, Pollution Under Control Certificate, Insurance Certificate, Part B of the permit. Driving licence of the Driver and the Conductor's licence of the Conductor, if any and shall be produced at any time or at any place for inspection by an authorised person.

(2) Every public service vehicle shall bear a legible sign written in the official language of the State to the effect that smoking inside or nearby the vehicle is prohibited.

(3) Every public service vehicle shall carry an up to date fare chart approved by the authority having jurisdiction therefore. The chart shall be in the official language of the State.

(4) Every public service vehicle shall display such other legible signs and warnings to the passengers as may be directed by the State Authority or the Regional Transport Authority; as the case may be.

(5) Every Public Service vehicle carrying passengers shall have a legible warning in the vehicle that passenger traveling without ticket shall be punishable with [me which may extend to Rs. Five hundred.

51. Licensing of Agents : (I) No person shall act as an agent unless he holds a valid licence therefore, in Form No. 17 (A.L.) as appears in Schedule-I granted by the Licensing Authority for the purpose of such business.

(2) Any person desiring to obtain a licence for grant or for renewing such a licence may make an application to the Licensing Authority in Form No. 16 (A.A.L.) I and 16 (A.A.L.) II, as appears in Schedule I, as the case may be.

(3) The application shall be accompanied by a fees Rs. 500/- (Rupees five hundred).

(4) On receipt of an application, the Licensing Authority shall have due regard among other things to the following matters, namely -

- (i) (a) the number of goods vehicles either owned by the applicant or under his control.
- (b) the suitability of accommodation possessed by the application for the storage of goods.
- (c) the facilities, if any provided by the applicant for parking of goods vehicles for the purpose of loading or unloading of goods and
- (d) the financial resource of the applicant and his ability to manage the business efficiently; or
- (ii) (a) the number of public service vehicles either owned by the applicant or under his control.
- (b) the suitability of accommodation possessed by the applicant for sitting of passengers.
- (c) the financial resource of the applicant and his ability to manage the business efficiently; and

- (d) the route or areas for which the tickets are to be sold or booking are to be made,
- (e) he must have adequate parking spaces for minimum vehicles, licensing Authority after due consideration of the aforesaid matters either grant or refuse to grant or renew the licence.

(5) The Licensing Authority shall cause copies of any licence granted or renewed by it under these Rules to be sent to each of the Regional Transport Authorities of the Region of any in which such licence is to be operative.

(6) The Licensing Authority shall maintain a register of the licence issued to the Agent Form NO.3 (R.A.L.), as appears in Schedule-II.

52. Security for compliance with condition : Where it appears necessary so to do for ensuring proper compliance with the conditions referred to in the preceding rule, the Licensing Authority may, at the time of granting or renewing an Agent's licence or anytime during the validity of a licence, order the licence to furnish a reasonable security on such scale as may be notified by the State Government in the Official Gazette and where the licence has furnished earlier a security in presence of an order passed under the provisions of these rules, such additional security as may be reasonable.

53. (A) Period of Validity and renewal of licence : (1) An agent's licence shall be valid for a period of 1 (one) year from the date of its grant or renewal.

(2) It may be renewed on an application made to the Licensing Authority not less than 30 days before the date. of its expire.

(3) The renewal of licence shall be made by endorsement of the renewal thereof by the Secretary State Transport Authority of the Regional Transport Authority, as the case may be, on the original licences.

53. (B) The annual fees for issue of Agents Licence for Goods and Passenger Vehicles are as follows :

CLASS OF LICENCE	ANNUAL LICENCE FEES
1. Passenger Vehicle	Rs. 10,000/- per year. Plus Rs. 600/- per year for every Additional Branch.
2. Goods Vehicles	Rs. 20,000/- per year. Plus Rs. 1200/- per year for every Additional Branch.

The licences will have to renewed and fresh licences will have to be' issued as per Motor Vehicles Act, 1988 and Rules thereof. The Licences shall have to fulfill all the conditions laid down by the Government from time to time.

54. Conditions for agent's licence : An Agent's licence shall be subject to the following conditions namely-

- (a) that the licence shall, subject to the provisions of Rules 57, provide places for loading and unloading of goods;
- (b) that the licence shall be responsible for proper arrangement for storage of goods collected for despatch or delivery;
- (c) that, where he is authorised to forward and distribute goods, the licence.
 - (i) shall be responsible for proper delivery of the goods to the consignee.
 - (ii) shall be liable to indemnify the consignee for any loss or damage to goods while in his control or possession.
 - (iii) shall not deliver the goods to the consignee without actually receiving from the consignee a goods transport receipt or, if the receipt is lost or misplaced an indemnity bond covering the value of goods.
- (d) the licence shall income the goods against any loss or damage while in his control or possession;

- (e) (i) that the licence shall maintain a proper record of the vehicle under his control and of the collection dispatch and delivery of goods shall be open for inspection by the State Transport Authority or by a in this behalf by any such Author State Transport Authority, by 31s1 in respect of the previous calenl (RAI.) as appears in Schedule-I.
- (ii) that the place of business of the applicant should not hamper the business of the Assam State Transport Corporation and it must be at least 300 MTR away from the bus stand of ASTC in case of Guwahati City and should be at least 100 MTR away from ASTC Bus Stands. But if any existing licences is at present working within the distance mentioned above, he will have to shift his place of business to other suitable place months from the date of effect of this rule.
- (iii) that the licensing authority ala] approve the site ma of the place showing the exact location.
- (f) (i) that the licence shall maintain a proper record of the tickets issued and number of the public service issued and number of the public se area thereof which shall be open Transport Authority or the Regil Regional Transport Authority or a this behalf by the State Transport Authority.
- (ii) that the licence shall exhibit the actual passengers fare for the route or the area.
- (iii) that the licence shall be responsible for proper sitting arrangements of the passengers in journey and adequate facilities for vehicles.
- (iv) that the licence shall ensure that the licence or under his control have by the Competent Authority for the vehicles shall have to ply.
- (v) that the vehicles shall have valid Ta Token, Fitness Certificate, Insurance Certificate and Assam Passengers Goods Tax Clearance Certificate, Pollution under Control Certificate.

(vi) He must have facilities for pure drinking water and separate Toilets for Gents and Ladies.

- (g) that the licence shall not charge, any commission exceeding that as prescribed by the State Transport Authority or the regional Transport Authority ; as the case may be under Rule 56:
- (h) that the licence shall furnish to the operator correct figures of the freight receivable by them from consignees;
- (i) that the licence shall maintain proper accounts of the commission charged by him and have the same audited by qualified Auditors annually;
- (j) that the licence shall ensure that the goods vehicles under his control have valid permits for routes on which the vehicles have to ply;
- (k) that the licence shall maintain in goods condition a weighing device capable of weighting, at a time, not less than 226 kg. (550 Lbs);
- (l) that the licence shall attend to his customers in the order in which they approach him :

Provided that that customers in respect of such perishable goods as may be notified by the Official Gazette, shall be given priority over other customer.

- (m) that the licence shall assign the available traffic amongst the operators in the order in which they have approached him and shall maintain a register chronologically recording the particulars of the available traffic and the waiting operators.
- (n) that the licence shall comply with the provisions of these rules and shall observe such other conditions as the Licensing Authority may specify in the licence;
- (o) that the State Transport Authority may at its discretion, order for seizure, in whole or in part of the security or the additional

security furnished by the licence under Rule 52 for contravention of any of these rules or for breach of any of the aforesaid conditions by the licence;

- (p) that the State Transport Authority may after giving notice of not less than one month in writing either vary the conditions of the licence or attach further conditions to the licence.
- (q) that the Character and Criminal antecedents verification of the employees of the licence holder through Police Authority is mandatory.

55. Particulars to be mentioned in contract of agency : All contracts entered into by the agent for the purpose of collecting, forwarding and distributing goods or collecting goods or forwarding and distributing goods, as the case may be shall be in writing and shall contain the following particulars :

- (i) names and addresses of the consignor and the consignee;
- (ii) description and weight of the consignment;
- (iii) destination and its distance in kilometers from the starting station;
- (iv) freight per tonne/kilometer and for the whole consignments;
- (v) delivery instructions (e.g., the date by which and the exact place where the goods are to be delivered to the consignee);
- (vi) terms of payment;
- (vii) (vii) name of the owner, driver, the registration number of the vehicle and authorised load and the rate and amount of the commission.

56. Rate of Commission : The State Government may by notification in the Official Gazette prescribe the maximum rates at which Commission may be charged by agents under these rules and the State Transport Authority or the Regional Transport Authority, as the case may be, may

prescribe such rate of commission not exceeding the rates prescribed by the State Government in regard to licences transaction of business in its region.

57. Premises to be used : (1) The State Transport Authority or the Regional Transport Authority, as the case may be, may in consultation with the local authority or the Police Authority having jurisdiction over the area concerned, approve any premises owned by or in the possession of an agent or an applicant for an agents licence to be used for loading or unloading of goods or for parking goods vehicles or for the storage of goods in the custody of the agent having regard to the suitability of site, sanitary conditions and storage facilities provided at such premises;

(2) Any approval under sub-rule (1) shall be subject to the following conditions, namely :

- (i) that the premises shall at all times be kept in a clean condition and goods state or repairs;
- (ii) that the premises shall be administered in a seemly and orderly manner;
- (iii) that the agent shall take all possible precautions to ensure that no breach of any of the provisions of the Act or of these rules is committed in respect of any vehicle entering or leaving or parking at such premises and shall report in writing any such breach to the nearest Police Station.
- (iv) It must fulfil the conditions mentioned in Section 54(e)(ii) and (iii) of this rule.

(3) Where the State Transport Authority or the Regional Transport Authority as the case may be, refused to approve any premises under sub-rule (1), it shall record in writing its reasons for such refusal.

58. Suspension, cancellation of licence : (1) Without prejudice to any other action which may be taken against an agent, the State Transport Authority may, by order in writing, cancel the agent's licence or suspend it for such period as it thinks fit, if in its opinion any of the conditions under which the licence was granted has been contravened.

(2) Before making any order of suspension or cancellation under this Rule, the State Transport Authority shall give the agent an opportunity of being heard and shall record reason in writing for such cancellation or suspension.

(3) Where the agent's licence is liable to be cancelled or suspended under sub-rule (1) above the State Transport Authority may allow the agent an option for retaining it on payment of a certain sum of money as may be fixed by that Authority.

59. Issue of duplicate licence : If at any time an agent's licence is lost, destroyed or torn or otherwise defaced making it not legible, the agent shall forthwith apply to the Licensing Authority for the grant of a duplicate licence. The application shall be accompanied by a fee of Rs. 50/- (Rupees fifty). Upon receipt of such an application the Licensing Authority shall issue a duplicate agent's licence clearly being stamped "DUPLICATE". If a duplicate agent's licence is granted on a representation that the licence originally granted has been lost or destroyed and the original licence is subsequently found, the original licence shall be surrendered to the Licensing Authority.

60. Display of agent's licence : (1) A collecting agent shall carry with him his agent's licence while on duty and shall produce it on demand to any Inspecting Officer of the Transport Deptt. or any Police Officer in uniform not below the rank of a Head Constable.

(2) A forwarding agent shall exhibit his agent's licence at a prominent place in the premises approved under Rule 57 and the licence shall be made available for inspection by any Inspecting Officer of the Transport Department or any Police Officer in uniform not below the rank of a Head Constable.

(3) A Collecting and forwarding agent shall carry with him his agent's licence while on duty and shall produce it on demand to any Inspecting Officer of the Transport Department or Police Officer in uniform not below the rank of a Head Constable and shall also cause a true copy of his agent's licence to be exhibited at a prominent place in the premises approved under Rule 57.

61. Appeal : (l) Any person aggrieved by an order made under sub-rule (4) of Rule 51, Rule 51, Clause (n), to) or (p) of Rule 54, Rule 56, sub-rule (l) of Rule 57, sub-rule (l) or sub-rule (2) of Rule 58, Rule 59 or Rule 62, may appeal to the State Transport Appellate Tribunal constituted under subsection (2) of Section 89 of the Act, within thirty days from the date of receipt of such order.

(2) The memorandum of appeal shall be filed in duplicate setting forth concisely the grounds of objection and shall be accompanied by a certified copy of the order and a prescribed fee Rs. 50/- (Rupees fifty) which shall be paid through Treasury Challan.

Provided that memorandum of appeal shall not relate to more than one order or be signed by more than one party. Such an appeal shall be affixed with necessary Court Fee Stamps as prescribed under the Court Fee Act, 1870 (Act VII of 1870).

(3) Upon receipt of an appeal in accordance with sub-rule (1) and (2) the authority referred to in sub-rule (1) shall appoint date, time and place for hearing of the appeal and the appellant shall appear accordingly and conduct his or her case either in person or by any person duly authorised by him or her in writing in this behalf.

62. Certified copy : The authority which passed an order to be appealed against shall, on an application by a party, give a certified copy of the order or of any other relevant document on payment of a fees Rs. 20/- (Rupees twenty) by Treasury challan.

63. Validation of permit for use outside the region to which granted:
(l) A Regional Transport Authority which issues a permit (hereinafter referred. to as the original Transport Authority) may on application, extend the validity of the permit to any other regions within the State, without such permit being required to be countersigned by the Regional Transport Authority of that other region or regions, as the case may be, provided :

- (i) the extension of the validity of the permit does not directly affect the interest of the 'State' Transport Undertaking Vehicles' of the routes in which the vehicles is to ply;

- (ii) the application is affixed with Court Fee Stamp of Rs. 8.25 and the area or the region to which the extension is sought for is clearly described therein;
- (iii) the vehicle to which the permit related is normally kept within the region of the original Transport Authority and any change of address of the vehicle has been reported within three days of the change to that original Transport Authority; and

(2) The Regional Transport Authority, before extending the validity of any permit under sub-rule (1) above to another region or regions, shall consult the Regional Transport Authority or Authorities of the area or areas concerned to which the validity of the permit is sought to be extended. If no reply from the Regional Transport Authority or Regional Transport Authorities as stated above is received within 30 (thirty) days, the extension shall be granted presuming that there is no objection for such extension.

(3) The State Transport Authority or the Regional Transport Authority may, for prompt and convenient discharge of business, by general or special resolution recorded in the proceedings, delegate to its Secretary the powers to extend the area of validity of the permit.

64. Validity of permit issued in another State.-{I) No permit issued in any other State shall be valid in the State of Assam without countersignature unless the issuing Authority of the permit simultaneously furnishes particulars of the permit and endorses the same to the State Transport Authority, Assam.

(2) Notwithstanding anything contained in sub-rule (1) above, no such countersignature shall be necessary in case of permits issued in pursuance any agreement (entered into between the State of Assam and such other State States as provided in sub-section (5) of Section 88 of the Act), wherein specific provision has been made to dispense with such countersignature.

Provided that :

- (a) the number of such permit in respect of any category of motor vehicles shall be limited to the maximum number specified in the agreement;
- (b) the liability to pay the tax due to the State of Assam shall be subject to the terms and conditions specified in the agreement;
- (c) the vehicle shall be operated in the State of Assam subject to such restrictions and conditions as may be specified in the agreement;
- (d) the holder of the permit shall maintain and submit in respect of the vehicle such documents and returns as may be specified in the agreement; and
- (e) any other terms and conditions specified in the agreement shall be fulfilled.

65. Fitting of equipment to be carried by Stage and contract carriage :

A Stage or contract carriage shall be equipped with the following namely:-

- (i) adjustable rear view mirror of adequate size on each side of the Body towards the drivers and;
- (ii) First Aid Box having the description "FIRST AID BOX" in red in colour with necessary medicines and other first aid materials;
- (iii) Fire Extinguisher located in the Engine compartment;
- (iv) tool box equipped with necessary tools.

66. Determination of number of passengers in a stage or contract carriage :

No stage or contract carriage shall carry more passenger than that as specified in the Registration Certificate issued by the Registering Authority.

67. Condition subject to which goods may be carried on Public Service Vehicles :

No goods shall be carried in a public service vehicle

except the light personal luggage of the passengers of the weight and size which does not cause any inconvenience to the other passengers.

68. Safe custody and disposal of property left in a stage or contract carriage : Any imperishable article found left in any stage or contract by any passenger shall be kept in the safe custody of the owner of the vehicle for 15 (fifteen) days and if no claim is made within the said 15 (fifteen) days, the owner of the vehicle may, after giving reasonable publicity for sale of such article in public auction and the sale proceeds thereof, after deduction the cost incidental to the sale, shall be kept deposited with him and shall be paid to the owner on demand with sufficient proof within 30 days from the date of sale. After 30 days the amount will have to be deposited through a treasury challan in the State exchequer through the original registering authority.

69. Regulating the painting of Transport Vehicles : (1) No advertising device or figure or writing shall be exhibited on any public service vehicle save as may be specified by the Regional Transport Authority by any general or specific order.

(2) A public service vehicle, when regularly used for carrying Government mail by or under a contract with the Indian Post and Telegraph Department, shall exhibit in a conspicuous place upon a plate the word "MAIL" in red colour on a white ground each letter being not less than 15 cm. in height and of uniform thickness of 2.5 cm.

(3) No transport vehicle, other than those mentioned in sub-rule (2) above, shall display any sign or inscription in such colour or manner as to induce any person to believe that the vehicle is used for the transport of mail and it is a vehicle of ASTC or vehicle running under ASTC. Any contravention of this provision shall be deemed as violation of permit condition.

70. Conveyance of corpses or persons suffering from any infectious or contagious diseases or goods likely to cause discomfort on stage or contract carriages : (1) No Driver or Conductor of a public service vehicle shall cause or allow to enter into or to be placed or carried in the vehicle any person whom he knows or has reason to believe to have been suffering from any infectious and contagious disease or course of any

person or animal whom or which he knows or has reason to believe to have suffered from any such diseases.

(2) No Driver or Conductor of a public service vehicle shall cause or allow to carry any goods likely to cause discomfort or injury to the passengers.

(3) Notwithstanding the provision of sub-rule (1) above, the driver or the Conductor may upon an application in writing along with a certificate issued by a registered medical practitioner allowing a person suffering from any infectious or contagious disease, allow or cause such person or course to be carried in a public service vehicle:

Provided that no other person, save a person or persons in attendance of the sick person shall be carried in the vehicle at the same time.

(4) When a person suffering from any infectious or contagious disease or a course of such person or animal has been carried in a public service vehicle, the driver and the conductor of the vehicle shall be responsible for reporting the fact to a Medical Officer and to the owner of the vehicle and neither the owner nor the Driver nor the Conductor shall cause or allow any person to use the vehicle until the Driver, the Conductor and the Vehicle have been disinfected in such a manner as the said Medical Officer may specify and certificate to that effect has been obtained from said Medical Officer.

71. Carrying of persons in goods vehicles : (1) No person other than bona fide employees in respect of the vehicle by the owner or the hirer of the vehicle or such number of labourers for loading and unloading of the vehicle as may be specified by the authority granting the permit, shall be carried in any goods vehicle.

(2) No person beyond the number for which there is fixed sitting accommodation at the rate of at least 0.37 square meter measured along the seat excluding the Driver's seat for each person and not more than six persons in all in addition to the Driver shall be carried in the cabin of a vehicle.

(3) No persons shall be carried upon the goods or otherwise on top of any passenger carrying vehicle in such a manner that such a person is in danger of falling from the vehicle and in no case any person shall be carried in a

goods vehicle in such a manner that any part of the person when he is in a sitting position is at a height exceeding 3.8 meters from the surface upon which the vehicle rests.

(4) Notwithstanding anything contained in this rule, no motor vehicle registered under the provision of Section 39 of the Act, shall carry any person in any goods vehicle :

Provided that in case of trade or business employing 25 or more workmen covered by the Workmen's Compensation Act, 1923 a Regional Transport Authority may permit, such number of workmen employed in such a trade or business as may be specified in the permit to be carried in a goods vehicle on condition that an area of not less than 0.37 square meters of the floor of the vehicle is kept open for each person and the persons carried in the vehicle are covered by the Workmen's Compensation Act, 1923 and that such other condition as may be specified by the Regional Transport Authority are fulfilled.

72. Taxi meter on motor cabs and Auto-Rickshaws : (1) No motor cab or Auto-rickshaws shall ply on road and carry any passenger without fare meter on working condition.

(2) Such meters shall be examined tested, sealed and certified by the Competent Authority of the weights and Measures Department of the Government.

(3) The certificate referred to in sub-rule (2) above, shall be carried by the Driver of the motor cab or the Autorickshaw, as the case may be, produced on demand to the passengers or and officer authorised by the Government in that behalf.

73. Stoppages, Stands and halting places for public services vehicles : (1) (A) The Regional Transport Authority, in consultation with the local authority having jurisdiction over the area concerned, by notification in the Official Gazette or by erection of traffic sign or both, may either conditionally or unconditionally-

(a) prohibit the use of any specified place or place of a specified nature or class as the stoppage, stand or halting

place for picking up or setting down of passengers by public service vehicles or and specified class of public service vehicles.

- (b) declare certain specified place or place as stoppages for the purpose of picking up and setting down of passengers by public services or any specified class of public service vehicles and may require the driver or the conductor of such vehicles to stop and remain stationary for a reasonable time so as to facilitate the passengers to board or alight comfortably.
- (c) declare certain specific places or place as stand for the purposes of picking up or setting down of passengers and providing time and facilities to the passengers of public service vehicles and requiring a driver and the conductor of any such vehicle to stand the vehicle and remain stationary for a reasonable period which in any case not exceed two hours;
- (d) declare certain specified place or place as halting place for the purposes of picking up or setting down of passengers of any public service vehicle or any specified class of public service vehicle and also for providing rest to the vehicle and the staff thereof for a reasonable period which shall in any case not exceed twelve hours.

(2) When a place has been notified or has been demarcated by traffic signs or both under sub-rule (1) above, notwithstanding that the land belong to any private person, the place, subject to the provisions of these rules, be deemed to be a public place within the meaning of the Act.

(3) The local authority having jurisdiction over the area, in consultation with the Regional Transport Authority, may create or declare different places as the stands or stoppages or halting place for different categories of public service vehicles and no public service vehicle other than the category for which such stand or stoppage or halting place, as the case may be, has been erected or declared shall use the same for the purpose of picking up or setting down of passengers or otherwise.

74. Change of address of the permit holder : (1) If the holder of a permit changes his residence or place of business, as the case may be, from the address set forth in the permit he shall, within 14 (Fourteen) days of such change send the Part 'A' of the permit to the Transport Authority by which it was issued intimating the details of the change.

(2) On receipt of the intimation under sub-rule (1) above, the Transport Authority shall after making such enquiries, as it deems fit, enter in the permit as well as in the Register for permits the new address and shall intimate the particulars to the authority of any other region, if any which the permits is valid by virtue of countersignature or otherwise.

75. Intimation regarding non-operation of vehicle : (1) If any vehicle having either a stage carriage permit or contract carriage permit becomes unfit or fails to operate for any reason, whatsoever, exceeding three consecutive days the permit holder thereof shall forthwith intimate the transport authority by which the permit was issued, in writing.

(2) On receipt of a report under the proceeding sub-rule, the Transport Authority by which the permit was issued may, subject to the provisions of Section 83 of the Act, direct the holder of the permit to make good of the damages, if any, of the vehicle and to operate the vehicle within such reasonable period as may be determined by the Transport Authority issuing the permit and if the holder of the permit fails to comply with such a direction, the Transport Authority may suspend or cancel the permit accordingly.

(3) The Transport Authority giving a direction as aforesaid or passing an order suspending or canceling a permit under sub-rule (2) above, shall forthwith intimate the fact to the Transport Authorities of any other region, if any, in which the permit is valid by virtue of countersignature or otherwise.

76. Inspection of vehicles and premises used by permit holder : (1) Any Police Officer in uniform not below the rank of a Sub-Inspection or any State Excise Officer in uniform or any Central Excise and Custom Officer in uniform not below the rank of a Police Sub-Inspector or a District Transport Officer or any Enforcement Inspector in uniform of the Transport Department of the Government may enter at all reasonable

times for inspection of vehicles and all premises used by the permit holders for the purpose of their business.

(2) Any of the aforesaid Officers may, at any time when the vehicle is in a public place, call upon the Driver of the Transport Vehicle or a Public Service Vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable any of the aforesaid Officers to make reasonable examination of the contents and number of passengers of the vehicle so as to satisfy himself that the provisions of the Act, the rules and the terms and conditions of the permit in respect of the vehicle are being complied with.

(3) Notwithstanding the provision of sub-rule (2) above, any of the aforesaid Officers shall not be entitled to examine the contents of any goods vehicle unless the aforesaid has reason to believe that the vehicle is being used in contravention of the provisions of the Act or the rules or the terms and conditions of the permit.

(4) Any Inspector of Motor Vehicle shall be entitled at any reasonable time to inspect any Public Service Vehicle so as to ensure the mechanical fitness thereof or direct the Driver or any person in charge of the vehicle to submit the vehicle for conducting the test to measure the standard of emission and noise standard for reduction of noise and any other related matter notified by Government from time to time.

(5) Any gateman or any authorized Officer of the Transport Department, Assam may at any time call upon the Driver of a Motor Vehicle to stop the vehicle and to keep it immovable for such time as may be necessary to make reasonable examination of the vehicle and documents to satisfy himself that the provisions of the Acts and rules and conditions of permits are being complied with.

77. Carrying of persons in stage carriage : Subject to the terms and conditions of the permit, the Driver of the Conductor of a stage carriage shall carry any intending passenger tendering legal fare except the person mentioned in Rule 70.

78. Carrying of animals or birds in goods in passenger vehicle : (1) No animal or birds shall be carried in any passenger vehicle unless the animal or the bird is fully covered in a cage so as to prevent it from

harming or injuring or causing disturbance to the passengers of a passenger's vehicle.

(2) No bird or animal shall be carried either in any passenger or goods vehicles during its breeding time.

(3) Carriage of animals in goods vehicles-

No animal shall be carried in goods vehicles-

- (a) in the case of goat, sheep or pig, a minimum floor space of 60 CM x 100 CM, per head of such cattle in provided in the vehicle;
- (b) proper arrangements for ventilation are made; and
- (c) if carried in double decked goods vehicle-
 - (i) the upper deck flooring is covered with metal sheets with a minimum height of 7.65 cms, raised on all sides so as to prevent the animal waste matter such as urine litters etc. falling on the animals on the lower deck;
 - (ii) proper arrangement for drainage are made on each floor;
 - (iii) wooden battens provided on each floor to prevent slipping of hoods of the animals.
- (d) In case of other animal-
 - (i) a minimum floor space of 210 cms. by 100 cms. per head of animal and half of such floor space a young one animal which is weaned is provided in the vehicle. .
 - (ii) the load body of the vehicle is constructed of strong woodmen planks or iron sheet with a minimum height of 1.5 from the floor of the vehicle on all sides and the back; and
 - (iii) the animals are properly secured by ropes tied to the sides of the vehicles; and

- (iv) every projection likely to cause suffering to an animal is removed; and
- (v) an attendant provided by the owner of the animals shall accompany the animals with necessary cattle food, potable water sufficiently and give water to the animals in the transit time.

Explanation.-"Animal for the purpose of this rule includes goat, sheep, buffalo, bull, ox cow, dear, horse, pony, mule, ass, pig or the younger thereof.

- (e) No animal belonging to or intended for circus, menageric or zoo should be carried in goods vehicles unless-
 - (i) in case of wild or ferocious animal, a suitable cage, either separate from or integral with the body of the vehicle used and of sufficient strength to contain the animal security at all time is provided;
 - (ii) reasonable floor space for such animal is provided in the vehicle.

(f) Carriage of Elephant :

Subject to observance of Rule 78(2)(ii) into with the exemption of Rule 78(2)(i) (i.e., Floor space specification) only one adult elephant shall be carried in a goods vehicle. Total floor space of the goods vehicle and half of the floor space in case for a young one of the animal which is weaned is to be provided in the goods vehicle.

- (g) No goods vehicle when carrying any animal under the rule shall be driven at a speed in excess of 40 kms per hour.

CHAPTER-VI

SPECIAL PROVISIONS RELATING TO STATE

TRANSPORT UNDERTAING

79. Preparation of scheme for State Transport Service : (1) The Government shall, on receipt of a proposal from the Assam State Transport Corporation for the introduction of road transport service in relating to any area or route or portion thereof, whether to the exclusion, complete or partial of other persons or otherwise, issue a notification to this effect in the Form No. 1 (Trans) so appears in the Schedule-III hereto giving particulars of the nature of service proposed to be undertaken, the route and the area to be covered and inviting objections, if any from the aggrieved persons and publish the same in the Official Gazette and also in not less than one leading newspaper in the regional language.

(2) Any person or person aggrieved by the proposal so published may me objections within 30 (thirty) days from the date of its publication in the Official Gazette before the Government in the Form No. (2) (Trans) as appears in the Schedule III hereto.

(3) On receipt of any objection the Government, after giving an opportunity to the objector or his representative and the representative of the Assam State Transport Corporation of being heard, shall approve the scheme with such modification, if any, as it may consider necessary and fit and shall publish the same in the Form NO.3 (trans) as al ;>ears in the Schedule III hereto in the Official Gazette and not less than one leading news paper in the regional language and the same shall be final from the date of its publication.

(4) Provisions contained in sub-rule (1), (2) above, shall be applicable in respect of the vehicles plying in inter-state routes under any reciprocal agreement.

80. Issue of permit : The provision of Rules 45 and 46 except the permit fees shall be applicable mutatis mutandis for the issue of permits in respect of the vehicles of the Assam State Transport Corporation.

COMMENTS

Notification in public interest under Section 72 (2) of Motor Vehicles Act, 1988 : It was held that there has been no variation or alteration of any condition of the permit. The impugned notifications clearly show that these notifications were issued in the interest of general public. [Narsingarh Mini Bus owner's, Syndicate v. State of Tripura, 1998 (4) GLT 162].

81. Disposal of left out articles : The provisions of Rule 68 shall be applicable in respect of any property left out by any passenger in the Assam State Transport Vehicle.

82. Manner of Correspondence : All correspondence including the service of orders made or passed under this Chapter in respect of any affairs relating to the Assam Transport Corporation shall be made under the cover Registered AID to ensure its receipt.

CHAPTER-VII

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES

83. Sitting arrangement in Public Service Vehicle : (1) Every Public Service Vehicle other than a motor cab shall provide for each passenger a reasonably comfortable sitting space of not less than 0.38 meters both in length and breadth.

(2) The backs of all seats shall be not less than 0.40 meters in height above the seat level.

(3) All seat and the backs thereof a public service vehicle shall be fitted with cushions which shall be covered by leather, rexin or cloth of good quality capable of being kept in a clean and sanitary conditions.

(4) In every compartment of every Public Service Vehicle the entrance to which is from the front or rear, there shall be a gangway along the vehicle; and

- (i) where seats are placed along the sides of the vehicles there shall be as gangway a clear space of not less than 61 centimeters measured between the front of the seats; and
- (ii) where seats are placed across the vehicle, there shall be as gangway a clear space of not less than 31 centimeters between any part of the adjoining seats or their supports.

(5) Where the Vehicle has seat across the full width of the body with separate door to each seat, a gangway from the front to rear of the vehicle shall not be required.

(6) There shall be reservation of seats for female passenger in stage carriage vehicles but such reservation shall not exceed 25% in case of stage carriage and 33% in case of city buses of the maximum number of passengers seat allowed in respect of the vehicle under the terms of the permit.

84. Protection of passengers against weather : (1) Every Public Service Vehicle shall be construed with a fixed and water tight roof.

(2) Every Public Service Vehicle shall have suitable ventilators, windows and screens capable of protecting the passengers from the weather at all times.

85. Prohibition or restriction on the use of audible signals : No Vehicle shall use a shrill horn of any kind or make including a vacuum horn or musical horn at any time at any place and blow horn at places where blowing of horn has been prohibited either by notification or by traffic signs or by both.

86. Prohibition on the carriage of appliances : No Public Service Vehicle shall carry any tools or appliances in such a manner that may likely to cause annoyance, disturbance, harm or injury to the passenger. Such tools and appliance shall be kept and carried in covered box fitted tightly to the body of the vehicle.

87. Periodical testing and inspection of vehicles : (1) The Motor Vehicle Inspector shall inspect and test all Transport Vehicles for issue of

certificate of fitness periodically as mentioned under Rule 62 of the Central Motor Vehicle Rules, 1989.

(2) (i) The Motor Vehicle Inspector may inspect any Transport Vehicle at any time at any public place and if the vehicle is found unfit for plying on public roads and is likely to cause danger to the public, shall suspend or cancel the certificate of fitness of such vehicle and direct the owner of the driver in writing in Form No. 21(C) for rectify the defects and to produce the vehicle after such rectification before him within a period not exceeding two months for the purpose of obtaining a fresh certificate of fitness.

(ii) The MVI (Motor Vehicle Inspector) shall inspect all vehicle met with an accident before release of the same by the Competent Authority to find out the mechanical defects, if any of the vehicle only when he gets a direction from the concerning District Transport Officer.

(3) Test for smoke emission level and other pollutant level for Motor Vehicle.-

(a) Testing for smoke emission level and carbon-monoxide level for motor vehicles for the purpose of issue of "Pollution Under Control Certificate" as required under Rule 115(7) of the Motor Vehicles Rules, 1989 shall be done by Authorised Testing Stations to the effect that the vehicle complied for the time being with the requirement of the provisions of the Motor Vehicles Act and Rule, framed there under.

(b) The licence fees for issue of licence for establishment of each Authorised Testing Station shall be as specified below:

(i) Initial licence fees for Petrol Vehicles. Rs. 10,000/-

(ii) Initial licence fees for Diesel Vehicle. Rs. 10,000/-

(iii) Initial fees for Gas Analysis. Rs. 10,000/-

(iv) Subsequent renewal fees for each Categories of vehicles after lapse of One year from the issue of licence Rs. 5000/- (Per year)

(v) Subsequent renewal fees for Gas Analyses Rs. 5000/- (Per year)

- (c) Any Officer not below the rank of Motor Vehicles Inspector or Enforcement Inspector or sub-inspector of Police, who has reason to believe that a Motor Vehicle driven on or used on public road is by virtue of smoke or other pollutants emitted from it likely to cause environmental pollution endangering the health direct the Driver or any person in charge of the Vehicle to undergo test to measure the standard of black or other pollutants emitted from the vehicles in anyone the Authorised Testing Station.
- (d) The Driver or any person in-charge of the Vehicle shall upon demand by any Officer under Clause (c) allow the vehicle to be tested for the purpose of measuring the standard of smoke or level of other pollutants or both.
- (e) The measurements of standard smoke emission level and carbon monoxide level for vehicle shall be done with a smoke meter/Gas analyzer of a type specified in Rule 116 (3) of the Motor Vehicles Rules, 1989 or approved by the State Government.
- (f) The Authorized Testing Station conducting the test after conducting the test shall prepare a notice in duplicate containing among other things, the reading of the meter or the level of pollutants of the vehicle, as the case may be and if the test result indicate that the motor vehicle does not comply with the provisions of the sub-rule (2) of Rule 115 of the Central Motor Vehicles Rules, 1989, direct the driver or owner in charge of the vehicle to produce the vehicle for re-test within such period, not being later than 7 days and defects may be specified in the notice to be duly rectified

so as to comply with provisions of Rule 115 of the Central Motor Vehicle Rules, 1989.

- (g) In the event of the Driver or any person in-charge of the vehicle referred to in sub-rule (3)(a) fails to produce the vehicle within the specified period for re-test of the vehicle or the vehicles, on re-test show the level of smoke or other pollutants being more than permissible under sub-rule (2) or Rule 115, the owner of the vehicle shall be liable for the penalty prescribed under subsection (2) of Section 190 of the Act. In the event, such vehicle shall be deemed to have contravened the provision of sub-rule (2) of Rule 115 of the Central Motor Vehicle Rules 1989 and the checking Officer shall report the matter to the Registering Authority.
 - (h) The Registering Authority shall on receipt of the report referred to in sub-rule (g) for reasons to be recorded in writing, suspend the certificate of registration of the vehicle until such time the certificate is produced before the Registering Authority to the effect that the vehicle complies with the, provision of sub-rule (2) of Rule 115 of the Central Motor Vehicle Rule 1989.
- (4) Pollution under Control Certificate.-
- (a) After expiry of a period of one year from the date on which the Motor Vehicle was first registered, every such vehicle shall have to obtain a 'Pollution Under Control' Certificate showing that the smoke emission level from that vehicle is within the limit prescribed under Rule 115 of the Central Motor Vehicles Rules 1989. A 'Pollution under Control' Certificate shall remain valid for a period of six months from the date of its issue.
 - (b) A 'Pollution Under Control' issued only by a State Government Department or an Authorised Testing Station licenced by the State Government to test smoke emission level in the Form prescribed by Notification/Government Orders in this behalf, shall be accepted for the purpose of these rules.
 - (c) Notwithstanding the provisions contained in Clause (a) the Competent Authority, if it thinks fit may direct a vehicle to be

tested inspire of its having a valid 'Pollution Under Control' Certificate.

- (d) To test for smoke emission level and Carbon Monoxide level for vehicle for the purpose of 'Pollution under Control' Certificate including minor engine/fuel pump adjustment, the authorised testing stations shall be allowed to realise a consolidated amount of fees per vehicle at the rates as specified (category wise of the vehicles) as below :

Sl.	Nature of Vehicle	Emission fees (Rs.)	Govt.dues (Rs.)	Toral (Rs.)
1.	Moped	10.00	5.00	15.00
2.	Three Wheeler (Petrol)	25.00	10.00	35.00
3.	Motor Car/Three Wheeler (Diesel)	30.00	10.00	40.00
4.	All other Diesel Driven Vehicle	50.00	15.00	65.00
5.	All two wheeler other than Moped	15.00	5.00	20.00

The rates so fixed are inclusive of all costs, charges, fees and Govt. dues. The testing station shall not be entitled to claim any further amount or concession either from the Government on any account whatsoever.

The Vehicle which defaults in obtaining Pollution Under Control Certificate in time under Clause (a) above will have to apply to obtain Pollution Control Certificate to the concerning D.T.O. After receipt of such application D.T.O., will allow the vehicle for obtaining the Pollution Under Control Certificate on payment of a fine of Rs. 100 (Rupees one hundred).

The private emission testing stations cannot issue Pollution Under Control Certificate to a defaulting vehicle i.e., a vehicle whose pollution certificate has expired, unless a prior approval is being obtained from the concerning D.T.O. If any testing station found to be issued such certificate without the

prior approval of the concerning D.T.O., then the licence of that private emission testing station is liable to be suspended.

- (f) The licence i.e., Emission Testing Station shall be liable to display the rates of emission testing fees including the Govt. dues in the conspicuous place of the station and he has to issue proper money receipt against each and every vehicle. The money receipt books will have to be authenticated by the concerning D.T.O., before use. The licence will have to deposit the Govt. dues collected to the concerning D.T.O's., on fortnightly basis.
- (g) The private AET licence are bound to obey all the instruction of the Govt. issued from time to time, failing which his/her licence shall be liable to be cancelled. In the event of suspension or cancellation of licence the licence fees will be confiscated.

88. Exhibition of particulars other than registration marks : Every Transport Vehicle shall exhibit the following particulars on the outer surface of the door in the driver's side :

- (a) name and address of the owner;
- (b) type of permit with its number and validity;
- (c) loaden capacity or sitting capacity of the vehicle
- (d) size of tyres of the vehicle; and
- (e) any other particulars that may be prescribed from time to time by the issuing authority as the terms and conditions of the permit.

