

THE MOTOR VEHICLES (AMENDMENT) ACT, 1982

No. 47 OF 1982

[31st August, 1982.]

An Act further to amend the Motor Vehicles Act, 1939.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 1982.

Short title
and com-
mence-
ment.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Amend-
ment of
section 7.

2. In section 7 of the Motor Vehicles Act, 1939 (hereinafter referred to as the principal Act),—

(a) in sub-section (2), for the words “and shall contain the information required by the form”, the words “shall contain the information required by the form and shall be accompanied by three clear copies of a recent photograph of the applicant” shall be substituted;

(b) sub-section (4) shall be omitted.

Amend-
ment of
section 8.

3. In section 8 of the principal Act, in sub-section (1), for the words, brackets and figures “and, in the case of a driving licence to drive as a paid employee or to drive a transport vehicle, one of the photographs referred to in sub-section (4) of section 7”, the words, brackets and figures “and one of the photographs referred to in sub-section (2) of section 7” shall be substituted.

Amend-
ment of
section 8A.

4. In section 8A of the principal Act, in sub-section (2),—

(a) in the opening portion, for the words and figure “provisions of section 7”, the words, figure and brackets “provisions of section 7 (except the provision requiring the application thereunder to be accompanied by three clear copies of a recent photograph of the applicant)” shall be substituted;

¹Sections 2 to 7 and Sections 10 to 27 on 1-10-1982 vide notification No. S.O. 669 (E), dated 15-9-1982 and Sections 8 and 9 on 10-12-1982 vide notification No. S.O. 869(E) dated 31-12-1982.

(b) in the proviso, for the words, brackets and figures "sub-sections (3) and (4)", the word, brackets and figure "sub-section (3)" shall be substituted.

5. After section 11 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 11A.

11A. (1) Every person whose application for the issue or renewal of a driving licence to drive other than as a paid employee or to drive a vehicle other than a transport vehicle is pending before any licensing authority immediately before the appointed day, shall, on or as soon as may be after the appointed day, forward three clear copies of his recent photograph to such licensing authority along with an application in writing for the affixation of such photograph on the driving licence.

Special provision as to affixation of photograph in certain cases on driving licences.

(2) A driving licence to drive other than as a paid employee or to drive a vehicle other than a transport vehicle, issued or renewed under this Act before the appointed day shall cease to be effective on the expiry of six months from the appointed day, if it does not cease to be effective otherwise earlier, unless the holder of such licence makes, before the expiry of the said period of six months, an application to any licensing authority for the affixation of his photograph on the driving licence.

(3) An application under sub-section (2) shall give particulars relating to the name of the holder of the driving licence, his temporary and permanent addresses, number and date of issue of the driving licence and the name of the licensing authority by whom the licence was issued and shall be accompanied by the driving licence and three clear copies of a recent photograph of the holder.

(4) No fee shall be chargeable with respect to any application made under this section.

(5) Where the authority to whom an application is made under sub-section (2) in respect of a driving licence is not the authority which issued the driving licence, it shall intimate the fact of affixation of the photograph on the driving licence to the authority which issued the driving licence.

Explanation.—For the purposes of this section, "appointed day" means the date of commencement of section 5 of the Motor Vehicles (Amendment) Act, 1982.

6. In section 24 of the principal Act, in sub-section (3), in the proviso, for the words "the letters and figures aforesaid shall be shown", the words "the figures aforesaid shall be shown in Arabic numerals and the letters and figures aforesaid shall be shown" shall be substituted.

Amendment of section 24.

7. In section 36 of the principal Act,—

(a) in sub-section (1), for the words "a State Government may, with the approval of the Central Government", the words "the Central Government may" shall be substituted;

Amendment of section 36.

(b) in sub-section (3), in the proviso, for the words "a State Government" and for the words "the State Government", the words "the Central Government" shall be substituted.

Insertion
of new
section 69B.

8. After section 69A of the principal Act, the following section shall be inserted, namely:—

Power of
Central
Govern-
ment
to make
rules.

"69B. (1) The Central Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers with respect to any of the following matters, namely:—

(a) the width, height, length and overhang of vehicles and of the loads carried;

(b) the size, nature and condition of tyres.

(2) Rules may be made under sub-section (1) governing the matters mentioned therein either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances."

Amend-
ment of
section 70.

