

CHAPTER - I
PRELIMINARY

1. Short title, extent and commencement. – (1) This Act may be called The Motor Vehicles Act, 1988.

(2) It extends to the whole of India.

(3) It shall come into force on such date* as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States and any reference in this Act to the commencement of this Act shall, in relation to a State, be construed as a reference to the coming into force of this Act in that State.

2. Definitions. – In this Act, unless the context otherwise requires, - (1) “area”, in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette;

(2) “articulated vehicle” means a motor vehicle to which a semi-trailer is attached;

Corresponding Law. – Section 2(2) corresponds to section 2(1-A) of the Motor Vehicles Act, 1939.

(3) “axle weight” means in relation to an axle of a vehicle the total weight transmitted by the several wheels attached to that axle to the surface on which the vehicle rests;

Corresponding Law. – Section 2(3) corresponds to section 2(1-B) of the Motor Vehicles Act, 1939.

(4) “certificate of registration” means the certificate issued by a competent authority to the effect that a motor vehicle has been duly registered in accordance with the provisions of Chapter IV;

Corresponding Law. – Section 2(4) corresponds to section 2(2) of the Motor Vehicles Act, 1939.

(5) “conductor”, in relation to a stage carriage, means a person engaged in collecting fares from passengers, regulating their entrance into, or exit from, the stage carriage and performing such other functions as may be prescribed;

Corresponding Law. – Section 2(5) corresponds to section 2(2-B) of the Motor Vehicles Act, 1939.

* Brought into force on 1st July, 1989.

(6) “conductor’s license” means the license issued by a competent authority under Chapter III authorizing the person specified therein to act as a conductor;

Corresponding Law. – Section 2(6) corresponds to section 2(2-C) of the Motor Vehicles Act, 1939.

(7) “contract carriage” means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum –

(a) on a time basis, whether or not with reference to any route or distance; or

(b) from one point to another, and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes –

(i) a maxicab; and

(ii) a motorcab notwithstanding that separate fares are charged for its passengers;

Corresponding Law. – Section 2(7) corresponds to section 2(3) of the Motor Vehicles Act, 1939.

NOTES

Distinction between a contract carriage and a stage carriage. – A Full Bench of the Andhra Pradesh High Court in *V. Govindarajulu v. Regional Transport Officer* A.I.R. 1986 Andh. Pra. 7: (1985) 2 An.L.T. 230 elaborately dealt with the question of distinction between the two and it held that though a contract carriage and a stage carriage are public service vehicles as defined in S. 2(25), it is in the nature of the user that the distinction between the two types of transport vehicles is drawn. To sum up – (1) The definition of “contract carriage” under S. 2(3) is plain and the language is not so elastic and wide so as to bring within its sweep a situation never intended by the Legislature. (2) The dominant factor under the definition that determines whether the vehicle is used as a contract carriage or as a stage carrier is whether the vehicle is hired as a whole for a fixed or agreed sum under a prior contract, express or implied, by a single person or party with the owner of the vehicle. (3) If once a single contract is entered into expressly or impliedly for the use of the vehicle as a whole, from the mere fact that the leader of the contracting party or one of the persons in the party collected fares from the passengers, which is very often in vogue, the vehicle cannot be said to have been used as a stage carriage. (4) If there was no single contract with the owner in respect of the vehicle and if no person or leader of the party could exercise full control over the vehicle and paid individual fares, the transport vehicle used in such manner falls within the definition of “stage carriage” and not “contract carriage”.

(8) “dealer” includes a person who is engaged – (a) ¹[* * *]
(b) *in building* bodies for attachment to chassis; (c) or in the repair of motor vehicles; or
(c) in the business of hypothecation, leasing or hire-purchase of motor vehicle

Corresponding Law.- Section 2(8) corresponds to section 2(4) of the Motor Vehicle Act, 1939.