89. Use of trailer : The holder of goods carriage permit may draw any trailer or semi-trailer when the vehicle is running empty or unloaded provided such trailer or semi-trailer is fitted with a suitable mechanical device applicable as a brake while the trailer or the semi-trailer is at rest.

90. Restriction on use of audio visual devices : (I) No Television set or other Video devices shall be fitted or kept on or near the desk board of any vehicle or shall be kept within the view of the Driver.

(2) A Radio or Tape-recorder or an Audio Cassette Player or a Video Cassette Player (but not the screen thereof) may be fitted in the desk board on the extreme left hand side of the Driver which shall be operated only by the attendant of the vehicle and in any case the driver of the vehicle, while the vehicle is moving, shall not operate any such audio or video devices.

CHAPTER-VIII

CONTROL OF TRAFFIC

91. Vehicle abandoned on the road : (I) If any Motor Vehicle is kept stationary in any place other than a duly appointed parking place in such a manner so as to cause obstruction or danger to any person or traffic, any Police Officer may :

- (a) forthwith cause the vehicle to be removed either under its own power or otherwise to the nearest place where the vehicle will not cause such obstruction or danger;
- (b) Until it is moved to a place where it will not cause obstruction or danger to any other vehicle or person, take any reasonable precaution to indicate the presence of the vehicle to other vehicle or pedestrians.
- (c) If the vehicle has been stationary in the place for a continuous period of twenty four hours and adequate step has not been taken for its repair or removal by the owner or his representative, remove the vehicle and its load to the nearest place of safe custody.

(2) If a motor vehicle has been stationary in duly appointed parking place, stoppage stand or halting place for a period exceeding the period specified by the Competent Authority in respect of the place, or if no such period has been specified, for a period exceeding (12) hours, any Police Officer may remove the vehicle to the nearest place of safe custody.

(3) Notwithstanding any fine or penalty which may be imposed upon any person on conviction of the contravention of the provision of Section 122 of the Act or any regulation made by a Competent Authority in relation to the use of duly appointed parking places, stoppages, stands, or halting places, as the case may be, the owner of the Motor Vehicle or his heirs shall be liable to make good any expenses reasonably incurred by any Police Officer in connection with the moving, lifting, watching, guarding or removing the vehicle or its load in accordance with the provisions of sub-rule (1) and (2) above, and any Police Officer or any person under whose custody the vehicle and/ or the loads thereof have been entrusted by any Police Officer, shall be entitled to detain the vehicle and/or the loads thereof unless he had received the payment of the reasonable expenses incurred and shall on receipt of such payment, give a receipt thereof to the person making the payment.

92. Installation of weighing devices : (I) The Government may install as many weighing devices for the purpose of Section 114 of the Act, at such places, as it may think necessary and no private person, body of persons, company or organisation shall install any such weighing device without the written permission therefore from the Regional Transport Authority having jurisdiction over the concerned area.

(2) The permission referred in sub-rule (1) above, shall be renewable every year and no such permission shall be granted or renewed unless the proposal for the grant or renewal of permission, as the case may be, is accompanied by a certificate issued by the Inspector of Weights and Measures, Government of Assam as to the accuracy and correctness of the device.

(3) The weigh bridge installed by the Government shall be maintained by the District Transport Officer under whose jurisdiction such bridge is installed.

(4) The weigh bridge installed under this Rules shall be maintained in the following manner :

- (a) the bridge shall be kept in a running condition and shall be examined, tested and certified by the Inspector of Weights and Measures at least once in every year.

(b) Fees for weightment of different categories of Motor Vehicles shall be charge at the rate specified below :

(i)	Nature of Vehicle	Empty	With Load	Loaded and Unloaded of the same vehicle
(a)	Light Motor Vehicles (a Transport Vehicle the GVW of which does not excess 7500 Kgs)	Rs. 10.00	Rs. 20.00	Rs. 25.00
(b)	Medium Goods Vehicles (any goods vehicles other than a light motor vehicle or a heavy goods vehicles)	Rs. 15.00	Rs. 25.00	Rs. 35.00
(c)	Heavy goods vehicles (any goods carriage the gross vehicle weight of which or a tractor, the unladen weight of which exceeds 12,000 kgs.)			
(i)	Having 6 numbers of tyres	Rs. 25.00	Rs. 50.00	Rs. 70.00
(ii)	Having 10 numbers tyres	Rs. 30.00	Rs. 60.00	Rs. 80.00
(iii)	Having 14 numbers of tyres and above	Rs. 35.00	Rs. 70.00	Rs. 100.00

The above rates are inclusive of all costs, charges and fees and the lessee shall not be entitled to claim any further amount or concession either from the custody or the Government or any account whatsoever. The rates may be revised at any time by the State Government by a motification.

(ii) The lessee will display a board at a prominent place within the premises of the weigh-bridge to enable the customers to know easily the rates of the weightmen as per chart above mentioned.

(iii) The lessee shall issue a money receipt and a certificate under his hand and seal, keeping a carbon copy thereof for his record, to the owner or the Driver of the Conductor of the vehicle weighed showing the particulars of the vehicle and the measured weight thereof.

(c) a register stating the particulars of the vehicles weighed and particulars of each vehicle shall be maintained in Form No. (4) (WB) as appears in Schedule-II which shall be signed by the District Transport Officer in every month; and

(d) a monthly statements stating the particulars of the register in the same format shall be submitted to the Commissioner of Transport, Assam on or before the 10th of the month of the English Calendar Year.

(5) The Driver of any goods vehicle shall, upon demand by a Competent Authority, drive and place the vehicle upon any weigh bridge in such a manner that the weight of the vehicle may be exhibited by the weigh bridge.

(6) If a Driver of a Motor Vehicle, within a reasonable time, fails to comply with the requisition made under sub-rule (5) above, an Enforcement Inspector or any Officer as notified by the Government of Assam may cause any person being the holder of a driving licence to drive the vehicle to the weigh bridge and place the vehicle upon it for weighing.

93. Way side amenities : (1) The Government, by notification published in the Official Gazette, may erect or establish and maintain or by issuing permit allow an individual or a body of persons of a co-operative society to erect or establish and maintain way side amenities to be called Parking Complexes for the purpose of parking, halting, resting or cleaning the goods vehicle and the staffs thereof.

(2) (i) An individual or body of persons or a co-operative society intending to erect or establish and maintain any such parking complexes shall make an application on plain paper in this behalf stating the full particulars as regards the site and the financial position etc., to the Government and every such application shall be affixed with a Court Fee Stamp of Rs. 8.25.

(2) (ii) The permit fees for such parking place be Rs. 3000/- for every three years.

(3) Every permit granted under this Rule to any individual or body or persons or co-operative society for the erection or establishment and maintenance of a parking complex shall be subject to such terms and conditions as may be determined by the Government from time to time and shall be in Form No. 19 (W A) as appears in the Schedule-I hereto and permit which shall, normally be valid for a term of three years shall be liable to be suspended or cancelled at any time before the expiry of its validity for any breach or contravention of this rule or the terms and conditions of the permit thereof.

(4) Every such parking complex shall have the following minimum facilities:

(a) retiring room for the drivers and attendants having civic facilities like toilet, bath room etc.;

(b) vehicle repairing facilities like vulcanising center, electrical repairing centre etc.;

(c) canteen and catering facilities; (d) facilities for cleaning the vehicle;

(e) covered shed for vehicles, specially for vehicles carrying perishable goods;

(f) first aid facilities;

(g) reasonable security measures against theft, fire etc.; and

(h) recreation facilities.

(5) Every vehicle using or utilizing such a parking complex shall pay a fee at such rate as may be determined by the Government from time to time having regard to the facilities available in the parking complex concerned by issuing an order to that effect.

(6) Every such parking complex shall maintain a daily detailed record of the vehicles and the staff thereof using or utilizing the parking complex in

a register in the form as may be prescribed by the Commissioner Transport by notification.

(7) The Government individual, the body of persons or the co-operative society, as the case may be, erecting or establishing and maintaining such a parking complex may consider necessary for the proper management and maintenance of the parking complex.

(8) The District Transport Officer under whose jurisdiction such parking complex are located shall inspect and supervise the parking complex periodically so as to ensure the compliance of the provision of these rules and also the terms and conditions, if any specified in the permit.

(9) Such parking complexes can be established at least 300 Mtr. away from the Bus Stands of Assam State Transport Corporation.

94. Maintenance and management of stoppages, stands and halting places : (1) The stoppages, stands or halting place erected or declared in accordance with the provisions Rule 73 shall be managed and maintained in a nearly and hygienic way by the local authority having jurisdiction over the area.

(2) The local authority having jurisdiction over the area and managing and maintaining such stoppages, stands or halting places, as the case may be and providing facilities and amenities to the passengers of the vehicle or the staff of the vehicle, may realise fees for such stoppages, stands or halting places as the case may be, so as to compensate the expenses reasonable incurred by such a local authority in managing maintaining and providing the facilities and amenities to the passengers and the staff of the vehicles in such stoppage, stand or halting place.

(3) State Government may issue instruction from time to time for prohibiting halting of private passenger vehicle near the ASTC Bus Stations for taking up and setting down of passengers.

95. Restriction on driving : (1) No person shall drive any motor vehicle at a speed exceeding the limit that may be specified in respect of a particular area as specified either by notification or by traffic sign or by both by the transport authority or the local authority having regard to the road condition and crowd in the area concerned.

(2) Within the limits that may be specified by the Regional Transport Authority, either by notification or by traffic sign or by both and elsewhere on any hill or downward slopping, no person shall drive any motor vehicle with the gear disengaged or the clutch lever depressed, thereby preventing the engine from acting as a brake when the vehicle is traveling downwards.

96. Protective headgears : (I) A protective headgear referred to in Section 129 of the Act, shall be one which has been approved by the Bureau of Indian Standard vide No. ISI-41551-1974.

(2) Each protective headgear shall be permanently labeled at its outer surface with a legibly written Label containing the following particulars

(a) Manufacturer's name and identification;

(b) Size of the headgear;

(c) Year of manufacture;

(d) The mark of the Bureau of Indian Standard.

(3) Each protective headgear shall have on its back side three reflective red coloured stripes, each 2 cm. x 13 cm. in size, affixed horizontally and capable of being illuminated at the light of other vehicle from behind during the night time.

(4) Each headgear shall have adequate provision for air-vent so as to provide comfort to the user and adequate earvent for facilitating the clear hearing of sound and horn of other motor vehicle.

97. Prohibition on taking hold of or maintaining in any motor vehicle while in motion : No person shall mount or attempt to mount in or alight from, or try to hold of any motor vehicle while the vehicle is in motion.

98. Prohibition on the user footpath or pavement : Where any route or street is provided with footpaths or pavements or tracks reserved for bicycles or any specified classes of other traffic, no person, save with the sanction of a Police Officer in uniform, shall drive any motor vehicle or

cause or allow any motor vehicle to be driven on any such footpath or pavement or track.

99. Exemption from the provisions of Chapter VIII : Notwithstanding anything contained hereinbefore, no provision of this Chapter shall apply in relation to fire brigade vehicles, ambulances and such other classes of vehicles, as may be specified by the Government from time to time, by notification published in the Official Gazette.

CHAPTER-IX

MOTOR ACCIDENT CLAIMS TRIBUNAL

100. Application for compensation : (I) Every application for payment of compensation shall be made in the Form No. 20 (A. C.) appended to the Schedule-J to these rules and shall be accompanied by a Court Fee of Rs. 8.25.

(2) An application which is found defective on scrutiny may be returned by the Claims Tribunal for being submitted after curing the defects within a specified time not exceeding 15 days.

COMMENTS

Application-Not necessary, (Section 158 of M.V. Act, 1988) : A duty is cast upon the Police Officer concerned to forward a copy of the report to the Claims Tribunal having jurisdiction and the Claims Tribunal has further been enjoined to treat such a copy of the report forwarded to it, as if it were an application for compensation under the Motor Vehicles Act, 1988. Therefore, even in the absence of a claim petition filed by a party, he is not left by the statute without a remedy. [Binita Sarma v. Biren Kumar, 1997 (1) GLT 659].

Claim application-Not terminated (Motor Vehicles Act, 1988, Section 140) : Since an order directing payment of no-fault liability amount, if passed, under Section 140 of the M.V. Act, during the tendency of the claim application under Section 166 or Section 163 of the M.V. Act, does not terminate or end the claim proceeding, such an order would not be a

revisable order under Section 115 of the Code. [New India Assurance Company v. Ani[Kumari, 2006 (Supp) GLT 487].

Cross-examination-Right of insurer (Section 149 of Motor Vehicle Act, 1988) : The 'insurer is not entitled to be made a -party to the action by the injured person against the insured causing the injury apart from the statute and hence the content of the right of the insurer as a party also depends on the provisions of the statute. Accordingly, the insurer can be an adverse party only for the purpose of defenses provided in the statute and as such adverse party insurer can cross-examination a witness only on the points relevant to the said defenses provided in the statute. In other words, since the insurer is entitled to be made a party and can defend an action before the Claims Tribunal only on the grounds specified in sub-section (2) of Section 149 of the Motor Vehicles Act, 1988, cross-examination by the insurer as an adverse party can only be limited to the defenses permitted by the said sub-section (2) of Section 149 of the Motor Vehicles Act, 1988. [National Insurance Co. Ltd. v. Gouri Sengupta, 1988 (1) GLT 210].

Death due to accident arising out of the use of motor vehicle Section 163-A of Motor Vehicles Act, 1988 : The deceased, a driver of the auto-rickshaw was duty bound to have accepted the demand of fare paying passengers to transport them to the place of their destination. During the course of this duty, if the passengers had decided to commit an act of felony of stealing the auto-rickshaw and in the course of achieving the said object of stealing the auto-rickshaw, they had to eliminate the driver of the auto-rickshaw then it cannot but be said that the death so caused to the driver of the auto-rickshaw was an accidental murder. The stealing of the Auto-rickshaw was the object of the felony and the murder that was caused in the said process of stealing the Auto-rickshaw is only incidental to the act of stealing of the auto-rickshaw. Therefore, it has to be said that on the facts and circumstances of this case the death of the deceased (Dasarath Singh) was caused accidentally in the process of committing the theft of the auto-rickshaw. There was no hesitation in coming to the conclusion that the murder of the deceased (Dasarath Singh) was due to an accident arising out of the use of motor vehicle. Therefore, the Trial Court rightly came to the conclusion that the claimants were entitled for compensation as claimed by them and the High Court was wrong in coming to the conclusion that the death of Dasarath Singh was not caused

by an accident involving' the use of motor vehicle. [Rita Devi v. New India Assurance Co. Ltd., 2000 (2) GLT (SC) 1.]

Defence available to Insurance Company (Section 147, 149, 170 and 173 of M.V. Act, 1988) : At the outset Counsel for the respondents has raised a technical objection that this appeal, under Section 173 of the Motor Vehicles Act, is not maintainable since the appellant did not invoke the provisions of Section 170 of the Motor Vehicles Act, in the Motor Accident Claims Tribunal and that he cannot file this appeal except on the grounds enumerated in sub-section (2) of Section 149 of the Motor Vehicles Act. On perusal of the memorandum of appeal, the Court has found this appeal has not been preferred on the ground so enumerated.

In the instant case, also the grounds of appeal as have been incorporated in the memo of appeal do not attract any of the permitted grounds as mentioned. Therefore, this appeal under Section 173 of the Motor Vehicles Act, is not maintainable. [New India Assurance Co. Ltd. v. Sangzuali, 2000 (3)GLT 248].

Dismissal in default-Not permissible (Motor Vehicles Act, 1988, Section 166): What further logically follows is that if, despite failure, on the part of the claimant, to appear, take requisite steps and/or adduce evidence, the Motor Accident Claims Tribunal finds that the claimant is entitled to compensation, there is no impediment in law, on the part of the Tribunal, to determine the amount of compensation, which the claimant may be entitled to and pass an award accordingly even in the absence of the claimant. In the case at hand, since the claim application has been dismissed on the mere ground of default and not because of the fact that the claimant had failed to prove that he was entitled to receive compensation still remains unresolved. The impugned order, dated 22.12.2005, aforementioned cannot, therefore, be allowed to stand good on record and must be interfered with. When the order, dated 22.12.2005, aforementioned cannot survive, subsequent order, dated 5.1.2006 passed in MAC Case No. 13 of 2004, can also not survive. In view of the above, the impugned orders, dated 22.12.2005 and 5.1.2006 aforementioned are hereby set aside and the claimant is directed to appear in the Tribunal, on 6.3.2006, for further appropriate orders. [Rocky Dev Burman v. Lohit Prakash Dutta, 2006 (Supp) GLT 306].

Diving licence -Not renewed yet insurance company was held liable (Motor Vehicles Act, 1988, Section 149) : Firstly, if the driving licence was renewed till 20.9.2002 from any other office of DTO in the country, the noting of the Investigating Officer in the accident report to this justifies that the driver at the relevant time had a valid driving licence. On the other hand, if it was manipulated without renewal from any competent authority, neither the Investigating Officer nor the owner could have the knowledge of such manipulation unless otherwise brought to their notice. There is absolutely no evidence on record to show that the owner was aware that the driving licence of the driver employed by him was not renewed after 2.8.1993 or the same was manipulated so as to appear as valid till 20.9.2002. [New India Assurance Co. v. Lily Borah, 2006 (3) GLT 51].

Driving without licence -Defence of (Motor Vehicles Act, 1988, Section 147) : It would appear from above that a person who is not duly licensed if drives a vehicle and while doing so meets an accident, the insurer has the right to defend the action on this ground. As has been seen above, it is the clear stand of the owner of the vehicle that the deceased was driving without authority and had no licence. Thus, apparently, if a vehicle is driven by a person without licence, it can be said to have violated the condition of licence for which the insurer cannot be held liable for payment of any compensation for the said accident. The appeal by the insurer is thus, maintainable as the grounds taken are covered by sub-section (2) of Section 149 of the Act. The decision rendered in Sadhana Lodh v. National Insurance Co. Ltd. and another, reported in (2003) 3 see 524, and though adumbrated vociferously by the respondents has not been the basis in the present case. [National Insurance Co. v. Kanika Choudhury, 2006 (2) GLT 261].

Extremist attack-Vehicle attacked by extremist-Compensation is payable (Motor Vehicles Act, 1988, Section 166) : There was absolutely no dispute that Amarpur-Teliamura road at Pathar Quarry was, at the relevant point of time, infested by extremists and possibility of attack by them on public vehicles was very high. Placed in such situation, the passengers of the vehicle, in question, including the claimant's husband, Kartik Das, had requested the driver to proceed towards Udaipur from Taidubazar via Amarpur and from Amarpur to Teliamura via Agartala, for, the road to Teliamura from Amarpur via Agartala was free from extremists' attack. As the route, so suggested by the passengers, was a longer one,

the driver of the said vehicle, opted to follow Amarpur-Teliamura road merely because the same was a shorter route. Driving the vehicle with his mind affected by consideration of distance alone and ignoring the care, which he, a driver, ought to have taken in the situation prevailing in the area aforementioned, when the driver was taking his vehicle through Pathar hurry, the vehicle was attacked by the extremists, which led to the causing injuries to the passengers and death of the claimants husband. Omission to take requisite care in the use of the vehicle by its driver thus, amounted to rash and negligent driving of the said vehicle and the death of the claimant's husband must be held to have been caused in the accident arising out of rash and negligent driving of the said vehicle by its driver. [Bipal Bashi Das v. Oriental Insurance Co., 2005 (3) GLT 407].

Gratuitous passenger—Not covered (Motor Vehicles Act, 1988, Section 147) : The statutory insurance, as provided by Section 147, does not cover a gratuitous passenger. However, the decision that for injury caused to, or death of, gratuitous passenger traveling in a good vehicle, insurer has not initial liability is prospective in nature. No Tribunal can saddle the insurer with the initial liability to make payment of the awarded amount and the liability, if any, would be of the owner of the vehicle.

The insurer shall have the initial liability, even in the case of gratuitous passengers, to pay to the claimant the compensation determined by the Tribunal and recover the amount, so paid, from the insured-owner. On or after 6.1.2004, the insurer would not have even the initial liability to make payment of compensation to the claimant in respect of injury caused to, or death of, gratuitous passengers traveling in goods vehicle. [Oriental Insurance Co. v. Archana Paul, 2006 (Supp) GLT 20].

Gratious Passenger (Section 147 of Motor Vehicles Act, 1988).-It appears that the husband of the petitioner was a gratuitous passenger of the vehicle. The first question is that whether he will be entitled to compensation. The 1939 Motor Vehicles Act. Act, is not replaced by 1988 Act and Section 147 also has been amended further and that amendment will show that now even a gratuitous passenger may be entitled to receive compensation even when vehicle in question is insured. But the present case stand on a better footing in as much as it is not claimed against the Insurance Company Ltd., but against the owner of the vehicle and the

accident took place arising out of the use of the vehicle. [Union of India v. Kalpana Bhuyan, 2000 (2) GLT 53].

Legal representatives-Brother under Muslim Law is covered (Motor Vehicles Act, 1988, Section 166) : Section 166(1)(c) of the Motor Vehicles Act, 1988 reads as under :-

“Where death is resulted from the accident, by all of any of the legal representatives of the deceased.

Provided 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.”

Apparently, the words expressed by the Legislature are “legal representatives” of the deceased and not “dependent” of the deceased.

In terms of the proviso to Section 166 of the Motor Vehicles Act, which appears to be a social piece of legislation in favour of legal representatives of the victim, the Tribunal is required to pass an order in favour of all the claimants once it is satisfied of the other relevant factors.

Learned counsel could not dispute that proposition of the Mohammedan Law according to which widow who has no issue will get one-fourth share in the property of her deceased husband and the remaining part will go to the brothers.

It is well settled that a Court or Tribunal can rectify its omission on the basis of findings recorded earlier. [Hajezun Begum v. Member, MACT, 2005 (3) GLT 187].

Legal representatives-Daughters of Hindu family are legal representatives (Motor Vehicles Act, 1988, Section 166).-Section 166 of the Act read as under:

“166. Application for compensation.-{1) An application for compensation arising out of an accident of the nature specified in subsection (1) of Section 165 may be made:

- (a) By the person who has sustained the injury; or
- (b) 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 an agent duly authorized 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 all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents in the application.”

Apparently, the Legislature has used the words “legal representative” of the deceased. These words have not been defined under the Act but in Section 2(11) of the Code of Civil Procedure, which reads as under:

“Legal representative” means a person who in law represents the estate of a deceased person and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued.”

Admittedly, the daughters are Class-I heirs under Section 8(a) read with Schedule of the Hindu Succession Act, 1956. The question as to whether they are married or unmarried is wholly irrelevant.

All the heirs and legal representatives of Late Mohan Bora in law would be co-sharers. A co-sharer, it is well known, represent the interest of other co-sharers, unless he comes up with a proper pleading in relation to ouster and prove it by convincing evidence.

By not describing the daughter as his nominee, it can not be held that the father has deprived his daughter of succession of his property. [Ruben Borah v. Anju Borah, 2005 (4) GLT 127).

Necessary parties - Plea cannot be raised by Insurance Company (Section 149, M.V. Act, 1988) : The point of Criticism advanced is that the claimant-petitioners did not make all the necessary parties as parties in this According to him Scooter was involved in the aforesaid accident. But neither the owner nor the Insurer of that Scooter was made party in this case. The Court did not think that the Insurance Company in view of the provision of Section 149 of the Motor Vehicles Act, 1988 can take such a plea. More so where the Insurance Company did not adduce any evidence whatsoever in support of such contention before the Trial Court. [New India Assurance Co. Ltd. v. Birendra Mohan De, 1995 (2) GLT 218].

Necessary parties-Driver is not necessary party (Motor Vehicles Act, 1988, Section 166) : The relevant provisions of the Act nowhere provides that the driver of the vehicle is a necessary party to adjudicate a claim petition filed under the Act and that the Assam Motor Vehicles Rules, 2003 also do not make it obligatory even to disclose the name of the driver of the vehicle in a claim petition. The driver of the vehicle was not a necessary party to the claim petition of the appellant and that the claim petition was illegally thrown out and in a most cryptic manner and justice requires its remittance for reconsideration. [Padma Khaklari v. Sujit Kr. Roy, 2005 (2) GLT 593].

Negligence – Proof of – Not necessary (Motor Vehicle Act, 1988. Section 163-A) : Section 163-A does not incorporate a provision, such as, the one, which Court can notice in sub-section (4) of Section 140, namely, that a claim for compensation under sub-section (1) shall not be defeated by reason of any wrongful act, neglect or default of the person in respect of whose death or permanent disablement the claim has been made.

Notwithstanding, however, the fact that Section 163-A does not contain the provisions, such as, the one, which sub-section (4) of Section 140 embodies, what is of paramount importance to note is that Section 163-A opens with a non-obstante clause of extremely wide nature, namely, notwithstanding anything contained in this Act or in any other law for the time being in force. This non-obstante clause shows that by inserting Section 163-A, the Parliament intended to provide a mechanism for awarding compensation with the help of a pre-determined formula without insisting on proof of negligence. Section 163-A has thus, been introduced by way of a social security scheme and it is a code by itself. Section 163-

A is an exception to Section 166 and takes within its sweep even those cases, wherein the victim's own negligence leads to the accident.

In short, even when the victim himself was responsible for the accident, he can, as an injured, or his legal representatives, when the victim dies as a result of the accident, maintain an application for compensation under Section 163-A and compensation cannot be refused by the tribunal on the ground that the victim himself was responsible for the injury suffered by him or the death, which he met with. [United India, Insurance Co. v. H. Lalhmingliana, 2006 (2) GLT 538].

Owner of vehicle-Not entitled to review the compensation (Motor Vehicles Act, 1988, Section 149) : The liability of an insurer is only to indemnify the insured against the liabilities, which the insured may incur towards a third person or in respect of damage to property. It is, therefore, clear that when the owner of a vehicle himself sustains injury, he cannot be said to have become liable to pay compensation to anyone and since the owner, in such a case, incurs no liability, the insurer can also not be fastened with any liability. In such a case, it is really not material whether, when the accident took place and the owner sustained injuries, the owner was himself driving the vehicle or someone else was driving the vehicle. The law, in this regard, has been succinctly laid down by the Apex Court in Dhanraj v. New India Assurance Co. Ltd. and another, reported in (2004) 8 SCC 553, wherein, the Apex Court has observed and held as follows:

“8. Thus, an insurance policy covers the liability incurred by the insured in respect of death of or bodily injury to any person (including an owner of the goods or his authorized 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. Section 147 does not require an insurance company to assume risk for death or bodily injury to the owner of the vehicle.

9. In the case of Oriental Insurance Co. Ltd. v. Sunita Rathi, it has been held that the liability of an insurance company is only for the purpose of indemnifying the insured against liabilities incurred towards a third person or in respect of damages to property. Thus, where the insured i.e. an owner of the vehicle has no liability to a third party the insurance company

has no liability also. [New India Assurance Co. Ltd. v. Inkong Toshi Janiro Tushi Jamir, 2006 (3) GLT 379].

Period of limitation-omitted [Motor Vehicles Act, 1988, Section 166(3)]: Sub-section (3) of Section 166 stands omitted by virtue of the Motor Vehicles (Amendment) Act, 1994, which came into effect from 14.11.1994. In terms of the amendments, which have been so introduced, since after 14.11.1994, no period of limitation exists for making of claim applications for compensation under Section 166 of the M.V. Act, 1988. The question, therefore, is this: In respect of an accident, which took place prior to 14.11.1994 and in respect whereof, no claim for compensation had been made, is it possible to make a claim application if the claim had become barred under the old provisions of sub-section (3) of Section 166? Having considered this question, the Apex Court, in Dhannalal v. D.P Vijayvargiya and others, AIR 1996 SC 2155, has held that when sub-section (3) of Section 166 has been omitted, the Tribunal has to entertain a claim application without taking note of the date on which the accident had taken place and that a claim application cannot be thrown out on the ground that the claim application had become, under sub-section (3) of Section 166, barred by the time sub-section (3) of Section 166 came to be omitted. [Special Secretary, Gout. of Nagaland v. Ladsie, 2006 (2) GLT 555].

Permanent disability must be proved (Motor Vehicles Act, 1988, Section 140) : To attract Section 140 of the Act the claimant/injured person must sustain any injury to the extent of making him or her 'permanent disabled' as culled down in definition under Section 142 of the Act as noticed above. In the instant case, neither any medical certificate nor has any evidence been placed before the Tribunal to disclose that the claimant suffers permanent disablement. Section 140 of the Act cannot be attracted to any other injury save and except the injuries resulting in the permanent disablement. In the instant case, it is seen that the learned Member merely relying on the statement of the injured/respondent himself, granted the relief of interim compensation in terms of Section 140 of the Act without satisfying himself to the nature of injury as to whether the same was a permanent disablement. [New India Assurance Co. v. Stevenson Khyriem, 2005 (4) GLT 487].

Pillion rider - Covered (Motor Vehicles Act, 1988, Section 147) : A pillion rider cannot be equated with a passenger of a goods vehicle or a passenger of a public service vehicle. He also cannot be equated to an employee of the person insured by the policy. He is, thus, covered by the expression “any person” as specifically provided in Section 147 of the Act. Thus, a pillion rider is a person within the meaning of “any person” for whom, in Court’s view, a policy must be taken which is to be an ‘Act policy’ within the meaning of Section 147 of the Act. [United India Insurance Co. v. Chandana Saha, 2006 (Supp) GLT 252).

Proximate cause of death (Motor Vehicles Act, 1988, Section 166) : The use of the motor vehicle (auto-rickshaw) was involved, it is Court’s considered view that the claimant/respondent ought to have led more positive evidence to prove that death of her son had occurred in an incident arising out of the use of the auto-rickshaw. The burden on the claimant to prove the above basic fact became imperative in view of the stand taken by the insurer in the written statement filed. It was, therefore, incumbent on the part of the claimant to lead clear, cogent and reliable evidence to prove that the death of her son was not an act of homicide; but was the result of an accident involving or, arising out of the use of the auto-rickshaw. Having regard to the evidence of the claimant and what logically transpires from such evidence, it is Court’s considered view that the claimant/respondent has not succeeded in proving that the death of her son was caused by or arose out of the use of a motor vehicle so as to confer power and jurisdiction on the learned Tribunal to award compensation or to make the appellant/insurer liable for such compensation under the Insurance policy in force. In view of the above conclusions reached by Court and the inevitable consequence that must follow, Court does not consider it necessary to go into the alternative argument advanced by the counsel for the appellant which pertains to the correctness of the quantum of compensation awarded. [National Insurance Co. v. Smt. Kashni and others, 2005 (3) GLT 465).

Remarriage by wife-Question of right to claim compensation. (Section 166 of M.V. Act, 1988) : The question urged is that Smt. Sikh a Das has remarried after death of her husband and as such, she is not entitled to compensation. In support of this, the learned Counsel for the Insurance Company has referred to a decision of Delhi High Court reported in 1989 ACJ 816. But, this contention is also foreign to the pleadings of the case

and raised for the first time before this Court. In my opinion, in the absence of any pleadings, no discussion of this matter between the legal heirs of the deceased and it cannot be raised either by the Insurance Company or the owner of the motor vehicle to resist the claim of the petitioner. [Sikha Das v. Rakhal Muthuri, 1998 (4) GLT 282].

Writ by Insurance Company-{Section 149 M.V. Act, 1988} : By the aforesaid provision of Section 149 of the Act, the Parliament in its wisdom allowed the Insurance Company to take defence mentioned in the aforesaid section. Therefore, considering the facts and the legal position. It was held that such application invoking the writ jurisdiction of the Court under Articles 226/227 of the Constitution of India is not at all maintainable and accordingly, this petition is dismissed. [New India Assurance Co. Ltd. v. Ranjit Ghosh, 1997 (3) GLT 572].

Splitting of liability (Section 166 of M.V. Act, 1988) : It was held that the Insurance Company at no point of time took the plea of limited liability and as the vehicle was insured with the respondent Insurance Company, the Tribunal was on wrong footing in splitting the liability in between the Insurer and the owner. In view of the admitted position, we hold that the Insurer is liable to pay the entire compensation. [Kali Prasad Adhikary v. Bhairabi Roy, 2000 (2) GLT 260J.

Deduction for uncertainties of life -1 Section 166 of Motor Vehicles Act, 1988) : It was held that there is no reasons has been assigned by the Tribunal for reducing by 10% on account of deduction of uncertainties of life otherwise than by way of present incident which works out of Rs. 13,000/-. It is well settled that the Tribunal/Court is to determine the fair amount of compensation awardable to the victim of any accident or to the dependent of the deceased which must be proportionate to the injuries caused to him or for the cause of his death and the Tribunal/Court cannot go by the ready reckoner. [(Smt.) Panna Singh v. Himangshu Kamlkar, 1997 (2) GLT 563.]

Enhancement of award- (Section 160 of M.V. Act, 1988) : The mandate of Section 160 of the Motor Vehicles Act, 1988 is that the Tribunal is to make an award determining the amount of compensation which appears to be just. This aspect of the matter came up for consideration before the

Apex Court in AIR 1980 SC 1354, wherein the Supreme Court pointed out as follows:

“A second aspect which pains us is the inadequacy of the compensation or undue parsimony practiced by Tribunals. We must remember that judicial Tribunals are State organs and Article 41 of the Constitution lays the jurisprudential foundation for State relief against accidental disablement of citizens. There is no justification for niggardliness in compensation.”

Accordingly by the amount of compensation is enhanced to Rs. 25,000/- with interest at the rate of 12% per annum the whole amount from the date when it became due. The Insurance Company is liable to pay the entire amount. [Narayan Ch. Ghosh v. National Insurance Co. Ltd., 2000 (3) GLT 210.]

Territorial jurisdiction of Tribunal (Motor Vehicles Act, 1988, Section 166) : Section 166 of the Motor Vehicles Act provides for filing of an application for compensation arising out of an accident of the nature specified under sub-section (1) of Section 165 of the Act and upon filing of such application the Claims Tribunal is to pass an award after giving opportunity to all the persons concerned. Sub-section (2) of Section 166 provides that such claim application can be filed 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. In the instant case the claimants are the residents of Dimapur and the Dimapur Branch of New India Assurance Company, respondent NO.2 issued the Insurance Policy. Sub-section (4) of Section 166 empowers the Claims Tribunal to treat the report of the accident forwarded to it by the police under Section 158(6) as an application for compensation under the Act. Therefore, it is not that as because no report of the accident was forwarded by the police as required under Section 158(6) of the Act, the claim petition filed by the claimant under Section 166(1) is not maintainable. [Abdul Mazid v. Faruque Sheikh, 2006 (Supp) GLT 674].

Written statement not filed (Motor Vehicles Act, 1988, Section 170) : The failure to contest a claim, which is one of the grounds on which the Tribunal has been empowered to grant leave to the Insurer to contest the

claim on merits, does not necessarily mean a failure to file a written statement only. A written statement may be filed, where after, no attempt may be made by the party filing the written statement to participate any further in the proceeding. In the present case, after the written statements were filed in the month of August, 1998, the owners of the two vehicles had done nothing to contest to claim of the respondent-claimant by actually participating in the proceeding before the tribunal. The tenor of the stand taken in the written statement filed by the owner of the Maruti vehicle has already been noticed. In such a situation, it is Court's considered view that the Tribunal ought to have come to the conclusion that there is some material on record to suggest a possible collusion between the claimant and the owner of the Maruti vehicle and further, that the owner of the aforesaid Maruti vehicle, after filing his written statement, had failed to contest the claim. The vehement argument advanced on behalf of the respondent claimant that the learned Tribunal having fixed 30.6.1999 for examination of the defence witnesses, the assertion of the Insurance Company that the owners of the vehicles had failed to contest the claim, was premature, cannot have Court's approval and acceptance inasmuch as the aforesaid contention advanced has to be necessarily viewed in the context of the stand taken by the owner of the Maruti vehicle in the written statement filed. [National Insurance Co. v. Alila @ Nungsanglila Ao, 2005 (3) GLT 641].

101. Examination of applicants : On receipt of an application under Rule 100, the Claims Tribunal may examine the applicant on oath and the substance of such examination, if any, shall be reduced to writing.

102. Summary disposal of applicants : The Claims Tribunal may after considering the application and the statement, if any, of the applicant recorded under Rule 101 dismiss the application summarily, if for reasons to be recorded it is of the opinion that there is no sufficient ground for proceeding therewith.

103. Notice of the parties : (1) If the application is not dismissed under Rule 102 above, the Claims Tribunal shall send to the owner of the Motor Vehicle involved in the accident, its insurer and its driver a copy of the application together with a notice stating the date on which it will hear the application and may call upon the parties to produce on that date an evidence which they may wish to tender.

(2) if the insurer is not impleaded as a party to the application as originally filed or if the name of the insurer is not correctly given therein, it shall be open to the applicant to make an application to the Claim Tribunal for the appropriate amendment of the application for the purpose of bringing the insurer to the record.

104. Appearance and examination of the parties : (I) Any party may appear in person or through a legal practitioner before the Claims Tribunal.

(2) The owner of the Motor Vehicle, the insurer and the Driver may, and if so required by the Claims Tribunal shall, at or before the first hearing or within such further time as the Claims Tribunal may allow, file a written statement in relation to the claim raised in the application and any such written statement shall form part of the record.

(3) No pleading subsequent to the written statement filed under sub-rule (2) shall be presented except with the leave of the Tribunal and upon such terms as the Tribunal may direct:

Provided that the Tribunal may, at any time direct any party to file an additional written statement and fix a time for presenting the same.

105. Summoning of witness : If an application is presented by any party to the proceeding for the summoning of witnesses, the Claims Tribunal shall, on payment of the expenses involved, if any, issue summons for the appearance of such witnesses unless it considers that their appearance is not necessary for just decision of the case.

106. Method of recording evidence : The Claims Tribunal shall, while examining the witnesses, make a brief memorandum of the substance of the evidence of each witness and such memorandum shall be written and signed by the members of Claims Tribunal and shall form part of the record provided that the evidence of any medical witness shall be taken down, as far as possible in the words of the witness.

107. Award compensation : While making the award under Section 168(1) of the Act, the Claims Tribunal shall record therein a concise statement of the case, the point or points for determination of decision thereon and the reasons for such decisions.

COMMENTS

Not permissible-Vehicle not involved in accident-claim cannot be awarded (Motor Vehicles Act, 1988, section 166) : On the basis of the materials/evidences available on records, the tribunal found the same to have conclusively established that the vehicle did not move out of the garage during the intervening period from 5.4.1993 to 7.4.1993. The Tribunal also found that in the event of the vehicle entering Agartala there would have been entry in the Register in question. Thus when the claimant could not establish the very involvement of the vehicle in the accident, the Tribunal had no option than to hold that the vehicle was not involved in the accident.

Upon such assessment and evaluation as discussed above, Court does not find anything to suggest that the involvement of the said vehicle is established in any manner. This being the position, Court does not find any infirmity in the judgment of the learned Tribunal.

It was held that the instant case comes within the purview of Section 161 of the Motor Vehicles Act, 1988. As per the said provision of the Act, the claimant/appellant will be entitled to make appropriate application before the competent authority for awarding compensation, it being a case of hit and run motor accident. If such an application is made by the claimant/appellant before the competent authority, the said authority shall pass appropriate order with utmost expedition so that the claimant/appellant, who has lost her husband gets compensation, howsoever, meager the same may be compared to her claim made in the claim petition before the tribunal. *Pumima Bhattacharjee v. U.O.L*, 2006 (Supp) GLT 324].

