

CHAPTER-IV

REGISTRAION OF MOTOR VEHICLES

39. Necessity for registration .- No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner:

Provided that nothing in this section shall apply to a motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government.

Corresponding Law.- Section 39 corresponds to section 22 of the Motor Vehicles Act, 1939.

Objects and Reasons.- Clause 39 prohibits the driving of a motor vehicle in any public place or in any other place without registering it under the provisions of this Chapter. It also empowers the State Government to prescribe conditions subject to which the provisions of this clause will not apply to the motor vehicles in possession of dealers.

NOTES

Ostensible owner who is entered in registration book is to be considered as owner. – Ostensible owner who is entered in registration book is to be considered as the owner irrespective of the fact that its real ownership may be with somebody else Balwant Singh v. Jhannubai 1980 Acc.C.J. 126: 1980 T.A.C. 345 (Madh. Pra.) (D.B.); Orissa Co-operative Insurance Society Ltd. V. Bhagaban Sahu (1970) 1 Cu. W.R. 470: 1971 Acc. C.J. 48 (Ori.).

40. Registration, where to be made. - Subject to the provisions of section 42, section 43 and section 60, every owner of a motor vehicle shall cause the vehicle to be registered by a registering authority in whose jurisdiction he has the residence or place of business where the vehicle is normally kept.

Corresponding Law.- Section 40 corresponds to section 23 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 40 lays down that a motor vehicle should be registered by the registering authority in whose jurisdiction the owner of the motor vehicle resides or where the motor vehicle is normally kept.

41. Registration, how to be made. – (1) An application by or on behalf of the owner of a motor vehicle for registration shall be in such form and shall be accompanied by such documents, particulars and information and shall be made within such period as may be prescribed by the Central Government :

Provided that where a motor vehicle is jointly owned by more persons than one, the application shall be made by one of them on behalf of all the owners and such applicant shall be deemed to be the owner of the motor vehicle for the purpose of this Act.

(2) An application referred to in sub-section (1) shall be accompanied by such fee as may be prescribed by the Central Government.

(3) The registering authority shall issue to the owner of a motor vehicle registered by it a certificate of registration in such form and containing such particulars and information and in such manner as may be prescribed by the Central Government.

(4) In addition to the other particulars required to be included in the certificate of registration, it shall also specify the type of the motor vehicle, being a type as the Central Government may, having regard to the design, construction and use of the motor vehicle, by notification in the Official Gazette, specify.

(5) The registering authority shall enter the particulars of the certificate referred to in sub-section (3) in a register to be maintained in such form and manner as may be prescribed by the Central Government.

(6) The registering authority shall assign to the vehicle, for display thereon, a distinguishing mark (in this Act referred to as the registration mark) consisting of one of the groups of such of those letters and followed by such letters and figures as are allotted to the State by the Central Government from time to time by notification in the Official Gazette, and displayed and shown on the motor vehicle in such form and in such manner as may be prescribed by the Central Government.

(7) A certificate of registration issued under sub-section (3), whether before or after the commencement of this Act, in respect of a motor vehicle, other than a transport vehicle, shall, subject to the provisions contained in this Act, be valid only for a period of fifteen years from the date of issue of such certificate and shall be renewable.

(8) An application by or on behalf of the owner of a motor vehicle, other than a transport vehicle, for the renewal of a certificate of registration shall be made within such period and in such form, containing such particulars and information as may be prescribed by the Central Government.

(9) An application referred to in sub-section (8) shall be accompanied by such fee as may be prescribed by the Central Government.

(10) Subject to the provisions of section 56, the registering authority may, in receipt of an application under sub-section (8), renew the certificate of registration for a period of five years and intimate the fact to the original registering authority, if it is not the original registering authority.

(11) If the owner fails to make an application under sub-section (1), or, as the case may be, under sub-section (8) within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 177, such amount not exceeding one hundred rupees as may be prescribed under sub-section (13):

Provided that action under section 177 shall be taken against the owner where the owner fails to pay the said amount.

(12) Where the owner has paid the amount under sub-section (11), no action shall be taken against him under section 177.

