

## CHAPTER II

### LICENSING OF DRIVERS OF MOTOR VEHICLES

**3. Necessity for driving licence.** - (1) No person shall drive a motor vehicle in any public place unless he holds an effective driving licence issued to him authorising him to drive the vehicle ; and no person shall so drive a transport vehicle [other than <sup>7</sup> [ a motorcab or motor cycle] hired for his own use or rented under any scheme made under sub - section (2) of section 75] unless his driving licence specifically entitles him so to do.

(2) The conditions subject to which sub-section (1) shall not apply to a person receiving instructions in driving a motor vehicle shall be such as may be prescribed by the Central Government.

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

*Objects and Reasons.*- Clause 3, sub-clause (1), provides for the need to have a licence to drive a motor vehicle & a special authorisation to drive a transport vehicle.

Sub-clause (2) empowers the Central Government to prescribe conditions subject to which a vehicle may be driven by a person receiving instructions in driving.

**4. Age limit in connection with driving of motor vehicles.** – (1) No person under the age of eighteen years shall drive a motor vehicle in any public place:

Provided that <sup>8</sup>[a motor cycle with engine capacity not exceeding 50 cc] may be driven in a public place by a person after attaining the age of sixteen years .

(2) Subject to the provisions of section 18, no person under the age of twenty years shall drive a transport vehicle in any public place.

(3) No learner’s licence or driving licence shall be issued to any person to drive a vehicle of the class to which he has made an application unless he is eligible to drive that class of vehicle under this section.

*Corresponding Law.* - Section 4 corresponds to section 4 of the Motor Vehicles Act, 1939.

*Objects and Reasons.* - Clause 4 provides that a person who has completed sixteen years of age may drive a motor cycle without gear. To drive a motor vehicle other than a transport vehicle, the person must have completed eighteen years of age and to drive a transport vehicle a person must have completed twenty year of age. This clause seeks to prohibit the issue of a licence to drive a motor cycle or a motor vehicle to those persons who do not satisfy the above age requirements.

---

7. Substituted for “a motorcab” by Act 54 of 1994, S.3 (w.e.f. 14-11-1994).

8. Substituted for “a motor cycle without gear” by Act 54 of 1994, S.4(w.e.f.14-11-1994)

## NOTES

**Provision is mandatory** – The provision that no driving licence be granted to persons under 18 years of age, held, is mandatory, the driving of a vehicle by such a person with such a licence is an offence; it is so even where such a licence has been granted by Authority in ignorance though it may not be proper to punish the accused; Union Bank of India, Lalma Badri Prasad A.I.R. 1954 Vindh, Pra.17.

**5. Responsibility of owners of motor vehicles for contravention of sections 3 and 4.** - No owner or person in charge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle.

*Corresponding Law.* - Section 5 corresponds to section 5 of the Motor vehicles Act, 1939.

*Objects and Reasons.* - Clause 5 prohibits the owner or person in charge of a motor vehicle permitting any person who does not satisfy the age requirement to drive the vehicle.

**6. Restrictions on the holding of driving licences.** - (1) No person shall, while he holds any driving licence for the time being in force, hold any other driving licence except a learner's licence or a driving licence issued in accordance with the provisions of section 18 or a document authorising, in accordance with the rules made under section 139, the person specified therein to drive a motor vehicle.

(2) No holder of a driving licence or a learner's licence shall permit it to be used by any other person.

(3) Nothing in this section shall prevent a licensing authority having the jurisdiction referred to in sub-section (1) of section 9 from adding to the classes of vehicles which the driving licence authorises the holder to drive.

*Corresponding Law.* - Section 6 corresponds to section 6 of the Motor Vehicles Act, 1939.

*Objects and Reasons.* - Clause 6 seeks to impose certain restrictions on the holding of driving licences by certain persons.

**7. Restrictions on the granting of learner's licences for certain vehicles.** - <sup>9</sup>[(1) No person shall be granted a learner's licence to drive a transport vehicle unless he has held a driving licence to drive a light motor vehicle for at least one year.]

9a[Provided that nothing contained in this sub-section shall apply to an e-cart or e-rickshaw]

(2) No person under the age of eighteen years shall be granted a learner's licence to drive motorcycle without gear except with the consent in writing of the person having the care of the person desiring the learner's licences.

---

9. Sub-S. (1) substituted by Act 54 of 1994, S. 5 (w.e.f. 14-11-1994).

9a. Inserted by Act 3 of 2015, S.3 (w.e.f. 7.1.2015)

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

**Objects and Reasons.**-Clause 7 prescribes certain minimum driving experience in light motor vehicle before a person becomes qualified to drive a medium or heavy passenger motor vehicle or goods carriages. This clause also prohibits the grant of licence to drive a motor cycle without gear to any person who has completed sixteen years of age without production of a consent letter from the guardian.

**8. Grant of learner's licence.** - (1) Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a driving licence may, subject to the provisions of section 7, apply to the licensing authority having jurisdiction in the area –

(i) in which he ordinarily resides or carries on business, or  
(ii) in which the school or establishment referred to in section 12 from where he intends to receive instruction in driving a motor vehicle is situate, for the issue to him of a learner's licence.

(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such documents and with such fee as may be prescribed by the Central Government.

(3) Every application under sub-section (1) shall be accompanied by a medical certificate in such form as may be prescribed by the Central Government and signed by such registered medical practitioner, as the State Government or any person authorised in this behalf by the State Government may, by notification in the Official Gazette, appoint for this purpose.