Just compensation-Government Hospital to be preferred first-Not subscribed-{Section 168 M.V. Act, 1988)-Just Compensation-Nature of injuries, considerations of.-{Section 168 M.V. Act, 1988) : The pain, suffering and loss of enjoyment of life is directly attributable to the injury caused. The law of tort discovered a kind of comfort as alleviation for the pain, suffering and loss of enjoyment of life. It is obviously distinguished from the impairment of the capacity of the person to earn the assessment of the compensation, though it is to be based upon some conjecture. In awarding compensation one should not however be avaricious. [*Bikash Sen Gupta v. Membner, MACT, Kamrup*, 1997 (2) GLT 352].

Just Compensation-Wide powers given to tribunal : The legislature in its wisdom conferred upon the Tribunal a very wide power in awarding compensation such compensation should always be just and reasonable balancing on the one hand, the loss of the claims of future pecuniary benefits and other pecuniary advantage and also the loss and gain to the person concerned. Such compensation shall not however be punitive to the person liable not the same would be source of profit to the person affected. In spite of the wide discretion given on the Tribunal, the determination of the award cannot be arbitrary and must be based on certain Principles based on materials establishing a link between the loss incurred and the compensation to be awarded. It is no doubt true, that such awarding of the compensation will, to a certain extent, depend on guess work. [Bikash Sen Gupta v. Member, MACT, Kmrup, 1997 (2) GLT 352].

Liability of Insurance Company-owners when not liable to pay compensation (Section 147, M.V. Act, 1988) : Unless the owner of the insured vehicle incurs any liability, the Insurance Company cannot be put under statutory obligation to pay compensation. The incurring of liability by the owner of the insured vehicle is a sine qua non to indemnify the same by the Insurance Company with whom the vehicle stands insured. The insured policy covers third party risk and that will come into play only when it is proved that the owner of the insured vehicle has incurred same liability towards any other person. [Branch Manager United Insurance Co. Ltd. v. Haralal Nath Shib, 2001 (2) GLT 338].

Insurance Company liable for whole amount (Section 96, M.V. Act, 1988) : Failure of Insurance Company to establish that there was breach of the terms by the Insurer. High Court holding the Insurance Company liable for the whole amount. [Jaber Ali (MD)v. National Insurance Co. Ltd., 1998 (4) GLT 489].

Multiplier of 10-Not unjustified (Motor Vehicles Act, 1988, Section 168): There is no serious quarrel on the monthly income of the appellant, who claimed Rs. 1,800/- and the Tribunal decided Rs. 1,500/- leaving a small margin and acceptance of the claim of 25% disablement though not supported by medical certificate. The Tribunal held that 1/3 was the loss of income as it could not be determined that the nature of disablement rendered the appellant incapable of running his grocery shop. As regards

disability in non-fatal accident, the structured formula in the Second Schedule of the M.V. Act, 1988 provides that compensation shall be payable in case of disability to the victim only for the actual period of disablement not exceeding 52 weeks, plus in the case of permanent partial disablement such percentage of compensation which would have been payable in the case of permanent disablement. As it was already noticed there is no proof of permanent partial disablement and the Tribunal taking a liberal view has chosen 10 as the multiplier, which in other words, amounts to compensating the loss of income for 10 years, Court finds no infirmity with the Tribunal in choosing 10 as the multiplier in the given facts and circumstances of this case.

It was noticed that an amount has been awarded by the Tribunal towards cost of treatment though 23 cash memos had been enclosed. Having regard to the period of treatment, nature of injuries and the medicine required, Court is of the view that the appellant incurred at least Rs. 5,000/- towards cost of treatment. Court is also of the view that the Tribunal while awarding the small amount of compensation need not have made 10% deduction.

Appeal allowed to the extent that the amount of compensation awarded by the Tribunal shall stand enhanced by Rs. 11,000/- more, taking the amount to Rs. 55,000/- + Rs. 11,000/- = Rs. 66,000/-. The rate of interest, which being on a little higher side shall take care of loss of expectancy, if any, caused by the injuries. [Nirmal Ch Paul v. Aditya Deb, 2005 (2) GLT 205].

No fault liability : The Tribunal itself had taken the view that the Insurance Company is debarred to raise any plea of its liability at the stage of considering the matter of no fault liability under Section 140 of the M.V. Act, 1988. This view taken by the Tribunal, is correct and requires no interference. [United India Insurance Co. v. (Smt) Suhagini Paul, 1997 (1) GLT 230].

No fault liability-Relief under of Motor Vehicle Act, 1988, Section 140 and 141(2) : The claim for compensation under Section 140 in respect of death or disablement of any person, has to be disposed of the first place under Section 140 and as expeditiously as possible. In view of the said clear provision of subsection (2) of Section 141 of the Motor Vehicles Act,

1988, the Tribunal, in my opinion, failed to exercise the jurisdiction that was vested in it to decide the liability of the respondents under the Principle of no fault under Section 140 of the said act expeditiously and in the first place. On the pleading and materials on record it is clear that the death of Baikuntha Ghosh on 7.1.1996 was on account of road traffic accident with the said jeep and the Tribunal should have straight any allowed the no fault compensation of Rs. 50,000/- to the petitioners instead of deferring the said claim under Section 140 of the Motor Vehicles Act, 1988 till the hearing of the main case. [(Smt.) Shaila Bala Ghosh v. Nitai Ch Saha, 1997 (2) GLT 494J.

Permanent disability, Sections 140 and 142 of Motor Vehicle Act, 1988 :

The Medical Report placed on record show that the injuries are of simple in nature. The X-ray report of fracture in rib-bones is by no means a permanent deprivation as defined under Section 142 of the Act. In this view, award of no fault liability made by the Tribunal is not justified. In other words, the award has been made without any basis and not supported by any document on record viz., medical evidence. [National Insurance Co. Ltd. v. A. Asusu, 2001 (1) GLT 390].

No fault liability-Question of negligence or default not to be decided at this stage—(Section 96, IVI.V. Act, 1988) :

At the stage of considering payment towards no fault liability under Section 140 of the Motor Vehicles Act, 1988, the tribunal may not decide the dispute as to whether or not the accident occurred on account of any wrongful act negligence or default of the owner of the vehicle or the Driver of the vehicle or any other person. From the facts in the present case, it appears that the dispute is as to whether the accident arose account of negligence of the driver of the bus in which the claimants were traveling or arose out of negligence on the one part of the authorities of the Assam State Electricity Board and such a dispute is of a factual nature and only be decided after adducing evidence by the parties. As yet, no evidence has been adducing by the parties in support of their respective pleas before the Tribunal. The Tribunal has passed orders for payment of no fault liability by the petitioner to the claimant according to the said provision of Section 140 of the Motor Vehicles Act, 1988. The petitioner will have to abide by the said order passed by the Tribunal and pay no fault liability to the claimants. [New India Assurance Co. Ltd. v. Member, Motor Accident Claims Tribunal, 2001 (3) GLT 96].

Policy of Insurance-Effective date of — (Section 147 M.V. Act, 1988) :

The policy issued for one year commencing from the date of issue and there is no provision for renewal of Insurance Policy once issued while so far driving licence is concerned Section 15 of the Motor Vehicles Act, 1988 speaks of renewal provision. Section 15 prescribes that a driving licence can be renewed in case the application seeking renew of the licence is made before the expiry or within thirty days of the expiry of the valid period, the renew would take effect from the date of expiry. But in case the renewal is made more than thirty days after the date of expiry, the renewal would take effect from the date of renewal. But there is no provision for renewal of Insurance Policy akin to the provision of renewal of driving licence and as such the Insurance Policy issued on 30.8.1996 took effect from the date of issue i.e., 30.8.1996 and not from the date of expiry of the earlier policy and as such on the date of accident viz., 7.8.1996 there was no valid Insurance Policy at all. [National Insurance Co. Ltd. v. Henu Ch. Deb, 2001 (2) GLT 14].

Quantum of compensation-cannot be challenged by insurance company without obtaining the permission (Motor Vehicles Act, 1988, Section 174) :

In the proceeding before the learned Tribunal, which is the subject-matter of the present appeal, the Insurance Company admittedly has not filed any application under Section 170 of the Act seeking permission from the learned Tribunal to contest the claim on all or any of the grounds that are available to the person against whom the claim has been made. Therefore, the right to challenge the award by the Insurance Company is restricted to the grounds enumerated in sub-section (2) of Section 149 of the Act. The question of quantum of compensation being not one of the grounds enumerated under Section 149 (2) of the Act, the Insurance Company cannot maintain an appeal under Section 173 of the Act challenging the quantum of compensation awarded by the learned Tribunal. [United India Insurance Company v. K.P. Gopinath, 2005 (2) GLT 28).

Second schedule-Not to be adhered (Motor Vehicle Act, 1988, Section 163-A) :

The question of granting conventional amount has also prominently figured in the submission of the counsel for the cross objectors. It is true that the conventional amount cannot be a static one as the same is bound to vary depending on factual situations of each case. A perusal of the impugned judgment would go to show that the learned

Tribunal awarded Rs. 5,000/- for loss of consortium and Rs. 4,000/- as funeral expenses as provided in the Second Schedule framed under Section 163-A of the Act. The fact that the present application was under Section 166 of Act, it was not a strict requirement of law for the Tribunal to stick to the amount provided in the Second Schedule. More so, the fall in the value of rupee has to be taken note of as otherwise even the amount fixed in that schedule would stand eroded. [National Insurance Co. v. Sita Debnath, 2006 (2) GLT 84].

Question of compensation—Non negligence when made out (Section 149, M.V. Act, 1988) : In view of the provisions of Section 140 of the M.V. Act, where the accident has occurred from the use of the vehicle and the cause of accident cannot be attributed to any negligence/fault of the driver/owner of the vehicle only statutory amount of Rs. 25,000/- in cases of death and in cases of permanent disability have to be awarded Rs. 20,000/- so in the instant case only statutory amount of Rs. 25,000/- could be awarded to the claimant, as the accident is not due to the negligence/fault of the driver or owner of the vehicle. The learned Member, Motor Accident Claims Tribunal was not justified in decreeing the claim petition preferred under Section 166 of the M.V. Act, read with the provisions of Workmen Compensation Act, 1923. The award passed by the learned Member. Motor Accident Claims Tribunal is therefore, clearly without jurisdiction and is not sustainable in law. [United India Insurance Co. v. Raluganthanga, 2000 (2) GLT 19J].

Quantum of compensation-Section 149 of M.V. Act, 1980) : Interference with the award for loss of life refused by High Court.- Challenge to award on the quantum of compensation not allowed. [National Insurance Co. Ltd. v. Member, MACr, Kamrup, 2000 (2) GLT 501].

108. Appeal : (I) An appeal under Section 173 of the Act, against the award of the Claims Tribunal shall lie before the High Court within 90 days from the date of the award and the same shall be filed in the form of memorandum in duplicate, signed by the appellant or an Advocate or Attorney of the High Court dully authorised in that behalf by the appellant presented to the Register (Judicial) of the High Court and accompanied by a certified copy of the award. The first copy of the memorandum shall bear the Court Fee Stamps of Fee requisite value.

(2) The memorandum shall set forth the grounds of objection to the award concisely and in distinct paragraphs. No argument or narration of such grounds need be stated therein.

(3) Same as provided in sub-rules (1) and (2) above, the provisions of Order XXI to XLI of the Code of Civil Procedure, 1908 (Central Act V of 1908) as far as may be applicable shall apply mutatis mutandis in respect of the appeals preferred to the High Court under Section 173 of the Act.

COMMENTS

Deposit, manner of (Section 173 of M.V. Act, 1988) : As Chapter XVII of the Gauhati High Court Rules, deals with deposit and payment of money. Rule 1 and subsequent rules indicate the exact manner in which the money is to be deposited in the Court. It was held that the manner of deposit prescribed in Chapter XVII of the Gauhati High Court Rules constitutes "manner directed by the High Court" for the purpose of 1st Proviso to Section 173 (1) of the Act. [Union of India v. Gita Bank, (1996) 2 GLT 246.]

Deposit after period of limitation, effect of (Section 173 of M.V. Act, 1988) : Single Judge of the High Court faced with two conflicting judgments of Division Bench of equal authority of the same High Court- Judgment of Division Bench in 1994 (1) TAC 366, holding that it would meet the requirement of section 173 if the deposit is made when the appeal comes for admission subsequent judgment of another Division Bench in 1995 (2) GLT 218, holding that unless the deposit is made within the prescribed period of limitation the appeal cannot be entertained - Quare : Which of the two judgments would be binding on a Single Judge. Held-judgment in 1994 (1) TAC 366-Preferred. [New India Assurance Co, Ltd. v. Smt.) Rita Devi, 1997 (2) GLT 406].

For enhancement of compensation held maintainable (Section 173, Motor Vehicles Act, 1988) : No document has been produced before us to show that the appellant has at any time agreed that he would not file any appeal before the Court if he was paid the amount of compensation with interest as awarded by the Tribunal. Nor does Section 173 of the Motor Vehicles Act, 1988, make any provision that a person who has received the amount as awarded by the Claim Tribunal cannot the any

appeal for enhancement of the awarded amount. The delay in filing the appeal deserves to be condoned by the Court and has been condoned in this case. Considering however the fact that the amount awarded by the Tribunal has already been received by the appellant before the filing of this appeal and considering further the fact that this appeal has been filed after a period of almost two years beyond the expiry of the period of limitation, we are not inclined to grant interest on the enhanced amount or the costs of this appeal in favour of the appellant. In case, however, the respondent-Insurance Company fails to pay the enhanced amount to the appellant within three months from today, the appellant will be entitled to interest @ per annum on the enhanced amount from the date of the filing of this appeal. [Gopal Ch. Saha v. United India Insurance Co. Ltd., 1999 (1) GLT 68].

Grounds of appeal by Insurance Company-Ground of (Section 149 of M.V. Act, 1988) : A reading of sub-section (2) of Section 149 would show that the Insurance Company is entitled to prefer an appeal against an award on certain specific circumstances and not otherwise. The grounds of appeal as have been incorporated in the memo of appeal do not attract any of the permitted grounds. The law is well settled that the Insurance Company is entitled to challenge an award only on one of those conditions incorporated in the aforesaid section and not otherwise. This appeal by the Insurance Company is therefore, not maintainable. [Kamakhyadas v. Upen Baruah, 1999 (1) GLT 440].

Enhancement of compensation (Motor Vehicles Act, 1988, Section 166) : Court awarded an amount of Rs. 30,000/- as conventional amount in place of Rs. 7,000/- (Rs. 2,000/- as funeral expenses and Rs. 5,000/- as loss of consortium) as awarded by the Tribunal. So, this extra amount of Rs. 23,000/- shall have to be paid by the insurance company to the appellant with 6% interest p.a. from the date of award till the payment is made. The insurance company shall make the payment, within two months from the date of passing of this judgment. [Kennamati Debbanna v. Pran Gopal Debbamma, 2006 (Supp) GLT 785].

Determination of compensation-Not open to be challenged by insurance company (Motor Vehicles Act, 1988, Section 149) : It has been observed by the learned Tribunal that the driver of the offending vehicle Arun Kr. Dutta had a valid driving licence at the time of the

accident and that from the copy of the judgment rendered by the Judicial Magistrate 1st Class in connection with GR 1050 of 1996, the fact of accident due to negligence on the part of the said driver came to be established. Nowhere did the learned Tribunal mention that the said driver was physically disabled at the time he was driving the offending vehicle on the fateful day. Therefore, the ground taken by the insurer appellant that at the time of accident the driver of the offending vehicle was disabled does not appear to have any basis. As regards the monthly income of the deceased, it would appear from the impugned judgment that though the claimants put forward a claim that the deceased was earning Rs. 3,000/- to 4,000/- per month, the learned Tribunal accepted the lesser amount and proceeded to determine the amount of compensation accordingly. Court is, however, not inclined to examine the correctness or otherwise of this part relating to determination of the amount of compensation by the Tribunal as such question cannot be raised by an insurer in view of the provisions of Section 149(2) of the Act. The limited grounds which are available to an insurer for assailing a judgment or award as provided in that sub-section do not permit the question like correctness of the calculation in determining the amount of compensation by a Tribunal. [National Insurance Co. v. Silma Dass, 2006 (Supp) GLT 227].

Grounds of appeal under Section 149(2) of the Act- Cannot be enlarged by judicial review (Motor Vehicles Act, 1988, Section 149) :

Right of appeal is the creation of the statute. The statute creating such right of appeal can also restrict the grounds or regulate the procedure under what circumstances and in what events and grounds such an appeal would lie. The right of appeal by the Insurance Company against the award of the Tribunal as provided under Section 166 of the Motor Vehicles Act is a restricted one. Unless the Insurance Company reserves its right under Section 170 in the written statement or by filing separate application to that effect praying for reserving its right to contest the claim on all or any available grounds and a specific permission, in writing, to that effect is given, but ground cannot be agitated in the appeal and the grounds as mentioned in Section 149(2) of the Act will only be available. Further, it is also the dictum of law that the Insurance Company is not permitted to oppose the quantum of compensation in each and every case. The right of appeal on restricted grounds under Section 149(2) of the Act available to the Insurance Company cannot be permitted to be enlarged in exercise of

the power of judicial review under the Scheme of the Act. [Oriental Insurance Co. v. Krishna Kakati, 2005 (4) GLT 712].

Revision-Not maintainable when appeal is provided (Motor Vehicles Act, 1988, Section 173) : A careful reading of Section 115 of the Code reveals that the revisional power can be exercised only when there is no appeal provided for. Hence, when a statute provides for an appeal against a judicial order, revision against such an order will not lie irrespective of the fact whether the right of appeal is absolute or conditional, restricted or otherwise. In other words, howsoever truncated the right of appeal may be, so long as the provisions for appeal remain, revisional jurisdiction cannot be exercised, for, it is for the Legislature to decide whether to give or not to give against a judicial order the remedy of absolute right of appeal or restricted right of appeal. When the Legislature has chosen to give to the insurer, under Section 149(2) of the M. V. Act, a right of appeal, though limited, it will bar exercise of revisional jurisdiction.

It is also worth noticing, it was emphasised that merely because of the fact that the High Court, as held above, does not enjoy the revisional jurisdiction in respect of appealable awards passed by the Tribunals under the M.V. Act, it does not mean that by curtailing the revisional jurisdiction of the High Court, its constitutional jurisdiction to issue writ of certiorari has been taken away. [Oriental Insurance Company v. Rejina Begum, 2005 (1) GLT 1].

Penal interest-Whether this defence can be raised-Question of (Motor Vehicles Act, 1988, Section 173) : Upon careful perusal of the materials on record, particularly the grounds taken in the appeal and considering the rival submissions, it was held that this appeal cannot be accepted on ground of maintainability alone. [United India Insurance Co. v. Snehlata Datta, 2006 (Supp) GLT 747].

Appeal without statutory deposit-Whether time may be allowed to make the deposit (Motor Vehicles Act, 1988, Section 173) : Logically, therefore, in case of a time barred appeal, if an application is filed praying for condonation of delay, the High Court if satisfied that the delay was caused for reasons considered to be sufficient, may condone the same. The question, which, however, needs to be answered, is whether an appeal filed in time but without the statutory deposit can be entertained if

such deposit is eventually made beyond the period of limitation in absence of any application for condoning the delay therefore. What would be the effect of a permission, if any, granted by the High Court to make such deposit on the expiry of the limitation period. Would different consequences ensue if such an order, permitting deposit, is passed before or after such period.

In view of the two sets of decisions noticed herein above containing conflicting views on this legal issue of considerable moment, Court is of the considered opinion that for the sake of uniformity and certainty in the decision thereon and to provide a quietus thereto it needs to be examined by a Full Bench of the Court under Chapter VII of the Gauhati High Court Rules. In the above view of the matter, the Registry would place the records of the appeal before the Hon'ble the Chief Justice for taking an appropriate decision in this regard. The question, which needs to be answered, may be paraphrased thus:

“Whether an appeal under Section 173 of the Motor Vehicles Act, 1988, without the statutory deposit but otherwise filed in time, can be entertained if such deposit is eventually made beyond the period of limitation without the delay being condoned by the Court?”

The decision on the contentions on merits in the above premises being contingent on the determination of the above legal issue is, therefore, deferred. Registry to act accordingly. [Oil India Ltd. v. Neil Rose, 2005 (3) GLT266].

CHAPTER-X

MISCELLANEOUS

109. Power of the Superior Officers : (I) Notwithstanding anything contained in these rule, any Superior Officer of the Motor Vehicle Department of the Government of Assam may, at any time, perform any function or exercise any power of the Officers Subordinate to him under these rules.

(2) Any Officer of the Motor Vehicle Department of the Government of Assam of and above the rank of Motor Vehicle Inspector shall exercise the powers under provisions of Sections 56, 109, 136, 178, 179, 184, 190,190(2) 192, 192(A), 193, 196,206,207 of the Act and Rules 116 of Motor Vehicles Rules 1989.

(3) Any Officer of the Motor Vehicles Department of the Government of Assam of and above the rank of Enforcement Inspector shall exercise the powers under the provisions of Sections 114, 178, 179, 180, 181, 182, 183, 184, 192, 192(A), 193, 194, 196, 203, 206,207 of the Act and Rule of the Motor Vehicles Rules 1989.

(4) The powers under the provisions of Sections 177, 182, 183, 185, 186, 187, 189, 195, 196, 197, 198 of the Act, shall be exercised by Officers of the Motor Vehicle Department of and above the rank of District Transport Officer only.

Note : For the offences committed under Sections 185, 186, 187, 190(1), 193, 195, 197 of the Act, the Designated Officer will have to forward the cases to Judiciary for trial and disposal.

110. Uniform : The Uniform of the Motor Vehicles Inspector Enforcement Inspector, Assistant Enforcement Inspector and Enforcement Checker shall be as follows :-

(1) A Motor Vehicles Inspector while on duty, shall wear

- (a) a light blue shirt and navy blue trouser;
- (b) a navy blue coloured peaked cap or beret cap with a stainless steel coloured monogram as illustrated in the Illustration No. 4 appearing in Schedule-IV hereto;
- (c) shoulder strap metallic badge having stainless steel monogram as illustrated in the Illustration No. 3 appearing in Schedule-IV hereto;
- (d) a black coloured leather belt of 5 centimeter wide with a stainless steel bucket badge having the monogram as

illustrated in the Illustration No. 5 appearing in Schedule-IV hereto;

- (e) black coloured leather shoe of Oxford Derby model with five eyelets and brown socks;
- (f) a navy blue coloured lanyard with whistle;
- (g) three stainless steel coloured five pointed metallic stars (star of India pattern 25.4 mm broad) on both shoulders;
- (h) V-shaped Navy blue full sweeter during winter.

(4) An Enforcement Inspector while on duty shall wear-

- (a) a Khaki shirt or a Khakhi open breast bush shirt or a Khakhi coat with a khakhi tie and Khaki trouser;
- (b) a Khaki coloured peak cap with a stainless steel coloured metallic badge having the monogram as illustrated in the illustration NO.6 appearing in the Schedule-IV hereto;
- (c) shoulder strap metallic badge having stainless steel monogram as illustrated in the Illustration No. 7 appearing in Schedule-IV hereto on both the shoulders;
- (d) a dark tan coloured leather belt of 5 centimeter width with a stainless steel buckle badge having the monogram as illustrated in the Illustration No.8 appearing in Schedule-N hereto;
- (e) brown leather shoe of Oxford Derby model with five eyelets and brown socks;
- (f) a navy blue coloured lanyard with whistle;
- (g) three stainless steel coloured five pointed metallic stars (star of India pattern 25.4 mm broad) on both shoulders;
- (h) V-shaped Khaki full sweeter or Khakhi warm coat during winter.

(3) Assistant Enforcement Inspector while on duty shall wear-

- (a) a Khaki shirt and Khaki trouser;
- (b) Khaki peaked front cap with a stainless steel metallic badge having the monogram as illustrated in the Illustration No. 9 appearing in the Schedule-N hereto;
- (c) shoulder strap of metallic badge having stainless steel monogram as illustrated in the Illustration No. 9(A) appearing in Schedule-N hereto;
- (d) a dark tan coloured leather belt of 5 centimeter width with a stainless steel buckle badge having the monogram as illustrated in the Illustration No.8 appearing in Schedule-IV hereto;
- (e) brown leather shoe of Oxford Derby model with five eyelets and Khaki socks;
- (f) a Khaki coloured lanyard with whistle;
- (g) Assistant Enforcement Inspector will wear two stainless steel coloured five pointed metallic stars (star of India pattern 25.4 mm. broad) on both shoulders with a black ribbon one centimeter width between the stars and shoulder strap badge;
- (h) V-shaped Khaki full sweeter during winter.

(4) Enforcement Checker:

- (a) Khaki shirt and Khaki trouser;
- (b) a Khaki forage cap with a stainless metallic badge having the monogram as illustrated in the Illustration No.7 appearing in the Schedule- IV hereto;
- (c) shoulder strap of metallic badge having stainless steel monogram as illustrated in the Illustration No. 10 appearing in Schedule-IV hereto;

- (d) A dark tan coloured leather belt as specified by 3(d) above for Assistant Enforcement Inspector.
 - (e) a brown leather shoe of Oxford Berdy model with five eyelets and Khakhi socks.
- (5) The Officers who shall wear the Uniform as provided under these Rules shall always be in uniform while on duty.
- (6) The Officers for whom the uniform has prescribed under these Rules shall always wear on the pocket of left side of the shirt the plastic name plate of the size 2 cm. x 20 cm. with their name and designation carried in prominently in English. The colour of the name plate shall be black with white letters.

TRADE LICENCE

111. Trade licence for Motor Driving School : (1) No person shall establish or maintain any driving school or establishment for imparting instructions for hire or reward for driving motor vehicle without a licence granted by the licensing authority. All the provisions contained in Rules 24 to 31 of the Central Motor Vehicle Rules, 1989 shall be applicable.

(2) These licences shall be granted by an Officer not below the rank of the Regional Transport Officer of the Transport Department, Govt. of Assam.

(3) The licences will be granted for one year and will have to be renewed every year, subject to the imparting of satisfactory training and instructions etc,

(4) The MVI of the conceding district will visit such training schools at least once in a quarter and may conduct tests of students at the end of each session.

(5) The licence fees for the issue of licence will be Rs. 1000/- and the renewal fees will be Rs. 500/- per year.

(6) Existing Training School which obtained the Trade certificate under the Act, shall also have to obtain the Trade Licence.

112. Trade licence for Motor Vehicle Repairing Centres Construction of bodies for all types of vehicles, weighbridges and dealers of motor vehicles :

(1) No person shall establish repairing centre, centre for construction of all type of bodies for vehicles, weighbridges and dealer/subdealer of Motor Vehicles without a licence granted by the Licensing Authority. The applicant shall apply for the Licence in the Form No. 23 before the Licensing Authority .

(2) The Licensing Authority shall be an Officer of the Transport Deptt. Govt. of Assam not below the rank of the Regional Transport Officer.

(3) These licences shall be in force for five years and thereafter may be renewed for another five years on an application to the Licensing Authority which granted the licence not less than six days before the date of expiry. In case of non renewal of licence in time a fine of Rs. 2/- per day will be imposed.

(4) The holder of a licence granted under this rule shall-

- (a) submit to the licensing authority which granted the licence such information or return as may be called for by it from time to time;
- (b) not shift the premises mentioned in the licence without prior approval in writing of the Licensing Authority;
- (c) exhibit in a conspicuous manner the registration numbers of vehicles being repaired and maintain record of each vehicle repaired;
- (d) not to establish the centre on Govt. land;
- (e) in case of rented house, copies of the proper lease agreement will have to be furnished.
- (f) keep adequate space for parking of minimum 3 numbers of vehicles.

(5) If the Licensing Authority which granted the licence in Form No. 23(A) is satisfied that the holder of a trade licence has violated any of the

Provisions of Rules, it may after giving the holder of the licence an opportunity of being heard, may suspend or revoke the licence.

(6) Any person aggrieved by any order of licensing authority may prefer as appeal before the commissioner Transport, Assam.

(7) The licence fees for the grant and renewal of licence for five years shall be:

- | | |
|--|-------------------------|
| (a) For dealer of Two wheelers | - Rs. 1300/- per shop |
| (b) For dealer of Three wheelers | - Rs. 2600/- per shop |
| (c) For dealer of light vehicles | - Rs. 6500/- Per shop |
| (d) For dealer of heavy vehicles | - Rs. 10000/- Per shop |
| (e) For repair of Three wheeler vehicles | - Rs. 260/- Per centre |
| (f) For repair of light vehicles | - Rs. 650/- Per centre |
| (g) For repair of Heavy vehicles | - Rs. 1300/- Per centre |
| (h) For const. of all types of vehicle
bodies/weigh bridges | - Rs. 2600/- Per centre |

(8) No person other than qualified technicians will repair all kinds of vehicles and construct bodies of vehicles. The minimum qualification shall be ITI passed or five years experience of any reputed firm/authorized dealer. The workshop of the authorized dealers of motor vehicles, Garages having capacity to repair eight or more vehicles or body builders having capacity of building bodies of four or more vehicles at a time, shall have to employ ITI trade passed mechanics separately for each job like fitter, welder, carpenter etc. In other Garages the owner shall have to appoint minimum one ITI trade passed mechanic for repair of vehicles.

(9) While applying for granting and renewal of licence under this rule, the applicant must provide the names and qualification of its employees, to ascertain whether he has engaged qualified technician or not.

113. Road safety : (l) The State Government may, by notification in the official Gazette, constitute a State Road Safety Council or a District Road safety Committee under sub-section (2) and (3) of Section 215 of the Act. The council and Committee shall be a non-commercial, non-profit making voluntary Organisation and consists of Chairman and Members as envisaged under sub-section (2) and (3) of Section 215 of the Act.

(2) The Council and Committee referred to in these Rules shall discharge such functions relating to the road safety programme as the Central Government or the State Government, as the case may be, having regard to the objects of the Act, specify.

Schedule I

FORM NO.1 (C.L.A.)

Form of Application for a Conductor's Licence [See Rule 14(1)]

1. Name:
2. Father's Name:
3. Present Address;
4. Permanent Address:
5. Age (Proof of age to be enclosed) :
6. Education Qualification :
7. Identification marks :
8. (i) whether previously held a Conductor's Licence
(ii) If so, the name of the issuing authority -
9. The following documents are enclosed with the application form :
(1) First Aid Certificate, (2) Medical Certificate in original & (3) Two recent Passport size Photographs duly certified by a Gazetted Officer.
10. I do hereby declare that the above statements are true and correct in the best of my knowledge and belief. I deposit herewith the prescribed fee of.

Signature of the applicant

Date :

Duplicate Signature of the applicant

Schedule I

FORM NO.2 (M.C.C.)

Form of Medical Certificate for a Conductor's Licence [See Rule 14(2)]

(To be filled in by a Registered Medical Practitioner)

1. Name:
2. Father's Name:
3. Apparent age:
4. Is the person to the best of your judgment fit physically and mentally to perform the duties of a Conductor of a Bus.
5. Does he show any evidence of being addicted to the excessive use of alcohol or drug :
6. Marks of identification:

I certify that the person examined has affixed his signature hereto in my presence and that to the best of my knowledge and belief the above statements are true and that the attached photograph is reasonably of correct likeness of the person described.

Space for Photograph

Signature of the person
examined

Name

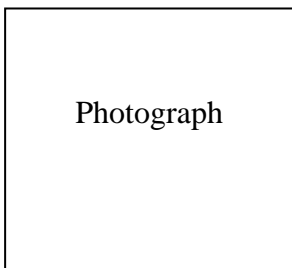
Signature:

Designation:

Office Seal :

Schedule I
FORM NO.3 (C.L.)
Conductor's Licence
[See Rule 14(6)]
Conductor's Licence No.

1. Name :
2. Son of :
3. Present Address :
4. Permanent Address:



Signature of the licence Holder

is licensed as a Conductor and has been issued

Conductor's badge No.

Date:

Renewal

Renewed upto

Licensing Authority
Office Seal

Renewed upto

Licensing Authority
Office Seal

Schedule I
FORM NO.4 (C.L.A.) (R)
Conductor's Licence
[See Rule 16(1)]

Form of an application for renewal of Conductor's Licence

[hereby apply for renewal of the Conductor's Licence No.

.....under the Assam Motor Vehicles Rules, 1994 which is due to expire onand was issued to me on the has expired day of 20 by the Licensing Authority

I hereby declare that I am not subject to any disease or disability that is likely to hamper me in the performance of my duties as Conductor of stage carriage.

Signature of Applicant

Dated

Schedule I
FORM NO.5 (A.R.) (Tern)
Form of Application for Temporary Registration [See Rule 25(1)]

1. Full name, name of father or husband, and address of the person to be registered as owner:
2. Age of person to be registered as registered owner: .
3. Name and address of the person from whom the Vehicle is purchased
4. Date of purchase.....
5. Maker's Name:

6. Class of Vehicle:
7. Type of body:
8. Year of manufacture:
9. Number of cylinders:
10. Horse Power:
11. Maker's classification or, if not known, wheel base
12. Chassis Number:.....
13. Engine Number :
14. Seating capacity (including driver) :
15. Unladen weight :
16. Particulars of previous registration and registered number (if any) :
.....
.....
17. I hereby declare that this vehicle has not been registered in any State in India
18. Additional particulars to be completed only in case of transport vehicles other than motor cars
19. Colour or colours of body wings and front end :
20. The place where the vehicle is proposed to be removed :
21. The address of the owner at the place where the vehicle is proposed to be moved :

Date

Signature of applicant

Schedule I
FORM NO.6 (C.R.) (Tem)
Form of Temporary Registration certificate
[See Rule 25(2)]

Temporary registration mark :
Name, name of father/husband, and address of owner :
.....

DESCRIPTION OF VEHICLE

1. Class of Vehicle :
2. Maker's name :
3. Type of body:,
4. Seating Capacity:
5. Colour:
6. Engine Number:
7. Chassis Number:

Under the provisions of Section 43 of the Motor Vehicle Act, 1988, the vehicle described above has been temporarily registered by me and the registration is valid until the
.....
day of

Date..... (1)

(1) Signature and designation of registering authority, or issuing authority with Office Seal.

Schedule I
FORM NO.7 (P.S.VA.)
Application for a permit in respect of a Private Service Vehicle
[See Rule 45(1)]

To,

The Regional State Transport Authority

In accordance with the provisions of Section 76 of M.V. Act, 1988, I/we the undersigned hereby apply for a permit under Section 66 of that Act in respect of a private service as hereunder set out :-

1. Full Name (In Block letter) :
2. Name of Father or Husband: (in case of an individual)
3. (i) Address: Present-
Home—
(ii) Nationality:
(iii) Present Occupation:
(iv) Mode of Business:
(To be supported by testimonials)
(v) Period of engagement in transport/carrying trade:
(vi) Office Premises and management:
4. Type and Seating Capacity of Vehicle:
5. The area or the routes/route to which the application relates :
6. The manner in which it is claimed that the person of carrying persons otherwise than for hire for reward or in connection in the trade or business carried on will be served by the vehicle.

7. Particular of any permit (or similar authorisation under M.V. Act, 1988) held by the applicant in respect of the use of any transport vehicle or Pr. S.V. in India during each 3 years which has been the subject of an order of suspension or cancellation.
8. We/I deserve a permit valid for
9. Any other particulars in support of application

I/We hereby declare that the above statement are true and agree that they shall be conditions of any permit issue to me/us.

Date :.....

Signature or thump impression
of the applicant

To be filled in the office of the R.T.A.

1. Date of receipt :
2. Date of Publication:
3. Number of permit issued:

Secretary,
State Regional Transport Authority

Schedule 1
FORM NO.8 (P.S.V.A.I)
Form of application for grant of permit for stage Carriage
[See Rule 45]

To,

The Regional State Transport Authority
.....

In accordance with the provision of Section 69, 70 and 71 of Motor Vehicles Act, 1989, I undersigned hereby apply for a permit under Section 66 of that Act in respect of service of Stage Carriage as hereunder set out:

1. Full Name:

(Surname) (Name) (Name of father /husband)

2. Age:

3. Full Address House No. Road/Land

Name of Locality

Town/City Pin Code

Telephone No

4. Whether the applicant belongs to:

(a) Schedule Caste/Schedule tribe/Ex-service-man/Educated
unemployed/Project affected person.

(b) Remarks:

5. The route, routes or area for which permit is desired
.....

6. The maximum number of vehicles which will ply at a time under the terms of the permit in the area or any route or any part of any route and the minimum number of a daily trips :

7. The minimum number of vehicles which will ply at a time under the terms of the permit in the area or any route or any part of any route and the minimum number of a daily trips : .

8. The type or types of vehicle to be used on the service and the seating capacity :

..... vehicle of not less than and not more thanseats .

.....vehicle of not less than and not more than seats .

..... vehicle of not less than and not more than seats.

9. Particulars of time table(s) are appended.

10. The Standard rate which is proposed to charge is Rs. per passenger per stage/half stage.

11. Number of vehicle kept in reserve to maintain the service regularly and to provide for special occasion .

12. Arrangements made for housing and repairs of vehicle (to be given in details)

13. Arrangements made for convenience and comfort of passengers

14. Arrangements made for storage and safe custody of luggage

15. Particulars of any permit held by the applicant in respect of the use of any transport vehicle in any other state.

16. Particulars of any stage or contract carriage permit valid in the State held by the applicant

17. Whether any permits stated above has been subject of an order of suspension or cancellation in last four year. If so, give details.
18. Provided that if sufficient passengers do not offer at any time, I desire to carry goods in these vehicles in addition to passengers on the understanding that goods will be so carried that not more than trip of the vehicle on any route on any day and that not more than accommodation of passengers in the vehicle will be replaced by goods.
19. I declare that not more than of these vehicle are/or will be the subject of the permits (other than temporary permit) for the use as contract carriages.
20. I am at present in possession of.. . vehicle available for use under the permit applied for.
21. I hereby declare that the above statements are true and agree that they shall be the conditions of any permit issued to me.

Date :

Signature or thump impression
of the applicant

To be filled up in the office of the Transport Authority

1. Date of receipt :
2. Amount of rupees Received
vide receipt number dated
3. Granted L'1 modified form on day of 20.....
Rejected
4. Number of permit issued:
5. Serial No. of
permit/permtis issued

Secretary,

..... Transport Authority

Schedule 1
FORM NO.9 (P.C. P.A.)
Form of application for the grant of permit for Contract Carriage
[See Rule 45]

Application for a permit in respect of contract carriage (Taxi/ Auto-Rickshaw/Tourist Taxi/Air Conditioned contract carriage/tourist vehicle/Strick out which is not applicable)

To,

The Regional State Transport Authority

.....

In accordance with the provision of Section 69, 70 and 71 of Motor Vehicles Act, 1989, I the undersigned hereby apply for a permit under Section 66 of that Act in respect of Contract Carriage as hereunder set out:-

1. Full Name of Applicant/Company :

(Surname) (Name)

.....

(Name of father/husband)

2. Age:

3. Full Address House No..... Name of Road/Lan .

Name of Locality

Town/ City..... Pin Code .