(13) For the purposes of sub-section (11), the State Government may prescribe different amounts having regard to the period of delay on the part of the owner in making an application under sub-section (1) or sub-section (8).

(14) An application for the issue of a duplicate certificate of registration shall be made to the²⁰ [last registering authority] in such form, containing such particulars and information along with such fee as may be prescribed by the Central Government.

Corresponding Law.- Section 41 corresponds to section 24 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 41 provides the form and fee for application for registration of motor vehicle, the form in which the certificate of registration shall be issued by the registering authorities, the form of records in which the particulars of vehicles registered shall be kept by the registering authorities, the distinguishing marks and manner in which such marks consisting of letters and figures shall be exhibited in motor vehicle. It also lays down that the certificate of registration shall be valid for a period of 15 years and shall be renewable for a period of 5 years and the registering authority who is competent to issue duplicate certificate of registration is the original registering authority.

42. Special provision for registration of motor vehicles of diplomatic officers, etc. - (1) Where an application for registration of a motor vehicle is made under sub-section (1) of section 41 by or on behalf of any diplomatic officer or consular officer, then notwithstanding anything contained in sub-section (3) or sub-section (6) of that section, the registering authority shall register the vehicle in such manner and in accordance with such procedure as may be provided by rules made in this behalf by the Central Government under sub-section (3) and shall assign to the vehicle for display thereon a special registration mark in accordance with the provisions contained in those rules and shall issue a certificate (hereafter in this section referred to as the certificate of registration) that the vehicle has been registered under this section ; and any vehicle so registered shall not, so long as it remains the property of any diplomatic officer or consular officer, require to be registered otherwise under this Act.

(2) If any vehicle registered under this section ceases to be the property of any diplomatic officer or consular officer, the certificate of registration issued under this section shall also cease to be effective, and the provisions of sections 39 and 40 shall thereupon apply.

(3) The Central Government may make rules for the registration of motor vehicles belonging to diplomatic officers and consular officers regarding the procedure to be followed by the registering authority for registering such vehicles, the form in which the certificates of registration of such vehicles are to be issued, the manner in which such certificates of registration are to be sent to the owners of the vehicles and the special registration to marks to be assigned to such vehicles.

(4) For the purposes of this section, “diplomatic officer” or “consular officer” means any person who is recognized as such by the Central Government and if any question arises as to whether a person is or is not such an officer, the decision of the Central Government thereon shall be final.

Corresponding Law.- Section 42 corresponds to section 24-A of the Motor Vehicles Act, 1939.

20. Substituted for “original registering authority” by Act 54 of 1994, S.14 (w.e.f. 14-11-1994).

Objects and Reasons. - Clause 42 provides procedure for registration of motor vehicles belonging to diplomatic and consular officers. The form in which certificate of registration for such vehicles are to be issued, the manner in which such registration certificate are to be sent to the owners and the special registration marks to be assigned to such vehicles are to be prescribed by the Central Government.

43. Temporary registration .- (1) Notwithstanding anything contained in section 40 the owner of a motor vehicle may apply to any registering authority or other prescribed authority to have the vehicle temporarily registered in the prescribed manner and for the issued in the prescribed manner of a temporary certificate of registration and a temporary registration mark.

(2) A registration made under this section shall be valid only for a period not exceeding one month, and shall not be renewable :

Provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted ²¹ [with a body or any unforeseen circumstances beyond the control of the owner], the period may, on payment of such fees, if any, as may be prescribed, be extended by such further period or

Periods as the registering authority or other prescribed authority, as the case may be, may allow.

²² [(3) In a case where the motor vehicle is held under hire-purchase agreement, lease or hypothecation, the registering authority or other prescribed authority shall issue a temporary certificate of registration of such vehicle, which shall incorporate legibly and prominently the full name and address of the person with whom such agreement has been entered into by the owner.]

Corresponding Law. - Section 43 corresponds to section 25 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 43 confers power upon the registering authorities to register a motor vehicle temporarily and the Central Government is to prescribe the manner in which the certificate is to be issued and the manner of exhibition of the registration marks. The registration marks will be valid for a period not exceeding one month and on certain circumstances for such further period as the registering authority may allow.