<sup>10</sup>[ Provided that no such medical certificate is required for licence to drive a vehicle other than a transport vehicle.]

(4) If, from the application or from the medical certificate referred to in sub-section (3) it appears that the applicant is suffering from any disease or disability which is likely to cause the driving by him of a motor vehicle of the class which he would be authorised by the learner's licence applied for to drive to be a source of danger to the public or to the passengers, the licensing authority shall refuse to issue the learner's licence;

Provided that a learner's licence limited to driving an invalid carriage may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such a carriage.

(5) No learner's licence shall be issued to any applicant unless he passes to the satisfaction of the licensing authority such test as may be prescribed by the Central Government.

(6) When an application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his physical fitness under sub-section (3) and has passed to the satisfaction of the licensing authority the test referred to in sub-section (5) the licensing authority shall, subject to the provisions of section 7, issue the applicant a learner's licence unless the applicant is disqualified under section 4 for driving a motor vehicle or is for the time being disqualified for holding or obtaining a licence to drive a motor vehicle.

10. Added by Act 54 of 1994, S. 6 ( w.e.f. 14-11-1994 ).

Provided that a licensing authority may issue a learner's licence to drive a motor cycle or a light motor vehicle notwithstanding that it is not the appropriate licensing authority, if such authority is satisfied that there is good reason for the applicant's inability to apply to the appropriate licensing authority.

(7) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of persons from the provisions of sub-section (3) or sub-section (5), or both.

(8) Any learner's licence for driving a motor cycle in force immediately before the commencement of this Act shall, after such commencement, be deemed to be effective for driving a motor cycle with or without gear.

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

***Objects and Reasons.*** - Clause 8 lays down the procedure in making an application for the grant of learner's licence. A pass in the test on the rules on the road and a strict medical test are pre-conditions for the issue of the learner's licence. This clause, however, seeks to empower the Central Government to exempt any class of persons from the above tests.

**9. Grant of driving licence.** - (1) Any person who is not for the time being disqualified for holding or obtaining a driving licence may apply to the licensing authority having jurisdiction in the area –

(i) in which he ordinarily resides or carries on business, or  
(ii) in which the school or establishment referred to in section 12 from where he is receiving or has received instruction in driving a motor vehicle is situated,  
for the issue to him of a driving licence.

(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such fee and such documents as may be prescribed by the Central Government.

<sup>11</sup>[(3) If the applicant passes such test as may be prescribed by the Central Government, he shall be issued the driving licence :

Provided that no such test shall be necessary where the applicant produces proof to show that –

(a) (i) the applicant has previously held a driving licence to drive such class of vehicle and that the period between the date of expiry of that licence and the date of the application does not exceed five years, or

(ii) the applicant holds or has previously held a driving licence to drive such class of vehicle issued under section 18, or

(iii) the applicant holds a driving licence to drive such class of vehicle issued by a competent authority of any country outside India, subject to the condition that the applicant complies with the provisions of sub-section (3) of section

8, (b) the applicant is not suffering from any disability which is likely to cause driving by him to be a source of danger to the public ; and the licensing authority may, for that purpose, require the applicant to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8 :

Provided further that where the application is for a driving licence to drive a motor vehicle (not being a transport vehicle), the licensing authority may exempt the applicant from the test of competence to drive a vehicle prescribed under this sub-section, if the applicant possesses a driving certificate issued by any institution recognised in this behalf by the State Government.]

(4) Where the application is for a licence to drive a transport vehicle, no such authorisation shall be granted to any applicant unless he possesses such minimum educational qualification as may be prescribed by the Central Government and a driving certificate issued by a school or establishment referred to in section 12.

---

*11. Sub-S. (3) substituted by Act 54 of 1994, S. 7 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (3) read as under :-*

*“(3) No driving licence shall be issued to any applicant unless he passes to the satisfaction of the licensing authority such test of competence to drive as may be prescribed by the Central Government :*

*Provided that, where the application is for a driving licence to drive a motor cycle or a light motor vehicle, the licensing authority shall exempt the applicant from the test of competence prescribed under this sub-section, if the licensing authority is satisfied :*

*(a) (i) that the applicant has previously held a driving licence and that the period between the date of expiry of that licence and the date of such application does not exceed five years ; or*

*(ii) that the applicant holds or has previously held a driving licence issued under section 18 ;*

*(ii) that the applicant holds a driving licence issued by a competent authority of any country outside India ; and*

*(b) that the applicant is not suffering from any disease or disability which is likely to cause the driving by him of a motor cycle or, as the case may be, a light motor vehicle to be a source of danger to the public ; and as the licensing authority may for that purpose require the applicant to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8:*

*Provided further that where the application is for a driving licence to drive a motor vehicle ( not being a transport vehicle), the licensing authority may exempt the applicant from the test of competence to drive prescribed under this sub-section, if the applicant possesses a driving certificate issued by an automobile association recognised in this behalf by the State Government.”*

<sup>12</sup>[(5) Where the applicant does not pass the test, he may be permitted to re-appear for the test after a period of seven days :

Provided that where the applicant does not pass the test even after three appearances, he shall not be qualified to re-appear for such test before the expiry of a period of sixty days from the date of last such test.]