(9) “driver” includes, in relation to a motor vehicle which is drawn by another motor vehicle, the person who acts as a steersman of the drawn vehicle;

Corresponding Law.- Section 2(9) corresponds to section 2(5) of the Motor Vehicles Act, 1939.

(10) “driving licence” means the licence issued by a competent authority under Chapter II authorising the person specified therein to drive, otherwise than as a learner, a motor vehicle or a motor vehicle of any specified class or description;

Corresponding Law.- Section 2(10) corresponds to section 2(5-A) of the Motor Vehicles Act, 1939.

(11) “educational institution bus” means an omnibus, which is owned by a college, school or other educational institution and used solely for the purpose of transporting students or staff of the educational institution in connection with any of its activities;

Corresponding Law.- This is a new provision in the 1998 Act.

(12) “fares” includes sums payable for a season ticket or in respect of the hire of a contract carriage;

Corresponding Law.- Section 2 (12) corresponds to section 2 (6) of the Motor Vehicles Act, 1939.

(13) “goods” includes livestock, and anything (other than equipment ordinarily used with the vehicle) carried by a vehicle except living persons, but does not include luggage or personal effects carried in a motor car or in a trailer attached to a motor car or the personal luggage of passengers travelling in the vehicle;

Corresponding Law.- Section 2 (13) corresponds to section 2 (7) of the Motor Vehicles Act, 1939.

(14) “goods carriage” means any motor vehicle constructed or adapted for use solely for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods;

Corresponding Law.- Section 2 (14) corresponds to section 2 (8) of the Motor Vehicles Act, 1939.

1. Sub.-Cl. (a) omitted by Act 54 of 1994, S. 2 (w.e.f. 14-11-1994). Prior to its omission, sub-Cl.(a) read as under :-

“(a) *in the manufacture of motor vehicles ; or*”.

(15) “gross vehicle weight” means in respect of any vehicle the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle;
Corresponding Law. - This is a new provision in the 1988 Act.

(16) “heavy goods vehicle” means any goods carriage the gross vehicle weight of which, or a tractor or a road-roller the unladen weight of either of which, exceeds 12,000 kilograms;
Corresponding Law.- Section 2 (16) corresponds to section 2 (9) of the Motor Vehicles Act, 1939.

(17) “heavy passenger motor vehicle” means any public service vehicle or private service vehicle or educational institution bus or omnibus the gross vehicle weight of any of which, or a motor car the unladen weight of which, exceeds 12,000 kilograms.
Corresponding Law.- Section 2 (17) corresponds to section 2 (9-A) of the Motor Vehicles Act, 1939.

(18) “invalid carriage” means a motor vehicle specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability, and used solely by or for such a person;
Corresponding Law.- Section 2 (18) corresponds to section 2 (10) of the Motor Vehicles Act, 1939.

(19) “learner’s licence” means the licence issued by a competent authority under Chapter II authorising the person specified therein to drive as a learner, a motor vehicle or a motor vehicle of any specified class or description;
Corresponding Law. - This is a new provision in the 1988 Act.

(20) “licensing authority” means an authority empowered to issue licence under Chapter II or, as the case may be, chapter III ;
Corresponding Law. - Section 2 (20) corresponds to section 2 (12) of the Motor Vehicles Act, 1939.

(21) “light motor vehicle” means a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road-roller the unladen weight of any of which, does not exceed ²[7500] kilograms ;
Corresponding Law. - Section 2 (21) corresponds to section 2 (13) of the Motor Vehicles Act, 1939.

³[(21-A) “manufacturer” means a person who is engaged in the manufacture of motor vehicles
Corresponding Law .- This is a new provision in the 1988 Act.

2. Substituted for “6000” by Act 54 of 1994, S.2.(w.e.f. 14-11-1994).

3. Inserted, *ibid* (w.e.f. 14-11-1994).

(22) “maxicab” means any motor vehicle constructed or adapted to carry more than six passengers, but not more than twelve passengers, excluding the driver, for hire or reward ;

Corresponding Law. - This is a new provision in the 1988 Act.