44. Production of vehicle at the time of registration. - the registering authority shall before proceeding to register a motor vehicle or renew the certificate of registration in respect of a motor vehicle, other than a transport vehicle, require the person applying for registration of the vehicle or, as the case may be, for renewing the certificate of registration to produce the vehicle either before itself or such authority as the State Government may be order appoint in order that the registering authority may satisfy itself that the particulars contained in the application are true and that the vehicle complies with the requirements of this Act and of the rules made there under.

21. Substituted for "with a body" by Act 54 of 1994, S. 12 (w.e.f. 14-11-1994) .

22. Inserted by Act 54 of 1994, S. 12 (w.e.f. 14-11-1994).

Corresponding Law.- Section 44 corresponds to section 26 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 44 seeks to empower the registering authorities to require the person applying for registration of a motor vehicle or for the renewal of registration of a motor vehicle to produce the vehicle for inspection to ensure that the particulars given in the form of application are correct and the vehicles comply with the requirements of this Act.

45. Refusal of registration or renewal of the certificate of registration.- The registering authority may, by order, refuse to register any motor vehicle, or renew the certificate of registration in respect of a motor vehicle (other than a transport vehicle), if in either case, the registering authority has reason to believe that it is a stolen motor vehicle or the vehicle is mechanically defective or fails to comply with the requirements of this Act or of the rules made there under, or if the applicant fails to furnish particulars of any previous registration of the vehicle or furnishes inaccurate particulars in the application for registration of the vehicle or, as the case may be, for renewal of the certificate of registration thereof and the registering authority shall furnish the applicant whose vehicle is refused registration, or whose application for renewal of the certificate of registration is refused, a copy of such order, together with the reasons for such refusal.

Corresponding Law.- Section 45 corresponds to section 27 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 45 empowers the registering authorities to refuse to register any motor vehicle or refuse to renew the certificate of registration of a motor vehicle in certain cases and require the registering authorities to record in writing the reason for such refusal.

46. Effectiveness in India of registration. - Subject to the provisions of section 47, a motor vehicle registered in accordance with this Chapter in any State shall not require to be registered elsewhere in India and a certificate of registration issued or in force under this Act in respect of such vehicle shall be effective throughout India.

Corresponding Law.- Section 46 corresponds to section 28 of the Motor Vehicles Act, 1939.

Objects and Reasons.- Clause 46 lays down that the certificate of registration of a motor vehicle shall be effective throughout India.

47. Assignment of new registration mark on removal to another State. - (1) When a motor vehicle registered in One State has been kept in another State, for a period exceeding twelve months, the owner of the vehicle shall, within such period and in such form containing such particulars as may be prescribed by the Central Government, apply to the registering authority, within whose jurisdiction the vehicle then is, for the assignment of a new registration mark and shall present the certificate of registration to that registering authority :

Provided that an application under this sub-section shall be accompanied –

- (i) by the no objection certificate obtained under section 48, or
- (ii) in a case where no such certificate has been obtained, by -
 - (a) the receipt obtained under sub-section (2) of section 48 ; or
 - (b) the postal acknowledgement received by the owner of the vehicle if he has sent an application in this behalf by registered post acknowledgement due to the registering authority referred to in section 48, together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted :

Provided further that, in a case where a motor vehicle is held under a hire- purchase, lease or hypothecation agreement, an application under this sub-section shall be accompanied by a no objection certificate from the person with whom such agreement has been entered into, and the provisions of section 51, so far as may be, regarding obtaining of such certificate from the person with whom such agreement has been entered into, shall apply.

(2) The registering authority, to which application is made under sub-section (1), shall after making such verification, as it thinks fit, of the returns, if any, received under section 62, assign the vehicle a registration mark as specified in sub-section (6) of section 41 to be displayed and shown thereafter on the vehicle and shall enter the mark upon the certificate of registration. Before returning it to the applicant and shall, in communication with registering authority by whom the vehicle was previously registered, arrange for the transfer of the registration of the vehicle from the records of that registering authority to its own records.