Telephone No

4. Whether the applicant belongs to:

Schedule Caste/Schedule tribe/Ex-service-man/Educated unemployed/Project affected person.

5. Area or route for which the permit is required

6. Seating capacity

7. The type of vehicle (Bus/Car/A-R/A-C Bus/Imported Car) .

8. Arrangements made for customers to contract permit holder (office and phone number)

9. Particulars of any stage carriage or contract carriage permit valid in the State or any other State and held by the applicant in respect of :
 - (a) This vehicle
 - (b) Any other vehicles
10. Particulars of any permit by the applicant in respect of use of any transport vehicle in any state during the last four years which has been subjected to any order of suspension or cancellation .
11. ** I am in possession of the vehicle, the Certificate of Registration of which is enclosed
12. ** I have not yet obtained possession of the vehicle and I understand that the permit will not be issued until I have done so and have produced the certificate of Registration and further declare that I propose to purchase a vehicle manufactured in the year .
13. **1 intend to drive the vehicle No My D.L. No
.....P.S.V.A. No issued by
14. I hereby declare that the above statements are true and agree that they shall be the conditions of any permit issued to me.

Date:

Signature or thumb impression

Place :

of the applicant

(To be filled up in the office of the Transport Authority)

1. Date of receipt:
2. Amount of rupeesreceived
vide receipt number dated(Circulation to members)
3. Date of Consideration at meeting Decision by the Chairman Granted
4. Granted in modified form on the day of.. ... Rejected.
5. Number of permit issuedSecretary, Transport
Authority

**Strike out inapplicable/ Alternative

Note : (1) If any of the Vehicles is not in the possession of the applicant it will suffice if the figures in columns (3) and (4) are correct within ten per cent above or below subject to any limitation of weight in force. The certificate of registration must be presented to the Transport Authority so that the registration marks may be entered in the permit before the permit is issued.

(2) If the application is in respect of large number of vehicles that can be specified above an additional schedule may be appended to the form.

(3) Particular of any goods carriage permit valid in any state and held by the applicant which has been subject of any order of suspension or cancellation .

(4) I forward herewith the certificate of registration of the vehicles or I will produce the certificate of registration of the vehicle before the permit issued.

(5) I hereby declare that the above statements are true and agree that they shall be the conditions of any permit issued to me.

Date:

Signature or thumb impression
of the applicant

Place :

To be filled up in the office of the Transport Authority

1. Date of receipt:
2. Amount ofreceived
vide receipt numberdated
3. Granted/Granted in modified form/Rejected on theday
.....of. 20
4. Permit number issued :

Secretary,
..... Transport Authority

Schedule 1
FORM NO. 11 (P. Tem. A.)
Form of application for the grant of temporary permit for
Contract Carriage
[See Rule 45]

Application for a permit in respect of contract carriage (Taxi/ Auto-Rickshaw/Tourist Taxi/Air Conditioned contract carriage/tourist vehicle/Strick out which is not applicable)

To,
The Regional State Transport Authority
.....

In accordance with the provision of Section 69, 77 and 79 of Motor Vehicles Act, 1989, I the undersigned hereby apply for a permit under

Section 66 of that Act in respect of a Contract Carriage as hereunder set out:-

1. Full name :
(Surname) (Name)

.....
(Father's Name/Husband's Name)

2. Age:

3. Full Address House No. Name of Road/Land

Name of LocalityTown/City .

Pin Code .. Telephone No

4. Purpose for which permit is required

5. Route or routes or area

6. Permit or duration of permit from

..... (both days inclusive) .

7. Type and Laden weight/seating capacity of the vehicle for which the permit is required

8. Registration mark of the vehicle .

9. I hereby declare that the above statements are true and agree that they shall be the conditions of any permit issued to me.

Date:

Place:

Signature or thumb impression
of the applicant

(To be filled in the office of the Transport Authority)

1. Date of receipt:
2. Amount of rupees ..,.....received
vide receipt number dated
3. Granted/Granted in modified form/Rejected on the
day of 20
4. Permit number issued
5. Registration mark of vehicle if intimated after issue

Secretary,
..... Transport Authority

Schedule I
FORM NO. 12 (Pr. S.V.)
Permit in respect of Private Service Vehicle

[See Rule 46(1)(a)]

Part - A

(Full permit to be kept by holder)

No. Pr. S.V

..... Transport
Authority

1. Name of holder
2. Father's Name
3. Address
4. (a) Registration Mark
(b) The Vehicle is under a hire purchase agreement with
5. Type of Vehicle
(a) Seating Capacity
(b) Mark and Model
6. Routes/ Area for which the permit is valid
7. Date of expiry
8. Conditions

Date:

Secretary
Regional Transport Authority
Office Seal

Schedule I
FORM NO. 13 (P. St. P.)
Form of permit in respect of Stage Carriage

[See Rule 46(1)(b)]

..... Transport

Authority

1. Name of holder/company
2. Address
3. Route/ Area for which the permit is valid
4. The types of vehicle to be used on the service and the seating capacity vehicle of
..... vehicle of
..... vehicle of
5. Date of expiry
6. Maximum and minimum fares
7. Particulars of time table to be observed
8. Whether goods may be carried on any or all of the Vehicles solely or in addition to passengers and conditions subject to, which goods may be carried
9. Whether persons may be carried standing in any or all of the vehicle and if so, at what percentage of the seating capacity and subject to what conditions
10. This permit shall be subject to the conditions specified below in addition to the conditions laid down in sub-section (3) of Section 84 of the Act.

- (a) Fair tables and time tables of the routes and approved by the Regional Transport Authority shall be exhibited on the vehicle and on the stands as specified below :
- (b) The Regional Transport Authority may, after giving notice of not less than one month:
 - (i) vary the condition of the permit, and/or (ii) attach to the permit further conditions.
- (c) Arrangements stated in the application for housing maintenance and repair of the vehicle and for storage and safe custody of luggage and goods will be maintained.
- (d) The records to be maintained and the dates on which returns are to be made to the Transport Authority.
- (e) Any other conditions

11. This permit shall, to the extent specified in entry 8 above, be deemed to be a goods carriage permit.

12. Under the provisions of the rules, this permit is valid also in the regions and subject to the conditions set out below :-

Region	Route/Area	Conditions
--------	------------	------------

Date:

Secretary
Transport Authority
Office Seal

RENEWAL

This permit is hereby renewed upto the day
of subject to the following/further condition
.....

It is effective also upto the above written, and subject to any condition
attached to the previous counter signature in the following regions :

Date:

Secretary
Transport Authority
Office Seal

Counter Signature

..... Transport Authority .No.....
..... counter signed for Routes/Area subject to the following conditions.

Date:

Secretary
Transport Authority
Office Seal

Renewal of counter signature

This counter signature is hereby renewed upto the
day of.20

Date:

Secretary
Transport Authority
Office Seal

Schedule I
FORM NO. 14 (P. Co. P.)

Form of permit in granted in respect of Contract Carriage
(See Rule 46(1)(c)]

..... Transport

Authority

No ,

1. Name of holder

(Surname) (Name)

.....
(Father's Name/Husband's Name)

2. Address

3. Route/Area for which the permit is valid

4. The types of vehicle to be used as casual contract/Carriage and the seating capacity

5. (a) Registration mark

(b) Chassis No

..... vehicle of Seats

..... vehicle of Seats

6. Date of expiry 20

7. This permit shall be subject to the conditions specified below in addition to the conditions laid down in Section 84 of the Act.

8. (a) The records to be maintained and the date on which returns are to be made to the Transport Authority.

(b) The Regional Transport Authority, after giving notice of the less than one month, may-

(i) Vary the condition of the permit and/or (ii) attach to the permit further conditions.

(c) Any other conditions.

9. This permit does not entitle the holder to use any vehicle as Stage Carriage as goods vehicle for hire.

Dated:20.....

Secretary

Transport Authority Office Seal

RENEWAL

Renewed upto 20subject to
also valid in

Dated: 20 Secretary
Transport Authority Office Seal

Counter Signature

..... Transport Authority
A.M.V. No

Counter signed for the region
Subject to

Dated :20

Renewal of counter signature

This counter signature is hereby renewed upto the
..... day of 20
subject to the following conditions

Secretary
..... Transport Authority
Office Seal

Schedule I FORM NO. 15 (T. Tem.)

Form of permit in granted in respect of Temporary Permit

[See Rule 46(I)(d)]

.....Transport
Authority
No. P. Tem

1. Name of holder
(Surname)

.....
.... (Name) (Father's Name/Husband's Name)

2. Address

- 3. The type of vehicle
- 4. (a) Registration mark. (b) Chassis No.
 (c) Seating capacity(d) Laden weight

(Note: If (a) is filled in, (b) and (c) may be truck out, otherwise (b) and (c) must be filled in.

- 5. Purpose of journey or journeys
- 6. Nature of goods, if to be carried
- 7. Date of expiry 19

8. Under the provisions of sub-section (4) of Section 88 of the Act and with the particular/general consent of the Transport Authority concerned, this permit is valid also in the following reasons :-

Date: Secretary
Transport Authority
Office Seal

COUNTER SIGNATURE IF NECESSARY

..... Transport
 Authority
 No

Countersigned for the region of
 subject to the following conditions

Date

Secretary
Transport Authority
Office Seal

Schedule I
FORM NO. 16 (A.A.L.)
[See Rule 51 (2)]

**APPLICATION FOR LICENSE TO WORK AS COLLECTING
AGENT/FORWARDING AND DISTRIBUTION AGENT/COLLECTING,
FORWARDING AND DISTRIBUTING AGENT/BOOKING AGENT**

To,

The Secretary, State Transport Authority/Regional Transport Authority

.....

1. Name (in BLOCK letters)
(Surname)
2. Name of Father or husband (in case of individual).....
3. Address
4. Educational qualification, or experience in the management of
Transport business
5. (a) Place where the applicant proposes to be engaged as an agent.. .
(b) Places where he poses to establish his offices of sub-agency...
6. Nature and extent of financial resources of the applicant
7. Particulars of goods vehicles/passengers vehicles owned by the
applicant
8. Particulars of goods vehicles/passengers vehicles either owned by the
applicant or under his control.
 - (a) Total number
 - (b) Market's name
 - (c) Model or year of manufacture
 - (d) Registered laden weights/Seating capacity . .
 - (e) Registration marks
9. Additional particulars to be supplied.....
 - (a) Particulars of the site and its location
 - (b) Description of the premises (nature of buildings, extent of the
site, etc.)
 - (c) Facilities, if any, provided by the applicant for parking of the
goods vehicles/Seating of passengers.
 - (d) Facilities provided by him for loading and unloading of goods
 - (e) Particulars of Civic amenities

Note : The application, if made to the State Transport Authority, shall be accompanied by certificate of the Regional Transport Authority concerned approving the facilities provided by the applicant for parking of the goods vehicles, loading and unloading of goods and storage of goods.

10. I/we enclosed a Treasury Challan for Rs. (Rupees) only being the Prescribed Fee, Challan No
11. I am/we are fully conversant with the conditions of the public carrier permit and the provisions of the Motor Vehicles Act, 1988 and the rules and there under so far as they relate to the restrictions regarding the routes, weights, loading and unloading of goods and the duties and functions of agents.
12. I/we hereby declare that to the best of my/our knowledge the particulars given above are true.

Place/Date

Signature of applicant

Schedule

FORM No. 16 (A.A.I ..)II

[See Rule 51(2)]

APPLICATION FOR THE RENEWAL OF AGENTS LICENCE

To,

The Secretary,

State Transport Authority /Regional Transport Authority

I/We hereby apply for renewal of my/our license which is attached and particulars of which are as follows ;

- (a) Licence No
- (b) Date of issue
- (c) Nature of the licence, i.e. Collecting Agent or Forwarding and Distributing Agent/Collecting, Forwarding and distributing Agent/Booking Agent
- (d) Name of the licenses (in block letters)
- (e) Address

If the license is not attached, reasons why it is not available:

If the application for renewal was not made within 30 days before the date of expiry of the license, the reasons for the delay: .

I/We hereby a Treasury Challan for Rs. being the prescribes fee. The Challan No. is , .

I/We hereby declare that there is no such change in the circumstances under which the license was issued to me/us, so as to disqualify me/us from continuing to hold this license.

Place/date

Signature of applicant

Schedule I
FORM No. 17 (A. L.)
[See Rule 51(1)]

AGENT'S LICENCE

License No

Full Name

Name of the father or husband (in case of an individual).....

Address

is licensed to engage as Collecting Agent/Forwarding and Distributing Agent/Collecting/forwarding and Distributing Agent/Booking Agent at

..... at

and to maintain sub-agencies/offices for the purpose at*

.....subject to the condition that **

The licence is valid from To

Date :

So long as this Agent's License is valid and renewed from time to time the loader is authorised to use the premises the particulars of which are given below, in connection with his business, subject to the provisions of Rule 54, particulars of premises

Secretary
State/Regional Transport Authority
Office Seal

Specify the place for places where the agent's offices are or will be locked. Specify the conditions.

RENEWAL

This License is hereby renewal up to

Date Secretary
Transport Authority
Office Seal

This License is hereby renewed up to

Date

Schedule I
RETURN TO BE SUBMITTED BY AGENTS
FORM No. 18 (R. A. L.) I

[See Rule 54 (e)]

1. License No. Expiring on :

issued byNumber of supplementary License heldfor branch office at
.....
2. Name of Holder of Agent's Licence and Address ...
3. Number of vehicles if any

(i) owned.

(ii) under control.
4. Staff engaged at each office (category wish) to run the business
(Vehicle staff to be included under the head office).

Particulars	Jan	Feb	Mar	Apr.	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Total running from the Station (A)												
2. Total running from the Station (B)												
3. Total load tonnes carried (A)												
4. Total load tonnes carried (B)												
5. Total load brought to the Station (A)												
6. Total load brought to the Station (b)												
7. No. of idle vehicle days (A)												
8 .. No. of idle vehicle days (B)												
9. No. of serious accidents (BI												
10. No. of serious accidents (B)												
11. I1.Value of claims Received (AI												
12. Value of claims Received (B)												
13. Total of freight receive (A)												
14. Total of freight receive (B)												
15. Total of Service charges (A)												
16. Total of Service Charges (B)												
17. Total of Commission received (B)												

The intimation of consignment dispatched, the distance over which they are dispatched, the freight and service charges, received shall be recovered in every office to furnish information at Items 1, 2, 3 and 4. Also record of weight of goods received at and disturbed by every office from other offices will be kept from which information at Items 5 and 6 can be furnished. The Principal office will be receiving intimation for the rest of items by way of returns and from which the information can be complied.

Note : In this Form (A) stands for office of the licensee and (b) stands for branches.

Signature of Licensee

Schedule I
FORM No. 19 (W. A.I
[See Rule 93 (3)]

Permit No Valid up to of
Name
S/ o. (in case of individual)
Present address
Permanent Address

(1) The details records of vehicle and the staff thereof using utilising parking complex must be maintained in a register.

(2)

(3)

Date

Secretary
State Transport Authority
Office Seal

Every parking complex shall have the following minimum facilities.

- (a) Retiring Room having civic facilities, Bathroom etc.
- (b) Vehicle repairing facilities.
- (c) Canteen and Catering.
- (d) Vehicle clearing facilities.
- (e) Covered shed for vehicles.
- (f) First-Aid facilities
- (g) Security measures against theft and fire
- (h) Recreation facilities.

Schedule I
FORM No. 20 (A.C.)
[See Rule 100 (I)]

I,son/daughter
/wife/widow of.....residing athaving
been injured in motor vehicle accident hereby apply for the grant of
compensation for the injury sustained. Necessary particulars in respect of
the injury vehicle, etc., are given below-

Or

I.....son/
daughter/wife/widow of
residing at hereby apply, as a legal
representative/agent for grant of compensation on account of health or
injury sustained by Shri/Kumari/Shrimati who ./was injured, in a motor
vehicle accident.

Necessary particulars in respect of the injured in a motor vehicle accident.

1. Name and father's name of the person (Husband's name in the case married/injured by the vehicle.
2. Full address of the person injured/ deceased :-
3. Age of the person injured/ deceased :-
4. Occupation of the person injured/deceased :-
5. Name and address of the employer of the deceased, if any :-
6. Monthly income of the person injured/ deceased :-
7. Did the person in respect of whom compensation is claimed pay income tax? If so, state the amount of income tax (to be supported by documentary evidence) :-
8. Place, date and time of the accident :-

9. Name and address of Police Station in whose jurisdiction the accident took place :-
10. Was the person in respect of whom compensation is claimed traveling by the vehicle involved in the accident? If so, give the name of the place of starting of journey and destination :-
11. Description of injuries sustained :-
12. Name and address of the expenditure, if any, who attended on the injured deceased :-
13. Period of treatment and expenditure, if any, incurred thereon (to be supported by the documentary evidence) :-
14. Registration No. and the types of the vehicle involved in accident:-
15. Name and address of the owner of the vehicle :-
16. Name and address of the insurer of the vehicle :-
17. Has any claim been lodge with the owner/insurer. If so, with what result :-
18. Name and address of the applicant :-
19. Relationship of the deceased :-
20. Title to the property of the deceased :-
21. Amount of compensation claimed :-
22. General Dairy entry :-
23. Policy No. :-
24. Period of Insurance ;-
25. Details of accidents ;-
26. Any other information that may be necessary or helpful in the disposal of the claim :-

I,solemnly declare that the particulars given above are true and correct to the best of my knowledge.

Signature of thumb impression of the Applicant

Schedule I
Form No. 21
Application for Certificate of Fitness (See Rule 26)

To,

The Registering Authority

I hereby apply for the issue of a certificate of fitness as required by Section 56 of the Motor Vehicles Act, 1988.

Registration mark of vehicle

Name of owner

Address of owner

Place where the vehicle is ordinarily kept.. . . .

Name of manufacturer of vehicle

Manufacturer's model or if not known, wheel base

Type of vehicle

Engine No

Chassis No:

Particulars of any previous certificate of fitness granted in respect of the vehicle

Authority by which granted

Date when certificate was lost or destroyed or ceased to be valid

Reasons for cessation of validity

Schedule I
Form No. 21 (A)
Application for renewal of Certificate of Fitness

(See Rule 26)

To,

The Registering Authority

I hereby apply for renewal of the certificate of fitness described below-

Registration mark of vehicle

Type of vehicle

Name of owner

Address of owner

Place where the vehicle is ordinarily kept (i.e., Garage address)

Number of the certificate of fitness, date of issue or last renewal and date of its expiry

Authority by which the certificate to fitness was issued or last renewed.

Date

Signature or thumb impression of applicant.

Schedule I
Form No. 21 (B)

Temporary authorization of use of vehicle when the certificate of fitness has expired

(See Rule 26(1))

The certificate of fitness of

Registration mark

Last renewed by on
has expired.

I hereby authorize the use of the vehicle until the
day ofprovided that it is forthwith
removed with all reasonable dispatch to the area of the Authority by whom
the certificate of fitness is due to be renewed.

Provided further that, while being used under this authorization, the
vehicle shall not-

- (a) carry more than persons excluding the driver;
- (b) carry on goods;
- (c) be driven at a speed in excess of KM per hour.

Date

Schedule I Form No. 21 (C)
Suspension or Cancellation of Fitness Certificate
(See Rule 26)

Registration mark of the Vehicle
Mark of Model.. Type of Vehicle
Certificate of fitness: Number

Issued by

Last renewed on

By

Date of Inspection

Name and address of owner

The vehicle described above fails in my opinion to comply with the provisions of Chapter V of C.M.V. Rule 1989 and under Sections 56(4) of the Central Motor Vehicle Act, 1988 and the Assam Motor Vehicle Rules, 2003 because of the following defects :

I have, therefore, impounded the certificate for fitness, The vehicle may be produced for re-examination at on before the The vehicle may be driven to workshop for repairs and thereafter to It shall not be driven at a speed of KM per hour and no passenger and goods may be carried.

Copy to :

1. The District Transport Officerfor information and necessary action

2. Shrifor information and necessary action.

Date

Inspector of Motor Vehicle.

Schedule I
Form No. 22 Public Carrier's Permit
Part - A
(Full Permit to be kept by the holder) (See Rule 46)

No

..... Transport Authority

1. Name of holder

2. Father's name

3. Address

4. Route for which permit is valid

Area

5. Type of capacity of vehicle, including trailers and the alternative traveler of articulated vehicle.

No. of Vehicle	Type	Load Capacity Kg.	Laden weight Kg	Registration Marks
1	2	3	4	5

Note : Of the above the vehicle described below by their registration marks are held under hire purchase agreement with Registration marks

6. Date of expiry

7. The records to be maintained and the dates on which returns are to be made to the Transport Authority

8. Condition
9. . The vehicle (s) authorized by this permit may be used by the holder as a private carried within the area of.....for the purpose of carrying the following goods .
10. Under the provisions of the Assam Motor Vehicles Rules, 2003, this permit is valid also in the regions and subject to the conditions set out below:

Regions	Route Area	Conditions
----------------	-------------------	-------------------

Secretary
Transport Authority

RENEWAL

Renewal up to..... Subject

..... also valid in

.....

Dated. Secretary,
Transport Authority

COUNTER SIGNATURE

..... Transport
Authority

Countersigned for the Area of

..... subject to

Dated. Secretary
Transport Authority

RENEWAL OF COUNTERSIGNATURE

The above countersignature is hereby renewed up to

Subject to the following conditions:

Dated

Secretary
Transport Authority.

Schedule I

Form No. 23

[See Rule 112 (1)]

Form of application for grant and renewal of Trade Licence

To,

The

I/We hereby apply for issue of/renewal of a Trade Licence for

1. Name of applicant
2. Son/wife/daughter of... ..
3. Full Address ..(Proof to be attached) ..
4. Nature of business
5. Capacity
6. Class of vehicle for which the licence is required ..
7. Details of employees ..
8. Details of fees paid
9. If the application is for renewal, indicate the Trade Licence No.
Date of issue and expiry of the earlier licence.

DECLARATION

I/We do hereby that the Trade Licence is required by me/us for bonafide Trade and the information given above are true and correct.

Date

Schedule I
Form No. 23 (A)
FORM OF TRADE LICENCE
(See Rule 112(5))
TRADE LICENCE

1. Serial Number of the Licence.
2. Full name and Address of the licence.
3. Nature of Business.
4. Capacity.
5. Validity and date of expiry.
6. Details of Fees Paid.
7. Details of employees.

Date

Signature of the Licensing Authority.

Schedule II
FORM No. 1 (RP)
[See Rule 47(1)]
FORM OF THE REGISTER OF PERMIT GRANTED

Permit Date No.	Date of Issue	Name and Address of the permit Holder	Vehicle and Details of the Vehicle	Route of Area	Validity of the permit	Remarks and signature permit issuing Authority
--------------------	---------------------	--	--	------------------	------------------------------	---

Schedule II
FORM No.2 (RP) (TEMP)
[See Rule 47(1)]

FORM OF REGISTER FOR TEMPORARY PERMIT GRANTED

Permit Date No.	Date of Issue	Name and Address of the permit Holder	Vehicle and Details of the Vehicle	Route of Area	Validity of the	Remarks and signature of the Permit issuing Authority
--------------------	---------------------	--	--	------------------	--------------------	--

* Number should be maintained Calendar Year wise

Schedule II
FORM No.3 (R.A.L.)
[See Rule 51 (6)]

FOPRM OF THE REGISTER OF LICENSE GRANTED TO THE AGENTS

Sl. No.	Date of weight	Vehicle No the permit	Status loaded of Empt. the Vehicle	If loaded Particulars the materials and total load	Amounts of fee Realised	Signature of the weighmen
---------	----------------	-----------------------	------------------------------------	--	-------------------------	---------------------------

Schedule II
FORM No.4 (W.B.)
[See Rule 92 (4)(c)]

FORM OF REGISTER TO BE MAINTAIN BY THE WEIGH BRIDGES

Sl. No.	Date of weight	Vehicle No the permit	Status loaded of Empt. the Vehicle	If loaded Particulars the materials and total load	Amounts of fee Realised	Signature of the weighmen
---------	----------------	-----------------------	------------------------------------	--	-------------------------	---------------------------

Schedul III
FORM No. 1 (TRANS)
[See Rule 79 (i)]

GOVERNMENT OF ASSAM
TRANSPORT DEPARTMENT
ORDER BY THE GOVERNOR

NOTIFICATION

No.

Dated Dispur, the 20

Whereas the Governor of Assam is satisfied that for the purpose of providing an efficient adequate, economical and properly co-oriented road transport service, it is necessary in the public interest that road transport service in general/by (class of such service) in relation to the area/route.....or portion thereof should be run and operated by the State Transport Undertaking to the complete/partial exclusion of other person or otherwise.

Now, therefore, the Governor of Assam, in exercise of the powers conferred by Section 99 of the Motor Vehicles Act, 1988 read with Rule (I) of the Assam Motor Vehicles Rules, 1994 is pleased to propose and to formulates the following scheme in the manner herein appearing namely-

THE SCHEME

The passenger road transport service (plying of Stage Carriage like) shall be run and operated by the State Transport Undertaking, namely the Assam State Transport Corporation, in relation to the area/route mentioned in the Annexure appended hereto the complete/partial exclusion of other persons or otherwise with immediate effect.

Henceforth existing buses (or other stage carriages) run or operated by private persons etc., shall not be allowed to run or operate in the

area/route or shall run and operate in the area route parallaly with the buses of other stage carriage run and operated by the Assam State Transport Corporation subject to the conditions that.

(1)

(2)

(3)

Annexure

(1) Name of the area/route

(2) Length of route

(3) Type of Service

(4) Seating capacity of the bus

(5) Approximate

(6) Remarks

It is, therefore, published for the information of all persons/organisation /institutions likely to be affected by the Scheme and notice is hereby given that any person/organisation/institution etc., feeling aggrieved thereby may file written objection in the prescribed form and manner within thirty days from the date of publication of this notification in the official Gazette.

The Scheme shall be taken up for consideration after hearing the objection or their representatives and the representative of the Assam State Transport Corporation.

Memo No.

Secretary to the Govt. of Assam
Transport Department

Dated, Dispur, the 200

Copy forwarded to for information and necessary action :-

1. The Managing Director, Assam State Transport Corporation, Paltan Bazar, Guwahati-8.
2. The Deputy Commissioner and Chairman, Regional Transport Authority
3. The District Transport Officer and Secretary, State Transport Authority, Assam, Guwahati -5.
4. The District Transport Officer and Secretary, Regional Transport Authority
5. The Superintendent of Police
6. The Director of Information and Public Relations, Dispur, Guwahati6 for publication of the notification in a daily Assamese and also in a daily English News Paper in the issue.
7. The Divisional Superintendent, Assam State Transport Corporation, Paltan Bazar, Guwahati-8.
8. The Superintendent, Assam Govt. Press, Bamunimaidan, Guwahati-21. He is requested to publish the notification in the Assam Gazette (Extraordinary) and to furnish this Department with at least 50 spare copies immediately.

By Order etc.
Designation

Schedule 111
FORM No.2 (TRANS)
[See Rule 79 (2)]

FORM OF OBJECTION TO BE FILLED BY THE OBJECTOR

To,

The Secretary to the Govt. of Assam
Transport Department, Dispur

Sir,

I/We the undersigned having been aggrieved to the Nationalisation of routes fully or partially as notified vide Notification No dated published in the Assam Gazette, dated thereby I/we lay objections before the Government of Assam, Department of Transport under Section 100(1) Motor Vehicle Act, 1988 on the following grounds :-

GROUND

.....
.....
.....
.....
.....
.....

I/Wesolemnly declare that the particulars given above are true and correct to the best of my knowledge.

Signature

Seal

(A Court Fee Stamp of Rs. 08.25 p. is affixed herewith)

Schedule III
FORM NO.3 (TRANS)
[See Rule 79 (3)]
GOVERNMENT OF ASSAM TRANSPORT DEPARTMENT
ORDER BY THE GOVERNOR

NOTIFICATION

No.

Dated, Dispur, the 200

Whereas the Governor of Assam is satisfied that for the purpose of providing an efficient adequate, economical and properly co-oriented road transport service, it is necessary in the public interest that road transport service in general by(class of such service) in relation to the area/route or portion thereof should be run and operated by the State Transport. Undertaking to the complete/ partial exclusion in exercise of the powers conferred by Section 99 of the Motor Vehicle Act, 1998 read with Rule 79(1) of the Assam Motor Vehicles Rules, 2003 was pleased to propose and to formulate a scheme.

Whereas the Scheme had been published for the information of all persons/organisations institutions likely to be affected thereby as required by Section 100(1) of the Motor Vehicles Act, 1988 read with Rule 79(1) of the Assam Motor Vehicles Rules, 2003 vide Government of Assam Transport Department Notification No. Dated and whereas objection or suggestions received within the specified period in respect of the said Scheme having considered after hearing the persons concerned, the Governor of Assam, in exercise of the powers conferred by Section 100(2) of the pleased to approved the Scheme in the manner herein below appearing, namely :-

THE SCHEME

The passenger road transport services (plying of Stage Carriage like) shall be run and operated by the State Transport Undertaking namely the Assam State Transport Corporation, in relation to the area/route in the Annexure appended hereto the complete/partial exclusion of other persons or otherwise with immediate effect.

Henceforth existing buses (or other stage carriage) run or operated by private persons etc., shall not be allowed to run or operate in the area/route or shall run and operate in the area route parallel with the buses or other stage carriages run and operated by the Assam State Transport Corporation subject to the conditions that :

- (1)
- (2)
- (3)

Annexure

- (1) Name of the area/route
- (2) Length of route
- (3) Type of Service
- (4) Seating capacity of 'the bus
- (5) Approximate number of vehicle
- (6) Remarks

Secretary to the Govt. of Assam
Transport Department

Memo No.

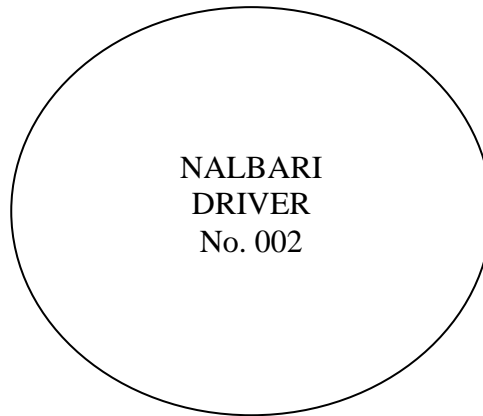
Dated, Dispur, the 200

Copy forwarded to for information and necessary action :-

1. The Managing Director, Assam State Transport Corporation, Paltan Bazar. Guwahati-8.
2. The Deputy Commissioner and Chairman, Regional Transport Authority
3. The Commissioner Transport and Secretary, State Transport Authority, Assam, Guwahati-5.
4. The District Transport Officer and Secretary, Regional Transport Authority
5. The Superintendent of Police
6. The Director of Information and Public Relations, Dispur, Guwahati-6 for publication of the notification in a daily Assamese and also in a daily English News Paper in the issue.
7. The Divisional Superintendent, Assam State Transport Corporation, Paltan Bazar, Guwahati-8.
8. The Superintendent, Assam Govt. Press, Bamunimaidan, Guwahati - 21. He is requested to publish the notification in the Assam Gazette (Extraordinary) and to furnish this Department with at least 50 spare copies immediately.

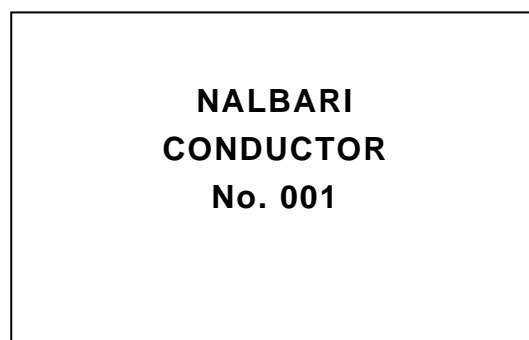
By Order etc.
Designation

Schedule IV
ILLUSTRATION NO.1
Illustration of BADGE for Driver of Public Service Vehicles
[See Rule 5 (1)]



[Badge to be circular in shape, measuring 4 cm. and Number to be in large figure]

Schedule IV
ILLUSTRATION No.2
Illustration of BADGE for Conductor of Public Service Vehicles
[See Rule 20 (1)]



[Badge to be rectangular in shape, measuring 4 cm. and Number to be in large figure].

Schedule IV

ILLUSTRATION NO.3

Illustration of Shoulder strap Badges for Motor Vehicle Inspector

[See Rule 110 (I)(c)]



[5 Centimetre in length and 2.5 Centimetre in height]

Schedule IV

ILLUSTRATION NO.4

Illustration of Peak Cap Badges for Motor Vehicle Inspector

[See Rule 110 (1) (b)]

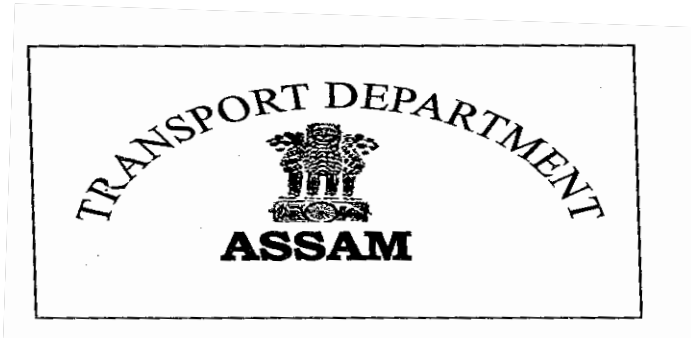


[3. 5 Centimetre in length and 2.5 Centimetre in height]

Schedule IV

ILLUSTRATION NO.5

Illustration of Waist Belt Buckle Badge for Motor Vehicle Inspector
[See Rule 110 (1) (d)]



[The Belt shall be of 5 Centimetre in breadth and the Buckle shall be of 8 Centimetre in length and 6 Centimetre in breadth]

Schedule IV

ILLUSTRATION NO.6

Illustration of Peak Cap Badge for Enforcement Inspector

[See Rule 110 (2) (b)]



[3.5 Centimeter in height and 2.5 Centimeter in breadth]

Schedule IV

ILLUSTRATION NO.7

Illustration of Shoulder strap Badges for Enforcement Inspector

[See Rule 110 (2) (c)]



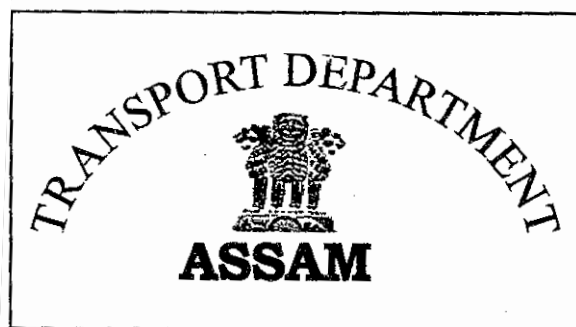
[5 Centimetre in length and 2.5 Centimetre in height]

Schedule IV

ILLUSTRATION NO.8

Illustration of Waist Buckle Badge for Enforcement Inspector and Assistant Enforcement Inspector

[See Rule 110 (2) (d) and Rule 110 (3) (d)]



Schedule IV

ILLUSTRATION NO.9

**Illustration of Peak Cup Badge for Assistant Enforcement Inspector
[See Rule 110 (3) (b)]**



[* | Schedule IV

ILLUSTRATION NO. 9(A)

**Illustration of Shoulder Strap Badges for Assistant Enforcement
Inspector [See Rule 110 (3) (c)]**

Asst. Enforcement Inspector

[5 Centimetre in length and 2.5 Centimetre in height]

Schedule IV

ILLUSTRATION NO. 10

Illustration of Shoulder Strap Badges for Enforcement Checker

[See Rule 110 (4) (c)]

**ENFORCEMENT CHECKER
ASSAM**

[5 Centimetre in length and 2.5 Centimetre in height]

Form No. 23



CERTIFICATE OF REGISTRATION : ASSAM

Assam Schedule - LIX (Part IV) Form No. 23 (Rule - 48)

Registration Number :

Date of Registration :

Name of Registered owner :

W. e. f. :

Son/D/W/ of :

Full Address :

.....

.....

This certificate is valid from

.....to.....

Registering Auth. Kamrup Last Zone Guw.

DETAILED DESCRIPTION

1. Brief Description of M. V.
2. Maker's name
3. Type of Body
4. Month and Year of Mfg.
5. The M. V. is of

PRIVATE VEHICLE
 NON-COMMERCIAL

6. Number of Cylinder (s) :
7. Fuel used in Engine :
8. Chassis Number :
9. Engine Number :
10. Horse Power/C.C.
11. Unladen Weight :
12. Seating Capacity (including Driver) :
13. Colour (s) of body :
14. The motor vehicle above described is subject to a hire purchase/lease agreement, hypothecation with :

Other if any :

.....

.....

-
-

Specimen Signature or Thumb

impression of the registered owner Registering Auth. Kamrup East Zone Guw.

SCHEDULE-V

Abstract of fees / fees etc. under The Motor Vehicle Rules, 2003

Sl. No.	Purpose	Rule	Amount
1.	Duplicate Driving Licence	4 (4)	Rs. 20/-
2.	Driver's badge	5 (3)	Rs. 15/-
3.	Medical Certificate for Driving Licence	6	Rs. 15/-
4.	Duplicate Conductor's Licence	17 (2)	Rs. 15/-
5.	Conductor's badge	20 (3)	Rs. 10/-
6.	Court fee for appeal etc.	22 (1) 33 (1)	Rs. 20/-
7.	Failure of get Registration Mark / Change of address & Owner etc.	23	Rs. 100 to Rs. 500/-
8.	Reassignment of Registration Mark	24 (4)	Rs. 500/-
9.	Temporary Registration Mark	25 (3)	Rs. 30 to Rs. 100/-
10.	Permit fees of public service Vehicles	46 (B)	Rs. 100 to 2500/-
11.	Fees for duplicate permit	48 (5)	Rs. 50 to Rs. 200/-
12.	Cost of 'H' Form (Triplicate)	49 (2)	Rs. 10/-
13.	Application fees for Agent's	51 (3)	Rs. 500/-
14.	Annual Licence fees for Agent's Licence	53 (ii)	Rs.10,000 to Rs. 20,000/-
15.	Duplicate Agent's Licence	59	Rs. 50/-
16.	Application for Appeal for Agents Licence	61 (2)	Rs. 50/-
17.	Licence fees for private Emission testing stations	87 (3) (b)	Rs. 10,000/-
18.	Annual renewal fees for the Licence for Private emission Testing stations	87 (3)(b)	Rs. 5,000/-

19.	Fees for pollution under Control certificate	87 (4) (d)	Rs. 15 to Rs. 55/-
20.	Fees for Weighment of different categories of Motor Vehicle	92 (4) (d)	Rs. 10 to Rs. 100/-
21.	Permit fees for parking Complex	93 (2) (ii)	Rs. 3,000/-
22.	Trade Licence fees for Motor Driving School	111	Rs. 1,000/-
23.	Annual Renewal fees for Trade Licence for Motor Driving School	111	Rs. 500/-
24.	Trade Licence fees for Motor Vehicle Repairing Centre/Body builders of all types of vehicle, weigh bridges and dealer of all types of vehicle	112 (viii)	Rs. 260 to Rs. 10,000/-
25.	Fine for delay in obtaining or renewed of Trade Licence	112 (iii)	Rs. 2/- per day

NOTIFICATION

[Pollution Check of Motor Vehicle made compulsory]

[Dated 23rd June, 2000]

No TMV. 45/96/204 : In exercise of the powers conferred under subrule (2) & (7) of Rule 115 and Rule 116 of the Central Motor Vehicles Rules, 1989 as amended, the Governor of Assam is pleased to enforce the Motor Vehicle Pollution Check compulsory throughout the State of Assam.