9. In section 70 of the principal Act,—

(a) in sub-section (1), after the words "and trailers", the words "with respect to all matters other than the matters referred to in clause (a) or clause (b) of sub-section (1) of section 69B" shall be inserted;

(b) in sub-section (2), clauses (a) and (c) shall be omitted.

Amend-
ment of
section 86.

10. In section 86 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) The driver of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination:

Provided that the driver may, if his licence has been submitted to, or has been seized by, any officer or authority under this or any other Act, produce in lieu of the licence a receipt or other acknowledgment issued by such officer or authority in respect thereof and thereafter produce the licence within ten days at any police station in India which he specifies to the police officer making the demand.

(1A) The conductor, if any, of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination."

(b) in sub-section (3),—

(i) in the opening portion, for the words "licence or certificates, as the case may be," the words, brackets, figures and letter "licence referred to in sub-section (1A) or the certificates referred to in sub-section (2), as the case may be," shall be substituted;

(ii) in the proviso, the words "to a driver driving as a paid employee, or to the driver of a transport vehicle or" shall be omitted.

11. After Chapter VII of the principal Act, the following Chapter shall be inserted, namely:—

Insertion
of new
Chapter
VIII.

"CHAPTER VIII

LIABILITY WITHOUT FAULT IN CERTAIN CASES

92A. (1) Where the death or permanent disablement of any person has resulted from an accident arising out of the use of a motor vehicle or motor vehicles, the owner of the vehicle shall, or, as the case may be, the owners of the vehicles shall, jointly and severally, be liable to pay compensation in respect of such death or disablement in accordance with the provisions of this section.

Liability to
pay com-
pensation
in certain
cases
on the
principle
of no
fault.

(2) The amount of compensation which shall be payable under sub-section (1) in respect of the death of any person shall be a fixed sum of fifteen thousand rupees and the amount of compensation payable under that sub-section in respect of the permanent disablement of any person shall be a fixed sum of seven thousand five hundred rupees.

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

(4) 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 nor shall the quantum of compensation recoverable in respect of such death or permanent disablement be reduced on the basis of the share of such person in the responsibility for such death or permanent disablement.

92B. (1) The right to claim compensation under section 92A in respect of death or permanent disablement of any person shall be in addition to any other right (hereafter in this section referred to as the right on the principle of fault) to claim compensation in respect thereof under any other provision of this Act or of any other law for the time being in force.

Provisions
as to
other
right to
claim
compensa-
tion for
death or
permanent
disable-
ment.

(2) A claim for compensation under section 92A in respect of death or permanent disablement of any person shall be disposed of as expeditiously as possible and where compensation is claimed in respect of such death or permanent disablement under section 92A and also in pursuance of any right on the principle of fault, the claim for compensation under section 92A shall be disposed of as aforesaid in the first place.

(3) Notwithstanding anything contained in sub-section (1), where in respect of the death or permanent disablement of any person, the person liable to pay compensation under section 92A is also liable to pay compensation in accordance with the right on the principle of fault, the person so liable shall pay the first-mentioned compensation and—

(a) if the amount of the first-mentioned compensation is less than the amount of the second-mentioned compensation, he shall be liable to pay (in addition to the first-mentioned compensation) only so much of the second-mentioned compensation as is equal to the amount by which it exceeds the first-mentioned compensation;

(b) if the amount of the first-mentioned compensation is equal to or less than the amount of the second-mentioned compensation, he shall not be liable to pay the second-mentioned compensation.

Permanent
dis-
ablement.

92C. For the purposes of this Chapter, permanent disablement of a person shall be deemed to have resulted from an accident of the nature referred to in sub-section (1) of section 92A if such person has suffered by reason of the accident any injury or injuries involving—

(a) permanent privation of the sight of either eye or the hearing of either ear, or privation of any member or joint; or

(b) destruction or permanent impairing of the powers of any member or joint; or

(c) permanent disfiguration of the head or face.

Applicability of
Chapter
to certain
claims
under
Act 8 of
1923.

92D. The provisions of this Chapter shall also apply in relation to any claim for compensation in respect of death or permanent disablement of any person under the Workmen's Compensation Act, 1923 resulting from an accident of the nature referred to in sub-section (1) of section 92A and for this purpose, the said provisions shall, with necessary modifications, be deemed to form part of that Act.

8 of 1923.

Over-
riding
effect.

92E. The provisions of this Chapter shall have effect notwithstanding anything contained in any other provision of this Act or of any other law for the time being in force."