(3) Where a motor vehicle is held under a hire-purchase or lease or hypothecation agreement, the registering authority shall, after assigning the vehicle a registration mark under sub-section (2), inform the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the hire-purchase or lease or hypothecation agreement (by sending to such person a notice by registered post acknowledgement due at the address of such person entered in the certificate of registration the fact of assignment of the said registration mark).

(4) A State Government may make rules under section 65 requiring the owner of a motor vehicle not registered within the State, which is brought into or is for the time being in the State, to furnish to the prescribed authority in the State such information with respect to the motor vehicle and its registration as may be prescribed.

(5) If the owner fails to make an application under sub-section (1) within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 177, such amount not exceeding one hundred rupees as may be prescribed under sub-section (7) :

Provided that action under section 177 shall be taken against the owner where the owner fails to pay the said amount.

(6) Where the owner has paid the amount under sub-section (5), no action shall be taken against him under section 177.

(7) For the purposes of sub-section (5), the State Government may prescribe different amounts having regard to the period of delay on the part of the owner in making an application under sub-section (1).

Corresponding Law.- Section 47 corresponds to section 29 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 47 requires that a motor vehicle registered in one State and kept in another State for a period exceeding 12 months shall be assigned a new registration mark in that other State. It lays down the procedure in making the application for assignment of new registration mark, the documents to be enclosed with the application and the procedure to be followed by the registering authorities in assigning the new registration mark. It also empowers the State Government to make rules to require the owners of motor vehicles, required to be re-registered in this State, to furnish such information as may be required.

48. No objection certificate. - (1) The owner of a motor vehicle when applying for the assignment of a new registration mark under sub-section (1) of section 47, or where the transfer of a motor vehicle is to be effected in a State other than the State of its registration, the transferor of such vehicle when reporting the transfer under sub-section (1) of section 50, shall make an application in such form and in such manner as may be prescribed by the Central Government to the registering authority by which the vehicle was registered for the issue of a certificate (hereafter in this section referred to as the no objection certificate), to the effect that the registering authority has no objection for assigning a new registration mark to the vehicle or, as the case may be, for entering the particulars of the transfer of ownership in the certificate of registration.

(2) The registering authority shall, on receipt of an application under sub- section (1), issue a receipt in such form as may be prescribed by the Central Government.

(3) On receipt of an application under sub-section (1), the registering authority may, after making such inquiry and requiring the applicant to comply with such directions as it deems fit and within thirty days of the receipt thereof, by order in writing, communicate to the applicant that it has granted or refused to grant the no objection certificate :

Provided that a registering authority shall not refuse to grant the no objection certificate unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.

(4) Where within a period of thirty days referred to in sub-section (3), the registering authority does not refuse to grant the no objection certificate or does not communicate the refusal to the applicant, the registering authority shall be deemed to have granted the no objection certificate.

(5) Before granting or refusing to grant the no objection certificate, the registering authority shall obtain a report in writing from the police that no case relating to the theft of the motor vehicle concerned has been reported or is pending, verify whether all the amounts due to Government including road tax in respect of that motor vehicle have been paid and take into account such other factors as may be prescribed by the Central Government.

[(6) The owner of the vehicle shall also inform at the earliest, in writing, the registering authority about the theft of his vehicle together with the name of the police station where the theft report was lodged, and the registering authority shall take into account such report while disposing of any application for no objection certification, registration, transfer of ownership or issue of duplicate registration certificate].

Corresponding Law. - Section 48 corresponds to section 29-A of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 48 prescribed that a No Objection Certificate shall be produced alongwith an application for assignment of new registration mark or transfer of ownership. It lays down the procedure to make application for NOC to the registering authority, the procedure to be followed by the registering authority in issuing the NOC and in case of refusal in granting the NOC reasons to be given in writing by the registering authority.