After expiry of a period of one year from the date of which the motor vehicle was first registered every such vehicle shall carry a valid "Pollution Under Control" certificate issued by privatized pollution check stations authorised for the purpose by the Government of Assam. The certificate shall always be carried in the vehicle and produced on demand by the Officers empowered by the State Government for this purpose.

Any category of motor vehicle including three wheeler or two wheeler which is not complying with the provisions of sub-rule (2) or sub-rule (7) of Rule 115 of the Central Motor Vehicles Rules, 1989, as amended, the State Government Officers empowered for the purpose may in writing direct the driver or any person in-charge of the vehicle to submit the vehicle for conducting the test to measure the standard of emission in anyone of the authorised Testing Stations and produce the certificate to an authorise at the address mentioned in the written direction within 7 days from the date of conducting the check. The conducting of check shall be ensured within 15 days from the day of the written direction. If the test result indicate that the motor vehicle does not comply with the provision of sub-rule (2) of Rule 115 of the Central Motor Vehicles Rules, 1989, as amended, the driver or any person in-charge of the vehicle shall rectify the defects so as to comply with the provision of the sub-rule (2) of the Rule 115 of the Central Motor Vehicles Rules, 1989 within a period of 7 days and submit the vehicle to any autholised Testing Station for recheck and produce the certificate so obtained from the authorised Testing Station to the authority at the address mentioned in the written direction.

If the vehicle failed to comply to the above guidelines as well as provisions of sub-rule (2) & (7) of Rule 115 and Rule 116 of the Central Motor Vehicles Rules, 1989 as amended the owner of the vehicle shall be liable for the penalty as prescribed under provision or the sub-section (2) of Section 190 of the Motor Vehicles Act, 1988 as amended. Also action against the motor vehicles will be taken as per provisions in the sub-rule (6), (7) & (9) of Rule 116 Central Motor Vehicles Rules, 1989, as amended, including any other provisions specified by the State Government by Notifications from time to time in this behalf.

This notification will come into force with effect from the date of formal announcement of motor vehicle pollution checking by the State Government.

Alok Perti,
Commissioner & Secy. to the
Govt. of Assam,
Transport Department.

NOTIFICATION

{Fare fixation . Maximum/are realisable}

[Dated 4th May, 2002)

No TMV. 251/97/230 : In exercise of the powers conferred under sub-section (i) (d)(i) of Section 67 of the Motor Vehicles Act, 1988 (Act 59 of 1988) and in supersession of all Government Notification prescribing fares, the Governor of Assam is pleased to issue directions to the State Transport Authority, Assam and the Regional Transport Authorities of Assam regarding fixing of maximum fare realizable for Stage Carriages, City Buses, Mini City Buses, Taxis, All India Tourist Buses in the manner specified in the Schedule below-

The Schedule

No.	Category of Vehicle	Rate of Fare
1.	Ordinary Stage Carriage	Not exceeding 48 paise per passenger per Km.
2.	Long distance Stage Carriage Deluxe Super Express (Day Service)	Not exceeding 42 paise per passenger per Km.
3.	Long distance Stage Carriage Deluxe Super Express (Night Service)	Not exceeding 48 paise per passenger per Km.
4.	All India Tourist Omni Bus	Not exceeding 48 paise per passenger per Km.
5.	Air Conditioned Coaches	80% surcharge on the fare prescribed for that category
6.	Stage Carriage, plying in Hill Areas-if 1/ 3rd of the total kilometer age of the route length falls in Hill Areas.	30% surcharge on the fare prescribed
7.	All Assam Omni Tourist Vehicle (Telco-407) / Mini Bus.	Not exceeding 48 paise per passenger per Km.

8.	City Buses-		
(A)	Ordinary / Express -		Rate
	Route Length		Ordinary
			Express
	0-3 Km.	Rs. 1.25 P.	Rs. 2.50 P.
	3-5 Km.	Rs. 1.75 P.	Rs. 3.00 P.
	5-9 Km.	Rs. 2.50 P.	Rs. 3.50 P.
	9-13 Km.	Rs. 3.00 P.	Rs. 4.25 P.
	13-17 Km.	Rs. 3.50 P.	Rs. 4.75 P.

1. Published In The Assam Gazette Extraordinary No. 421 dated 20th May, 2002. 132

No.	Category of Vehicle	Rate of Fare
(B)	Mini City Bus -	Rs. 2.00 for 1 st Km and Rs. 0.50 for subsequent Km. or part thereof, subject to a maximum of Rs. 8.50
9.	Night City Buses (From 10.00 P.M. onwards to 5 A.M.) above.	Double the fare prescribed for City Buses under (B)
10.	Contract Carriage Bus (Ordinary)	Not exceeding 36 paise per passenger per Km.
11.	Sub-Urban Bus	Not exceeding 36 paise per passenger per Km.
12.	Ambassador Taxi (Petrol operated)	
	(a) Tourist Taxi	Rs. 10.00 for the 1 st Km. and Rs. 7.50 for every subsequent Km.
	(b) Local Taxi	Rs. 10.00 for the 1 st Km and Rs. 7.50 for every addl. Km. or part thereof, Detention Charge Rs. 25.00 per hour.
13.	Ambassador Taxi (Diesel Operated)	
	(a) Tourist Taxi	Rs. 7.50 for the 1 st Km. and

		Rs. 6.00 for every subsequent Km.
	(b) Local Taxi	Rs. 7.00 for the 1 st Km and Rs. 25.00 for every addl. Km. or part thereof, Detention Charge Rs. 25.00 per hour.
14.	Maruti Car Taxi	
	(a) Local Taxi	Rs. 20.00 for the 1 st Km and Rs 2.00 for every subsequent 200 meter or part thereof.
		(i) Detention charge Rs. 50.00 per hour.
		(ii) There will be no separate huggage charge.
	(b) Maruti Tourist Taxi	
15.	Tata Sumo (Taxi/Clab)	70 paise per passenger per Km.
16.	Vikram Diesel 3 Wheeler etc. passenger seating capacity)	Rs. 3.50 per passenger for (7 1 st 3 Km. or fees and Rs. 1.20 for every subsequent km.
17.	Night service charges for Taxi/Authorickshaw/Vikram From 10 p.m. to 5 a.m.	50% above the normal rate prescribed for that category.

Note :

- (i) The above rates are inclusive of all Taxes.
- (ii) Stage Carriage/Express Day Services should not be having any stoppage below 40/50 KIns. stretch of journey.
- (iii) No bus service would be eligible for Express Day Services which operates on less than 150 KIn. of route length.
- (iv) Stage Carriage/Super Express/Night Services would be operated only by Luxury Buses, which may conform generally

to the standard prescribed for Tourist Omni Buses and must operate more than 200 Kms. with only maximum of 3 stoppages enroute.

The fares specified in the schedule above shall be effective from the date of Notification.

P.C. Sharma,
Principal Secy. to the
Govt. of Assam, Transport Department.

NOTIFICATION

[Compounding of offence]

[Dated 26th July, 2002]

No TMV. 293/99/35.-In exercise of the powers conferred under Section 200 of the Motor Vehicles Act, 1988, as amended by the Motor Vehicle (Amendment) Act, 1994, the Governor of Assam is pleased to empower the under mentioned Officers to compound offences committed under Sections 177, 178, 179, 180, 181, 182, 182 (A), 183(1), 183(2), 184, 186, 189, 190(2), 191, 192, 194, 196 and 198 of the aforesaid Act for such amount and manner shown below in respect of the offences involved-

(A) Designated Officer:	Commissioner of Transport, Joint Commissioner of Transport, Deputy Commissioner of Transport, Asstt. Commissioner of Transport, District Transport Officer, Enforcement Inspector of the Transport
-------------------------	---

Under Section	Amount of C.F. For	Amount for the subsequent Offence (in Rupees) The 1 st Offence (in Rupees)
1	2	3
(1) Section 178 (1)	250/-	300/- to 500/-
Section 178 (2)	250/-	300/- to 500/-
Section 178 (3)	50/-	75/- to 200/-
Section 179 (1)	300/-	350/- to 500/-
Section 179 (2)	300/-	350/- to 500/-
Section 180	500/-	600/- to 1000/-
Section 181	300/-	350/- to 500/-
Section 182 (1)	300/-	400/- to 500/-
Section 182 (2)	50/-	75/- to 100/-
Section 182 (A)	1000/-	1500/-
Section 183 (1)	400/-	500/- to 1000/-
Section 183 (2)	300/-	400/- to 500/-
Section 184	700/-	1500/- to 2000/-
Section 186	100/-	200/- to 500/-
Section 190 (2)	1000/	2000/-
Section 191	500/-	500/-
Section 192-		
A. For Two Wheeler	2000/-	3000/- to 5000/-
B. For Three Wheeler	3000/-	4000/- to 5000/-
C. For Four Wheeler and above	5000/-	5000/- to 10000/-
Section 194 (1)	(i) Rs. 3000/- (Minimum)	For excess load of 0.1 M.T. to 8.0 M.T.
	(ii) 4000/- (minimum)	For excess load above 8.0 M.T. to 14.0 M.T.
	(iii) Rs. 5000/- (minimum	For excess load above 14.0 M.T. to 18.0 M.T.
	(iv) Rs. 1000/- Per M.T.	of excess load above 18.0 M.T.
Section 194 (2)	2000/-	2500/- to 3000/-
Section 196	500/-	600/- to 1000/-

(B) Designated Officer:		Commissioner of Transport, Joint Commissioner of Transport, Deputy Commissioner of Transport, Asstt. Commissioner of Transport, District
Section 177	250/-	300/- to 500/-
Section 191	200/-	250/- to 200/-
Section 198	50%	75/- to 100/-

(C) Designated Officer :

Commissioner of Transport, Joint
Commissioner of Transport, Deputy
Commissioner of Transport, Asstt.
Commissioner of Transport, District
Transport Officer and Inspector of
Motor Vehicles.

Section 179 (1)	250/-	300/- to 500/-
Section 179 (2)	250/-	300/- to 500/-
Section 180	400/-	500/- to 1000/-
Section 181	200/-	300/- to 500/-
Section 186	100/-	200/- to 500/-
Section 190 (2)	500/-	1000/- to 2000/-
Section 178(1)	250/-	300/- to 500/-
Section 178(2)	250/-	300/- to 500/-

(C) Designated Officer :

Officers of the Assam Police,
Administration not below the
rank of Inspector of Police
within their respective
jurisdiction.

Section 177	150/-	200/- to 300/-
Section 179 (1)	300/-	350/- to 500/-
Section 179 (2)	300/-	350/- to 500/-
Section 180	500/-	600/- to 1000/-
Section 181	300/-	350/- to 500/-
Section 182 (1)	300/-	400/- to 500/-
Section 182 (2)	50/-	75/- to 100/-
Section 183 (1)	400/-	500/- to 1000/-
Section 183 (2)	300/-	400/- to 500/-

Section 184	700/-	1500/- to 2000/-
Section 186	100/-	200/- to 500/-
Section 192	2000/-	2000/- to 3000/-
Section 190 (2)	1000/-	2000/-
Section 196	500/-	600/- to 1000/-
Section 198	50/-	75/- to 100/-

This supersedes the Transport Department's Notification No. TMV. 293/99/15, dated 26th May, 2000.

P .C. Sharma,
Principal Secy. to the
Govt. of Assam, Transport Department.

APPENDIX 1

THE CENTRAL MOTOR VEHICLES ACT, 1988

[Relevant Extracts]
[Second Schedule] I
[See Section 163-A]

Schedule for Compensation for third Party Fatal Accident/Injury Cases Claims

1. Fatal Accidents :

Annual Income		Rs. 3000	Rs. 4200	Rs. 5400	Rs. 6600	Rs. 7800	Rs. 9000
Age of Victim	Multiplier	Rupees in Thousands Compensation in case of Death.					
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Upto 15 Yrs.	15	60	84	108	132	156	180
Above 15 yrs. but not exceeding 20 yrs.	16	57	79.8	102	125.4	148.2	171
Above 20 yrs. but not exceeding 25 Yrs.	17	54	75.6	97.2	118.8	140.4	162
Above 25 but not Exceeding 30 Yrs.	18	51	71.4	91.8	112.2	132.6	153
Above 30 Yrs. but not Exceeding 35 Yrs.	17	50	67.2	86.4	105.6	124.8	144
Above 35 Yrs. but not exceeding 40 Yrs.	16	50	63	81	99	117	135
Above 40 Yrs. but not exceeding 45 Yrs.	15	50	58.8	75.6	92.4	109.2	126
Above 45 Yrs. but not exceeding 50 Yrs.	13	50	54.4	64.8	79.2	93.6	108
Above 50 Yrs. but not exceeding 55 Yrs.	11	50	50	54	66	78	90
Above 55 Yrs. but not exceeding 60 Yrs.	5	50	50	50	52.8	62.4	72
Above 65 Yrs.	5	50	50	50	50	50	50

Annual Income		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
		10200	11400	12000	18000	24000	36000	40000
Age of Victim	Multiplier	Rupees in Thousands Compensation in case of Death.						
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Upto 15 Yrs.	15	204	228	240	360	480	720	800
Above 15 Yrs.								
exceeding 20 yrs.	16	193.8	216.6	228	342	456	684	760
Above 20 Yrs. but not								
Exceeding 25 Yrs.	17	193.6	205.2	216	324	432	648	720
Above 25 but not								
Exceeding 30 Yrs.	18	173.4	193.8	204	306	408	612	680
Above 30 Yrs. but not								
Exceeding 35 Yrs.	17	163.2	192.4	192	288	384	576	640
Above 35 Yrs. but not								
exceeding 40 Yrs.	16	153	171	180	270	380	540	600
Above 40 Yrs. but not								
exceeding 45 Yrs.	15	142.8	159.6	168	262	336	504	560
Above 45 Yrs. but not								
exceeding 50 Yrs.	13	122.4	136.8	144	216	286	432	480
Above 50 Yrs. but not								
exceeding 55 Yrs.	11	102	114	120	180	240	260	400
Above 55 Yrs. but not								
exceeding 60 Yrs.	8	81.6	91.2	96	144	192	286	320
Above 60 Yrs. but								
Not 65 Yrs.	5	61.2	68.4	72	108	144	216	240
Above 65 Yrs.	5	51	57	60	90	120	180	200

Note : The amount of compensation so arrived at in the case of fatal accident claims shall be reduced by 1/ 3rd in consideration of the expenses which the victim would have incurred towards maintaining himself had he been alive.

2. Amount of compensation shall not be less than Rs. 50,000.

3. General Damage (In case of death) :

The following general damages shall be payable in addition to compensation outlined above:

- (i) Funeral expenses : Rs. 2,000/-
- (ii) Loss of Consortium, if beneficiary is the spouse : Rs. 5,000/-
- (iii) Loss of Estate : Rs. 2,500/-
- (iv) Medical expenses-Actual expenses incurred before death supported by bills/vouchers but not exceeding. : Rs. 15,000/-

4. General damages in case of injuries and disabilities

(i) Pain and sufferings

- (a) Grievous injuries : Rs. 5,000/-
- (b) Non-grievous injuries : Rs. 1,000/-

- (ii) Medical expenses—Actual expenses incurred supported by bills/vouchers but not exceeding as one time payment : Rs. 15,000/-

5. Disability in non-fatal accidents-

The following compensation shall be payable in case of disability to the victim arising on the non-fatal accidents-

Loss of income if any, for actual period of disablement not exceeding fifty two weeks.

Plus either of the following-

(a) In case of permanent total disablement the amount payable shall be arrived at by multiplying the annual loss of income by the Multiplier applicable to the age of the date of determining the compensation, or

(b) In case of permanent partial disablement such percentage of compensation which would have been payable in the case of permanent total disablement as specified under item (a) above.

Injuries deemed to result in permanent Total Disablement/Permanent Partial Disablement and percentage of loss of earning capacity shall-be as per Schedule 1 under Workmen’s Compensation Act, 1923.

6. National Income for compensation to those who had no income prior to accident-

- | | | | |
|-----|---------------------|---|---|
| (a) | Non-earning persons | : | Rs. 15,000/- |
| (b) | Spouse | : | Rs.1/3 rd of income
Of the earning/
Surviving spouse |

In case of other injuries only “General Damage” as applicable.]”I

APPENDIX 2
THE CENTRAL MOTOR VEHICLES RULES, 1989
(Relevant Extracts)

CHAPTER VII

**INSURANCE OF MOTOR VEHICLES AGAINST
THIRD PARTY RISKS**

140. Definitions : In this Chapter, unless the context otherwise requires—

- (i) “accounting year” means the year commencing on the first day of April, and ending with the 31st day of March of the following year;
- (ii) “approved list” means the list of foreign insurers and their guarantors maintained by the Central Government under these rules;
- (iii) “Authority” means the Central Government or a State Government or any local authority or any State Transport Undertaking, motor vehicles owned by whom have been

exempted from compulsory insurance under sub-section (2) of Section 146;

- (iv) “bank” means a company which accepts, for the purposes of lending or investment, deposits of money from the public repayable on demand or otherwise, and withdrawal by cheque, draft, order or otherwise;

Explanation.-Any company which is engaged in the manufacture of goods or carries on any trade and which accepts deposits of money from the public merely for the purpose of financing its business as such manufacturer or trader shall not be deemed to be a bank within the meaning of this clause;

- (v) “certificate of foreign insurance” means a certificate issued by a foreign insurer in Form 57 in compliance with these rules;

- (vi) “foreign insurer” means a person or firm carrying on the business of insurance incorporated or domiciled outside India and not registered under the Insurance Act, 1938 (4 of 1938);

- (vii) “fund” means the fund established under Rule 151;

- (viii) “Government security” means a Government security as defined in the Public Debts Act, 1944 (18 of 1944);

- (ix) “guarantor” mean an insurer, who has guaranteed a foreign insurer in pursuance of these rules, and “guarantee”, “guaranteed” and “guaranteeing” have corresponding meanings;

(x) “visitor” means a person bringing a motor vehicle into India and making only a temporary stay therein not extending to a continuous period of more than one year.

Inland Insurance

141. Certificate of Insurance : An authorised insurer shall issue to every holder of a policy insurance, a certificate of insurance in Form 51 in respect of each such vehicle.

142. Cover-notes : (1) Every cover-note issued by an authorised insurer shall be in Form 52.

(2) A cover-note referred to in sub-rule (1) shall be valid for a period of sixty days from the date of its issue and the insurer shall issue, a policy of insurance before the date of expiry of the cover-note.

143. Issue of certificates and cover-notes : Every certificate of insurance or cover-note issued by an insurer in compliance with the provisions of this Chapter shall be duly authenticated by such person as may be authorised by the insurer.

144. Transfer of certificate of insurance : When the ownership of a motor vehicle covered by a valid insurance certificate is transferred to another person together with the policy of insurance relating thereto the policy of insurance of such vehicle shall automatically stand transferred to that other person from the date of transfer of ownership of the vehicle and the said person shall within fourteen days of the date of transfer intimate to the authorised insurer, who has insured the vehicle, the details of the registration of the vehicle, the date of transfer of the vehicle, the previous owner of the vehicle and the number and date of the insurance policy so that the authorised insurer may make the necessary changes in his record.

145. Exclusion of advertising matter : No certificate of insurance or cover-note issued in pursuance of Chapter XI of the Act and of this Chapter shall contain any advertising matter either on the face or on the back thereof.

146. Certificates or cover-notes lost, destroyed, torn, soiled, defaced or mutilated : (1) Where the holder of a policy-

- (a) Lodges with an authorised insurer a declaration in which he declares that a certificate of insurance or cover-note issued

to him by such insurer has been lost, destroyed, torn, soiled, defaced or mutilated and sets out full particulars of the circumstances connected with the loss or destruction of the certificate or cover-note and the efforts made to find it; or

- (b) Returns to the authorised insurer the certificate of insurance or cover-note issued to him by such insurer in a torn, soiled, defaced or mutilated condition; and
- (c) Pays to the insurer a fee of rupees twenty in respect of each such certificate or cover-note, the authorised insurer shall, if, satisfied that such certificate or cover-note has been lost or destroyed and that all reasonable efforts have been made to find it, or that it has been destroyed or is soiled, defaced or mutilated, as the case may be, issue in lieu thereof, a duplicate certificate of insurance or cover-note with the word "Duplicate" prominently endorsed to the effect.

(2) When a duplicate certificate or cover-note has been issued in accordance with the provisions of sub-rule (1) on representation that a certificate or cover-note has been lost, and the original certificate or cover-note is afterwards found by the holder, the original certificate or cover-note, as the case may be, shall be surrendered to the insurer.

147. Records to be maintained by authorised insurers : Every authorised insurer shall keep a record of the following particulars in respect of every policy of insurance issued by him for a period of five years, namely-

- (i) full name and address of the person to whom the policy is issued;
- (ii) in the case of a policy relating to a specified motor vehicle, the registration mark and the number of such vehicle and in other cases, description of the vehicle covered;
- (iii) the date on which the policy of insurance comes into force and the date of its expiry;

- (iv) the conditions subject to which the persons or classes of persons specified in the policy of insurance will be indemnified;
- (v) the number and date of issue of every certificate of insurance or cover-note issued in connection with the policy of insurance;
- (vi) the date, if, any, on which any duplicate certificate of insurance or cover-note was issued;
- (vii) whether, after the issue of duplicate;’ the original certificate of insurance was found and subsequently surrendered to the insurer and if, so, on which date.

148. Records of exempted vehicles : (1) In the case of motor vehicle owned by any of the authorities specified in sub-section (2) of Section 146 as also in the case of motor vehicles exempted under sub-section (3) of Section 146, a certificate in Form 53 signed by a person authorised in that behalf by such authorities may be produced in evidence that the motor vehicle is not being driven in contravention of Section 146.

(2) The authority referred to in sub-section (2) or exempted under sub-section (3) of Section 146 shall keep a record of the motor vehicles owned by it in respect of which a policy of insurance has not been obtained and of any certificates issued by it under these provisions in respect of such vehicles, and of the names and addresses of the persons to whom such certificate have been issued and of the cancellation of any such certificates.

149. Supply of information : Any person, authority or authorised insurer required under the provisions of this Chapter to keep records of the documents shall furnish on request without any charge any particulars thereof, to the Central Government or a State Government or to any police officer authorised in this behalf by the State Government.

150. Furnishing of copies of reports to Claims Tribunal : (1) The police report referred to in sub-section (6) of Section 158 shall be in Form 54.

(2) A registering authority or a police officer, who is required to furnish the required information to the person eligible to claim compensation under Section 160, shall furnish the information in Form 54, within seven days

from the date of receipt of the request and on payment of a fee of rupees ten.

151. Establishment of fund : Each of the authorities referred to in sub-section (3) of Section 146 shall establish a fund for meeting any liability arising out of the use of any motor vehicle of that authority or any person in its employment may incur to third parties including liability arising under the Workmen's Compensation Act, 1923 (8 of 1923).

152. Amount of the fund : (1) The fund shall be established with an initial amount of not less than rupees five lakhs and the said amount shall be kept in deposit with a bank or the Government.

(2) Subject to the provisions of sub-rule (3), the authority shall pay into the fund at the beginning of each accounting year in respect of its vehicles in running condition a sum of not less than rupees two hundred per vehicle.

Explanation : In this sub-rule "vehicles in running condition" means all the vehicles of the authority which are expected to be in operation at any time during the accounting year.

(3) When the fund exceeds rupees twenty lakh or rupees two thousand and five hundred per vehicle for the entire fleet of vehicles, whichever is less, annual payment referred in sub-rule (2) shall cease provided that if, thereafter, the amount at the credit of the fund falls below rupees twenty lakhs or rupees two thousand and five hundred per vehicle for the entire fleet of vehicles, which is less, such annual payment shall again be resumed:

Provided that if, any authority other than the Central Government is of opinion that the amount of rupees twenty lakhs or rupees two thousand and five hundred per vehicle for the entire fleet of vehicles, whichever is less, is not adequate, it may, with the previous approval of the Central Government continue the annual payment beyond rupees twenty lakh or rupees two thousand and five hundred per vehicle, as the case may be.

153. Investment of the fund : From the amount at the credit of the fund the authority shall keep and maintain a cash deposit of not less than

rupees fifty thousand in the bank and the rest of the amount at the credit of the fund shall be invested in Government securities.

154. Securities held as a deposit in the fund : (1) All Government securities in which the fund is invested shall be transferred to the bank by the authority.

(2) It shall be competent for the authority at any time to exchange the:

Government securities for cash or for other Government securities of equal or greater market value, or both, and the bank shall carry out the instructions issued by the authority for such exchange after charging the usual commission to the authority. The securities so exchanged shall also be transferred to the bank.

155. Deposit procedure : (1) As soon as the fund is established, the bank shall send to the authority a statement specifying the assets held by it on behalf of the authority and shall also send a copy thereof, to the Central Government in the Ministry of Surface Transport or the State Government concerned, as the case may be.

(2) The statement referred to in sub-rule (1) shall be sent in the same manner and to the same authorities whenever there is a change in the assets of the authorities held by the bank.

156. Interest on deposits : Interest realised on each deposit or the securities held in the fund shall be paid by the bank to the authority.

157. Withdrawal : (1) No amount shall be withdrawn from the fund except for the purpose of meeting any liability arising out the use of any motor vehicle of the authority which the authority or any person in the employment of the authority may incur to third parties including liability arising under the Workmen's Compensation Act, 1923 (8 of 1923).

(2) The authority shall, subject to such conditions and restrictions as it may impose in this behalf, authorise one of its officers to draw money from the fund for the purpose mentioned in sub-rule (1).

(3) A copy of the authorisation referred to in sub-rule (2) duly authenticated by a competent officer of the authority shall be sent to the

bank which shall permit withdrawal only by the officer named in such authorisation subject to the conditions and restrictions contained therein.

158. Settlement of claims : The authority shall comply with such directions as the Central Government or the State Government, as the case may be, may, from time to time, issue, with respect to the procedure to be followed for settlement of claims which are to be met out of the funds.

Foreign Insurance

159. List of foreign insurers : (1) The Central Government shall publish in the Official Gazette a list (hereinafter referred to as the approved list) of foreign insurers, who have been guaranteed in accordance with the provisions of this Chapter, together with the name of the guarantor or guarantors in each and shall also publish from time to time any addition to or removal from the approved, list.

(2) No foreign insurer's name shall be added to the approved list until such foreign insurer has been guaranteed by at least one insurer and the name of the foreign insurer, who ceases to have at least one guarantor shall be removed from the list.

160. Guarantor of foreign insurer : (1) An insurer, who desires to guarantee a foreign insurer shall make application therefore to the Central Government in Form 55.

(2) The Central Government may, if, it is satisfied that the application referred to in sub-rule (1) is in order and that it is expedient that the foreign insurer be placed in the approved list, or where the name of the foreign insurer is already included in the approved list, that the insurer should be added to the approved list as guarantor of the foreign insurer, and the name of the foreign insurer to the approved list if, it is not already included, and include the insurer as a guarantor of such foreign insurer.

(3) A guarantor desiring to cease guaranteeing a foreign insurer shall give notice of not less than two months to the Central Government in Form 56, and where such notice has taken given, the guarantor shall be deemed to

have ceased to guarantee the foreign insurer from the date specified in the notice:

Provided that the insurer shall be deemed, in respect of all certificates of foreign insurance endorsed or renewed in accordance with the provisions of sub-rule (2) of Rule 161 before the date of such cessation, to continue as the guarantor of the foreign insurer, who has issued the certificate as if the guarantor had not ceased to be his guarantor.

(4) If at any time a guarantor ceases to be an insurer, the Central Government may, after giving such notice as may appear to it to be necessary, remove from the approved list the name of such guarantor wherever it appears:

Provided that the guarantor, who ceases to be an insurer shall be deemed, in respect of all certificates of foreign insurance endorsed in pursuance of the provisions of sub-rule (2) of Rule 161 before the date of removal of the name of the guarantor from the approved list, to continue as the guarantor of the foreign insurers as if the guarantor had not ceased to be an insurer and as if his name had not been removed from the list.

161. Endorsement of certificate of foreign insurance : (1) A visitor wishing to have a certificate of foreign insurance endorsed or re-endorsed shall produce such certificate in Form 57 before the Customs Collector at a port of entry or land customs post or to such other officer as the Central Government may, by notification in the official Gazette, for the purpose of endorsement in accordance with the provisions of this Chapter or for the purpose of the renewal of any endorsement already made on the certificate in accordance with this chapter.

(2) Such officer shall, if satisfied that the certificate of foreign insurance complies with the requirements of the provisions of this Chapter, that the period of validity of such certificate in India has not expired, that the certificate has been issued by a foreign insurer in the approved list and that the guarantor specified in the certificate is shown in the approved list as a guarantor of the foreign insurer, make an endorsement thereon in Form 58.

(3) The period of validity of an endorsement or of the renewal of an endorsement made as aforesaid shall not in any case extend beyond the

date on which the certificate of foreign insurance ceases to be effective in India:

Provided that when a visitor obtains a fresh certificate of foreign insurance during the period of his stay in India, the period of validity of an endorsement made upon it added to the period of validity of an endorsement or endorsements that may have been made upon the original certificate, shall not exceed one year in all.

162. Validity of certificate of foreign insurance : A certificate of foreign insurance carrying an endorsement in accordance with the provisions of Rule 161 shall have effect as if it were a certificate of insurance issued by the guarantor specified in it and shall be deemed to comply with the requirements of Chapter XI of the Act; and the policy to which it relates shall also be deemed to have been issued by such guarantor and to comply with the requirements of Chapter XI of the Act.

163. Maintenance of records by the guarantor : Every guarantor shall in respect of certificates of foreign insurance issued under his guarantee by the foreign insurer, whom he has guaranteed and every person, who has ceased to be a guarantor shall, in respect of the certificate of foreign insurance issued under his guarantee by the foreign insurer, whom he had guaranteed at any time in the preceding five years, keep a record of such particulars relating to the policies in connection with which the certificates of foreign insurance were issued as are required to be kept by insurers under the provisions of Rule 147 in respect of policies, and the necessary additions to those records required to make them up to date shall be made as soon as is reasonable possible in the circumstances.

APPENDIX 3
FORMS UNDER THE CENTRAL MOTOR VEHICLES RULES, 1989
[Relevant Extracts]
FORM 25
[See Rule 52(1)]

**Form of application for renewal of certificate of registration of a
motor vehicle, other than a transport vehicle**

To,

The Registering Authority,

.....
.....

I, hereby apply for the renewal of the certificate of registration which is attached, the particulars of which are as follow &-

- (a) Registration No.
- (b) Date of issue
- (c) Date of expiry
- (d) Registering Authority by which
the certificate was issued/last
renewed

My present address is if this address is not entered in the certificate of registration, I do/do not wish that it should be so entered. The renewal of the certificate has not been refused by any Registering Authority.

I hereby declare that the certificate of registration has not been cancelled or suspended by any Registering Authority.

- 1. Class of vehicle :.....
- 2. The motor vehicle was registered as
 - (a) a new vehicle
 - (b) ex-army vehicle
 - (c) imported vehicle
- 3. Type of body
- 4. Maker's name
- 5. Month and year of manufacture

- 6. Number of cylinders
- 7. Cubic capacity/Horse power
- 8. Maker's classification
- 9. Chassis No. Affix pencil print
- 10. Engine No.
- 11. Seating capacity (including driver)
- 12. Unladen weight
- 13. Fuel used

I enclose the certificate of insurance for perusal and return.

I have paid the fee of Rs,

Date: _____ (Signature or thumb-impression of the Applicant)

Note : The motor vehicle described is not subject to an agreement of hire-purchase, lease or hypothecation.

The vehicle is-

- ° (i) Subject to hire-purchase agreement/lease agreement with _____ .
- *(ii) Subject to hypothecation in favour of.....

2(Signature or thumb-impression of the Registered Owner)

[Specimen signature or thumb-impression of the Registered Owner]

- 1.
- 2.
- 3.

Certificate

Inspected the vehicle-verified the chassis number and engine number. Certified that the particulars contained in the application and the corresponding particulars declared in the certificate of registration of the vehicle are true and that the vehicle complies with the requirements of the Motor Vehicles Act, 1988, and Rules made there under.

Signature of the Inspecting Authority

Name

Designation.....

FORM 26

[See Rule 531

**Application for the issue of duplicate
certificate of registration**

(To be made in duplicate if the vehicle is held under an agreement of hire-purchase/hypothecation and in triplicate if the Original Registering Authority is different, the duplicate copy and the triplicate copy with the endorsement of the Registering Authority to be returned to the Financier and Registering Authority simultaneously on issue of duplicate certificate).

To,

The Registering Authority,

.....
.....

The certificate of registration of my/our motor vehicle, the registration mark of which is has been lost/destroyed/ completely written-off, soiled/tom/mutilated in the following circumstances.

* I/We hereby declare that to the best of my/our knowledge the Registration of the Vehicle has not been suspended or cancelled under the provisions of the Act or Rules made there under and the circumstances explained above are true.

I/We do hereby apply for the issue of a duplicate certificate of registration.

The written-off/soiled/torn/ mutilated Certificate of Registration is enclosed.

The vehicle is not held under any agreement of Hire-Purchase/Lease/Hypothecation. The vehicle is also not supardari and free from all encumbrances.

I/We hereby declare that I/We on (date) have filed a complaint (copy enclosed) with the police about the loss of Certificate of Registration immediately after the loss has been noticed.

Date:

Signature / thumb-impression
of Applicant

The vehicle is held under hire-purchase/lease/hypothecation agreement with and the "No Objection Certificate" has been granted/refused by the financier hereunder:

Where "No Objection Certificate" is refused, applicant shall make a declaration as required under sub-section (8) of Section 51.

Signature or thumb-impression of the Owner

Name

Full address

Date:

Note : (1) Full particulars of the circumstances shall be furnished in the case of loss or destruction of the Registration Certificate.

(2) Strike out whichever is inapplicable.

**Consent of the financier for grant of "No Objection Certificate"
under Section 51(6)**

I/We being a party to an agreement of hire-purchase/lease/ hypothecation in respect of motor vehicle specified above.

(1) have "No Objection" in issue of the duplicate certificate of registration of the said vehicle.

(2) have "Objection" in issue of the duplicate Registration certificate of the said vehicle, for the reasons given hereunder

Date :

Signature of the Financier

Office Endorsement

Ref. Number

Office of the

A duplicate certificate of registration as requested above is issued with the note of agreement of hire-purchase/lease hypothecation onand is noted in the original registration records in form 24.

Date;

Signature of the
Registration Authority

To

The Financier

The Registering Authority

(To be sent to both the above parties by Registered Post Acknowledgement Due) Specimen Signature or thumb impression on of the Registered Owner and Financier are to be obtained original application for affixing and attestation by the Registering Authority with the Office seal in Forms 23 and 24 in 24 in such a manner that the part of impression of seal or a stamp and attestation shall fall upon each signature:

Specimen Signature of
the Financier

Specimen Signature of
the Registered Owner

1.

2.

'FORM 27
[See Rule 541

**Application for assignment of new registration
mark to a motor vehicle**

(To be made in triplicate if the vehicle is held under an agreement of hire purchase/lease/hypothecation the duplicate copy and the triplicate copy with the endorsement of the Registering Authority to be returned to the Financier and Original Registering Authority simultaneously, on the assignment of a new registration mark).

To,
The Registering Authority,
.....

I/We Son/wife/daughter of being the Registered owner of Motor Vehicle No bearing Chassis No.Engine No. Type of VehicleRegistered in the State of..... hereby declare that I/We have, since the date of..... kept the said motor vehicle in this State and hereby apply for the assignment of a new registration mark to the said motor vehicle.

I/We hereby declare that the registration is valid up to and it has not been suspended or cancelled under the provisions of the Act.

I/We enclose the certificate of registration and the certificate of fitness (*) of this motor vehicle.

I/We enclose a "No Objection Certificate" from the Registering Authority. If the "No Objection Certificate" from the Registering Authority is not enclosed the applicant should file along with this application a declaration as required under the first proviso to sub-section (1) of Section 97.

*The vehicle is not subject to an agreement of hire-purchase/lease/hypothecation.

. *The vehicle is subject to an agreement of hire purchase/lease/hypothecation with and the NOC has been granted/Refused by the Financier there under.

If "No Objection Certificate" has been refused by the financier the applicant should fill along with this application a declaration as required under sub-section (8) of Section 51.

Date: Signature or thumb-impression
of the applicant

**Consent of the imancier for grant of
"No Objection Certiflcate"
under Section 51(6)**

I/We, being a party to an agreement of hire-purchase/lease I hypothecation in respect of motor vehicle specified above:

(1) have "No Objection" in assigning the new Registration mark to the said Vehicle.

(2) have "Objection in assigning the Registration mark to the said Vehicle for the reasons given hereunder

Date: Signature of the Financier
Office Endorsement

OFFICE ENDORSEMENT

Ref. Number Office of the

The Vehicle No on removal to this State has been assigned a new Registration mark (here enter the Registration mark).

Date :..... Signature of the

Registering Authority

To,

The

Financier

The

Authority Registering

(to be sent to both the above parties by Registered Post Acknowledgement due)

FORM 28

[See Rules 54, 58(1), (3) and (4)]

Application and grant of No Objection Certificate

(To be made in quadruplicate if the vehicle is held under an agreement of hire-purchase/lease/hypothecation, in duplicate copy, the triplicate copy and the quadruplicate copy with the endorsement of the Registering Authority to be returned to the Registered owner of the vehicle, the Registering Authority in whose jurisdiction the vehicle is to be removed and the financier simultaneously on grant refusal of a 'No Objection Certificate').

PART I
Application

To,

The Registering Authority,

I/We intend to transfer the vehicle to the jurisdiction of the Registering Authority.

If We intend to sell the vehicle to Shri/Smt./Kumari who resides in the jurisdiction of the Registering Authority of / We therefore, request for the issue of a No Objection Certificate for my/our vehicle the particulars of which are furnished below-

1. Name and address.
2. Son/wife/daughter of.
3. Registration number of
The vehicle
4. Class of vehicle
5. Registering Authority which
originally registered the vehicle.
6. Engine number.
7. Chassis number. (Affix also pencil print)
8. Period of stay in the State.
9. Period up to which motor vehicle tax
has been paid.
10. Whether any demand for tax is pending
if so, give details.
11. Whether the vehicle is involved
in any theft cases, if so give details.
12. Whether any action under
Sections 53, 54 or 55 of the Motor
Vehicles Act, 1988 is pending before
any Registering Authority or other
prescribed authority, if so, give details.
13. Whether the vehicle is involved in any
case of transport of prohibited goods,

if so, give details.

14. Whether the vehicle is held under an agreement of hire purchase/lease/hypothecation, if so give full name and address of the Financier. We solemnly declare that the above statement is true.

Date :.....

Signature or thumb-impression of
Registered Owner

PART II

Consent of the financiers in the case of motor vehicle subject to an agreement

I/We being a party to an agreement of the Hire Purchase/Lease/Hypothecation in respect of the above said vehicle hereby.

1. Give consent to issue that No Objection Certificate for the said vehicle only for the purpose referred above.
2. Refuse to give consent for issue of No Objection Certificate for the said vehicle due to the reasons furnished hereunder : .