(6) The test of competence to drive shall be carried out in a vehicle of the type to which the application refers:

Provided that a person who passed a test in driving a motor cycle with gear shall be deemed also to have passed a test in driving a motor cycle without gear.

(7) When any application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his Competence to drive, the licensing authority shall issue the applicant a driving licence unless the applicant is for the time being disqualified for holding or obtaining a driving licence :

Provided that a licensing authority may issue a driving licence to drive a motor cycle or a light motor vehicle notwithstanding that it is not the appropriate licensing authority :

Provided further that the licensing authority shall not issue a new driving licence to the applicant, if he had previously held a driving licence, unless it is satisfied that there is good and sufficient reason for his inability to obtain a duplicate copy of his former licence.

(8) If the licensing authority is satisfied, after giving the applicant an opportunity of being heard, that he –

(a) is a habitual criminal or a habitual drunkard ; or

(b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 ( 61 of 1985 ) ; or

(c) is a person whose licence to drive any motor vehicle has, at any time earlier, been revoked,

It may for reasons to be recorded in writing, make an order refusing to issue a driving licence to such person and any person aggrieved by an order made by a licensing authority under this sub-section may, within thirty days of the receipt of the order, appeal to the prescribed authority.

(9) Any driving licence for driving a motor cycle in force immediately before the commencement of this Act shall, after such commencement, be deemed to be effective for driving a motor cycle with or without gear.

<sup>12a</sup>[(10) Notwithstanding anything contained in this section, the driving licence to drive e-cart or a e-rickshaw shall be issued to such manner and subject to such conditions as may be prescribed.]

---

*12. Sub-S. (5) substituted by Act 54 of 1994, S. 7 ( w.e.f. 14-11-1994).*

*12a. Inserted by Act 3 of 2015, S.4 ( w.r.e.f. 7.1.2015 )*

**Corresponding Law.**- Sub-sections (1),(2),(3),(6) and (7) of section 9 correspond to sub-sections (1),(2),(6), (7) and (8) respectively, of section 7 of the Motor Vehicles Act, 1939. However, sub-sections (4),(5),(8) and (9) of section 9, are new provisions.

**Objects and Reasons.** - Clause 9 sets out the procedures in the grant of driving licences. A pass in the test of competence to drive a motor vehicle of the type to which the application refers, is a pre-condition for the grant of driving licence. This clause also seeks to empower the Central Government to exempt certain class of persons from the test of competence to drive. This clause also seeks to impose a condition that applicants for licence to drive a transport vehicle should produce alongwith the application a driving certificate from a recognised driving institution. It also provides the circumstances under which a licensing authority may refuse to issue a driving licence.

**10. Form and contents of licences to drive.** - (1) Every learner's licence and driving licence, except a driving licence issued under section 18, shall be in such form and shall contain such information as may be prescribed by the Central Government.

(2) A learner's licence or as the case may be, driving licence shall also be expressed as entitling the holder to drive a motor vehicle of one or more of the following classes, namely :-

- (a) motor cycle without gear;
- (b) motor cycle with gear ;
- (c) invalid carriage ;
- (d) light motor vehicle ;
- <sup>13</sup>[(e) transport vehicle ;]
- “(e) Medium goods vehicle ;
- (f) medium passenger motor vehicle ;
- (g) heavy goods vehicle ;
- (h) heavy passenger motor vehicle ;”
- (i) road-roller ;
- (ii) motor vehicle of a specified description.

**Corresponding Law.**- Section 10 corresponds to section 8 of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 10 empowers the Central Government to prescribe the form of learner's licence and the form of driving licence.

**11. Additions to driving licence.** - (1) Any person holding a driving licence to drive any class or description of motor vehicles, who is not for the time being disqualified for holding or obtaining a driving licence to drive any other class or description of motor vehicles, may apply to the licensing authority having jurisdiction in the area in which he resides or carries on his business in such form and accompanied by such documents and with such fees as may be prescribed by the Central Government for the addition of such other class or description of motor vehicles to the licence.

---

13. Substituted for sub-Cls. (e) to (h) by Act 54 of 1994, S. 8 (w.e.f. 14-11-1994). Prior to their substitution, sub-Cls. (e) to (h) read as under :-

(2) Subject to such rules as may be prescribed by the Central government, the provisions of section 9 shall apply to an application under this section as if the said application were for the grant of a licence under that section to drive the class or description of motor vehicles which the applicant desires to be added to his licence.

**Corresponding Law.** - Section 11 corresponds to section 8-A of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 11 makes provisions for the addition of another class of motor vehicle to any driving licence on application made by the holder of the licence, and lays down the procedure in making the application.

**12. Licensing and regulation of schools or establishments for imparting instruction in driving of motor vehicles.-** (1) The Central Government may make rules for the purpose of licensing and regulating, by the State Governments, schools or establishments ( by whatever name called ) for imparting instruction in driving of motor vehicles and matters connected therewith.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