49. Change of residence or place of business. - (1) If the owner of a motor vehicle ceases to reside or have his place of business at the address recorded in the certificate of registration of the vehicle, he shall, within thirty days of any such change of address, intimate in such form accompanied by such documents as may be prescribed by the Central Government, his new address, to the registering authority by which the certificate of registration was issued, or, if the new address is within the jurisdiction of another registering authority, to that other registering authority or, as the case may be, to the other registering authority in order that the new address may be entered therein.

(2) If the owner of a motor vehicle fails to intimate his new address to the concerned registering authority within the period specified in sub-section (1), the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 177, such amount not exceeding one hundred rupees as may be prescribed under sub-section (4) :

Provided that action under section 177 shall be taken against the owner where he fails to pay the said amount.

(3) Where a person has paid the amount under sub-section (2), no action shall be taken against him under section 177.

(4) For the purposes of sub-section (2), a State government may prescribe different amounts having regard to the period of delay in intimating his new address.

(5) On receipt of intimation under sub-section (1), the registering authority may, after making such verification as it may think fit, cause the new address to be entered in the certificate of registration.

(6) A registering authority other than the original registering authority making any such entry shall communicate the altered address to the original registering authority.

(7) Nothing in sub-section (1) shall apply where the change of the address recorded in the certificate of registration is due to a temporary absence not intended to exceed six months in duration or where the motor vehicle is neither used nor removed from the address recorded in the certificate of registration.

23. Inserted by Act 54 of 1994, S. 13 (w.e.f. 14-11-1994).

Corresponding Law.- Section 49 corresponds to section 30 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 49 requires that the owner of a motor vehicle shall, within 30 days, report the change of his address to the registering authority in whose jurisdiction he has shifted his residence for recording the change of address in the certificate of registration. Failure to do so will entail in prosecution. It also provides that in lieu of prosecution, if the owner of the motor vehicle pays the prescribed amount, no prosecution will be launched. It also provides that if the temporary absence does not exceed 6 months, there is no need to report the change.

50. Transfer of ownership. - (1) Where the ownership of any motor vehicle registered under this Chapter is transferred. –

(a) the transferor shall, -

(i) in the case of a vehicle registered within the same State, within fourteen days of the transfer, report the fact of transfer, in such form with such documents and in such manner, as may be prescribed by the Central Government to the registering authority within whose jurisdiction the transfer is to be effected and shall simultaneously send a copy of the said report to the transferee ; and

(ii) in the case of a vehicle registered outside the State, within forty-five days of the transfer, forward to the registering authority referred to in sub-clause (i)-

(A) the no objection certificate obtained under section 48 ; or

(B) in a case where no such certificate has been obtained, -

(I) the receipt obtained under sub-section (2) of section 48 ; or

(II) the postal acknowledgement received by the transferor if he has sent an application in this behalf by registered post acknowledgement due to the registering authority referred to in section 48, together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted ;

(b) the transferee shall, within thirty days of the transfer , report the transfer to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward the certificate of registration to that registering authority together with the prescribed fee and a copy of the report received by him from the transferor in order that particulars of the transfer of ownership may be entered in the certificate of registration.

(2) Where-

(a) the person in whose name a motor vehicle stands registered dies,

Or

(b) a motor vehicle has been purchased or acquired at a public auction conducted by, or on behalf of, Government,

the person succeeding to the possession of the vehicle or, as the case may be, who has purchased or acquired the motor vehicle, shall make an application for the purpose of transferring the ownership of the vehicle in his name, to the registering authority in whose

jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, in such manner, accompanied with such fee, and within such period as may be prescribed by the Central Government.

(3) If the transferor or the transferee fails to report to the registering authority the fact of transfer within the period specified in clause (a) or clause (b) of sub-section (1), as the case may be, or if the person who is required to make an application under sub-section (2) (hereafter in this section referred to as the other person) fails to make such application within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the transferor or the transferee, or the other person, as the case may be, to pay, in lieu of any action that may be taken against him under section 177 such amount not exceeding one hundred rupees as may be prescribed under sub-section (5) :

Provided that action under section 177 shall be taken against the transferor or the transferee or the other person, as the case may be, where he fails to pay the said amount.