(23) “medium goods vehicle” means any goods carriage other than a light motor vehicle or a heavy goods vehicle ;

Corresponding Law. - Section 2 (23) corresponds to section 2 (14) of the Motor Vehicles Act, 1939.

(24) “medium passenger motor vehicle” means any public service vehicle or private service vehicle, or educational institution bus other than a motor cycle, invalid carriage, light motor vehicle or heavy passenger motor vehicle ;

Corresponding Law. - Section 2 (24) corresponds to section 2 (14-A) of the Motor Vehicles Act, 1939.

3. “motorcab” means any motor vehicle constructed or adapted to carry not more than six passengers excluding the driver for hire or reward ;

Corresponding Law. - Section 2 (25) corresponds to section 2 (15) of the Motor Vehicles Act, 1939.

(25) “motor car” means any motor vehicle other than a transport vehicle, omnibus, road-roller, tractor, motor cycle or invalid carriage ;

Corresponding Law. - Section 2 (26) corresponds to section 2 (16) of the Motor Vehicles Act, 1939.

(26) “motor cycle” means a two-wheeled motor vehicle, inclusive of any detachable side-car having an extra wheel, attached to the motor vehicle;

Corresponding Law. - Section 2 (27) corresponds to section 2 (17) of the Motor Vehicles Act, 1939.

(28) “motor vehicle” or “vehicle” means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer ; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine capacity of not exceeding ⁴[twenty-five cubic centimeters] ;

Corresponding Law. - Section 2 (28) corresponds to section 2 (18) of the Motor Vehicles Act, 1939.

Tractor-trailer. - A Division Bench of the Punjab and Haryana High Court in United India Insurance Company Ltd. v. Pritpal Singh (1996-2) 113 Punj. L.R. 49 held that even though trailer may be drawn by a motor vehicle if by itself is a motor vehicle and both the Tractor & Trailer taken together would constitute a transport vehicle.

4. Substituted for “thirty-five cubic centimetres” by Act 54 of 1994, S.2 (w.e.f.14-11-1994)

(29) “omnibus” means any motor vehicle constructed or adapted to carry more than six persons excluding the driver ;

Corresponding Law.- Section 2 (29) corresponds to section 2 (18-A) of the Motor Vehicles Act, 1939.

(30) “owner” means a person in whose name a motor vehicle stands registered and where such person is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire-purchase, agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement ;

Corresponding Law.- Section 2 (30) corresponds to section 2 (19) of the Motor Vehicles Act, 1939.

(31) “permit” means a permit issued by a State or Regional Transport Authority or an authority prescribed in this behalf under this Act authorising the use of motor vehicle as a transport vehicle ;

Corresponding Law. - Section 2 (31) corresponds to section 2 (20) of the Motor Vehicles Act, 1939.

(32) “prescribed” means prescribed by rules made under this Act;

Corresponding Law. - Section 2 (32) corresponds to section 2 (21) of the Motor Vehicles Act, 1939.

(33) “private service vehicle” means a motor vehicle constructed or adapted to carry more than six persons excluding the driver and ordinarily used by or on behalf of the owner of such vehicle for the purpose of carrying persons for, or in connection with, his trade or business otherwise than for hire or reward but does not include a motor vehicle used for public purposes ;

Corresponding Law. - Section 2 (33) corresponds to section 2 (22) of the Motor Vehicles Act, 1939.

(34) “public place” means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a stage carriage ;

Corresponding Law. - Section 2 (34) corresponds to section 2 (24) of the Motor Vehicles Act, 1939.

(35) “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 maxicab, a motorcab, contract carriage, and stage carriage ;

Corresponding Law. - Section 2 (35) corresponds to section 2 (25) of the Motor Vehicles Act, 1939.

(36) “registered axle weight” means in respect of the axle of any vehicle, the axle weight certified and registered by the registering authority as permissible for that axle;

Corresponding Law. - Section 2 (36) corresponds to section 2 (26) of the Motor Vehicles Act, 1939.