Date:

Signature of the Financier

PART III

Office Endorsement

(Grant/Refusal of "No Objection Certificate" Under 'Section 48(3) of Motor Vehicles Act, 1988)

(1) No Objection Certificate in respect of the vehicle, the detailed particulars whereof are recorded over above is hereby granted under Section 48(3) of the M.V. Act, 1988 (valid for use at the Registering Authority, on whom it is issued).

(2) No Objection Certificate in respect of the motor vehicle, the detailed particulars whereof recorded over above is hereby refused under Section 48(3) of the M.V. Act, 1988, for the reasons recorded as under Strike out whichever is inapplicable.

Date:

Signature with seal of
Registering Authority
Address

To,

The Registered Owner

The Financier

[FORM 29 [See Rule 55(1)]

Notice of transfer of ownership of a motor vehicle

(To be made in duplicate and the duplicate copy with the endorsement of the Registering Authority to be returned to the transfer or immediately on

making entries of transfer of ownership in certificate of Registration and Form 24).

To,

The Registering Authority (in whose jurisdiction the Transferee resides)

I/We resident of have on the day of the year day of the year sold and delivered my/our Vehicle No make Chassis No Engine No to Shri/ Smt(Name) Son/wife/daughter of residing at (House No. /Street Village/Town.....Dist..... and State) under an agreement of hire / purchase / ease / hypothecation with he Registration certificate and Insurance Certificate have been handed over to him/her /them.

To the best of my/our knowledge and belief the vehicle is not superdari and free from all encumbrances and information furnished is true. I/We undertake to hold my/our self-responsible for any inaccuracy or suppression of 'information.

Date:

Signature of the Financier
(to give his consent)

Date :

I /We (Transferee) Copy to the Registering Authority in whose jurisdiction the transferor resides.

Note : To be sent to the Registering Authority by Registered Post Acknowledgment.

Office Endorsement

Ref. No Office of theThe ownership of the vehicle has been transferred to the name of with the note of the above said agreement with effect from(date).

Date:

Signature of the
Registering Authority with Office Seal)

*Strike out whichever is inapplicable.

FORM 30

**[See Rule 55(2) and (3)]
Application for intimation and transfer of
ownership of a motor vehicle**

(To be made in duplicate if the vehicle is held under an agreement of hire-purchase/lease/hypothecation. The duplicate copy with the endorsement of the Registering Authority to be returned to the Financier simultaneously on making the entry of the transfer of Ownership in the Certificate of Registration and Registration Record in Form 24.

To,

The Registering Authority

PART - I

For the use of the transferor

Name of the transferorSon/wife/
daughter of
full address

I/We, hereby, declare that I/We have on this day
of the year sold my/our motor vehicle bearing registration mark
to Shri/ Smt. Son/wife / daughter
of residing at
..... (full address) and
handed over the Certificate of Registration and the Certificate of
Insurance to him/her/them.

I/We hereby declare that to the best of my/our knowledge the certificate of
registration of the vehicle has not been suspended* or cancelled.

"I enclose the "No Objection Certificate" issued by the Registering
Authority

If the "No objection certificate" from the 'Registering Authority is not
enclosed, the transferor should file along with this application a
declaration as required under sub-section (1) of Section 50.

Date:

Signature of thumb impression
Of the transferor

PART II

For the use of Transfer

Name of the Transferee
Son/wife / daughter ofage
Full address(Proof of address to be
enclosed).

I, hereby, declare that I/We have on this
day of the year purchased the
motor vehicle bearing registration numberfrom

(name and full address) and request that necessary entries regarding the transfer of ownership of the vehicle in my/our name may be recorded in the certificate of registration certificate of fitness of the vehicle, which is enclosed.

“The certificate of Insurance is also enclosed. To the best of my knowledge and belief I/we have not suppressed any facts and information furnished is true. The vehicle is not superdari and free from all encumbrances I/We undertake to hold myself responsible for any inaccuracy of the information.

Signature or thumb-impression
of the Transferee

**Consent of the financier in the case of motor
vehicle subject to an agreement of hire purchase/lease/hypothecation**

I/We being a party to an agreement of hire purchase/lease/ hypothecation in respect of motor vehicle specified above, give consent to the transfer of ownership of the said motor vehicle in the name of the Transferee named above, with whom I/We have centered into an agreement of hire purchase/lease hypothecation.

(Full name and address of the Financier)

Signature of the Financier

Date :

Office Endorsement

Ref. No Office of the
The transfer of ownership of vehicle under continuation of an endorsement of hire-purchase/lease/hypothecation agreement has been recorded with effect from in the Registration Certificate of the vehicle and in the Registration record of this office in Form 24.

Date :

Signature of the
Registering Authority

To,

The Transferor .

The Financier .

(To be sent to both the above parties by Registered Post.

Acknowledgement Due) Specimen signature or thumb-impression of the Regd. owner and the Financier are to be obtained in the original application for affixing and attestation by the Registering Authority with the office seal in Forms 23 and 24, in such manner that the parts of impression of seal or stamp and attestation shall fall upon each signature.

Specimen Signature
of the Financier

Specimen Signature
of the Registered Owner 1.

- 1.
- 2.

FORM 31

[See Rule 56(2)]

**Application for transfer of ownership in the
name of the person succeeding to
the possession of the vehicle**

(To be made in duplicate if the vehicle is held under an agreement of hire-purchase/lease hypothecation and the duplicate copy with an endorsement of the Registering Authority to be returned to the financier simultaneously on making the entry of Transfer of ownership in the Certificate of Registration and Office Record in Form 24).

To,

The Registering Authority,

1. Vehicle Registration No.
Make and model

Chassis No.

Engine No.

Type of Vehicle
2. Name of the deceased registered owner
3. Name and age of the person succeeding to the possession of the vehicle Son/wife/daughter of Full postal address (proof of address to be enclosed)
4. Relationship with the deceased registered owner
5. Proof of his succession

Certificate of registration is enclosed herewith. Kindly transfer the ownership of the vehicle in my name.

Date :..... Signature of the Applicant

Consent of the financier in the case of motor vehicle held under any of the agreements

I/We being a party to an agreement of hire-purchase/lease/ hypothecation in respect of the motor vehicle specified above, consent to the transfer of ownership of the said motor vehicle in the name of the applicant named above, with whom I/We have entered into an agreement of Hire Purchase/Lease/Hypothecation.

(Full Name & address of the Financier).

Signature of the Financier,

Date : .

Office Endorsement

Ref. Number

Office of the

The transfer of ownership of the Motor Vehicle under continuation of an endorsement of hire-purchase/lease/hypothecation agreement has been recorded with effect from in the certificate of registration of the vehicle and the registration record of this in office Form 24.

Date:

Signature of the Registering Authority

To,

The Financier .

(To be sent by Registered Post Acknowledgement Due)

Specimen Signature or thumb-impression of the Registered Owner and Financier are to be obtained in original application for affixing and attestation by the Registering Authority with office seal in Forms 23 and 24, in such a manner that the part of impression of seal or stamp and attestation shall fall upon each signature:

Specimen Signature
of the Financier

- 1.
- 2.
- 3.

Specimen Signature
of the owner

- 1.
- 2.

FORM 32

[See Rule 57(1)]

**Application for transfer of ownership in case of a motor vehicle
purchased or acquired in public auction**

To

The registering Authority.

I /We Son/wife/ daughter
of.....have..... (full address
along with proof purchased or acquired the Vehicle. No
bearing Chassis No Engine No
make modeltype of vehicle
.....in public auction conducted by or on behalf of
the Government.

I/We enclose the documents required to be submitted by me/us under sub-
rule (1) of Rule 57.

The ownership of the motor vehicle may kindly be transferred to my/our
name.

Date:

[Signature or thumb-impression
of the applicant)

FORM 33
[See Rule 59]

Intimation of change of address recording in the certificate of registration and office records

(To be made in triplicate if the vehicle is held under agreement of hire purchase/lease/hypothecation, the duplicate copy and the triplicate copies with the endorsement of the Registering Authority to be returned to the Financier and the Registering Authority (from whose jurisdiction the vehicle is removed) simultaneously, on making the entry of change of address in the certificate of Registration and Form 24.)

To,

The Registering Authority

I/WeSon/wife/daughter of..... (full address) Registered Owner of motor vehicle Nohave ceased to reside, do not have the place of business at the address recorded in the certificate of Registering with effect fromThe present address is given below (evidence to be enclosed).

*The vehicle is not held under any agreement of hire purchase/lease/hypothecation.

'The vehicle is held under an agreement of hire purchase/lease/hypothecation with

(Name and full address of the Financier)

The certificate of Registration is enclosed. I/We request that the change of address may be recorded in the Certificate of registration and Form 24.

Date :.....

Signature or thumb-impression
of the Registered Owner of the vehicle

**Consent of the financier in the case of motor vehicle
held under an agreement**

I/We being a party to an agreement of hire-purchase/lease/ hypothecation in respect of the above said vehicle, hereby:

1. Give consent for effecting the above change of address with the note of an agreement in my/our favour in Forms 23 and 24 by the Registering Authority.

2. Refuse to give consent for effecting the above change of address by the Registering Authority, due to the reasons furnished hereunder:

.....
.....I.

Date :

Signature of the Financier

Office Endorsement

Ref. No Office of the

The above change of address has been entered with the note of agreement of hire-purchase/lease/hypothecation in favour of the Financier in the certificate of Registration and in Form 24.

Date :.....

Signature of the
Registering Authority

To,

The Financier

The Registering Authority

(To be sent to both the parties by Registered Post Acknowledgement Due)

Specimen Signatures or thumb-impressions of the Registered Owner and Financier are to be obtained for affixing and attestation by the Registering Authority with official seal in Forms 23 and 24. In such manner that Part of Impression of the seal or a stamp and attestation shall fall upon each signature:

Specimen Signature of the
Financier

1.

Specimen Signature of
Registered Owner

1.

FORM- 34
[See Rule 60]

Application for making an entry of an agreement of hire purchase/lease/hypothecation subsequent to registration

(To be made in duplicate and in triplicate where the Original Authority is different, the duplicate copy and the triplicate copy with the endorsement of the Registering Authority to be returned to the Financier and the Registration Authority simultaneously on making the entry in the certificate of Registration and in Form 24).

To,

The Registering Authority,

The motor vehicle bearing registration number is the subject of an agreement of hire-purchase/lease/hypothecation betweenthe registered owner /person to be registered as owner * and (fill the name and full address of the financier)

We request that an entry of the agreement be made in the certificate of registration and the relevant records in your office.

The certificate of Registration together with the fee is enclosed.

Signature or thumb-impression of Registered Owner

Date

Signature of the financier

Office Endorsement

Ref. Number

Office of the

The entry of the agreement of hire-purchase/lease/hypothecation as requested above is recorded in this office Registration Record in Form 24 and certificate of Registration on (date).

Date :.....

Signature of the Registering Authority

To,

The Financier

The Registering Authority

(To be sent to both the above parties by Registered Post Acknowledgement Due)

Specimen Signatures or thumb-impressions of the Registered Owner and Financier are to be obtained for affixing and attestation by the Registering Authority with official seal in Forms 23 and 24 In such manner that part of Impression of the seal or a stamp and attestation shall fall upon each signature:

Specimen Signature of the Financier

1.

Specimen Signatures of the Registered Owner

1.

FORM 35

[See Rule 6 1 (1)]

**Notice of termination of an agreement of hire
purchase/lease/hypothecation**

(To be made in duplicate and in triplicate where the original Registering Authority is different, the duplicate copy and the triplicate copy with the endorsement of the Registering Authority to be returned to the Financier and Registering Authority simultaneously on making the termination entry in the certificate of the Registration and Form 24).

To,

The Registering Authority

We hereby declare that the agreement of hire-purchase/lease/hypothecation entered into between us has been terminated. We, therefore, request that the note endorsed in the certificate of Registration of vehicle No in respect of the said agreement between us be cancelled.

The certificate of Registration together with the fee is enclosed.

Date :.....

Signature or thumb-impression
of the Registered Owner

Date:

Office Endorsement

Ref. Number

The cancellation of the entry of an agreement as requested above is recorded in this office Registration Record in Form 24 and Registration certificate on date).

Date :.....

Signature of the
Registering Authority

To,

The Financier

The Registering Authority

(To be sent to both the above parties by Registered Post Acknowledgement Due)

Specimen Signature of the Financier are to be obtained in original Application for affixing and attestation by the Registering Authority with his office Seal 23 and 24 in such a manner that the part of impression of seal of stamp and attestation shall fall upon each signatures.

FORM 36
[See Rule 61 (2)]

**Application for issue of a fresh certificate of registration
in the name of the financier The Registering Authority,**

To

The Registering Authority,
.....

I /We(financier)
have taken possession of motor vehicle no
makemodel owing to
the defaultof the registered
owner (name)
(full address) under the provisions
of the agreement of hire purchase/lease/ hypothecation

* (1) The certificate of Registration of the said vehicle is surrendered herewith.

*(2) The registered owner has refused to deliver the certificate of Registration to me/us.

*(3) The registered owner is absconding.

I/We request you to cancel the certificate and issue a fresh certificate of registration in my/our name.

I/We enclose a fee of Rs

Signature of the financier

Date:

Specimen signature of the financier

1

2

Copy to the original Registering Authority.

(FORM 37

[See Rule 61(3)]

Notice to the registered owner of the motor vehicle to surrender the certificate of registration for cancellation and issue of fresh registration certificate in the name of the financier

(To be made in duplicate and duplicate copy to be sent to the Financier simultaneously on issue of notice)

Office of the Registering Authority

Ref. Number

Dated

Shri/Smt. /Kumari (Regd Owner)
is/ are hereby informed that.....(financier)
has/have reported that he/they have taken possession of the motor

vehicle/bearing registration number covered by an agreement of hire purchase/lease/ hypothecation, owing to your default under the provisions of the said agreement and that-

-(1) You have refused to deliver the certificate of Registration to him/her/them.

*(2) You have absconded.

He/she/they have requested -to cancel the certificate of Registration and issue a fresh certificate of registration in his/her/their name.

You are, therefore, directed to surrender the Certificate of Registration of the said motor vehicle which has been retained by you in spite of your having lost the possession and thereby the ownership of the motor vehicle under Section 2(30) and to send your representation in this regards, if any, to this office within seven days from the date of receipt of this notice by you, falling which a fresh certificate of Registration will be issued in the name of the Financier, canceling the certificate of Registration held by you in accordance with Section 51 (5).

Date :

(Signature of the Registering Authority)

To

The Financier

(To be sent by Registered Post Acknowledgement Due)].

FORM 38 [See Rule 62(1)]

Certificate of fitness (applicable in the case of transport vehicles only)

Vehicle No is certified as complying with the provisions of the Motor Vehicles Act, 1988, and the rules made there under. The certificate will expire on .

Date :

Signature and designation of Inspecting Authority or holder of the letter of authority of the authorised testing station.

The certificate of fitness is here renewed :

From to 20
From to 20
From to 20

Signature of Inspecting Authority or the holder of the letter of authority of the authorised testing station.

FORM 39
[See Rule 63 (1) and (5)]

Form of letter of authority issued to an authorised testing station

Letter of authority No..... Date :

The letter of authority is hereby granted to
(Name and full address) for the establishment of a testing station under sub-section (2) of Section 56 of the Act at the premises .

(Address of the premises in full) for the purpose of issue and renewal of certificate of fitness to transport vehicles, subject to the provisions of the

Motor Vehicles Act, 1988, and the Central Motor Vehicles Rules, 1989, made there under.

This letter of authority is valid fromto

Date :

Registering Authority

This letter of authority is renewed from..... to

Date :

Registering Authority

NOTIFICATION

[The 26th July, 2002

No. TMV. 293/99/35 : In exercise of the powers conferred under Section 200 of the Motor Vehicle Act, 1988, as amended by the Motor Vehicle (Amendment) Act, 1994, the Governor of Assam is pleased to empower the under mentioned Officers to compound offences committed under Sections 177, 178, 179, 180, 181, 182, 182(A), 183(1), 183(2), 184, 186, 189, 190(2), 191, 192, 194, 196 and 198 of the aforesaid Act for such amount and manner shown below in respect of the offences involved-

(A) Designated Officer: Commissioner' of Transport, Joint
 Commissioner of Transport, Deputy
 Commissioner of Transport, Asstt.
 Commissioner of Transport,
 District Transport Officer,
 Enforcement Inspector of the Transport
 Department.

Under Section	Amount of C.F. for the 1st Offence (in Rupees)	Amount of C.F. for the subsequent Offence (in Rupees)
(1)	(2)	(3)
Section 178 (1)	250/-	300/- to 500/-
Section 178 (2)	250/-	300/- to 500/-
Section 178 (3)	50/-	75/- to 200/-
Section 179 (1)	300/-	350/- to 500/-
Section 179 (2)	300/-	350/- to 500/-
Section 180	500/-	600/- to WOO/-
Section 181	300/-	350/- to 500/-
Section 182 (1)	300/-	400/- to 500/-
Section 182 (2)	50/-	75/- to 100/-
Section 182 (A)	1000/-	1500/-
Section 183 (1)	400/-	500/- to WOO/-
Section 183 (2)	300/-	400/- to 500/-
Section 184	700/-	1500/- to 2000/-
Section 186	100/-	200/- to 500/-
Section 190 (2)	1000/-	2000/-
Section 191	500/-	500/-
Section 192-		
A. For Two Wheeler	2000/-	3000/- to 5000/-
B. For Three Wheeler	3000/-	4000/- to 7000/-
C. For Four Wheeler and above.	5000/-	5000/- to 10,000/-
Section 194 (1)	(i) Rs. 3000/- For Excess Load of 0.1 M.T. to 8.0 M.T (Minimum) (ii) Rs. 4000/- For Excess Load above of 8.0 M.T. to 14.0 M.T (Minimum) (iii) Rs. 4000/- For Excess Load above 18.0 M.T. Per M.T. (Minimum)	
Section 194 (2)		
Section 196		

(B) Designated Officer : Commissioner' of Transport, Joint
Commissioner of Transport, Deputy
Commissioner of Transport, Asstt.
Commissioner of Transport,
District Transport Officer

Section 177	250/-	300/- to 500/-
Section 191	200/-	250/- to 500/-
Section 198	50/-	75/- to 100/-

(C) Designated Officer : Commissioner' of Transport, Joint
Commissioner of Transport, Deputy
Commissioner of Transport, Asstt.
Commissioner of Transport, District
Transport Officer and Inspector
of Motor Vehicle

Section 179 (1)	250/-	300/- to 500/-
Section 179 (2)	250/-	300/- to 500/-
Section 180	400/-	500/- to 1000/-
Section 181	200/-	300/- to 500/-
Section 186	100/-	200/- to 500/-
Section 190 (2)	500/-	1000/- to 2000/-
Section 178 (1)	250/-	300/- to 500/-
Section 178 (2)	250/-	300/- to 500/-

(D) Designated Officer; Officers of the Assam Police, Administration not
below the rank of Inspector of Police within their
respective jurisdiction.

Section 177	150/-	200/- to 300/-
Section 179 (1)	300/-	350/- to 500/-
Section 179 (2)	300/-	350/- to 500/-
Section 180	500/-	600/- 1000/-
Section 181	300/-	350/- to 500/-
Section 182 (1)	300/-	400/- to 500/-
Section 182 (2)	50/-	75/- to 100/-
Section 183 (1)	400/-	500/- to 1000/-
Section 183 (2)	300/-	400/- 500/-
Section 184	700/-	1500/- to 2000/-

Section 186	100/-	200/- to 500/-
Section 192	2000/-	2000/- to 3000/-
Section 190 (2)	1000/-	2000/-
Section 196	500/-	600/- to 1000/-
Section 198 (2)	50/-	75/- to 100/-

This supersedes the Transport Department's Notification No. TMV. 293/99/15, dated 26th May, 2000.

P.C. Sharma,
Principal Secy.
to the Govt. of Assam,
Transport Department.

NOTIFICATION
{The 4th May, 2002}

No. TMV. 251/97/230 : In exercise of the powers conferred under sub-section (i) (d) (i) of Section 67 of the Motor Vehicles Act, 1988 (Act 59 of 1988) and in super session of all Government Notification prescribing fares, the Governor of Assam is pleased to issue directions to the State Transport Authority, Assam and the Regional Transport Authorities of Assam regarding fixing of maximum fare realisable for Stage Carriages, City Buses, Mini City Buses, Taxis, All India Tourist Buses in the manner specified in the Schedule below —

The Schedule

Category of Vehicles	Rates of Fare
1. Ordinary State Carriage	Not exceeding 36 paise per passenger per Km.
2. Long distance Stage Carriage Deluxe Super Express (Day Service)	Not exceeding 42 paise per passenger per Km.
3. Long distance Stage Carriage Deluxe Super Express (Night Service)	Not exceeding 48 paise per passenger per Km.

4. All India Tourist Omni Bus Not exceeding 48 paise per passenger per Km.
5. Air Conditioned Coaches Not exceeding 48 paise per Prescribed for that category.
6. Stage Carriage, plying in Hill Areas if 1/ 3rd of the total kilometrage of the route length falls in Hill Areas. 30% surcharge on the fare Prescribed.
7. All Assam Omni Tourist Vehicle (Telco-407)/Mini Bus. Not exceeding 48 paise per Percentage per Km.
8. City Buses: (A) Ordinarily Express
- | Route Length | Ordinary | Express |
|---------------------|-----------------|----------------|
| 0-3 Km. | Rs. 1.25 P. | Rs. 2.50 P. |
| 3-5 Km | Rs. 1.75 P. | Rs. 3.00 P |
| 5-9 Km | Rs. 2.50 P. | Rs. 3.50 P. |
| 9-13 Km. | Rs. 3.00 P. | Rs. 4.25 P. |
| 13-17 Km. | | |
- B. Mini City Bus : Rs. 2.00 for 1st 3 Km and Rs. 0.50 P. for subsequent Km or part thereof subject to a medium of Rs. 8.50
9. Night City Buses (From 10.00 P.M. onwards to 5 A.M.) Double the fare prescribed for City Buses under (B) above.
10. Contract Carriage Bus (Ordinary) Not exceeding 36 paise per percentage per Km.
11. Sub-Urban Bus Not exceeding 36 paise per passenger per Km.
12. Ambassador Taxi (Petrol operated)
- (a) Tourist Taxi Rs. 10.00 for the 1st Km. and Rs. 7.50 for every subsequent Km.
- (b) Local Taxi Rs. 7.00 for very Km. or part thereof, Detention Charge Rs. 25.00 per hour.

13. Ambassador Taxi (Diesel operated)	
(a) Tourist Taxi	Rs. 7.50 for the 1 st Km and Rs. 6.00 for every subsequent Km.
(b) Local Taxi	Rs. 7.00 for every Km or Part thereof. Detention charge Rs. 25.00 per hour.
14. Maruti Car Taxi	
(a) Local Taxi	Rs. 20.00 for the 1st Km. And 2.00 for every subsequent 200 metres or part thereof.
	(i) Detention Charge Rs. 50.00 per hour.
	(ii) There will be no separate luggage charge.
(b) Maruti Van	
All Assam Tourist Taxi	Rs. 7.00 for every Km. or part thereof.
15. Tata Sumo (Taxi/Cab)	70 paise per passenger per Km.
16. Vikram Diesel 3 wheeler etc (7 passenger seating capacity).	Rs. 3.50 per passenger for 1st Km or less and Rs. 1.20 for every subsequent Km.
17. Night service charges for Taxi/ Autorickshaw /Vikram etc. from 10 P.M. to 5 A.M.	50% above the normal rate prescribed for that category.

Note :

- (i) The above rates are inclusive of all Taxes.
- (ii) Stage Carriage/Express Day Services should not be having any stoppage below 40-50-Kms. stretch of journey.
- (iii) No bus service would be eligible for Express Day Services which operates on less than 150 Km. of route length.
- (iv) Stage Carriage/Super-Express/Night Services would be operated only by Luxury Buses, which may conform generally to the standard prescribed

for Tourist Omni Buses and must operate more than 200 Km. with only maximum of 3 stoppages enroute.

The fares specified in the schedule above shall be effective from the date of Notification.

P. C. Sharma,
Principal Secy.
to the Govt. of Assam,
Transport Department.

“NOTIFICATION

[The 23rd June, 2000

No. TMV. 45/96/204 : In exercise of the powers conferred under sub-rule (2) & (7) of Rule 115 and Rule 116 of the Central Motor Vehicles Rules, 1989 as amended, the Governor of Assam is pleased to enforce the Motor Vehicle Pollution Check compulsory throughout the State of Assam.

After expiry of a period of one year from the date of which the motor vehicle was first registered every such vehicle shall carry a valid “Pollution Under Control” certificate issued by privatised pollution check stations authorised for the purpose by the Government of Assam. The certificate shall always be carried in the vehicle and produced on demand by the Officers empowered by the State Government for this purpose.

Any category of motor vehicle including three wheeler or two wheeler which is not complying with the provisions sub-rule (2) or sub-rule (7) of Rule 115 of the Central Motor Vehicles Rules 1989, as amended the State Government Officers empowered for the purpose may in writing direct the driver or any person incharge of the vehicle to submit the vehicle for conducting the test to measure the standard of emission in anyone of the authorised Testing Stations and produce the certificate to an authorise at the address mentioned in the written direction within 7 days from the date of conducting the check. The conducting of check shall be ensured within 15 days from the day of the written direction. If the test

result indicate that the motor vehicle does not comply with the provision of sub-rule (2) of Rule 115 of the Central Motor Vehicles Rules, 1989, as amended, the driver or any person incharge of the vehicle shall rectify the defects so as to comply with the provision of sub-rule (2) of the Rule 115 of the Central Motor Vehicles Rules, 1989 within a period of 7 days and submit the vehicle to any authorised Testing Station for recheck and produce the certificate so obtained from the authorised Testing Station to the authority at the address mentioned in the written direction.

If the vehicle failed to comply to the above guidelines as well as provisions of sub-rule (2) and (7) of Rule 115 and Rule 116 of the Central Motor Vehicles Rules, 1989 as amended, the owner of the vehicle shall be liable for the penalty as prescribed under provision of the sub-section (2) of Section 190 of the Motor Vehicles Act, 1988 as amended. Also action against the motor vehicles will be taken as per provisions in the sub-rule (6), (7) and (9) of Rule 116 of the Central Motor Vehicles Rules, 1989, as amended, including any other provisions specified by the State Government by Notifications from time to time in this behalf. This notification will come into force with effect from the date of formal announcement of motor vehicle pollution checking by the State Government.

Alok Perti,
Commissioner & Secy.
to the Govt. of Assam,
Transport Department.

‘NOTIFICATION

[Dated the 25th April, 2000]

No. TMV-45/96/183 : As per Rule 115(7) of the Central Motor Vehicles Rules, 1989 it requires that every Motor Vehicle on expiry of one year from the date of first registration should carry a pollution under control cremates issued by an agency authorized for the purpose by the State Government. With the growing numbers of vehicles, it has been difficult for the Transport Department to provide adequate testing facilities to meet

the requirements of all the vehicles. It is, therefore, necessary that more testing centres should be established. The Government in the Transport Department, have decided to allow testing centres to be set up by private parties under strict guidelines and directions.

The Governor of Assam is, therefore, pleased to lay down guidelines/ directions for setting up of testing centres by private parties as per enclosed Annexure.

ANNEXURE

Guidelines/Directions for Setting up of Private Auto Emission Testing Stations

- (1) Testing of motor vehicles for the purpose of issuing of pollution under Control Certificate as required under Rule 115 (7) of the Central Motor Vehicles Rules, 1989 shall be done by a Testing Station authorised by the State Government for this purpose under a Licence issued by the Commissioner of Transport, Assam on the basis of application on the following terms and conditions.

Equipments

- (2) A testing station for testing either petrol or diesel or both petrol and diesel driven vehicles should install at least one set of Smoke Meter and/ or Gas Analyser at its premises within 45 days from the date of receipt of the offer letter for licence for opening auto-emission Testing Station. The time limit may be extended for a further period of 30 days on application with valid grounds :
 - (a) The Smoke Meter/Gas Analyser to be installed should be of type as specified in Rule 116 (3) of the Central Motor Vehicles Rules. 1989.
 - (b) These should be procured by the licence of the Testing Station at his/their own cost for which he/they may enter into necessary contracts with the producing companies or their authorised dealer/representative for repairs and maintenance of the equipments for continuous services.

Working and Qualification and Training of Personnel

- (3) The emission from Motor Vehicles in a Testing Station shall be tested only by/under superintendence of a person having a basic educational qualification of H.S.L.C. and anyone of the technical qualification specified below- .
 - (i) The National Trade Certificate in Mechanic (Diesel) or Mechanic (Motor Vehicles);
 - (ii) Motor Mechanic Certificate issued by the Industrial Training Institute; and
 - (iii) Two years' experience in engine adjustment (a certificate in this regard from any reputed workshop or motor garage may be treated as adequate).
- (4) The Licence of the Testing Station will be required to employ at least one technically qualified person for each machine installed having the qualifications prescribed at clause 3.
- (5) The licence of the Testing Station will be required to employ other staff for confection of-test fees. A minimum of one technical staff for each machine and one helping hand to the technical staff may be employed by the licence. Normally the technical knowledge of handling the Smoke Meter/Gas Analyser will be imparted by the Sale Agents of the manufacturing firms. But before allowing the staff to start testing and issuing necessary certificate at a testing station, competence of the staff will be tested by the licence Issuing Authority or competent Authority so delegated.
- (6) Application for licence for installation and running of Mechanical/ Electronic testing station for petrol/diesel driven vehicles shall be made to the Commissioner of Transport in Form E.I.S.A. (Annexure-I) in duplicate.
- (7) The Commissioner of Transport after having satisfied himself that the applicant fulfill all the requirements set forth for establishment of a testing Station, will issue an allotment letter in Form-ETS-Allotment. On receipt of the allotment letter, allotted will take

necessary steps to establish the testing station as prescribed at clause 2 above.

On receipt of allotment letter, the allotted will submit a licence fee for the first time @ Rs. 5000.00 (Rupees five thousand) only in the form of Bank Draft in favour of the Commissioner of Transport, Assam, Guwahati. Separate licence will be issued for emission test for petrol and diesel vehicles and separate licence fee will be payable for each such licence.

On expiry of validity of the licences the same can be renewed each year on prior application by the testing station along with a deposit of renewal fee of Rs. 250.00 (Rupees two thousand five hundred) only per annum in the form of Bank Draft. Renewal application shall be submitted one month prior to the date of expiry of the licence along with the prescribed fee and other papers as instructed in the renewal form. Late fee for renewal fee per licence is Rs. 25.00 (Rupees twenty five) only per week subject to a maximum limit of Rs. 400.00 (Rupees four hundred) only.

- (8) On receipt of remittance of the Licence fee, the Commissioner of Transport shall issue the licence for an initial period of 5 year in Form ETSL (Annexure-B). However, the testing Station will have to seek renewal every year even during this 5 year period, by payment of the prescribed annual renewal fee and observance of prescribed terms and conditions of the licence.

Working and Duties of the Licence

- (9) The Licence shall operate on all working days for which the petrol pump / garage normally remains open for services. In case the testing station is installed on a separate non-residential vacant plot, which is not attached to any Garage or petrol pump, the testing station will remain open from 7 a.m. to 7 p.m. and with a break of 1 hour from 1 p.m. to 2 p.m. However, with prior approval from the local D.T.O. the time Schedule may be modified to suit customer's interest.

- (10) The licence shall display a signboard at a conspicuous space in bold letter that enables any customer to locate the testing station from a considerable distance with time schedule of its working hours.
- (11) The licence shall also display the licence and the prescribed standard for pollutants at a prominent place in the premises of the testing stations.
- (12) The licence shall not alter the place of business specific in the licence without prior approval of the Commissioner of Transport.

Service and Issue of Certificate

- (13) The test will mean and include minor engine fuel pump adjustment. The licence will be entitled to a combined fee for testing the vehicle as well as for making necessary adjustment and for issuance of Test Report and pollution under Control Certificate at the prescribed rates mentioned in clause 20(a) hereinafter.
- (14) After causing necessary test for smoke emission level and carbon monoxide level for vehicles, the testing station will issue Test Report in Form ETSR-F for petrol driven vehicles (Annexure-C) and Form ETSR-D for diesel driven vehicles (Annexure-D).
- (15) (a) In addition to issuance of Test Report, the testing station will also issue a "pollution under Control Certificate" for a period of 6 (six) months in the prescribed form against the vehicles passing such test. The Certificate must be signed by the technical man appointed by the Licence and seal of the Testing Station bearing licence number of the Testing Station must be duly stamped. Name and signature of the person should be furnished to the licencing Authority for approval.
- (15) (b) The licence shall prepare the certificate in duplicate and issue (one copy of the "P.U .C. Certificate" to the Driver or the person in control of the vehicles after obtaining acknowledgment and duplicate copy shall be retained by the Testing Stations as Office copy.
- (16) (a) Only an officer not below the rank of Sub-inspector of Police or Inspector of Motor Vehicles who has reason to believe that a motor

vehicle is not complying with provisions of sub-rule (2) or sub-rule (7) of Rule 115 powers vested to in him under provision of sub-rule (1) of Rule 116, may in writing direct the Driver of any person incharge of the vehicle to submit the vehicle for conducting the test to measure the standards of emission in any one of the authorised Testing Stations and produce the Certificate at the address mentioned in the written direction in form ETSN (Annexure-E) within 7 (seven) days from the date of conducting the check.

- (16) (b) where a vehicle is detected by the competent authority as emitting excessive Smoke etc., and where the registered owner is directed to produce the concerned vehicle for retest within 15 days from the date of the Testing Station's issuing the "Pollution Under Control Certificate" the Testing Station will be required to arrange for re-test of the vehicle and issuance of fresh certificate free of charge .on production of the earlier PUG certificate issued.
- (17) No Testing Station test more than 50 vehicles a day against a single set of equipment installed excluding the number of vehicle re-tested free of cost under clause 16.

Returns

- (18) The Testing Station will be required to subrr..it a monthly statement of vehicles tested data-wise in the following proforma:

Date	Regn. of vehicle	Fuel Petrol Diesel	Type of Vehicle	Smokedensity Level after test adjustment	Remarks
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- (19) The Testing Station are liable to submit a return showing the names of the Personnel employed describing in details, qualification and other particulars within 30 days from such appointment to the Commissioner of Transport, Assam who may approve or disapprove such writing within 30 days of such intimation. In the even of non-communication by the Commissioner as such it may be presume that approval has been given in the event the Commissioner disapprove then, the person will be liable to appoint another suitable person in terms and conditions referred to herein.

(20) (a) For the above stated service i.e., testing of vehicles and minor adjustment the Testing Stations will be allowed to realise a consolidated amount of fees per vehicles of different categories at the rates, prescribed below-

(1) Moped	Rs.	10.00
(2) All Two wheelers other than moped.	Rs.	15.00
(3) Three wheelers (Petrol)	Rs.	25.00
(4) Three wheelers (Diesel)	Rs.	30.00
(5) Motor Car (Petrol)	Rs.	30.00
(6) All Diesel driven vehicles	Rs.	50.00

(20) (b). The above rates are inclusive of all costs, charges and fees. The Testing Station will not be entitled to claim any further amount or concession either from the customers of the Government on any account whatsoever until further order.

**Provision of Control and Supervision
of the Transport Department**

(21) The testing stations are required to work under direct control and supervision of the Transport Department of Assam, the Commissioner of Transport and in case of districts the Districts Transport Officer of the concerned Districts as the case may be. They will be required to implement all directions issued and conditions prescribed to the Testing Stations from time to time for effective implementation of the pollution control measures in the State and shall carry out or implement and abide by such other terms and conditions as may be imposed from time to time.

(22) The Testing Station may be inspected by the Commissioner of Transport or any officer authorised in this behalf by him and the licence holders are required to produce all registers, papers and equipments etc., on demand and allow examination of the activities of the personnels employed and efficiency of the equipments.

The CGmmissioner of Transport will be assisted by the Inspectors of Motor Vehicles.

- (23) The Testing Station will maintain a register of testing vehicles having columns as per profoma below—

Registration number of vehicles; Class of vehicle; Date and time reported; Tested by; Testing Report; Number of Certificate issued; Fees realized; Other particulars; if any.

The Pollution Under Control Certificate

- (24) (a). The 'Pollution Under Control' form referred to herein will be made available to the licence from the office of the Commissioner of Transport and District Transport Officer of different Districts on payment of nominal charge as may be prescribed from time to time.

The licences of the Testing Stations with prior permission of the Commissioner of Transport may print the other forms (except the PUC certificate) as per prescribed proformas.

- (24) (b) The Transport Department Government of Assam may revise the forms specified under any para of this order.

Suspension of Cancellation of Licence

- (25) The licence issued to the Testing Stations may be suspended and or cancelled or revoked at any time, if the authority finds the Testing Stations and equipment installed therein not working as per the terms and conditions mentioned above or if the licence is found to have adopted any unfair means in issuing PUC certificate or running the station in a manner which creates congestion of roads thereby causing hindrance to conveyance and vehicular traffic or on account of default or contravention of any of the terms of the licence.
- (26) In case of suspension revocation or cancellation of licence, the licence will not be entitled to claim any compensation from the Govt. of Assam for such revocation suspension or cancellation. Before

such action is taken the licence will be given an opportunity of being heard.

Appeal

- (27) If any licence is aggrieved by any such order issued by the Commissioner of Transport, Assam and/or District Transport Officers, the licence may prefer an appeal before the Secretary, Transport Department, Govt. of Assam with 30 days from the date of receipt of such order or direction and his decision will be final and binding.

Provided that the appellate authority may admit for reasons to be recovered recorded in writing on appeal filled after the prescribed period of 30 days.

Repeal and Savings

- (28) On the commencement of the provisions of these guidelines/directions, any earlier guideline/direction correspondence to these guideline/directions shall stand repealed, provided that any action taken under any of the said guidelines/directions shall be deemed to have been done or taken under the corresponding provisions of these guidelines/ directions so long as such action is not inconsistent with any of the provision of these guidelines / directions.

Alok Perti,
Commissioner & Secy.
to the Govt. of Assam,
Transport Department

APPENDIX 4

THE ASSAM MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 2003

[Assam Act No. IV of 2004]

An Act further to amend the Assam Motor Vehicle Taxation Act, 1936.

Noti. No. LGL. 42/99/76, dated 5th March, 2004 :The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

Preamble : Whereas it is expedient further to amend the Assam Motor Vehicles Taxation Act, 1936, Assam Act No. IX of 1936. hereinafter referred to as the principal Act, in the manner hereinafter appearing; It is hereby enacted in the Fifty-fourth year of the Republic of India as follows:

1. Short title extent and commencement.- (1) This Act may be called the Assam Motor Vehicles Taxation (Amendment) Act, 2003.
(2) It shall have the like extent as the principal Act.
(3) It shall come into force at once.
2. Amendment of Schedule.- In the principal Act, in the Schedule, in Article II, for Entry 10, the following Entry shall be substituted, namely :-

"10. All Assam Super Deluxe	Rs. 50,000.00	Rs. 12,500.00
Contract Carriage.	(Annual Tax)	(Quarterly Tax)"
3. Repeal and saving.- (1) The Motor Vehicles Taxation (Amendment) ordinance, 2003, Assam Ordinance No. II of 2003, is hereby repealed.
(2) Notwithstanding such repeal anything done or any action taken order the Ordinance so repealed shall be deemed to have been done or "en under the corresponding provisions of this Act.