- (a) licensing of such schools or establishments including grant, renewal and revocation of such licences;
- (b) supervision of such schools or establishments ;
- (c) the form of application and the form of licence and the particulars to be contained therein;
- (d) fee to be paid with the application for such licences ;
- (e) conditions subject to which such licences may be granted ;
- (f) appeals against the orders of refusal to grant or renew such licences and appeals against the orders revoking such licences ;
- (g) conditions subject to which a person may establish and maintain any such school or establishment for imparting instruction in driving of motor vehicles;
- (h) nature, syllabus and duration of course or courses for efficient instruction in driving any motor vehicle ;
- (i) apparatus and equipments ( including motor vehicles fitted with dual control ) required for the purpose of imparting such instruction ;
- (j) suitability of the premises at which such schools or establishments may be established or maintained and facilities to be provided therein ;
- (k) qualifications, both educational and professional ( including experience ), which a person imparting instruction in driving a motor vehicle shall possess ;
- (l) inspection of such schools and establishments ( including the services rendered by them and the apparatus, equipments and motor vehicles maintained by them for imparting such instruction ) ;
- (m) maintenance of records by such schools or establishments ;
- (n) financial stability of such schools or establishments ;
- (o) the driving certificates, if any, to be issued by such schools or establishments and the form in which such driving certificates shall be issued and the requirements to be complied with for the purposes of issuing such certificates ;
- (p) such other matters as may be necessary to carry out the purposes of this section

(3) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of schools or establishments imparting instruction in driving of motor vehicles or matters connected therewith from the provisions of this section.

(4) A school or establishment imparting instruction in driving of motor vehicles or matters connected therewith immediately before the commencement of this Act, whether under a licence or not may continue to impart such instruction without a licence issued under this Act for a period of one month from such commencement, and if it has made an application for such licence under this Act within the said period of one month and such application is in the prescribed form, contains the prescribed particulars and is accompanied by the prescribed fee, till the disposal of such application by the licensing authority.

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

**Objects and Reasons.** - Clause 12 confers upon the Central Government the power to make rules for the licensing of driving schools by the State Government for imparting instruction in driving motor vehicle. The rules provide for the qualifications of the instructors of the driving schools, conditions subject to which the licences may be granted, the authorities to grant the licence, appellate authorities, etc., the time within which the existing establishments, if any, should apply for the licence. It also empowers the Central Government to exempt any persons or establishments from the operation of the provision of this clause.

**13. Extent of effectiveness of licences to drive motor vehicles.** - A learner's licence or a driving licence issued under this Act shall be effective throughout India.

**Corresponding Law.**- Section 13 corresponds to section 9(1) of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 13 specified the extent of validity of a learner's licence and a driving licence. The licences are to be valid throughout India.

**14. Currency of licences to drive motor vehicles.** - (1) A learner's licence issued under this Act shall, subject to the other provisions of this Act, be effective for a period of six months from the date of issue of the licence.

(2) A driving licence issued or renewed under this Act shall –

(a) in the case of a licence to drive a transport vehicle, be effective for a period of three years : <sup>14</sup> [\*]

<sup>15</sup> [Provided that in the case of licence to drive a transport vehicle carrying goods of dangerous or hazardous nature be effective for a period of one year and renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the prescribed syllabus ; and ]

---

<sup>14</sup> The word "and" omitted by Act 54 of 1994, S.9 (w.e.f. 14-11-1994).

<sup>15</sup> Inserted, *ibid* (w.e.f. 14-11-1994).

(b) in the case of any other licence -

(i) if the person obtaining the licence, either originally or on renewal thereof, has not attained the age of <sup>16</sup> [ fifty years ] on the date of issue or, as the case may be, renewal thereof –

(A) be effective for a period of twenty years from the date of such issue or renewal or

(B) until the date on which such person attains the age of <sup>17</sup> [ fifty years ], whichever is earlier ;

<sup>18</sup> [ (ii) if the person referred to in sub-clause (i), has attained the age of fifty years on the date of issue or, as the case may be, renewal

Provided that every driving licence shall, notwithstanding its expiry under this sub-section, continue to be effective for a period of thirty days from such expiry.

**Corresponding Law.** - Section 14 corresponds to section 10 of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 14 lays down that a learner's licence shall be valid for six months. It also provides that in respect of persons who have not attained 40 years of age, the issue and renewal of driving licence, to drive non-transport vehicle, shall be for 20 year or until the date on which the holder attains 40 years of age, whichever is earlier and in respect of persons who have attained 40 years of age, for every 5 years. The issue and renewal of driving licence to drive transport vehicle will be for 3 years and the driving licence shall be deemed to continue to be effective for 30 days after the date of its expiry.

**15. Renewal of driving licences.** - (1) Any licensing authority may, on application made to it, renew a driving licence issued under the provisions of this Act with effect from the date of its expiry :

Provided that in any case where the application for the renewal of a licence is made more than thirty days after the date of its expiry, the driving licence shall be renewed with effect from the date of its renewal :

Provided further that where the application is for the renewal of a licence to drive a transport vehicle or where in any other case the applicant has attained the age of forty years, the same shall be accompanied by a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8, and the provisions of sub-section (4) of section 8 shall, so far as may be apply in relation to every such case as they apply in relation to a learner's licence.

(2) An application for the renewal of a driving licence shall be made in such form and accompanied by such documents as may be prescribed by the Central Government.

---

*16.Substituted, ibid, for "forty years" (w.e.f. 14-11-1994).*

*17.Substituted, ibid, for "forty years" (w.e.f. 14-11-1994).*

*18.Sub-Cl. (ii) substituted by Act 54 of 1994, S. 9 (w.e.f. 14-11-1994). Prior to its substitution, sub-Cl. (ii) read as under :-*

*"(ii) if the person referred to in sub-clause (i) has attained the age of forty years on the date of issue or , as the case may be, renewal thereof, be effective, for a period of five years from the date of such issue or renewal."thereof, be effective, on payment of such fee as may be prescribed, for a period of five years from the date of such issue or renewal : ]*

(3) Where an application for the renewal of a driving licence is made previous to, or not more than thirty days after the date of its expiry, the fee payable for such renewal shall be such as may be prescribed by the Central Government in this behalf.