(37) “registering authority” means an authority empowered to register motor vehicles under Chapter IV ;

Corresponding Law. - Section 2 (37) corresponds to section 2 (28) of the Motor Vehicles Act, 1939.

(38) “route” means a line of travel which specifies the highway which may be traversed by a motor vehicle between one terminus and another ;

Corresponding Law. - Section 2 (38) corresponds to section 2 (28-A) of the Motor Vehicles Act, 1939.

⁵[(39) “semi-trailer” means a vehicle not mechanically propelled (other than a trailer), which is intended to be connected to a motor vehicle and which is so constructed that a portion of it is super-imposed on, and a part of whose weight is borne by, that motor vehicle ;]

Corresponding Law.- This is a new provision in the 1988 Act.

“(39) ‘semi-trailer’ means a trailer drawn by a motor vehicle and so constructed that a part of it is super-imposed on, and a part of its weight is borne by, the drawing vehicle;”.

(40) “stage carriage” means a motor vehicle constructed or adapted to carry more than six passengers excluding the driver for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey ;

Corresponding Law.- Section 2 (40) corresponds to section 2 (29) of the Motor Vehicles Act, 1939.

(41) “State Government” in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution ;

Corresponding Law. - This is a new provision in the 1988 Act.

(42) “State transport undertaking” means any undertaking providing road transport service, where such undertaking is carried on by –

(i) the Central Government or a State Government ;

(ii) any Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950 ;

(iii) any municipality or any corporation or company owned or controlled by the Central Government or one or more State Governments, or by the Central Government and one or more State Government ;

5. Cl. (39) substituted by Act 54 of 1994, S.2 (w.e.f. 14-11-1994). Prior to its substitution, Cl. (39) read as under :-

⁶(iv) Zilla Parishad or any other similar local authority.

Explanation. – For the purposes of this clause, “road transport service” means a service of motor vehicles carrying passengers or goods or both by road for hire or reward;

Corresponding Law. – Section 2(42) corresponds to section 68-A(b) of the Motor Vehicles Act, 1939.

(43) “tourist vehicle” means a contract carriage constructed or adapted and equipped and maintained in accordance with such specifications as may be prescribed in this behalf;

Corresponding Law.– Section 2 (43) corresponds to section 2 (29-A) of the Motor Vehicles Act, 1939.

(44) “tractor” means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion); but excludes a road-roller;

Corresponding Law.– Section 2 (44) corresponds to section 2 (30) of the Motor Vehicles Act, 1939.

(45) “traffic signs” includes all signals, warning sign posts, direction posts, markings on the road or other devices for the information, guidance or direction of drivers of motor vehicles ;

Corresponding Law.– Section 2 (45) corresponds to section 2 (31) of the Motor Vehicles Act, 1939.

(46) “trailer” means any vehicle, other than a semi-trailer and a side- car, drawn or intended to be drawn by a motor vehicle ;

Corresponding Law. - Section 2 (46) corresponds to section 2 (32) of the Motor Vehicles Act, 1939.

(47) “transport vehicle” means a public service vehicle, a goods carriage, an educational institution bus or a private service vehicle ;

Corresponding Law. - Section 2 (47) corresponds to section 2 (33) of the Motor Vehicles Act, 1939.

(48) “unladen weight” means the weight of a vehicle or trailer including all equipment ordinarily used with the vehicle or trailer when working, but excluding the weight of a driver or attendant; and where alternative parts or bodies are used the unladen weight of the vehicle means the weight of the vehicle with the heaviest such alternative part or body

Corresponding Law. - Section 2 (48) corresponds to section 2 (34) of the Motor Vehicles Act, 1939.

(49) “weight” means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests.

Corresponding Law. - This is a new provision in the 1988 Act.

6. *Inserted, ibid (w.e.f. 14-11-1994).*