APPENDIX 5

ASSAM MOTOR VEHICLES TAXATION ACT, 1936 (Assam Act No. IX of 1936)

All Act to provide for the imposition of a tax all motor vehicles ill the State of Assam.

Whereas it is expedient to impose a tax on motor vehicles in the Assam State for the purposes hereinafter appearing;

And whereas the previous sanction of the Governor-Genera] under sub-section (3) of Section 80-A of the Government of India Act has been obtained to the passing of this Act;

It is hereby enacted as follows :

1. Short title, extent and commencement.- (1) This Act may be called the Assam Motor Vehicles Taxation Act, 1936.
 - (2) It shall extend to the whole of the -[State] of Assam.
 - (3) It shall come into force on the 1st March, 1937.
2. Definitions.-In this Act, unless there be anything repugnant in the subject or context-
 - (a) "Certificate ~f registration" means a certificate issued in accordance with rules for the time being in force made under the 3[Motor Vehicles Act, 1939;]
 - (b) "Goods vehicle" means any motor vehicle constructed Of adapted for use for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods solely or in addition to passengers;
 - (c) " Heavy trailer" means a trailer exceeding 3-1/2 metric tonnes in case of both four wheeled and a single axle trailer, in weight laden;]
 - (d) "Licel/sil1g Officer" means an officer appointed by the State Govern-ment to perform the duties and exercise the driver respectively imposed or conferred upon a licensing officer by this Act;
 - (e) Sought frailer" means a trailer not exceeding 2 metric tonnes in case of both four wheeled and a single axle trailer, in weight laden;]

- (f) "Local authority" means a body of municipal or station commissioners, local board or any other authority entrusted by 6[any Government) with, or legally entitled to, the control or management of a municipal or local board;

1. Published in the Assam Gazette. dated 6th January. 1937.
2. Subs. for the word "Province" by the A.D. 1950.
3. Subs. by Assam Act No. III of 1941.
4. Subs. by Assam Act No. XV of 1963.
5. Subs. by Assam Act No. XV of 1963.
6. Subs. for the words. "the Government" by A.D. 1937.

- (ff) "Medium trailer" means a trailer exceeding 2 metrics tonnes hut not exceeding 3-1/2 metric tonnes in case of both four \\' heeled and a single axle trailer, in weight laden;]

- (g) "Motor vehicle" shall have the same meaning as in ::rthc Motur Vehicle 'Act, 1939;]

- 3[(h) "Owner" means, where the person in possession of a motor Yl'hicle is a minor, the guardian of such minor and in relation to a motor vehicle which is the subject of a hire purchase agreement, two person in possession of the vehicle under that agreement;]

- (i) "Prescribed" means prescribed by rules made under this Act;

- 4(0) "Producer gas plant" means an apparatus designed for the generation of gas and its supply to the engine of a motor vehicle, and includes the whole of the generator pipes, coolers, filters and other accessories necessary for such apparatus;]

- (k) '5["Public service vehicle" means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a motor cab, contract carriage, and stage carriage; and]

- (1) "Tax" means a tax imposed under this Act.

3. Exemption : The 6[State Government] may, by notification in the , [Official Gazette] exclude either totally or partially any motor vehicle or class of motor vehicles from the operation of this Act.

4. Imposition of tax : (l) Save as otherwise provided by this Act or by any rules made there under or by any other law for the time being in force no motor vehicle shall be used in the Assam State unless the owner thereof has paid in respect of it a tax at the appropriate rate specified in the' First Schedule to this Act and, save as hereinafter specified, such tax shall thereafter be payable annually notwithstanding that the motor vehicle may from time to time cease to be used:

Provided that a motor vehicle in respect of which such tax becomes immediately payable on the date on which this Act comes into force may be so used for the period of one month from that date notwithstanding that such tax has not been paid :

Provided also that the owner of a motor vehicle in respect of which a licence fee has been paid to a local authority for a period ending the 31st March, 1937 shall be exempted from liability for the tax specified in the First Schedule to this Act in respect of any part of such period.

(2) Tax once paid not re-leviable for same period.-No person shall be liable to tax during any period on account of any taxable motor vehicle in respect of which the full tax for the some period has already been paid by some other person.

1 [(3) Notwithstanding anything contained in sub-section (1) and the First Schedule to this Act the weight of a Producer Gas Plant fitted to a motor vehicle shall not be taken into consideration in calculating the tax to be paid in respect of such motor vehicle and the owner of such a vehicle shall, from the date on which the Assam Motor Vehicles Taxation (Amendment) Act 1944 Assam Act VI of 1944) comes into force up to the cessation of the hostilities in progress on that date, only pay in respect of it a tax at the rate of one-half of the appropriate rate specified in the said Schedule, if the licencing officer is satisfied that the vehicle is, and continues to be, operated by the Producer Gas Plant.]

4-A. (1) Notwithstanding anything contained in any other provision of this Act, the owner of any motor vehicle, tricycle, trailer / side car, motor car of Jeep meant for exclusive personal use and not registered as public services vehicle and is less than fifteen years old when applying for first registration or assignment of a fresh registration mark or change of address or removal of the aforesaid vehicle from any State other than Assam, on or after the commencement of this Act, shall pay one time tax,

as specified in the Schedule in lieu of any tax payable under the Assam Motor Vehicles Taxation Act, 1936.

(2) The one time tax shall be payable as if it was a tax under Section 4 and the provisions of the Act and the rules framed there under shall apply mutatis mutandis :

Provided that the one time tax shall be paid in one installment within 30 days of the motor vehicle coming within the purview of this section or, if any tax under Section 4 has been paid in respect of it, within 30 days of the expiry of the period for which the tax under Section 4 has been paid whichever is later:

Provided further that the State Government for facility of the administration of the one time tax, may, by notification in the Official Gazette, direct that in any case or class of cases, the provisions of the Act and the rules framed there under shall apply, subject to such modification not inconsistent with the provisions of this section, as may be specified in such notification.

(3) Notwithstanding anything contained in sub-section (4-A), the State Government may, subject to the condition of previous publication, make rules generally for carrying into effect the purposes of this section.

(4) If any motor vehicle, in respect of which one time tax has already been paid under sub-section (1), and of address or by way of transfer of ownership, or on cancellation of registration, the one time tax payee of the said motor vehicle shall be entitled to claim a refund at the rate specified in schedule and no other refund of the one time tax shall be admissible under any circumstances.

(5) No motor vehicle tax shall be levied on any vehicle referred to in sub-section (1) above and categorised in Schedule within the State of Assam on attainment of 15 (fifteen) years from the date of initial registration.

4-C. Tourist transport operators authorised to ply their vehicles in the State of Assam under All India Tourist Permits issued under the Motor Vehicles Act, 1988 (Central Act 95 of 1988) by any competent authority of the other States/Union Territories other than Assam shall be required to pay composite tax in lieu of all taxes chargeable under this Act at the rates specified in the Schedule to this Act.

5. Payment of tax : Save and except the cases of those private vehicles referred to in sub-section (1) of Section 4-A and categorised in the

Schedule, all taxes payable under Section 4, shall, subject to the provisions of Sections 6, 8 and 9, be payable in advance on or before the fifteenth day of April in each year for a term of one year by the owner of a motor vehicle on taking out and paying for a licence under the provisions of the Act:

Provided that save and except the owners of the motor vehicles referred to in sub-section (1) of Section 4-A and categorised in the Schedule, the owner of a motor vehicle shall have the option of paying the tax in four equal installments payable on or before the fifteenth day of April, July, October and January respectively.

6. Tax payable on first liability to tax : When the tax on any motor vehicle becomes payable for the first time after the commencement of a financial year, the tax payable shall be one- twelfth of the appropriate annual tax for each calendar month or part of a calendar month in respect of which the tax has become payable.

7. Refund of tax : Where any person has paid the tax or any installment or installments of tax in respect of a motor vehicle and proves to the satisfaction of the licensing officer that the registration or renewal of registration of the vehicle in respect of which the tax has been paid has been refused or cancelled, he shall be entitled-

(a) where registration or renewal of registration has been refused, to a refund of the amount of tax paid in respect of the whole period after the date of refusal to grant or renew registration;

(b) where the registration of a motor vehicle has been cancelled, to a refund for each complete calendar month included in the period for which such tax or installment has been paid and which commences after the date on which the certificate of registration has been cancelled, of an amount equal to one- twelfth of the annual rate of the tax payable in respect of such vehicle.

8. Remission of tax for period during which vehicle is not used. : Where any person who has paid a tax or installment of a tax proves to the satisfaction of the licensing officer that the motor vehicle, in respect of which such tax or installment of tax has been paid, has not been used for a contiguous period of not less than thirty days since the tax or installment of tax was last paid, then, when the tax or installment of tax is next payable, he shall not be liable to pay any arrear of tax in respect of the

said continuous period of thirty days or where the said continuous period exceeds thirty days, in respect of every full period of thirty days comprised within the said continuous period and, if the tax or installment of tax has been paid in respect of the said continuous period of thirty days or \",here the said continuous period exceeds thirty days, in respect of any full period of thirty days comprised within the said continuous period, he shall be entitled, in respect of every such full period of thirty days, to a deduction from the amount of tax or installment of tax, which he would otherwise have been liable to pay, of an amount equal to one-twelfth of the annual of tax payable in respect of the said vehicle:

Provided that if the licensing officer is satisfied that a motor vehicle is or was rendered unfit to be brought into use during the period for which the tax is next payable he may in the alternative make refund of the amount to which the owner is entitled to rebate as aforesaid.]

9. Exemption from and remission of tax.-When the owner of any motor vehicle in respect of which the tax or installment of tax has been paid, has occasion to withdraw the said motor vehicle from use for the whole of the period in respect of which the tax or any such installment is again payable, he may, in lieu of paying such tax or installment surrender to the licensing officer his last current licence relating to the said motor vehicle and shall thereupon be exempt from liability to pay the said tax or installment of tax in respect of the said period.

10. Declaration by person keeping vehicle for use.-The owner of every motor vehicle shall make a declaration in respect of it in the prescribed form stating the prescribed particulars and shall deliver the declaration within the prescribed time to the licensing officer and shall pay to the licensing officer the tax which he appears by such declaration to be liable to pay in respect of such vehicle.

(2) Where a motor vehicle is altered or used so as to render the owner thereof liable to the payment an additional tax under Section 11, such owner shall make within the prescribed time an additional declaration in the prescribed form showing the nature of the alterations made and shall deliver it to the licensing officer and shall pay to the licensing officer the additional tax payable under Section 11 which appears by such additional declaration to be liable to pay in respect of such vehicle.

11. Payment of additional tax.-Where any motor vehicle in respect of which the tax has been paid is altered or used in such a manner as to

cause the vehicle to become a vehicle in respect of which a higher rate of tax is payable the owner thereof be liable to pay an additional tax of a sum which be equal to the difference between the tax already paid in respect of such vehicle and the tax which is payable in respect of such vehicle after its being so altered or used.

12. Grant of licence : The licensing officer shall grant to every person who pays to him the tax or additional tax in respect of any motor vehicle, a licence in the prescribed form.

13. Area over which licence is valid : Every licence granted under this Act shall be valid throughout the State of Assam save in so far as the right to ply a motor vehicle in any area or place or over any route may be limited or regulated by or under any other enactment.

14. Licence to be exhibited on vehicle : (I) (a) The licence granted under this Act shall be displayed in or on the vehicle in such conspicuous manner as may be prescribed by the rules made under this Act.

(b) Every public service vehicle designed and used to carry more than six persons or goods or both shall display in such conspicuous manner as may be prescribed by rules made under this Act, the number of such passengers and the weight of such goods or both which the said vehicle is authorised by the licensing authority to carry.

(c) The owner of any motor vehicle which does not comply with a preceding sub-section in so far as applicable shall be punishable with fine to the extent provided in Section 15.

(2) Any Police Officer not below the rank of Sub-Inspector, the Enforcement Inspector of the Transport Department, or any officer of the Motor Vehicles (Transport) Department established under Section 113- A of the Motor Vehicles Act, 1939 (Act IV of 1939) and specially authorised by notification in this behalf by the State Government, may require the driver of a motor vehicle in a public place to stop the vehicle and cause it to remain stationary so long as may be reasonably necessary for the purpose of satisfying himself that the tax due in respect of such vehicle has been paid.]

(3) Any person in-charge of a motor vehicle who refuses or wilfully neglects to stop the motor vehicle, or to produce the licence for examination, in compliance with the lawful directions of such officer shall

be deemed to have contravened the provisions of Section 14(2) of this Act.

15. Whoever contravenes any of the provisions of this Act or any rules made there under shall, if no other penalty is elsewhere provided in this Act for such contravention, be punishable with a fine which may extend to fifty rupees, and in the event of such person having been previously convicted of an offence under this Act or under any rules made there under with fine which may extend to one hundred rupees.

16. Recovery of tax : When any person without unreasonable cause fails or refuses to pay the tax, the licensing officer may forward to the 1 [Deputy Commissioner] a certificate over his signature specifying the amount of tax due from such person, and the 2[Deputy Commissioner] 3[or the Additional Deputy Commissioner] on receipt of such certificate, shall proceed to recover such tax including such penalty as he may deem fit not exceeding one-half of the annual tax as if it were an arrear of land revenue :

Provided that the 4[Deputy Commissioner] shall not proceed before the expiry of the period within which an appeal may be preferred under Section 17, or, if such an appeal has been preferred, before it has been decided.

17. Appeal : Any person aggrieved by an order relating to the assessment, imposition or recovery of a tax may within a period of thirty days from the date of such order prefer an appeal to the Deputy Commissioner, or, if the Deputy Commissioner is the officer who passed such order, then to the Commissioner. Every order in appeal passed by the Deputy Commissioner, or by a Commissioner under this section shall be final subject to the powers of revision by The Assam Board of Revenue constituted under Section 3 of the Assam Board of Revenue Act, 1962 (Assam Act No. XXI of 1962).

18. Bar to jurisdiction of Civil and Criminal Courts in a matter of taxation : The liability of a person to pay the tax shall not be questioned or determined in any manner nor by any authority other than is provided in this Act or in rules made there under and no prosecution, suit or other proceeding shall lie against any servant of the Government for anything in good faith done or intended to be done under this Act.

19. Compounding of offences : Where any person is accused of an offence under Section 15, it shall be lawful for him to pay to the prescribed officer, by way of composition of such offence, a sum of money not exceeding such amount as may be prescribed together with the amount of tax, if any, which may be due from him. Such composition shall have the effect of an acquittal and no further proceeding shall be taken against such person in respect of such offence.

5[19-A. If a licensing officer is satisfied that in respect of any motor vehicle-

- (a) a declaration has not been delivered in accordance with the provisions of Section 10 within one month of the date on which such declaration was due; or
- (b) any tax or additional tax payable under this act has not been paid within one month of the date on which such tax was payable; or
- (c) any penalty Imposed under Section 15 or fine imposed under Section 19 has not been paid within one month of the date on which such penalty or fine was imposed; he may, notwithstanding anything contained in the Indian Motor Vehicles Act, 1939, or any rules made there under, declare the certificate of registration of such motor vehicle to be suspended and such certificates shall be deemed to be suspended until the whole amount of tax, penalty, or fine, if any, due in respect of such motor vehicles has been paid.]

20. Cognizance of offence.-No Court inferior to that of a Magistrate the first class or of a Magistrate of the second class specially empowered in this behalf by the State Government shall try any offence punishable under this Act.

21. ** ** **

22. Power of State Government to make rules : (1) The State Government may, subject to the condition of previous publication, make rules for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for all or any of the following purposes, that is to say,-

- (a) prescribing the manner and the form in which and the authority to which application for licence under this Act shall be presented;
- (b) prescribing the form of any certificate, declaration, licence, notice or receipt and the particulars to be stated therein; and the manner of exhibiting a licence on a motor vehicle;
- (c) prescribing the manner in which and the fees on payment of which, licence granted under this Act may be transferred;
- (d) prescribing generally the authorities by whom, and the manner in which any duties in respect of or incidental to the carrying into effect of the provisions of this Act may be performed;
- (e) regulating the method of assessment, payment and recovery of the tax;
- (f) regulating the manner in which exemptions from and remissions and refund of the tax may be claimed and granted, and the extent to which exemptions from liability to the tax may be claimed in respect of any motor vehicle brought into and used in Assam by a person visiting or making a temporary stay in Assam;
- (g) regulating the manner in which appeals may be instituted and heard.

23. 1[Omitted]

First Schedule :¹

Second Schedule : 2

The present Schedule has again been substituted vide Assam Act XXVII of 1999.

SCHEDULE

[See Sections 4, 4-A(3) and 4-A(4)]

1. (A) One-time Tax on personalised 4 wheelers

Article No.	Description of vehicle	Rate of One-time Tax
1.	New personalised 4 (four) wheeler vehicle	2% of the original cost of the vehicle

- | | | |
|----|--|--|
| 2. | Old vehicles, requiring to be registered in Assam on transfer from another State | One-time Tax is to be fixed after allowing a depreciation of 7% per annum of the prevailing original value of the vehicle. |
|----|--|--|

(B) One-time Tax 011 personalised two wheelers and three wheelers

New vehicle to be registered for the first time:

- | | | |
|----|---|-----------|
| 1. | Less than 65 Kgs. unladen weight | Rs. 1,000 |
| 2. | From 65 kgs. to 90 kgs. unladen weight | Rs. 1,500 |
| 3. | From 90 kgs. to 135 kgs. unladen weight | Rs. 2,000 |
| 4. | More than 135 kgs. | Rs.3,000 |
| 5. | Three wheelers | Rs. 2,000 |
| 6. | Trailers/Side car attached to 2/3 wheelers | RS.500 |
| 7. | Old vehicles, requiring to be registered on | |

transfer from another State One-time tax is to be fixed

after allowing a depreciation of 7% per annum of the tax payable for a new vehicle of the same category

(C) Refund of One-time Tax where removal or cancellation of registration takes place after registration

Personalised, 2, 3 and 4 wheeler vehicles, registered in Assam but permanently transferred out of Assam or on cancellation of registration, the One-time Tax payee of the said motor vehicle shall be entitled to claim

a refund at the rate of deduction of 7% of the tax paid for the year of use in Assam.

II. Passenger vehicles used for commercial purposes

Sl. No.	Description of Vehicle	Annual Tax	Quarterly Tax
		Rs.	Rs.
1	Passenger carrying capacity of 3 or less persons (three wheelers)	900	225
2	Passenger carrying capacity of 4 persons to 6 persons (three wheelers)	1,800	450
3	4 wheeler with passenger carrying capacity of 6 or less persons and licensed to operate in one city or region.	2,500	625
4	4 wheeler with passenger carrying capacity of 6 or less persons and licensed to operate all over the state.	4,000	1,000
5	Vehicle with passenger carrying capacity of 7 to 12 persons	5,000	1,250
6	Vehicles with passenger carrying capacity of 13 to 30 persons	7,000	1,750
7	Vehicles with passenger carrying capacity of more than 30 persons	5,500	1,375
		+90 for very seat above 30	+23 for very seat above 30
8	Omoni Tourist Buses	1,2000	3,000
III Tractors			
(1)	Not exceeding 2 M.T.	300	75
(2)	Exceeding 2 M.T. but not exceeding 5 M.T.	600	150
(3)	Exceeding 5 M.T.	900	225

IV Trailers drawn by Tractors, Jeeps, Cars etc.			
(1)	Light Tailer	300	75
(2)	Medium Tailer	500	125
(3)	Heavy Tailer	1,000	250
V. Mechanical Cranes Mounted on Motor Vehicles			
(1)	Not exceeding 3 M.T.	500	125
(2)	Exceeding 3 M.T. but not exceeding 5 M.T.	1,000	250
(3)	Exceeding 5 M.T.	1,000	250
		+400 for every tonne in excess of 5 M.T.	+100 for every tonne in excess of 5 M.T.
VI. Vehicle used for carriage of goods on hire			
(1)	Authorised to carry 1 M.T. or less	1,50	375
(2)	Exceeding 1 M.T. but not exceeding 3 M.T.	3,000	750
(3)	Exceeding 3 M.T. but not exceeding 9 M.T.	3,000	750
		+ 750 for every additional 1 M.T. above 3 M.T.	+ 175 for every additional 1 M.T. above 3 M.T.
(4)	Exceeding 9 M.T.	7,500	1,875
		+200 for every additional 1 M.T. above 9 M.T.	+50 for every additional 1 M.T. above 9 M.T.
VII. Any other Transport Vehicles			
		Annual rate of Road Tax	
Any other transport vehicle not covered under any category above such as Dumper, Excavators, Camper Van, Trailers Cash Van, Mobile Canteen		1% of the cost of the chassis / vehicle.	

Application of the Act in other States :

This Act is in application in the State of Manipur, the Union territory of Arunachal Pradesh. In the State of Meghalaya this Act was extended in its application by virtue of the Meghalaya Adaptation of Laws Order (No.1) 1972 with effect from the 21st day of January, 1972, with Amendments (Please see page 42 et seq of Volume 1 of the North-Eastern Region Local Acts and Rules, 3rd Edition).

APPENDIX 6

ASSAM MOTOR VEHICLES TAXATION RULES, 1936

PART I

Introductory

1. Short title and commencement : These rules may be called the Assam Motor Vehicles Taxation Rules, 1936 and shall come into force on the 1st day of March, 1937.

2. Definitions : In these rules unless there be anything repugnant in the subject or context-

- (a) "The Act" means the Assam Motor Vehicles Taxation Act, 1936;
- (b) "Article "means an article in the First Schedule to the Act;
- (c) "Section" means a section of the Act;
- (d) "Form" means a form appended to these rules;
- (e) "Assessee" means a person from whom the tax is due or by whom it has been paid;
- (f) "Motor cab" means any motor vehicle constructed, adapted or used to carry not more than six passengers excluding the driver, for hire or reward;

- (g) "Taxi" means a motor car fitted with a taximeter;
- (h) "Stage carriage" means a motor vehicle carrying or adapted to carry more than six persons excluding the driver which carried passengers for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of journey;
- (i) "Private vehicle" means a motor vehicle other than a motor vehicle plying for hire or reward;
- (j) "Licence" means a licence granted under the Act;
- (k) "Transport vehicle" means a public service vehicle or a goods vehicle.

PART II

Of the authorities appointed under the Act

3. [Deleted].

4. 1 [Compounding officer : The licensing officer shall be the officer to whom payment of any sum by way of composition of offence under Section 19 of the Act shall be made.]

PART III

Of the payment and recovery of the tax and the issue of licences

5. Supply of forms.-Copies of Forms A, B, D, F, G, and H prescribed by these rules may be obtained on application to any licensing officer.

6. Presentation of declaration.-(1) Every person who either on the commencement of the Act or thereafter, becomes possessed of a motor vehicle which has not been previously licensed' under the Act, or brings a motor vehicle licensed in any place outside Assam but keeps it for use in the Province, becomes Lable to the tax and shall within 15 days of becoming so liable complete, sign and deliver to the licensing officer the declaration prescribed by Section 10(1).

(2) Every such declaration shall be in Form A.

(3) A separate declaration shall be made in respect of each vehicle.

(4) Every declaration when completed and signed shall be delivered to the licensing officer through registered post or in person by the owner of the motor vehicle in respect of which it is made, or by an agent appointed by the owner for this purpose. If sent by post, it must be posted in time to reach the licensing officer before the expiry of 15 days from the date on which the liability to the tax arose.

7. Additional declaration : (1) Every person who becomes liable to an additional tax under Section 10(2) shall, within 15 days of becoming so liable, complete, sign and deliver to the licensing officer a declaration in Form B.

(2) Every declaration in Form B shall be presented in person or through registered post by the owner of the motor vehicle in respect of which it is made or by an agent appointed by him for this purpose.

(3) With every declaration in Form B there shall be presented to the licensing officer the original certificate of registration issued in respect of the motor vehicle if it is sent by post, it must be posted in time to reach the licensing officer before the expiry of 15 days from the date' on which the additional tax becomes due.

8. Method of payment of tax : The tax shall be paid into the treasury in favour of the licensing officer a copy of the treasury challan being forwarded to him. At place where the business of the treasury is conducted by a branch of the State Bank of India in which the payer has an account, the payment may be made by crossed cheque drawn on the State Bank of India, and made payable to the licensing officer, Motor Vehicles Taxation Departments.

Note : As regards grant of receipt for payment made by cheque, attention is invited to the provision of Rule 4 in Chapter I of Part I of the Assam Financial Rules.

9. Production of motor vehicle before licensing officer : For the purpose of assessing the tax, the licensing officer may require an owner of

a motor vehicle to produce such motor vehicle before him for inspection and may fix time and place for production.

10. Issue of licence and token.-(1) When the tax or additional tax has been paid, the licensing officer shall issue a token in Form C-II signed by himself and shall complete and return to the person who has paid the tax the certificate in Part II of Form A or of Form B, as the case may be.

(2) Such certificate shall be deemed to be a licence issued tender Section 12 of the Act.

(3) The owner of every motor vehicle in respect of which a licence has been issued shall retain the licence in his possession and shall produce it when so required by the licensing officer.

(4) Every licence and token issued under these rules shall be valid until the date of expiry endorsed thereon and shall thereafter be renewed in the manner prescribed by Rule II.

11. Renewal of licence : Every application for the renewal of a licence under the Act shall be made in Part I of Form D and shall be presented to the licensing officer in the manner and within the time prescribed by Rule 6 for the presentation of a declaration. On receipt of such application and of the tax which has become due the licensing officer shall grant a new token and a licence in Part II of Form D valid until the expiry of the period in respect of which the tax has been paid.

1[11_A. When the licensing officer renewing the licence is not the officer who issued the licence, he shall intimate the fact of renewal in Form I to the officer who issued the licence.]

12. Manner of exhibiting token : The token issued in respect of every motor vehicle shall be carried in a holder made of metal and of weather proof construction. It shall be kept by the person to whom it is issued, in such condition as to be easily legible, and shall be affixed, in such a way as to be clearly legible from the front of the vehicle, on the wind screen, and on that side of the vehicle which is to the left hand of the driver when driving:

Provided that in the case of a trailer the token shall be affixed to the left hand side of the trailer and in the case of a cycle, it shall be affixed to the handle bar.

13. Form of token : The token for both private and public vehicles shall be of circular shape. They will be in Form C-II and will be printed on a card of different colours to distinguish whether the tax is paid for the whole year or part thereof in one installment or for a particular quarter.

14. Returning the token : Every token shall be returned to the licensing officer either on its expiry or at the time of payment of the tax for the subsequent year or installment. Failure to return the token will render the owner liable to continue payment of the tax.

15. Defacing tokens : No person shall alter, deface, mutilate or add anything to a token issued under Rule 10 or Rule 11 or exhibit a token on any vehicle other than the vehicle in respect of which it was issued.

16. Imitation and illegible tokens : No person shall exhibit in the manner provided in Rule 12 any imitation of a token, or use on any vehicle a token which has become illegible.

17. Loss, etc. of tokens : If any token issued under these rules is lost, destroyed or altered or has become illegible, the owner of the vehicle in respect of which it was issued shall immediately report the facts to, and apply for a duplicate token to, the licensing officer.

If the original token which has been reported to be lost is subsequently found, it shall be surrendered without delay to the licensing officer.

18. Duplicate token : Do the receipt of any such report and application as is prescribed by Rule 17 the licensing officer shall, on payment by the applicant of a fee of one rupee, issue a duplicate token, such duplicate token shall be marked with the word "Duplicate" written in red ink across it and shall for the purposes of the Act and these rules be deemed to be token.

19. Token for vehicles exempted from tax : (I) Subject to exceptions prescribed by Rule 38 owners or persons in-charge of motor vehicles which are totally exempt from payment of tax under the provisions of Rule

34 shall complete and sign a declaration in Form A and present it to the licensing officer in the manner prescribed by Rule 6 together with satisfactory proof of the claim to exemption.

(2) On receipt of such declaration and proof the licensing officer shall issue to the applicant free of charge, the certificate prescribed in Part II of Form A and token in Form C- II valid until the 31st day of March next following the date of issue of such token.

(3) Every such token shall be marked "Exempt" and shall be carried on the motor vehicle in respect of which it is issued other than the vehicles owned by the Assam Transport Organisation of Government carrying on the body or bonnet of the vehicle the words "Assam Transport" in clear letters, in the manner prescribed by Rule 12.

20. Issue of notice to owners of motor vehicles : (I) The licensing officer, on receiving information that any person keeps a motor vehicle for use, may require him to complete, sign and deliver a declaration in Form A in respect thereof and may serve upon him at once a special notice in Form E. Such notice may be sent to the person by post or may be served upon him in person or (if service cannot be made upon him in person) upon any adult male member of his family. If the notice cannot be served in the manner aforesaid, it may be served by affixing it to some conspicuous part of his place of residence or business or in such manner as the licensing officer may think fit.

(2) Nothing in this rule shall be deemed to absolve any person who keeps a motor vehicle from the obligation, imposed upon him by Section 10 of the Act and Rule 6 above, of making a declaration in the event of no notice having been served upon him.

21. Production of licence and token before a police officer : Every officer enrolled under the Police Act (Act V of 1861) who is on duty and in uniform may order a motor vehicle to stop in order to ascertain whether a licence and token therefore have been obtained. Should he discover that a licence or token has not been obtained or that the licence or token has expired and has not been renewed he shall make a report to the licensing officer stating the type or class of the vehicle, its registered number, if any, and the name of the owner and driver for such action as that officer

may consider necessary. No such action shall be taken by any police officer before the 1st day of April, 1937.

PART IV

Of the calculation of the tax and of refunds, remissions and abatement

22. Fraction of half an anna to be disregarded : For the purpose of calculating the amount of tax payable or of any refund due in respect of a motor vehicle, fraction of half an anna shall be disregarded in favour of the assessee.

1[23. Basis of tax on private vehicles : For the purposes of Articles I and II in accordance with which the assessment of a private motor vehicle will depend upon the unladen weight of the vehicle, the unladen weight shall be either the unladen weight as given in the manufacturer's specification or the ascertained unladen weight of the vehicle if in place where a weigh bridge is available, licensing officer so directs. If an assessee is unable to state the unladen weight of his vehicle in his declaration in Form A, he may leave this entry to be made by the licensing officer.

Note : "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 or where alternative parts of bodies are used the unladen weight of the vehicle means the weight of the vehicle with the heaviest such alternative part of the body.]

2[24. Basis of tax on vehicle plying for hire or reward : In the case of Article IV or VIII the assessment of a public service vehicle depends upon the authorised load of passengers or of goods or both.]

25. Assessment of additional fees on a public service vehicle under Article IX : (I) Vehicle plying for hire in respect of which a tax has been paid under either of Articles IV to VIII when intended for use in special or temporary circumstances and for a limited period on a road or roads other than those over which they otherwise ply, shall apply to the licensing

officers for a special and temporary permit. No additional tax is payable if a motor vehicle does not use the road or roads for which it is permanently licensed during the period it is temporarily allowed to ply on a road or roads other than those in respect of which it is permanently licensed. In other case the licensing officer will assess the fee at the rate of Rs. 22 for every week or part of a week of the period of validity of the special and temporary permit.

(2) On the payment of an additional fee under Article IX of the licensing officer will complete and sign the form of certificate prescribed in Par III of Form A and will return the said Form, together with a token in Form C-II, to the assessee; where no additional fee is payable the licensing officer will enter the words "Rs. Nil" in the form of certificate and will write in red ink across the token the words "Free' Article IX".

26. Calculation of additional tax under Section 11 : The tax payable under Section 11, in respect of a vehicle which has been entered so as to make it liable. to tax at a higher rate than has been paid will be calculated as follows:

The licensing officer will assess, in accordance with Section 6, the amount of tax payable, on the vehicle as so altered for the period commencing on the day on which the vehicle has been altered and ending on the last day of the period for which the tax has been paid previously to the alteration, in like manner as if the tax became first payable on the date of alteration. He will then deduct from the tax so assessed an amount equal to one-twelfth of the annual rate at which the tax has already been paid for every calendar month in respect of which he has assessed the tax at the higher rate.

Example

A pays on 2nd January Rs. 25 under Article IX-B in respect of private motor lorry as a quarterly payment for the period ending 31st March. On 15th February he converts the lorry into a 24 seated public service bus. On the vehicle so altered the annual tax under Article N-B is Rs. 150 which is equivalent to Rs. 12-8-0 per mensem. The enhanced tax payable in accordance with Section 6 would thus be Rs. 25 for the period from 1st February to 31st March. A is entitled however, for the two months

February and March to a deduction of two-twelfths of Rs. 100 or Rs. 16-10-8. The additional tax payable for the period ending 31st March is thus Rs. 8-5-4 reduced under Rule 22 to Rs. 8-5-0. Thereafter, the quarterly tax will be Rs. 37-8-0.

Read the figures, viz.

(1) Rs. 12-8-0	(1) Rs. 12.50
(2) Rs. 16-10-8	(2) Rs. 16.67
(3) Rs. 8-5-4	(3) RS.8.33
(4) RS.8-5-0	(4) RS.8.31
(5) Rs.37-8-0	(5) Rs. 37.50

27. Alteration of motor vehicles making it liable to a lower rate of tax

: Whenever a motor vehicle is altered in such a way that after such alteration it is liable to tax at a lower rate than the tax which has been paid then-

- (i) if such alteration is due to its conversion from a public service vehicle into a private motor vehicle, the owner thereof may apply for the cancellation of its registration as a public service vehicle and on such cancellation he will be entitled to claim a refund under Section 7 in the manner prescribed by Rule 28;
- (ii) if such alteration is not due to its conversion from a public service vehicle into private motor vehicle the owner thereof may apply to the registering authority for the correction of the certificate of registration of such vehicle. When the said certificate has been corrected the owner may make a declaration in Form B and apply for the assessment of such vehicle. If he is satisfied that such vehicle has been altered in such a way so as to make it liable to tax at a lower rate than the tax which has been paid, the licensing officer shall, with effect from the date following the date of expiry of the licence of the said vehicle, assess the said vehicle at

the appropriate lower rate and the owner thereof shall thereupon pay with effect from such date the tax as so reduced.

28. Refund of tax : Under Section 7 cancellation of the registration of a motor vehicle will entitle the person who has paid the tax to claim a refund for every complete calendar month in respect of which the tax has been paid and which is unexpired on the date of cancellation.

1[28-A. Notwithstanding anything contained in these rules, no refund of the tax or part of the tax paid in respect of any quarter shall be made in respect of a motor vehicle (other than a transport vehicle as defined in the Motor Vehicles Act, 1939) which is transferred whether permanently or temporarily from the Province of Assam during that quarter or any other Province (including a Chief Commissioner's Province) in British India.]

The figures originally in "annas" are to be read in terms of "paisa" as follows:

(1) Rs. 6-4-0 as 6.25 p.

(2) Rs. 2-1-3 as Rs. 2.08 p.

(3) Rs. 2-1-0 as Rs. 2.06 p

29. Method of claiming refunds : (1) Every person who claims a refund to tax under Section 7 shall present an application in Part I of Form F either by registered post or in person to the licensing officer. Such application shall be accompanied where the claim is based on the refusal of the registering authority to register or to renew the registration of the motor vehicle, by the certificate of the licensing officer in Part II of Form A or of Form D, as the case may be, and by the token. After satisfying himself that the claim is admissible the licensing officer shall issue to the applicant an order in writing for the refund which is due and shall enter the amount and the date of the order of refund in the register of refunds.

(2) Every order of refund shall be encashable only at the treasury of the district in which it is issued.

(3) No application for a refund shall be entertained unless it is presented within fifteen days of the date of the refusal or the cancellation of the registration or of the refusal to renew the registration, as the case may be.

(4) Every order of refund issued under these rules shall, subject to the provisions of sub-rule (5), be deemed to be cancelled unless it is presented for encashment within fifteen days of the date of its issue.

Example

A pays Rs. 6-4-0 under Article II-A on 2nd January for the period ending 31st March. Subsequently the motor vehicle is destroyed in an accident, and its registration is cancelled on 14th February. A is entitled to a remain for the month of March of one-twelfth of Rs. 25 (annual tax), i.e. Rs. 2-1- 3 or Rs. 2-1-0 under Rule 22.

(5) The licensing officer may, at any time, not more than two months after the date of issue of an order of refund which is deemed to have been cancelled tender sub-rule (4), renew the said order of refund and the provisions of sub-rule (4) shall then apply to the order of refund within fifteen days commencing from the date of renewal.

30. Abatement of refund of tax for a period of non- use : Under Section 8 when a motor vehicle is withdrawn from use for a period of three continuous calendar months or more, then,-

(1) when the vehicle is again brought into use, the person who has paid the tax is entitled to claim-

- (i) exemption from payment of the tax in respect of every complete calendar month which is comprised within the said period and in respect of which the tax has not been paid, and
- (ii) if the tax has been paid in respect of any complete calendar month comprised within the said period, a deduction from the amount which would otherwise become payable of one twelfth of the annual tax for every such month;

(2) when the vehicle is not again brought into use during the period for which the tax is next payable, the person who had paid the tax may, on an application made by him in Form G, be granted, at the discretion of the licensing officer, a refund of the amount to which he is entitled as rebate under sub-rule (1).

Example

A has paid a tax of Rs. 25 for the financial year commencing 1st April, 1938. He withdraws his motor vehicle from use on 10th December, 1938, and brings it into use again on 15th June, 1939 (the period from 10th December, 1938 to 15th June, 1939, comprises five complete calendar months). A is therefore entitled to exemption from tax, in respect of the months of April and May 1939 and to an abatement of three-twelfth of Rs. 25 for the months of January, February and March 1939; provided then that if he again tenders the tax for a complete financial year he will pay only Rs. 14-8-6 (Rs. 14.53) fraction of half an anna being omitted under Rule 22, that is seven-twelfths of Rs. 25., In the alternative he may receive a token without payment of any, ending 30th June, tax for the quarter 1939. In such case, however, he cannot make a claim for further abatement when the next quarterly installment becomes payable in July, 1939.

(3) In no circumstances will any application for refund or rebate under this rule be entertained unless the licence and token have been surrendered to the licensing officer at the time when the vehicle is withdrawn from use.

31. Method of claiming remission or abatement of tax : Every claim for abatement under Section 8 shall be made at the time when an application for renewal of the licence is made under Rule 11 and no claim ,,,ould be admitted unless the licensing officer is satisfied that the motor vehicle has not been used during a period in excess of three complete calendar months. For this purpose the licence and token issued in respect of the motor vehicle must have been rendered to the licensing officer together with a declaration in Part I of Form H at the time when the vehicle is withdrawn from use. The licensing officer will complete Part II of Form H and return it to the claimant and will at the same time enter in the licence the date of its surrender. On the application of the claimant in Part III of Form H the licence and the token will be returned to the claimant, if the

period for which the tax has been paid is expired on the date of such application. In other cases an application in Part 1II of Form H must be accompanied by an application for the renewal of the licence in Form 0 when on payment of the tax due, if any, the licensing officer will return the licence and issue a token in the manner prescribed by Rule II.

32. Exemption from tax on surrender of licence and token : (I) When the owner of a motor vehicle has occasion to withdraw his motor vehicle from use for one or more quarterly periods or years and desires to surrender the licence and the token to the licensing officer in accordance with Section 9 he shall at the time of such surrender complete and sign Part I of Form H.