(4) Where an application for the renewal of a driving licence is made more than thirty days after the date of its expiry, the fee payable for such renewal shall be such amount as may be prescribed by the Central Government :

Provided that the fee referred to in sub-section (3) may be accepted by the licensing authority in respect of an application for the renewal of a driving licence made under this sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from applying within the time specified in sub-section (3) :

Provided further that if the application is made more than five years after the driving licence has ceased to be effective, the licensing authority may refuse to renew the driving licence, unless the applicant undergoes and passes to its satisfaction the test of competence to drive referred to in sub-section (3) of section 9.

(5) Where the application for renewal has been rejected, the fee paid shall be refunded to such extent and in such manner as may be prescribed by the Central Government.

(6) Where the authority renewing the driving licence is not the authority which issued the driving licence it shall intimate the fact of renewal to the authority which issued the driving licence.

**Corresponding Law.** - Sub-section (1),(2),(3),(4),(5) and (6) of section 15 corresponds to sub-section (1),(2),(3),(3-A)(3-B) and (4), respectively, of section 11 of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 15 provides that if the application for renewal of driving licence is made within 30 days of its expiry, it shall be renewed from the date of its expiry and application for renewal made after 30 days and before 5 years of its expiry, it shall be renewed from the date of such renewal. Application for renewal of driving licence to drive transport vehicle and application for renewal of driving licence to drive non-transport vehicle from persons who have attained 45 years of age shall be accompanied by a medical certificate.

**16. Revocation of driving licence on grounds of disease or disability.** - Notwithstanding anything contained in the foregoing sections, any licensing authority may at any time revoke driving licence or may require, as a condition of continuing to hold such driving licence, the holder thereof to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8, if the licensing authority has reasonable grounds to believe that the holder of the driving licence is, by virtue of any disease or disability, unfit to drive a motor vehicle and where the authority revoking a driving licence is not the authority which issued the same, it shall intimate the fact of revocation to the authority which issued that licence.

**Corresponding Law.** - Section 16 corresponds to section 12 of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 16 seeks to empower the licensing authorities to revoke the driving licences if the holder of driving licence is found medically unfit to drive by virtue of any disease or disability.

**17. Orders refusing or revoking driving licences and appeals there form.** - (1) Where a licensing authority refuses to issue any learner's licence or to issue or renew, or revokes, any driving licence, or refuses to add a class or description of motor vehicle to any driving licence, it shall do so by an order communicated to the applicant or the holder, as the case may be, giving the reasons in writing for such refusal or revocation.

(2) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority which made the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority which made the order.

**Corresponding Law.** - Section 17 corresponds to section 13 of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 17 requires that when the licensing authority refuses to renew, issue or revokes a licence, it shall give its reasons in writing to the holder of the licence. This also provides for appeal against the orders of the licensing authority to the prescribed authority.

**18. Driving licences to drive motor vehicles, belonging to the Central Government .** - (1) Such authority as may be prescribed by the Central Government may issue driving licence valid throughout India to persons who have completed their eighteen year to drive motor vehicles which are the property or for the time being under the exclusive control of the Central Government and are used for Government purposes relating to the defence of the country and unconnected with any commercial enterprise.

(2) A driving licence issued under this section shall specify the class or description of vehicle which the holder is entitled to drive and the period for which he is so entitled.

(3) A driving licence issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle referred to in sub-section (1).

(4) The authority issuing any driving licence under this section shall, at the request of any State Government, furnish such information respecting any person to whom a driving licence is issued as that Government may at any time require.

**Corresponding Law.** - Section 18 corresponds to section 14 of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 18 confers upon the Central Government the power to prescribe the authority for the grant of driving licences to drive motor vehicles, which are the property of the Central Government, and are used for Government purposes relating to the defence of the country.

**19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence .** - (1) If a licensing authority is satisfied, after giving the holder of a driving licence an opportunity of being heard, that the –

(a) is a habitual criminal or a habitual drunkard ; or

(b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 ; or

(c) is using or has used a motor vehicle in the commission of a cognizable offence ; or  
(d) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public ; or  
(e) has obtained any driving licence or a licence to drive a particular class or description of motor vehicle by fraud or misrepresentation ; or  
(f) has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or  
(g) has failed to submit to, or has not passed, the tests referred to in the proviso to sub-section (3) of section 22 ; or  
(h) being a person under the age of eighteen years who has been granted a learner's licence or a driving licence with the consent in writing of the person having the care of the holder of the licence and has ceased to be in such care,  
it may, for reasons to be recorded in writing, make an order –

(i) disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any classes or descriptions of vehicles specified in the licence ; or  
(ii) revoke any such licence.