(4) Where a person has paid the amount under sub-section (3), no action shall be taken against him under section 177.

(5) For the purposes of sub-section (3), a State Government may prescribe different amount having regard to the period of delay on the part of the transferor or the transferee in reporting the fact of transfer of ownership of the motor vehicle or of the other person in making the application under sub-section (2).

(6) On receipt of a report under sub-section (1), or an application under sub- section (2), the registering authority may cause the transfer of ownership to be entered in the certificate of registration.

(7) A registering authority making any such entry shall communicate the transfer of ownership to the transferor and to the original registering authority, if it is not the original registering authority.

Corresponding Law.- Section 50 corresponds to section 31 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 50 provides for recording the transfer of owner ship of a motor vehicle in the certificate of registration by the registering authorities when the property changes hands due to sale, or inheritance or purchase in public auction conducted by the Government. It also lays down that if the transfer is not reported to the registering authorities within prescribed time, the parties are liable for prosecution and if the party pays the prescribed amount in lieu of prosecution, no further action is to be taken.

NOTES

Registering Authority has no power to refuse to record transfer. – The Registering Authority is bound to record the transfer of the vehicle; it has no jurisdiction to refuse to do so: Ratan v. R.T.O. State Transport Authority A.I.R. 1959 Raj. 175 (D.B). The Kerala High Court in Santakumari v. R.T.O. and Registering Authority A.I.R. 1976 Ker. 17: 1975 Ker.L.T. 580: 1976 T.A.C. 357 also held that transfer of ownership cannot be refused on the ground that arrears of tax are due from transfer in respect of other vehicles.

When does transfer of ownership take place. – The transfer of ownership takes place from the date of sale and not from the date on which name of transferee is recorded: Kishan Kagde v. Baldeo Singh 1977 Mah. L.J. 656 (D.B). See also Virendrakumar J. Handa v. Dilawarkhan Alij Khan 1992 Cr.L.J. 2476 (Bom.); V. Prakashan v. K.P.Pankajakshan 1985 Cr.L.J. 951(Ker.).

Non-transfer of insurance policy in favour of transferee – Not a ground to absolve insurer from its liability to pay compensation to third party. –A victim or his legal representative cannot be denied compensation by the insurer merely because the policy had not been transferred in the name of the transferee of the vehicle. However, the third party here will not include a transferee whose transferor has not followed procedure for transfer of policy: G. Govindan v. New India Assurance Co. Ltd. A.I.R. 1999 S.C. 1398; (1999) 97 Comp.Cas. 443; (1999) 1 Acc.C.C. 483; 1999 Acc.C.J. 781; (1999) 2 T.A.C. 244.

51. Special provisions regarding motor vehicle subject to hire- purchase agreement, etc.-

(1) Where an application for registration of a motor vehicle which is held under a hire-purchase, lease or hypothecation agreement (hereafter in this section referred to as the said agreement) is made, the registering authority shall make an entry in the certificate of registration regarding the existence of the said agreement.

(2) Where the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into the said agreement with any person, the

²⁴ [last registering authority] shall, on receipt of an application in such form as the Central Government may prescribe from the parties to the said agreement, make an entry as to the existence of the said agreement in the certificate of registration ²⁵ [and an intimation in this regard shall be sent to the original registering authority if the last registering authority is not the original registering authority.]

(3) Any entry made under sub - section (1) or sub - section (2), may be cancelled by the ²⁶ [last registering authority] on proof of the termination of the said agreement by the parties concerned on an application being made in such form as the Central Government may prescribe ²⁷ [and an intimation in this behalf shall be sent to the original registering authority if the last registering authority is not the original registering authority.]

(4) No entry regarding the transfer of ownership of any motor vehicle which is held under the said agreement shall be made in the certificate of registration except with the written consent of the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the said agreement.

(5) Where the person whose name has been specified in the certificate registration as the person with whom the registered owner has entered into the said agreement, satisfies the registering authority that he has taken possession of the vehicle ²⁸ [from the registered owner] owing to the default of the registered owner under the provisions of the said agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity to make such representation as he may wish to make (by sending to him a notice by registered post acknowledgement due at his address entered in the certificate of registration) and notwithstanding that the certificate of registration is not produced before it, cancel the certificate and issue a fresh certificate of registration in the name of the person with whom the registered owner has entered into the said agreement.