Amend-
ment of
section 93.

12. In section 93 of the principal Act, after clause (b), the following clause shall be inserted, namely:—

'(ba) "liability" wherever used in relation to the death of or bodily injury to any person includes liability in respect thereof under section 92A;'

Amend-
ment of
section 95.

13. In section 95 of the principal Act, in sub-section (2),—

(a) in clause (a), for the words "fifty thousand rupees", the words "one lakh and fifty thousand rupees" shall be substituted;

(b) in clause (b), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

"(ii) in respect of passengers, a limit of fifteen thousand rupees for each individual passenger;";

(c) in clause (d), for the words "two thousand", the words "six thousand" shall be substituted.

14. After section 109 of the principal Act, the following sections shall be inserted, namely:—

'109A. (1) For the purposes of this section, section 109B and section 109C,—

(a) "grievous hurt" shall have the same meaning as in the Indian Penal Code;

(b) "hit and run motor accident" means an accident arising out of the use of a motor vehicle or motor vehicles the identity whereof cannot be ascertained in spite of reasonable efforts for the purpose;

(c) "scheme" means the scheme framed under section 109C;

(d) "Solatium Fund" means the Fund established under subsection (2).

(2) The Central Government may, by notification in the Official Gazette, establish a Fund to be known as the Solatium Fund.

(3) The Solatium Fund shall be utilised for paying, in accordance with the provisions of this Act and the scheme, compensation in respect of the death of, or grievous hurt to, persons resulting from hit and run motor accidents.

(4) Notwithstanding anything contained in the General Insurance Business (Nationalisation) Act, 1972 or any other law for the time being in force or any instrument having the force of law, the General Insurance Corporation of India formed under section 9 of the said Act and the insurance companies for the time being carrying on general insurance business in India shall make to the Solatium Fund such contributions as the Central Government may from time to time by order in writing specify, and in addition to such contributions, the said Fund shall consist of—

(a) such sums as the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from time to time;

(b) such sums as the State Governments may from time to time contribute; and

(c) such other sums as may be received (whether by way of refund, gift, donation or in any other manner) for being credited to the Fund.

(5) Subject to the provisions of this Act and the scheme, there shall be paid as compensation out of the Solatium Fund,—

(a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of five thousand rupees;

(b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of one thousand rupees:

45 of 1860.

57 of 1972.

Insertion of new sections 109A, 109B and 109C.

Special provisions as to compensation in cases of hit and run motor accidents.

Provided that where the sum standing to the credit of the Solatium Fund is not adequate for meeting any claim for compensation under this section, such claim may be kept pending for payment till such time as the sum necessary for meeting it becomes available in the Fund.

(6) The provisions of sub-section (1) of section 110A shall apply for the purpose of making applications for compensation under this section as they apply for the purpose of making applications for compensation referred to in that sub-section.

Refund
in certain
cases of
compensation
paid under
section
109A.

109B. (1) The payment of compensation in respect of the death of, or grievous hurt to, any person under section 109A shall be subject to the condition that if any compensation (hereafter in this sub-section referred to as the other compensation) or other amount in lieu of or by way of satisfaction of a claim for compensation is awarded or paid in respect of such death or grievous hurt under any other provision of this Act or any other law or otherwise, so much of the other compensation or other amount aforesaid as is equal to the compensation paid under section 109A shall be credited to the Solatium Fund by way of refund.

(2) Before awarding compensation in respect of an accident involving the death of, or bodily injury to, any person arising out of the use of a motor vehicle or motor vehicles under any provision of this Act (other than section 109A) or any other law, the tribunal, court or other authority awarding such compensation shall verify as to whether in respect of such death or bodily injury compensation has already been paid under section 109A or an application for payment of compensation is pending under that section, and such tribunal, court or other authority shall,—

(a) if compensation has already been paid under section 109A, direct the person liable to pay the compensation awarded by it to pay into the Solatium Fund so much thereof as is required to be credited to that Fund in accordance with the provisions of sub-section (1);

(b) if an application for payment of compensation is pending under section 109A, forward the particulars as to the compensation awarded by it to the authority in which the Solatium Fund vests.

Explanation.—For the purposes of this sub-section, an application for compensation under section 109A shall be deemed to be pending—

(i) if such application has been rejected, till the date of the rejection of the application, and

(ii) in any other case, till the date of payment of compensation in pursuance of the application.