(2) Where an order under sub-section (1) is made, the holder of a driving licence shall forthwith surrender his driving licence to the licensing authority making the order, if the driving licence has not already been surrendered, and the licensing authority shall, -

(a) if the driving licence is a driving licence issued under this Act, keep it until the disqualification has expired or has been removed ; or  
(b) if it is not a driving licence issued under this Act, endorse the disqualification upon it and send it to the licensing authority by which it was issued ; or  
(c) in the case of revocation of any licence, endorse the revocation upon it and if it is not the authority which issued the same, intimate the fact of revocation to the authority which issued that licence ;

Provided that where the driving licence of a person authorises him to drive more than one class or description of motor vehicles and the order, made under sub-section (1), disqualifies him from driving any specified class or description of motor vehicles, the licensing authority shall endorse the disqualification upon the driving licence and return the same to the holder.

(3) Any person aggrieved by an order made by a licensing authority under sub-section (1) may, within thirty days of the receipt of the order, appeal to the prescribed authority, and such appellate authority shall give notice to the licensing authority and hear either party if so required by that party and may pass such order as it thinks fit and an order passed by any such appellate authority shall be final.

**Corresponding Law.** - Section 19 corresponds to section 15 of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 19 contains provisions for the disqualification of the holder of the licence, by the licensing authorities, for holding or obtaining the licence for a specified period or for revoking the licence for the reasons enumerated in this clause. It also makes provision for appeal against the orders of the licensing authorities to the prescribed authorities.

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

Provided that in respect of an offence punishable under section 183 no such order shall be made for the first or second offence.

(2) Where a person is convicted of an offence under clause (c) of sub-section (1) of section 132, section 134 or section 185, the Court convicting any person of any such offence shall order the disqualification under sub-section (I) and if the offence is relatable to clause (c) of sub-section (1) of section 132 or section 134, such disqualification shall be for a period of not less than one month, and if the offence is relatable to section 185, such disqualification shall be for a period of not less than six months.

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

(a) who having been convicted of an offence punishable under section 184 is again convicted of an offence punishable under that section,

(b) who is convicted of an offence punishable under section 189, or

(c) who is convicted of an offence punishable under section 192 :

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

(4) A Court ordering the disqualification of a person convicted of an offence punishable under section 184 may direct that such person shall, whether he has previously passed the test of competence to drive as referred to in sub-section (3) of section 9 or not, remain disqualified until he has subsequent to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.

(5) The Court to which an appeal would ordinarily lie from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made under that sub-section notwithstanding that no appeal would lie against the conviction as a result of which such order of disqualification was made.

**Corresponding Law.** - Sub-section (1), (2), (3), (4), and (5) of section 20 corresponds to sub-sections (1), (4), (5), (6) and (7) respectively, of section 17 of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 20 seeks to authorise the Courts to disqualify the holders of driving licences for a specified period on conviction under this Act.

## NOTES

### **Cancellation of licence as well as imposition of fine – Permissibility of –**

Where a convicted motor driving licence is cancelled and he is also punished with affine, held, it does not amount to double punishment for the same offence; Act 20 (2) of the Constitution of India is not attracted. Sabir Ahmed Lal Mohammed vs. State of Maharashtra A.I.R. 19, Bom.L. 161 .B.).

**21. Suspension of driving licence in certain cases .** - (1) Where, in relation to a person who had been previously convicted of an offence punishable under section 184, a case is registered by a police officer on the allegation that such person has, by such dangerous driving as is referred to in the said section 184, of any class or description of motor vehicle caused the death of , or grievous hurt to, one or more persons, the driving licence held by such person shall in relation to such class or description of motor vehicle become suspended –

(a) for a period of six months from the date on which the case is registered, or

(b) if such person is discharged or acquitted before the expiry of the period aforesaid, until such discharge or acquittal, as the case may be.

(2) Where, by virtue of the provisions of sub-section (1), the driving licence held by a person becomes suspended, the police officer, by whom the case referred to in sub-section (1) is registered, shall bring such suspension to the notice of the Court competent to take cognizance of such offence, and thereupon, such Court shall take possession of the driving licence, endorse the suspension thereon and intimate the fact of such endorsement to the licensing authority by which the licence was granted or last renewed.

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

(4) If a driving licence in relation to a particular class or description of motor vehicles is suspended under sub-section (1), the person holding such licence shall be debarred from holding or obtaining any licence to drive such particular class or description of motor vehicles so long as the suspension of the driving licence remains in force.

**Corresponding Law.** - Section 21 corresponds to section 17-A of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 21 provides for automatic suspension of the driving licence of the person who has caused the death of or grievous hurt to one or more persons, for a period of 6 months or until the person is discharged or acquitted by the Court, whichever is earlier.

**22. Suspension or cancellation of driving licence on conviction.** - (1) Without prejudice to the provisions of sub-section (3) of section 20 where a person, referred to in sub-section (1) of section 21 is convicted of an offence of causing, by such dangerous driving as is referred to in section 184 of any class or description of motor vehicle the death of or grievous hurt to, one or more persons, the Court by which such person is convicted may cancel, or suspend for such period as it may think fit, the driving licence held by such person insofar as it relates to that class or description of motor vehicle.

(2) Without prejudice to the provisions of sub-section (2) of section 20, if a person, having been previously convicted of an offence punishable under section 185 is again convicted of an offence punishable under that section, the Court, making such subsequent conviction, shall, by order, cancel the driving licence held by such person.

(3) If a driving licence is cancelled or suspended under this section, the Court shall take the driving licence in its custody, endorse the cancellation or, as the case may be, suspension, thereon and send the driving licence so endorsed to the authority by which the licence was issued or last renewed and such authority shall, on receipt of the licence, keep the licence in its safe custody, and in the case of a suspended licence, return the licence to the holder thereof after the expiry of the period of suspension on an application made by him for such return.