24. Substituted for “original registering authority” by Act 54 of 1994, S. 14 (w.e.f. 14-11-1994).

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

26. Substituted for “original registering authority” by Act 54 of 1994, S. 14 (w.e.f. 14-11-1994).

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

Provided that a fresh certificate of registration shall not be issued in respect of a motor vehicle, unless such person pays the prescribed fee :

Provided further that a fresh certificate of registration issued in respect of a motor vehicle, other than a transport vehicle, shall be valid only for the remaining period for which the certificate cancelled under this sub-section would have been in force.

(6) The registered owner shall, before applying to the appropriate authority, for the renewal of a permit under section 81 or for the issue of duplicate certificate of registration²⁹ under sub-section (14) of section 41, or for the assignment of a new registration mark [under section 47, or removal of the vehicle to another State, or at the time of conversion of the vehicle from one class to another, or for issue of no objection certificate under section 48, or for change of residence or place of business under section 49, or for the alteration of the vehicle under section 52, make an application] to the person with whom the registered owner has entered into the said agreement (such person being hereafter in this section referred to as the financier) for the issue of a no objection certificate (hereafter in this section referred to as the certificate.)

Explanation .- For the purposes of this sub-section and sub-section (8) and (9), “appropriate authority” in relation to any permit, means the authority which is authorized by this Act to renew such permit and, in relation to registration means the authority which is authorized by this Act to issue, duplicate certificate of registration or to assign a new registration mark.

(7) Within seven days of the receipt of an application under sub-section (6), the financier may issue, or refuse, for reasons which shall be recorded in writing and communicated to the applicant, to issue the certificate applied for, and where the financier fails to issue the certificate and also fails to communicate the reasons for refusal to issue the certificate to the applicant within the said period of seven days, the certificate applied for shall be deemed to have been issued by the financier.

(8) The registered owner shall, while applying to the appropriate authority for the renewal of any permit under section 81, or for the issue of a duplicate certificate of registration under sub-section (14) of section 41, or while applying for assignment of a new registration mark under section 47, submit with such application the certificate, if any, obtained under sub-section (7) or, where no such certificate has been obtained, the communication received from the financier under that sub-section,

or, as the case may be, a declaration that he has not received any communication from the financier within the period of seven days specified in that sub-section.

(9) On receipt of an application for the renewal of any permit or for the issue of duplicate certificate of registration or for assignment of a new registration mark in respect of a vehicle which is held under the said agreement, the appropriate authority may, subject to the other provisions of this act, -

(a) in a case where the financier has refused to issue the certificate applied for, after giving the applicant an opportunity of being heard, either –

(i) renew or refuse to renew the permit, or

28. Inserted by Act 54 of 1994, S. 14 (w.e.f. 14-11-1994).

29. Substituted for “under section 47, make an application” by Act 54 of 1994, S. 14 (w.e.f. 14-11-1994).

(ii) issue or refuse to issue the duplicate certificate of registration, or
(iii) assign or refuse to assign a new registration mark ;

(b) in any other case, -

(i) renew the permit, or

(ii) issue duplicate certificate of registration, or

(iii) assign a new registration mark.

(10) A registering authority making an entry in the certificate of registration regarding-

(a) hire-purchase, lease or hypothecation agreement of a motor vehicle, or

(b) the cancellation under sub-section (3) of an entry, or (c) recording transfer of ownership of motor vehicle, or (d) any alteration in a motor vehicle, or

(e) suspension or cancellation of registration of a motor vehicle, or

(f) change of address, shall communicate ³⁰ [by registered post acknowledgement due] to the financier that such entry has been made.

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[(11) A registering authority registering the new vehicle, or issuing the duplicate certificate of registration or a no objection certificate or a temporary certificate of registration, or issuing or renewing, a fitness certificate or substituting entries relating to another motor vehicle in the permit, shall intimate the financier of such transaction.