Scheme
for the
adminis-
tration
of the
Solatium
Fund.

109C. (1) The Central Government may, by notification in the Official Gazette, make a scheme specifying the authority in which the Solatium Fund shall vest, the manner in which the Fund shall be administered, the form, manner and the time within which applications for compensation from the Fund may be made, the officers or authorities to whom such applications may be made, the procedure to be followed by such officers or authorities for considering

and passing orders on such applications, and all other matters connected with, or incidental to, the administration of the Fund and the payment of compensation therefrom.

(2) A scheme made under sub-section (1) may provide that—

(a) a contravention of any provision thereof shall be punishable with imprisonment for such term as may be specified but in no case exceeding three months, or with fine which may extend to such amount as may be specified but in no case exceeding five hundred rupees or with both;

(b) the powers, functions or duties conferred or imposed on any officer or authority by such scheme may be delegated, with the prior approval in writing of the Central Government, by such officer or authority to any other officer or authority;

(c) any provision of such scheme may operate with retrospective effect from a date not earlier than the date of establishment of the Solatium Fund:

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

(3) Every scheme made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

15. In section 110 of the principal Act, in sub-section (1), the following *Explanation* shall be inserted at the end, namely:—

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 92A.

Amend-
ment of
section
110.

16. In section 110A of the principal Act,—

(a) in sub-section (2), the following proviso shall be inserted at the end, namely:—

“Provided that where any claim for compensation under section 92A is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant.”;

(b) in sub-section (3), for the words “compensation under this section”, the words “such compensation” shall be substituted.

Amend-
ment of
section
110A.

Amend-
ment of
section
110AA.

17. In section 110AA of the principal Act, for the words "may claim such compensation", the words, figures and letter "may, without prejudice to the provisions of Chapter VIIA, claim such compensation" shall be substituted.

Amend-
ment of
section
110B.

18. In section 110B of the principal Act,—

(a) for the words "hold an inquiry into the claim and may make an award", the words "hold an inquiry into the claim or, as the case may be, each of the claims and, subject to the provisions of section 109B, may make an award" shall be substituted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that where such application makes a claim for compensation under section 92A 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 VIIA."

Amend-
ment of
section
110CC.

19. In section 110CC of the principal Act, for the word "Chapter", the word "Act" shall be substituted.

Amend-
ment of
section
113A.

20. In section 113A of the principal Act, for the words "five hundred rupees", the words "one thousand rupees" shall be substituted.

Insertion
of new
section
113B.

21. After section 113A of the principal Act, the following section shall be inserted, namely:—

"113B. Whoever drives a motor vehicle in contravention of section 3 or section 4 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

Driving
vehicles
in contra-
vention
of section
3 or
section 4.

Amend-
ment of
section
115.

22. In section 115 of the principal Act, in sub-section (1),—

(i) for the words "two hundred rupees", the words "four hundred rupees" shall be substituted;

(ii) for the words "five hundred rupees", the words "one thousand rupees" shall be substituted.

Amend-
ment of
section
116.

23. In section 116 of the principal Act,—

(a) for the words "five hundred rupees", the words "one thousand rupees" shall be substituted;

(b) for the words "one thousand rupees", the words "two thousand rupees" shall be substituted.

24. In section 120 of the principal Act, for the words "three hundred rupees", the words "five hundred rupees" shall be substituted.

Amendment of section 120.

25. In section 123 of the principal Act, in sub-section (1),—

Amendment of section 123.

(i) for the words "one thousand rupees", the words "two thousand rupees" shall be substituted;

(ii) for the words "two thousand rupees", the words "three thousand rupees" shall be substituted.

26. After section 127A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 127B.

"127B. (1) Any offence [whether committed before or after the commencement of section 26 of the Motor Vehicles (Amendment) Act, 1982] punishable under section 112, section 113, section 113A, section 113B, section 114, sub-sections (1) and (2) of section 115, section 116, section 118, section 120, section 122, section 123, section 124, section 125 or section 127 may, either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.

Composition of certain offences.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence."

27. In the First Schedule to the principal Act,—

Amendment of the First Schedule.

(a) in Form A, in Section I, after item (g), the following shall be inserted, namely:—

"I enclose three copies of a recent photograph.";

(b) in Form AA, the brackets, letter and words "(b) three copies of a recent photograph." shall be omitted;

(c) in Form D, for the words "Photograph if necessary", the word "Photograph" shall be substituted.