Provided that no such licence shall be returned unless the holder thereof has, after the expiry of the period of suspension, undergone and passed, to the satisfaction of the licensing authority by which the licence was issued or last renewed, a fresh test of competence to drive referred to in sub-section (3) of section 9 and produced a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8.

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

**Corresponding Law.** - Section 22 corresponds to section 17-B of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 22 confers upon the Court convicting the holders of licences for certain offences, the powers to suspend or cancel the driving licences. It also provides for a compulsory test of competence to drive and a strict medical test for the drivers involved in fatal accidents before the licence is returned to the holder. Failure in any one of the two tests will entail in cancellation of the licence under clause 19.

**23. Effect of disqualification order.** - (1) A person in respect of whom any disqualification order is made under section 19 or section 20 shall be debarred to the extent and for the period specified in such order from holding or obtaining a driving licence and the driving licence, if any, held by such person at the date of the order shall cease to be effective to such extent and during such period.

(2) the operation of a disqualification order made under section 20 shall not be suspended or postponed while an appeal is pending against such order or against the conviction as a result of which such order is made, unless the appellate Court so directs.

(3) Any person in respect of whom any disqualification order has been made may at any time after the expiry of six months from the date of the order, apply to the Court or other authority by which the order was made, to remove the disqualification ; and the Court or authority, as the case may be, may having regard to all the circumstances, either cancel or vary the disqualification order :

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

**Corresponding Law.** - Section 23 corresponds to section 18 of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 23 lays down that on the orders of the Courts disqualifying the holder of the licence, the licence shall cease to be effective.

**24. Endorsement.** - (1) The Court or authority making an order of disqualification shall endorse or cause to be endorsed upon the driving licence, if any, held by the person disqualified, particulars of the order of disqualification and of any conviction of an offence in respect of which an order of disqualification is made ; and particulars of any cancellation or variation of an order of disqualification made under sub-section (3) of section 23 shall be similarly so endorsed.

(2) A Court by which any person is convicted of an offence under this Act as may be prescribed by the Central Government, having regard to the objects of this Act, shall, whether or not a disqualification order is made in respect of such conviction, endorse or cause to be endorsed particulars of such conviction on any driving licence held by the person convicted.

(3) Any person accused of an offence prescribed under sub-section (2) shall when attending the Court bring with him his driving licence if it is in his possession.

(4) Where any person is convicted of any offence under this Act and sentenced to imprisonment for a period exceeding three months, the Court awarding the sentence shall endorse the fact of such sentence upon the driving licence of the person concerned and the prosecuting authority shall intimate the fact of such endorsement to the authority by which the driving licence was granted or last renewed.

(5) When the driving licence is endorsed or caused to be endorsed by any Court, such Court shall send the particulars of the endorsement to the licensing authority by which the driving licence was granted or last renewed.

(6) Where on an appeal against any conviction or order of a Court, which has been endorsed on a driving licence, the appellate Court varies or sets aside the conviction or order, the appellate court shall inform the licensing authority by which the driving licence was granted or last renewed and such authority shall amend or cause to be amended the endorsement.

**Corresponding Law.** - Sub-section 1(, (2), and (3) of section 24 corresponds to sub-sections (1), (2) and (3), respectively, of section 19 of the Motor Vehicles Act, 1939. However, sub-sections (4), (5) and (6) of section 24 are new provisions.

**Objects and Reasons.** - Clause 24 requires the Court or the Authorities making an order of disqualification, to make entries of such disqualifications in the driving licences held by that person.

**25. Transfer of endorsement and issue of driving licence free from endorsement.** - (1) An endorsement on any driving licence shall be transferred to any new or duplicate driving licence obtained by the holder thereof until the holder becomes entitled under the provisions of this section to have a driving licence issued to him free from endorsement.

(2) Where a driving licence is required to be endorsed and the driving licence is not in the possession of the Court or authority by which the endorsement is to be made, then –

(a) if the person in respect of whom the endorsement is to be made is at the time the holder of a driving licence, he shall produce the driving licence to the Court or authority within five

days, or such longer time as the Court or authority may fix ; or

(b) if, not being then the holder of a driving licence, he subsequently obtains a driving licence, he shall within five days after obtaining the driving licence produce it to the Court or authority ;

and if the driving licence is not produced within the time specified, it shall, on the expiration of such time, be of no effect until it is produced for the purpose of endorsement.

(3) A person whose driving licence has been endorsed shall, if during a continuous period of three years after such endorsement no further endorsement has been made against him, be entitled on surrendering his driving licence and on payment of a fee of five rupees, to receive a new driving licence free from all endorsements :

Provided that if the endorsement is only in respect of an offence contravening the speed limits referred to in section 112, such person shall be entitled to receive a new driving licence free from such endorsements on the expiration of one year of the date of the endorsement :

Provided further that in reckoning the said period of three years and one year, respectively, and period during which the said person was disqualified for holding or obtaining a driving licence shall be excluded.

**Corresponding Law.**- Section 25 corresponds to section 20 of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 25 enables the licensing authorities to transfer the endorsements of disqualification to any new or duplicate licences issued to the holder of the licence. It also provides for the issue of fresh driving licence free of endorsements, if during a continuous period of three years from the last endorsement, there has been no further orders of endorsement.