(2) When the owner of a motor vehicle who has so surrendered his licence and token desires to bring his motor vehicle into use again he shall complete and sign an application in the form prescribed in Part III of Form H and shall present it together with an application for the renewal of the licence in Form 0 to the licensing officer.

(3) On receipt of the tax which has then become due, the licensing officer shall issue a licence in Part II of Form 0 and a token in Form C-II.

(4) The tax payable when the motor vehicle is again brought into use shall, by virtue of the provisions of Section 8, be calculated from the first day of the month in which the licence and token are returned to the owner, or in which the vehicle is again brought into use, whichever is earlier.

PART V

Of Exemptions or Exceptions

33. Exemptions and exceptions under Section 3 of the Act : The Provincial Government are pleased to exclude from the operation of the Act the classes of motor vehicles specified in Rules 34, 35 and 36 to the extent specified therein.

34. Complete exemption from payment of tax : Motor vehicles of the following classes are totally exempt from liability to taxation:

- (a) Motor vehicles (other than vehicles used for the carriage of goods or of passengers for hire) owned and exclusively used by or on behalf of any department of the Central or Provincial Government including motor vehicles registered as military motor vehicles by the Quarter Master General in India, and those maintained out of public funds for the use of His Excellency the Governor of Assam or his staff or household.
- (b) Motor vehicles (other than vehicles used for the carriage on hire of goods or the passengers) owned and exclusively used by or on behalf of any local authority situated within Assam.
- (c) Motor vehicles known as ambulances intended for use and exclusively used for conveying patients to and from a hospital;
- (d) Motor vehicles exempted from taxation under the Auxiliary Force Act, 1920, the Indian Territorial Force Act, 1920, or under any other law for the time being in force.
- (e) Motor vehicles kept for sale by bona fide dealers and manufacturers when used under a valid general trade number issued in accordance with the Assam Motor Vehicles Rules, 1940.
- (f) Tractors and other vehicles used by or on behalf of the Central or Provincial Government or any local authority, exclusively for the repair of public roads or for the mechanical cultivation of soil in a Government farm or estate.
- (g) Motor vehicles which have been registered and taxed in any State of India other than Assam in which motor vehicles registered and taxed in Assam are exempted from payment of further tax for use in such other State in respect of the period for which tax has already been paid.
- (h) All the fire-fighting vehicles belonging to Oil and Natural Gas Commission.

- (i) Motor vehicles which have been assigned to American Peace Corporations in India and which are normally liable to be taxed in Assam are exempted from payment of tax.

35. Vehicles coming into Assam : (1) A person bringing a motor vehicle into Assam for use shall within one week of its arrival if he has not paid the tax due thereon in Assam report to the licensing officer of the area within which the vehicle is kept, the date on which such motor vehicle has been brought into the Province and unless exempted under Rule 36 or Rule 36-A pay to him any tax due thereon.

(2) Any person who keeps a motor vehicle outside Assam for use within Assam shall pay the tax due thereon to the nearest licensing officer in Assam unless such licensing officer is satisfied that the car is not used habitually in Assam.

Note : A person who keeps a motor vehicle outside Assam for use inside Assam is liable for payment of tax under the Act.

36. Vehicles coming temporarily into Assam : (1) If a person making a temporary stay in Assam who brings a motor vehicle with him into the Province and keeps it for his personal use therein for a continuous period not exceeding thirty days, delivers to a licensing officer within one week of his arrival in the Province a written notice of the date of his arrival with a description of such vehicle, the licensing officer shall, if satisfied that such notice and description are correct and that the vehicle is not habitually used in Assam and that it is not to be left for hire in Assam, declare such person to be exempt from liability to pay the tax :

Provided that if such person keeps the vehicle in Assam for any period longer than thirty days he shall be subject to the ordinary rules and shall be liable for the payment of the tax due in Assam.

(2) After declaring such person to be exempt from liability to pay tax, the licensing officer shall grant to him a token valid for thirty days from the date of the arrival of the motor vehicle. Such token shall be clearly marked "Temporary" .

1[36-A. Notwithstanding anything contained in these rules, any motor vehicle (other than transport vehicle as defined in the Motor Vehicles Act,

1939) registered and normally kept in any other Province in British India (including a Chief Commissioner's Province) for which the proper tax has already been paid in respect of a particular quarter in that Province and which is transferred, either permanently or temporarily, into the Province of Assam during the quarter shall be exempt from payment of the tax payable under the Act for the same quarter.]

2[Note : Motorists visiting Assam under cover of "Printoygues", or "grants de passage" shall be granted total exemption from tax for a period of thirty days from the date of their arrival and only become liable to tax from the 31st day.]

37. Partial exemption from payment of tax : Motor vehicles in respect of which a tax or licence fee has been paid to a local authority for the whole or any part of period beginning on 1st March, 1937, and ending on 31st March, 1937 are exempt from tax to the following extent:

- (i) When the tax or licence fee so paid to a local authority is equal to or greater than the tax due under the Act-total exemption for the period ending 31st March, 1937 :

Provided, however, that in the latter event no refund for such local authority or the Government will be admissible;

- (ii) Where the tax or licence fee so paid to a local authority is less than the tax due under the Act for the same period-exemption from payment of such part of tax for that period as is equal to the tax or licence fee already paid to the local authority.

Note : Every claim to exemption under this sub-rule must be supported by a valid receipt issued by or on behalf of the local authority.

38. Exemption from obligation to make a declaration : Subject to the proviso that in the case of motor vehicle registered as military motor vehicles by the Quarter Master General in India and motor vehicles which are exempted from taxation tender the provisions of Rule 34(a) and (b) no declaration under Section 10 and no licence or token under Section 12 shall be necessary. Nothing in Rule 34, 35, 36 or 37 shall be deemed to exempt the owner of any motor vehicle from any of the directions and

prohibitions contained in the Act other than the liability to pay the tax at the rate prescribed in the Act.

PART VI

Miscellaneous provisions

39. Transfer of licence : (1) Every transfer of ownership of a motor vehicle shall be reported within fourteen days of the transfer both by the transferor or by the transferee to the licensing officer to whom the tax in respect of the said vehicle was last paid. The transferee shall at the same time produce before the licensing officer the licence and token issued in respect of the said motor vehicle and shall pay a transfer fee of one rupee. The licensing officer shall, if he is satisfied that the transfer has taken place, substitute in the licence and token and in his register of licence the name of the transferee for that of the registered owner and shall return the licence and token to the transferee.

(2) When the transfer of ownership of a motor vehicle has been effected under this rule, the transferee shall for the purposes of the Act be depended to be the owner.

Appeals : (1) An appeal under Section 17 shall be in writing and shall state the grounds on which the appellant disputed in the order. The period of 30 days referred to in the section shall exclude the time required for obtaining a copy of the order. The appeal petition shall be stamped with a court fee of eight annas and shall be accompanied by a certified copy of the order appealed against. The authority to whom the appeal is preferred may, if he considers that there is no sufficient grounds for interfering, dismiss the appeal summarily or after having the appellant to be heard and make such enquiry from the licensing officer as he may consider necessary, confirm, modify or set aside the order.

(2) At any time within 2 days from the date of any appellate order excluding the time required for obtaining a copy of the order any aggrieved person may submit to the Revenue Tribunal in writing an application for revision of such order. Such application shall bear a court fee stamp of Rs. 1-8-0 (Rs. 1.50) and be accompanied by a certified copy of the appellate order. The Revenue Tribunal may, if it considers that there is no sufficient ground for interfering, dismiss the application summarily, or call for the proceedings held by the appellate authority or

make such enquiry from him as is thought necessary and pass such order as it thinks fit.]

41. Composition of offences : The sum of money which may be accepted in composition for an offence against the Act or a breach of these rules shall be such amount as may, in the discretion of the licensing officer, as the case may be, appropriate to the nature and gravity of the offences or breach of the rule:

Provided that in no case shall a sum of money exceeding the maximum fine which could be imposed by a competent Court under Section 15, be demanded or accepted in composition for any offence against the Act or for if any breach of these rules.

42. Register of receipts of motor tax : The licensing officer shall maintain a register of receipts of motor vehicles tax in Form 1. Every amount received under these rules shall be entered in this register under the appropriate head.

43. Refund register : The licensing officer shall maintain a register of refunds under these rules in Form II. Every amount for which a certificate of refund has been granted shall be entered in this register under the appropriate head.

44. Combined registration and licence register : The licensing officer shall maintain, in one or more volumes as required, a register of all vehicles in Form III. The details of every vehicle plying in his area shall be entered therein on the page of the number of which corresponds to the Registration No. and the vehicle, a separate double page being allotted to each vehicle and pages of the volume or volumes being numbered serially throughout. A separate volume or volumes shall be maintained for vehicles which have been registered in districts other than his own, but which are liable to tax in his district.

As soon as any vehicle is transferred from his area, the licensing officer shall send an extract of the page concerning the vehicle to the licensing officer of the place to which the vehicle is transferred and shall make a note accordingly in the Remarks column.

FORM A

Declaration by owner of a motor vehicle under Section 10 [See Section 10(1) and Rules 6, 8,10,19,20,23,25 and 29] [see Instructions at the foot of this form before completing it] PART I

(To be completed by the owner of the motor vehicle)

Iresiding at hereby apply for the issue of a licence under Section 12 of the Assam Motor Vehicles Taxation Act in respect of the motor vehicle described below:

1. Full name of owner
2. Place of residing at present
3. Existing Registration No
4. Trade name of vehicle (e.g. Ford, Chevrolet etc.)
5. Year of manufacture
6. Horse power
7. Number of cylinders
8. Engine No
9. Chassis No
10. Type and colour of body (i.e., touring or saloom)
11. Width and class of each tyre
12. Unladen weight.
13. In the case of all vehicles other than the motor cycles and motor car ...
Load capacity
14. In the case of a heavy motor vehicle only
- (i) Axle eight
- (ii) Diameter of each wheel
15. The vehicle is to be used (a) as a private vehicle, or (b) as a public service vehicle
16. Type of vehicle:

A. III *the case of a private vehicle-*

- (i) bicycle with side car/without trailer.
- (ii) tricycle with side-car/without trailer.
- (iii) vehicle used solely by invalids;
- (iv) vehicle used solely for the conveyance of not more than seven passengers inclusive of the driver (*i.e.*, ordinary private motor car).
- (v) Motor buses;
- (vi) Other private vehicle (*i.e.*), motor lorry, steam or motor tractor, motor bus or motor car with more than seven seats in all.

B. In the case of a public service vehicle-

- (i) vehicle for the conveyance of passengers only;
 - (ii) vehicle constructed partly for the conveyance of passenger and partly for the transport of goods;
 - (iii) vehicle for the transport of goods only;
 - (iv) vehicle for the conveyance of passengers or of goods alternatively.
17. In the case of a public service vehicle only-
- (a) maximum number of passengers seats exclusive of the driver's seat and of the attendant's or conductor's seat, if any; Plus/or
 - (b) maximum authorised load in hundred weights;
 - (c) roads for which the ordinary/special (if under Article IX) permit has been issued;
 - (d) area within which the vehicle will ply in the case of a taxi cab .

18. I claim exemption from payment of the tax under Rules and attach hereto proof of my claim;

19. I hereby declare that the above is a true statement of my name and address and of the particulars of the motor vehicle described herein.

Date

Signature of applicant

PART II

(To be completed by the Licensing Officer)

Registration No. of motor vehicle

Certified that the motor vehicle which bears the Registration No noted above is exempt from tax under Rule , and that Token No

Book No dated has been issued.

Or

Certified that according to the declaration made in respect of the motor vehicle which bears the above registration number, the annual tax payable is Rs

Certified also that a sum of Rs has been paid as tax in respect of the said vehicle for the period ending19..... and that, subject to the correctness of the above declaration, this licence is valid until 19

A Token No dated has been issued to the applicant.

Dated

Signature of Licensing Officer
..... District

PART III

Received Rs. being the amount of additional fee under Article IX in respect of a special and temporary permit valid for a period ofweeks, for the loads described in the above declaration.

Date.....

Signature of Licensing Officer
..... District

Item 10 : The ordinary open type of private car body is known as touring and the covered-in body as "saloon". If the colour of the body is at many times changed, the fact of such change shall be reported when the licence is next renewed.

Item 11 : Here insert whether "Pneumatic" "resilient" or "non-resilient". "Pneumatic" means containing an under pressure.

"Resilient" means made of India rubber but not pneumatic and protruding at least three quarters of an inch beyond the run of the wheel, *i.e.*, generally solid rubber tyres.

"Non-resilient" means neither Pneumatic nor resilient (*i.e.*, generally iron or steel tyres).

"Width"-e.g., 20" x 5".

Item 12 : Unladen weight may be entered according to the maker's specification or where a weigh-bridge is available to ascertain weight. Should the applicant be unaware of the unladen weight, the item may be left blank to be completed by the licensing officer.

"Unladen weight" should be in hundredweight, except in the case of bicycles not exceeding 8 hundred weights in weight unladen, when it should be in pounds (lb).

Item 13 : "Load capacity" means the load which according to the manufacturer's specification, the vehicle is constructed to carry.

"Motor car" means any motor vehicle other than a transport vehicle, locomotive, road roller, tractor, motor cycle and carriage.

Item 14 : "A heavy motor vehicle" means a vehicle the registered axle weight of which exceeds 10,600 pounds avoirdupois, or the laden weight of which exceeds 14,500 pounds avoirdupois.

Items 15, 16 and 17. : Strike out so much of the description given as is not applicable to the motor vehicle to be described.

Item 17 : will be completed by reference to the permit issued in respect of the motor vehicle. Where a public service vehicle is authorised to carry partly goods and partly passengers, strike out the words "or" before sub-item (b); where it is authorised to carry a full load either of passengers-or of goods, strike out the word "plus" only.

Item 18 : Strike out if no claim is made.

Warning

The delivery of a declaration which is not true is an offence punishable under Section 15 of the " Assam Motor Vehicles Taxation Act, 1936."

FORM B

Additional declaration under Section 10(2)

[See Section 10(2) and Rules 7, 8 and 10]

PART I

(To be completed by the applicant for licence)

I..... hereby declare that I have made on..... the following alterations in my motor vehicle registered No..... covered by the token attached hereto.

Description of alterations 1 :

Date.....

Signed

PART II

(To be completed by the licensing officer)

Article under which tax was paid previously to alteration of vehicle Amount of tax paid for the period Rules Article under which tax is payable on the vehicle is altered Amount of tax ordinarily payable from to Rs Deduct for complete months at Rs per menses Rs..... Net amount of tax payable for the period ending Rs Received Rs as additional tax for the period ending Token No. Book No

Issued to applicant.

Date.....

Licensing Officer

PART III

(To be completed by the Licensing Officer)

Token corrected and completed on

Date : .

Licensing Officer

FORM C-I

[Section 12 and Rules 10, 11, 19,25 and 32]

Token and Counterfoil token

(Counterfoil Token)

Book

Period ending

Token No issued to

Tax paid under Article of
the First schedule for the period at Rs

Registration No. of motor vehicle

Date.....

Licensing Officer

FORMC-II
(Circular in Shape)
(Around the circle)

Token No

Area

Class

Registration No

Expires on

Licensing Officer

FORM D
Application for renewal of licence
[Section 10(1) and Rules 11, 29 and 32]

PART I
(To be completed by owner of motor vehicle)

1. Iresiding at
hereby apply for the renewal until19.....
of licence issued under the Assam Motor Vehicles Taxation Act, in respect
of any motor vehicle registered.
2. I attach hereto the licence issued in respect of the said motor vehicle
for perusal and return to me.
3. I claim an abatement of tax under Section 8 and Rule 30(1) for the
period commencing on and ending onand in
support of this claim attach Form H.

Date :

Signature of applicant

PART II

(To be completed by the licensing officer)

Certified that-

- (1) the claim to abatement has/has not been admitted.
- (2) a sum of Rsis due and has been paid as an installment of taxin respect of motor vehicle No
- (3) a token Nodatedhas been issued valid for the period ending 19.....

Date.....

Signature of

Licensing Officer

FORM G

Application for refund as rebate

[Section 8 and Rule 30(2)]

PART I

(To be completed by the owner)

I residing athaving paid a tax of Rs. in respect of my motor vehicle for the period ending Hereby apply for a refund of as rebate from the said tax on the ground that the said vehicle was withdrawn from use for the calendar months And it was not brought into/will not be used again during the period which the tax/installment of the tax was/is next due.

I attach a certificate in Form H (Part II) in support of my application.

Signature of the applicant

PART II

(To be completed by the licensing officer)

..... claim for rebate arose on and was presented onrebate admitted for the period commencing and ending Amount to be refunded as rebote Rs.

Refund Voucher No. date for Rs.

Delivered to applicant personally/by registered post.

Certified that this order of refund has been registered and noted against the original receipt entry in the Departmental account under my initials and that no previous order for refund of the said sum has been issued.

Date

Signature of Licensing Officer

FORM H

Surrender of Licence and Token

[Section 8 and 9 and Rules 31 and 32]

PART I

(To be completed by the owner of the motor vehicle)

I/We residing at The owner of motor vehicle No. (Type/Class) do hereby declare that the said motor vehicle is withdrawn from use and that I/We do not intend to use said vehicle again for a period of not less than three complete calendar months commencing from the date of this surrender.

I/We paid tax of the motor vehicle up to the period ending And hereby surrender the licence and token issued in respect of the said motor vehicle together with its certificate of registration.

CERTIFICATE OF FITNESS AND PERMIT

I/We propose to claim under Section 8 abatement of tax (if due) when the vehicle is again brought into use.

I/We claim exemption under Section 8 from the tax which has now become due for the period commencing from

Enclosure :

1.
2.
3.
4.
5.

Date

Signature of Applicant

PART II

(To be filled in and signed in the office in which received)

Received withdrawal report in Form 'H' dated in respect of vehicle No. claiming exemption of tax from to along with the following documents :

1. Tax token valid up to
2. Registration Certificate
3. Fitness Certificate
4. Road Permit
5. Insurance Certificate

(Office Seal)

Signature of recipient

With designation

PART III

(To be completed by the owner of the motor vehicle)

1. I/We intend not to use the motor vehicle again.
2. Under Section 8 of the Act, I/We claim an abatement of the tax due in respect of the year/quarter ending on

Date

Or

2. Under Section 8 of the Act, I claim an abatement of the tax now due in respect of the year/period ending 19.....

Date

Signature of Applicant

FORM 1

Register of Receipts

[See Rule 42]

..... Area

Yearly Serial No.	Date of receipt	Challan No.	Received from : name of owner	Register No. of vehicle	Token No.	Description of the vehicle	Amount	Signature of licensing Officer	Remarks
1	2	3	4	5	6	7	8	9	10

Rs.

P.

FORM I
Refund Register

[See Rule 43]

Serial No.	Refund of Refund voucher	Payable to (owner of vehicle)	Course of Refund	Date of Refund	Amount	Date of receipt of the tax refunded (Reference to Receipt Register)	Signature of licensing officer	Remarks
1	2	3	4	5	6	7	8	9

Rs. P.

FORM II

Intimation of the fact of renewal of licence to the licensing officer by whom it was issued

[Rule II-A]

To,

..... Officer

Address

1. I have renewed the licence No and token No issued by you in respect of the motor vehicle Nofor a period up to19

2. I have received a sum of Rs (Rupees.....) only as tax/or installment of tax for the quarter/year ending19..... in respect of the said vehicle.

3. The tax records of this vehicle should be/should not be sent to me.

Licensing Officer

FORM III

Combined Registration and Licence Register

[See Rule 44]

..... Area

Registration No.	Name and address of owner	Date of Registration	Number of makes or manufacture	Type of vehicle	
				(a) Lorry, 2-wheeler, 4-wheeler, 6-wheeler, Crawler track, Trailer, Motor Cycle	Lorry designed for a pay load of (i) 15 cwts. (ii) 1 ton. (iii) 1 30 cwts. (iv) 2 tons cycle (v) 2-1/2 tons. (vi) 3 tons. (vii) over 3 tons.
1	2	3	4	5	6

(b) Cab, omnibus, heavy public service vehicle	Seating capacity including the driver	Type of body	Horse power	Number of cylinders	Engine No.	Chassis No.	Weight unladen
7	8	9	10	11	12	13	14

Gross weight fully laden	Width and material of type of each wheel solid pneumatic	Whether intended for (i) Private use (ii) Hire	Amount of registration fee realized and date	Number of token issued under the Assam Motor Vehicle Taxation Act 1936	Amount of tax paid under the Assam Motor Vehicle Taxation Act 1936	Date of payment of tax
15	16	17	18	19	20	21

Period for which tax paid	Serial No. in Receipt Register and payment of tax	Date and amount of Refund, if any with cause of refund	Particulars of any change of ownership or alternation of the type of vehicle with date	H registration cancelled, date of cancellation with reasons	Signature of Licensing Officer	Remarks
22	23	24	25	26	27	28

APPENDIX 7

ASSAM MOTOR ACCIDENTS CLAIMS TRIBUNALS RULES, 1960

1. Short title, extent and commencement.-(1) These rules may be called the Assam Motor Accidents Claims Tribunals Rules, 1960.

(2) These rules extend to the State of Assam.

(3) These rules shall come into force at once.

2. Definitions : In these rules, unless the context otherwise requires

(a) "Act" means the Motor Vehicles Act, 1939 (4 of 1939);

(b) "Claims Tribunal" means a Motor Accidents Claims Tribunal constituted under Section 110 of the Act;

(c) "Legal representative" shall have the meaning assigned to it under clause (11) of Section 2 of the Code of Civil Procedure, 1908.

3. Application : Every application for payment of compensation made under Section 110-A shall be made in the form appended to these rules and shall be accompanied by the fee prescribed therefore in Rule 22.

4. Examination of applicant : On receipt of an application under Rule 3, the Claims Tribunal may examine the applicant on oath, and the substance of such examination, if any, shall be reduced to writing.

5. Summary dismissal of application : The Claims Tribunal may, after considering the application and the statement, if any, of the applicant recorded under Rule 4, dismiss the application summarily, if for reasons to be recorded, it is of the opinion that there are no sufficient grounds for proceeding therewith.

6. Notice to parties involved : If the application is not dismissed under Rule 5, the Claims Tribunal shall send to the owner of the motor vehicle involved in the accident and its insurer a copy of the application together with a notice of the date on which it will hear the application, and may call

upon the parties to produce on that date any evidence which they wish to tender .

7. Appearance and examination of parties : (1) The owner of the motor vehicle and the insurer may, and if so required by the Claims Tribunal shall, at or before the first hearing or within such further time as the Claims Tribunal may allow, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the owner or the insurer contents the claim, the Claims Tribunal may, and if no written statement has been filed, it shall proceed to examine the owner or the insurer upon the claim and shall reduce the substance of the examination to writing.

8. Summoning of witnesses : If an application is presented by any party to the proceeding for the summoning of witnesses, the Claims Tribunal shall, on payment of the expenses involved, if any, issue summons for the appearance of such witnesses, unless it considers that their appearance is not necessary for a just decision of the case.

9. Appearance of legal practitioner : The Claims Tribunal may, in its discretion, allow any party to appear before it through a legal practitioner.

10. Local inspection : (1) The Claims Tribunal may at any time during the course of any inquiry before, visit the site at which accident occurred for the purpose of making a local inspection or examining any persons likely to be able to give information relevant to the proceeding.

(2) Any party to a proceeding or the representative of any such party may accompany the Claims Tribunal for a local inspection.

(3) The Claims Tribunal after making a local inspection shall note briefly in a memorandum any facts observed, and such memorandum shall form part of the record of inquiry.

(4) The memorandum referred to in sub-rule (3) may be shown to any party to the proceedings who desires to see it and a copy thereof may on application be supplied to any such party.

11. Inspection of vehicle : The Claims Tribunal may, if it thinks fit, require the motor involved in the accident to be produced by the owner for inspection at a particular time and place to be mentioned by it, if necessary in consultation with the owner.

12. Power of summary examination : (I) The Claims Tribunal, during a local inspection or at any other time save at a formal hearing of a case pending before it, may examine summarily and person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1)

13. Method of recording evidence: The Claims Tribunal shall, as examination of witness proceeds, make a brief memorandum of the substance of the evidence of each witness and such memorandum shall be written and signed by the members of the Claims Tribunal and shall form part of the record :

Provided that the evidence of any medical witness shall be taken down as nearly as may be word for word.

14. Adjournment of hearing : If the Claims Tribunal finds that an application cannot be disposed of at one hearing, it shall record the reasons which necessitate the adjournment and also inform the parties present of the date of adjourned hearing.

15. Co-opting of persons during inquiry : (I) The Claims Tribunal may, if it thinks fit, co-opt one or more persons possessing special knowledge with respect to any matter relevant to the inquiry.

(2) The remuneration, if any, to be paid to the person(s) co- opted shall in every case be determined by the Claims Tribunal.

16. Framing of issues : After considering any written statement, the evidence of the witnesses examined and the result of any local inspection, the Claims Tribunal shall proceed to frame and record issues upon which the right decision of the case appears to it to depend.

17. Determination of issues : After framing the issues, the Claims Tribunal shall proceed to record evidence thereon which each party may desire to produce.

18. Diary : The Claims Tribunal shall maintain a brief diary of the proceedings on an application.

19. Judgment and award of compensation : (I) 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 insurer and also the person or persons to whom compensation shall be paid.

(2) Where compensation is awarded to two or more persons, the Claims Tribunal shall also specify the amount payable to each of them.

20. Code of Civil Procedure to apply in certain cases : The following provisions of the First Schedule to the Code of Civil Procedure, 1908, shall so far as may be, apply to proceedings before the Claims Tribunal, namely, Order V, Rules 9 to 13 and 15 to 30 ; Order IX, Order XIII, Rules 3 to 10; Order XVI, Rules 2 to 21; Order XVII; and Order XVIII, Rules 1 to 3.

21. Form and manner of appeal against the decision of Claims Tribunal : (I) Appeal against the award of a Claims Tribunal shall be preferred in the form of a memorandum stating concisely the grounds on which the appeal is preferred.

(2) It shall be accompanied by a copy of the judgment and the award appealed against.

22. Fees : (I) Every application under sub-section (1) of Section 110-A of the Act, for payment of compensation shall be accompanied by a fee of rupees ten in the form of court fee stamps.

(2) The Claims Tribunal may, in its discretion, exempt a party from the payment of fee prescribed under sub-rule (1) :

Provided that where a claim of a party has been accepted by the Claims Tribunal, the party shall have to pay the prescribed fee, exemption in

respect of which has been granted initially before a copy of the judgment is obtained.

**FORM OF APPLICATION FOR COMPENSATION
THE MOTOR ACCIDENTS CLAIMS TRIBUNAL
[See Rule 3]**

I..... son/ daughter/wife/widow of
residing athaving been injured in motor vehicle
accident hereby apply for the grant of compensation for the injury
sustained. Necessary particulars in respect of the injury, vehicle, etc., are
given below :

I, son/daughter/wife/widow
ofresiding at.....hereby
apply, as a legal representative/agent for the grant of compensation on
account of death of Sri/Kumari/injury sustained by Srimati
..... son/ daughter/wife/widow
of Shri/Shrimati who
died/vras injl,red, in a motor vehicle accident.

Necessary particulars in respect of the deceased/injured, the vehicle, etc.,
are given below:

1. Name and father's name of the person injured/dead (Husband's name in the case of married woman and widow)
2. Full address of the person injured/ dead
3. Age of the person injured/ dead
4. Occupation of the person injured/dead
5. Name and address of employer of the deceased, if any
6. Monthly income of the injured/dead
7. Does the person in respect of whom compensation is claimed pay income tax? If so, state the amount of income-tax (to be supported by documentary evidence)

8. Place, date and time of the accident
9. Name and address of Police Station in whose jurisdiction the accident took place or was registered
10. Was the person in respect of whom compensation is claimed traveling by the vehicle involved in the accident? If so, give the names of places of starting of journey and destination.
11. Nature of injuries sustained
12. Name and address of the Medical Officer /Practitioner, if any, who attended on the injured/dead
13. Period of treatment and expenditure, if any, incurred thereon (To be supported by the documentary evidence)
14. Registration No. and the type of the vehicle involved in accident
15. Name and address of the owner of the vehicle.
16. Name and address of the insurer of the vehicle.
17. Has any claim been lodged with the owner/insurer? If so, with what result?
18. Name and address of the applicant.
19. Relationship with the deceased.
20. Title to the property of the deceased
21. Amount of compensation claimed
22. Any other information that may be necessary or helpful in the disposal of the claim

1, solemnly declare that the, particulars given above are true and correct to the best of my knowledge.

Signature or thumb impression of the applicant

APPENDIX 8

THE ASSAM REQUISITION AND CONTROL OF VEHICLES ACT, 1968 [Assam Act No. V of 1969]

(Received the assent of the President on the 18th April, 1969)

An act to provide for requisition and control of vehicles.

Preamble : Whereas it is expedient to provide for the requisition and control of vehicles;

It is hereby enacted in the Nineteenth Year of the Republic of India as follows:

1. Short title, extent and commencement : (1) This Act may be called the Assam Requisition and Control of Vehicles Act, 1968.

(2) It extends to the whole of the State of Assam. (3) It shall come into force with immediate effect.

2. Definitions : In this Act unless there is anything repugnant in the subject or context:

(a) "Court" means a principal Civil Court of original jurisdiction and includes the Court of Assistant District Judge or Munsiff 'whom the State Government may appoint, by name or by virtue of his office, to perform concurrently with any such principal Civil Court, all or any of the functions of the Court under this Act within any specified local limits and, in the case of Munsiff, up to the limits of the pecuniary jurisdiction with which he is vested under Section 19 of the Bengal, Agra and Assam Civil Court Act, 1887 (Act II of 1887);

(b) "Owner" includes where the person in possession of the vehicle is minor, the guardian of such a minor, and in relation to a vehicle which is the subject of a hire-purchase agreement the person in possession of the vehicle under that agreement;

(c) "Prescribed" means prescribed by the rules made under this Act;

(d) "State Government" means the Government of Assam;

(e) "Vehicle" means any vehicle used or capable of being used for the purpose of transport of persons or goods upon roads of inland waterways, whether propelled by mechanical power or not.

3. Power to requisition vehicles : (1) If in the opinion of the State Government it is necessary or expedient so to do for purpose essential to the life or the community or for maintaining public order or for facility of public transport, it may pass an order in writing requisitioning any vehicle and may make such orders as may appear to it to be necessary or expedient in connection with such requisition.

(2) The State Government may requisition any vehicle by serving on the owner thereof, or where the owner is not readily traceable or the Ownership is in dispute, by publication in the Official Gazette, an order under subsection (1).

(3) If the owner of the vehicle does not, after service of the order in the manner provided in sub-section (2), place the vehicle in the possession of the officer or authority mentioned therein, such officer or authority may seize the vehicle from any person who may for the time being be in possession thereof.

(4) Where the State Government has requisitioned any vehicle it may use or deal with it in such manner as may appear to it to be expedient.

4. Payment of compensation : (1) Whenever in pursuance of Section 3 the State Government requisition any vehicle, there shall be paid to the owner such compensation as may be determined by the State Government.

(2) While determining compensation under sub-section (1), the State Government shall take into consideration-

(a) the model, make, type, class and condition of the vehicle;

(b) the loss of earning, if any, sustained by the owner by reason of requisition; and fix the compensation at such rate as the State Government may deem fair.

(3) The compensation fixed under sub-section (2) shall be paid by the officer or authority requisitioning the vehicle; such officer or authority shall not be bound to pay any dues outstanding on mortgages and other encumbrances of the requisitioned vehicle.

5. Release from requisition : (1) The officer or authority requisitioning a vehicle may, at any time, release the vehicle from requisition and when it is decided so to do, a notice in writing shall be served on the owner to take delivery of the vehicle on or with such date and from such place and such person as may be specified therein.

(2) With effect from such date no further liability for compensation or payment of any other kind shall lie with the officer or authority requisitioning the vehicle :

Provided that such officer or authority may make such further payment on account of compensation for any material damage done to the vehicle during the period of requisition, as assessed in the manner mentioned in sub-section (2) of Section 4 of this Act.

(3) The delivery of possession of the vehicle to the owner or his accredited agent shall be a full discharge of any liability of the State Government to deliver possession thereof but shall not prejudice any right in respect of such vehicle which any other person may be entitled by due process of law to enforce against the person to whom possession of the vehicle is so delivered.

(4) If the owner fails to take delivery of the vehicle on or within the specified date the officer or authority who passed the order to release the vehicle may dispose of the same thereafter.

Provided that such officer or authority shall be competent to allow to the owner such extension of time as he/it may deem proper without any liability for any compensation or other payment for the period of extension.

(5) The disposal of vehicle under sub-section : (1) shall be by public auction and at the risk of the owner and the sale proceeds shall be made over to the owner after deducting any expenditure incurred by the officer or authority releasing the vehicle due to the owner not taking delivery of it on or within the specified date.

6. Reference to Court : If the owner of the vehicle is aggrieved by the amount of compensation so determined, he may make an application to the State Government for referring the matter to the Court

7. Power to obtain information : The State Government may, with a view to requisitioning the vehicle under Section 3 of determining the compensation payable under Section 4, by order-

(a) require any person to furnish to such officer or authority as may be specified in the order such information in his possession relating to the vehicle as may be specified;

(b) direct that the owner or the person in possession of the vehicle shall not without the permission of the State Government dispose of it or remove it till the expiry of such period as may be specified in the order from the premises or the place in which it is kept.

8. Power to inspect : Without prejudice to any power otherwise conferred by this Act any person authorised in this behalf by the State Government may enter any place or premises and inspect any vehicle for the purpose of determining whether, and if so, in what manner an order under this Act should be made in relation to such vehicle or with a view to securing compliance with any order made under this Act.

9. Restriction on removal of accessories : No owner of any vehicle or any person in possession of it shall, after service of order under Section 3, remove or allow to be removed any part, tyre, tube or any other accessory in any way to injure the vehicle or permit it to be injured so as to reduce the usefulness of such vehicle.

10. Control of Vehicle : Notwithstanding any other provision of this Act the State Government may, by order-

(a) regulate, restrict or give directions with respect to the use of any vehicle for the purpose of transport of passenger or goods by road or never;

(b) require any person owning, or employed in connection with, or having in his possession or under his control, any vehicle to comply with any directions given by any person specified in, or duly authorised in

pursuance of the order; and such directions may require the person owning or employed in connection with, or having in his possession or under his control any vehicle to use such vehicle for the conveyance of such persons or goods at such routes as may be set forth in the directions;

(c) prescribe the conditions subject to which, and the rates at which any vehicle may be hired for the purpose of transport of persons or goods by road or river, and the conditions subject of which goods so carried or to be carried may be discharged or loaded;

(d) provide for prohibiting or restricting the carriage of persons or goods of any class by any route and for prescribing the road or distance within which persons or goods of any class may be carried by any route;

(e) make such other provisions in relation to transport by any vehicle by road or inland water as appear to the State Government to be necessary or expedient for securing public safety, the maintaining of supplies and services essential to the life of the community:

Provided that any order or direction made under this Act or under any rule made under Section 17 of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

11. Delegation of function : The State Government may by order direct that any power or duty which is conferred or imposed on the State Government by this Act shall in such circumstances and under such conditions, if any, as may be specified in that direction, be exercised or discharged by any officer or authority subordinate to it.

12. Compliance with order or direction : Any person on whom an order is served or to whom a direction is made under the provisions of this Act shall carry out such order or direction in such manner and within such time as may be specified therein.

13. Protection of action taken under this Act : (1) No suit, prosecution or other legal proceeding shall lie against any person for anything in good

faith done or intended to be done in pursuance of this Act or any rules made there under or any order issued under any such rule.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rule made there under or any order issued under any such rule.

14. Savings : (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court of Law.

(2) Where any order purports to have been made or signed by any authority in exercise of any power conferred by or under this Act, a Court shall within the meaning of Indian Evidence Act, 1872 (Act I of 1872), presume that such order was so made by that authority.

15. Penalties : If any person contravenes any order or direction made under this Act, he shall be punishable with imprisonment for a term which may extend to six months or with fine not exceeding one thousand rupees or with both.

16. Power to arrest without warrant : Any police officer of or above the rank of a Sub-Inspector may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under this Act.

17. Power to make rules : (1) The State Government may, subject to the conditions of previous publication, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule 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 tender that rule.

18. Repeal and Savings : (1) The Assam Requisition and Control of Vehicles Ordinance, 1968 (Assam Ordinance IV of 1968) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action take under the Ordinance so repealed shall be deemed to have been done or taken under this Act as if this Act had commenced on the thirteenth day of July, 1968 (the date of promulgation of the ordinance).

APPENDIX 9

THE MOTOR VEHICLES ACT, 1988 [Relevant Extracts]

CHAPTER XII

CLAIMS TRIBUNALS

165. Claims Tribunal : (1) A State Government may, by notification in the Official Gazette, constitute one or more Motor Accidents Claims Tribunals (hereinafter in this chapter referred to as Claims Tribunal) 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 at motor vehicles, or damages to any property of a third party 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 140 I[and Section 163-A].

(2) 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 the Chairman thereof.

(3) A person shall not be qualified for appointment as a member of a Claims Tribunal unless he-

(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 2[or as a District Judge].

(4) 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.

166. Application for compensation : (1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of Section 165 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.

1[(2) Every application under sub-section (1) shall be made, 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, and shall be in such form and contain such particulars as may be prescribed:

Provided that where no claim for compensation under Section 140 is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant.]

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3[(4) The Claims Tribunal shall treat any report of accidents forwarded to it under sub-section (6) of Section 158 as an application for compensation under this Act.]

167. 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, the person entitled to compensation may without prejudice to the provisions of Chapter X claim such compensation under either of those Acts but not under both.

168. Award of the Claims Tribunal : On receipt of an application for compensation made under Section 166, 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 162 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:

Provided that where such application makes a claim for compensation under Section 140 in respect of the death or permanent disablement of any person, such claim and any other claim (whether made in such application or otherwise) for compensation in respect of such death or permanent disablement shall be disposed of in accordance with the provisions of Chapter X.

(2) The Claims 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.

169. Procedure and powers of Claims Tribunals : (1) In holding any inquiry under Section 168, the Claims Tribunal may, subject to any rules that may be made in this behalf, follow such summary procedure 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 all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(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.

170. 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 envisions contained in sub-section (2) of Section 149, 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.

171. 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 as it may specify in this behalf.

172. Award of compensatory costs in certain cases : (1) Any Claims Tribunal adjudicating 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 defense, such Tribunal may make an order for the payment, by the party who is guilty of misrepresentation or by whom such claim or defense has been put forward of special costs by way of compensation to the insurer or, as the case may be, to the party against whom such claim or defense has been put forward.

(2) No Claims Tribunal shall pass an order for special costs under sub-section (1) for any amount exceeding one thousand rupees.

(3) 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 mis-representation, claim or defense as is referred to in sub-section (1).

(4) Any amount awarded by way of compensation under this section in respect of any misrepresentation, claim or defense, shall be taken into account in any subsequent suit for damages for compensation in respect of such misrepresentation, claim or defense.

173. 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 he 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.

174. 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.

175. 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.

176. Power of State Government to make rules : A State Government may make rules for the purpose of carrying into effect the provisions of section 165 to 174, 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 Tillman;

(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 Trigram; and

(e) any other matter which is to be, or may be, prescribed.