**26. Maintenance of State Registers of Driving Licences.** - (1) Each State Government shall maintain, in such form as may be prescribed by the Central Government, a register to be known as the State Register of Driving Licences, in respect of driving licences issued and renewed by the licensing authorities of the State Government, containing the following particulars, namely :-

- (a) names and addresses of holders of driving licences;
- (b) licence numbers ;
- (c) dates of issue or renewal of licences ;
- (d) dates of expiry of licences ;
- (e) classes and types of vehicles authorised to be driven ; and
- (f) such other particulars as the Central government may prescribe.

(2) Each State government shall supply to the Central Government a <sup>19</sup> [printed copy or copy in such other form as the Central Government may require] of the State Register of Driving Licences, and shall inform the Central Government without delay of all additions to and other amendments in such register made from time to time.

(3) The State Register of Driving Licences shall be maintained in such manner as may be prescribed by the State Government.

---

19. *Substituted for "printed copy" by Act 54 of 1994, S. 10 ( w.e.f. 14-11-1994 ).*

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

**Objects and Reasons.** - Clause 26 contains provisions for the maintenance of a State register of driving licences by the States in such form as may be prescribed by the Central Government. It also provides that the State Governments shall furnish a copy of the State register on direction by the Central Government.

**27. Power of Central Government to make rules.**- The Central Government may make rules –  
<sup>19a</sup>[(a) specifications relating to e-cart and e-rickshaw under sub-section (2) of section 2-A;]  
<sup>19b</sup>[(aa)] regarding conditions referred to in sub-section (2) of section 3 ;  
(b) providing for the form in which the application for learner’s licence may be made, the information it shall contain and the documents to be submitted with the application referred to in sub-section (2) of section 8 ;  
(c) providing for the form of medical certificate referred to in sub- section 3 of section 8;  
(d) providing for the particulars for the test referred to in sub-section (5) of section 8;  
(e) providing for the form in which the application for driving licence may be made, the information it shall contain and the documents to be submitted with the application referred to in sub-section (2) of section 9. ;  
<sup>19a</sup>[(ff) the manner and the conditions subject to which the driving licence may be issued under sub-section (10) of section 9;]  
(g) specifying the minimum educational qualifications of persons to whom licences to drive transport vehicles may be issued under this Act and the time within which such qualifications are to be acquired by such persons;  
(h) providing for the form and contents of the licences referred to in sub- section (1) of section 10 ;  
(i) providing for the form and contents of the application referred to in sub-section (1) of section 11 and documents to be submitted with the application and the fee to be charged ;  
(j) providing for the conditions subject to which section 9 shall apply to an application made under section 11 ;  
(k) providing for the form and contents of the application referred to in sub-section (1) of section 15 and the documents to accompany such application under sub-section (2) of section 15 ;  
(l) providing for the authority to grant licences under sub-section (1) of section 18  
(m) specifying the fees payable under sub-section (2) of section 8, sub-section (2) of section 9 and sub-section (3) and (4) of section 15 for the grant of learner’s licences, and for the grant and renewal of driving licences and licences for the purpose of regulating the schools or establishments for imparting instructions in driving motor vehicles ;  
(n) specifying the purposes of clause (f) of sub-section (1) of the acts for Section 19;  
(o) specifying the offences under this Act for the purposes of sub-section (2) of section 24 ;  
(p) to provide for all or any of the matters referred to in sub-section (1) of section;  
(q) any other matter which is, or has to be, prescribed by the Central Government.

---

*19a. Inserted by Act 3 of 2015, S.5 (w.r.e.f. 7.1.2015)*

*19b. Cl. (a) renumbered as cl. (aa) thereof by Act 3 of 2015, S.5 (w.r.e.f. 7.1.2015)*

**Corresponding Law.** - Section 27 corresponds to section 20-A of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 27 seeks to empower the Central Government to make rules on certain matters where the Act directs the Central Government to do so.

**28. Power of State Government to make rules.** - (1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 27.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for –

(a) the appointment, jurisdiction, control and functions of licensing authorities and other prescribed authorities ;

(b) The conduct and hearing of appeals that may be preferred under this chapter, the fees to be paid in respect of such appeals and the refund of such fees :

Provided that no fee so fixed shall exceed twenty-five rupees ;

(c) the issue of duplicate licences to replace licences lost, destroyed or mutilated, the replacement of photographs which have become obsolete and the fees to be charged therefor;

(d) the badges and uniform to be worn by drivers of transport vehicles and the fees to be paid in respect of badges;

(e) the fee payable for the issue of a medical certificate under sub- section (3) of section 8;

(f) the exemption of prescribed persons, or prescribed classes of persons, from payment of all or any portion of the fees payable under this Chapter;

(g) the communication of particulars of licences granted by one licensing authority to other licensing authorities;

(h) the duties, functions and conduct of such persons to whom licences to drive transport vehicles are issued;

(i) the exemption of drivers of road-rollers from all or any of the provisions of this Chapter or of the rules made thereunder;

(j) the manner in which the State Register of Driving Licences shall be maintained under section 26;

(k) any other matter which is to be, or may be, prescribed.

**Corresponding Law.** - Section 28 corresponds to section 21 of the Motor Vehicles Act, 1939.

**Objects and Reasons.** - Clause 28 seeks to empower the State Government to make rules on certain matters where the Act specifically confer the power on the State Governments.

\*\*\*\*\*