(12) The registering authority where it is not the original registering authority, when making entry under sub-section (1) or sub-section (2), or cancelling the said entry under sub-section (3) or issuing the fresh certificate of registration under sub-section (5) shall communicate the same to the original registering authority.]

Corresponding Law. - Section 51 corresponds to section 31-A of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 51 contains special provisions regarding motor vehicles subject to the agreements of hire-purchase, lease and hypothecation.

Sub-clauses (1) to (4) make provision that the registering authorities may make a note of such agreement and cancellation of such agreement in the certificate of registration on a joint application by both the parties. It prohibits transfer of ownership of such vehicle without the written consent of the other party to the agreement. Sub-clause (5) provides for the issue of fresh certificate of registration to the financier by the registering authorities whether the financier has taken possession of the vehicle for default of the hirer and hirer has refused to hand over the certificate of registration. Sub-clause (6) to (9) lays down the procedure in making an application by the registered owner of the vehicle to the financier for grant of NOC, the grant of such certificate by the financier, production of NOC alongwith the application for the renewal of permit or the duplicate copy of the certificate of registration or for assignment of fresh registration mark to a motor vehicle. The powers of the appropriate authorities for the grant or refusal of the application for the renewal of permit, and issue of duplicate certificate of registration and issue of fresh registration mark. Sub-clause (10) makes provision that the registering authorities making entries in the certificate of registration regarding certain transactions shall intimate such transactions to the financier.

30. Inserted by Act 54 of 1994, S. 14 (w.e.f. 14-11-1994).

31. Sub-s. (11) substituted, ibid (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (11) read as under –

“(11) A registering authority issuing a duplicate certificate of registration shall intimate the financier of such issue.”

[52. Alteration in motor vehicle. - (1) No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are at variance with those originally specified by the manufacturer :

Provided that where the owner of a motor vehicle makes modification of the engine, or any part thereof of a vehicle for facilitating its operation by different type of fuel or source of energy including battery, compressed natural gas, solar power, liquid petroleum gas or any other fuel or source of energy, by fitment of a conversion kit, such modification shall be carried out subject to such conditions as may be prescribed:

Provided further that the Central Government may prescribe specifications conditions for approval, retrofitment and other related matters for such conversion kits;

Provided also that the Central Government may grant exemption for alteration of vehicles in a manner other than specified above, for any specific purpose.

32. S.52 substituted by Act 27 of 2000, S.2 (w.e.f. 11-8-2000). Prior to its substitutin, S. 52 read as under :- “52. Alternation in motor vehicle .- (1) No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are no longer accurate, unless.-

(a) he has given notice to the registering authority within whose jurisdiction he has the residence or the place of business where the vehicle is normally kept, as the case may be of the alteration he proposes to make; and

(b) he has obtained the approval of that registering authority to make such alteration :

Provided that it shall not be necessary to obtain such approval for making any change in the unladen weight of the motor vehicle consequent on the addition or removal of fittings or accessories, if such change does not exceed two per cent. of the weight entered in the certificate of registration :

*[Provided further that modification of the engine, or any part thereof, of a vehicle for facilitating its operation by a different type of fuel or source of energy including battery, compressed natural gas, solar power or any other fuel or source of energy other than liquid petroleum gas shall be treated as an alteration but that shall be subject to such conditions as may be prescribed.]

(2)Where a registering authority receives a notice under sub-section (1), it shall, within seven days of the receipt thereof, communicate, by post, to the owner of the vehicle its approval to the proposed alteration or otherwise :

Provided that where the owner of the motor vehicle has not received any such communication within the said period of seven days, the approval of such authority to the proposed alteration shall be deemed to have been given.

(3) Notwithstanding anything contained in sub-section (!), a State Government may, by notification in the Official Gazette, authorize, subject to such conditions as may be specified in the notification, the owners of not less than ten transport vehicles to alter of the registering authority.

(4)Where any alteration has been made in a motor vehicle either with the approval with the approval of the registering authority given or deemed to have been given under sub-section (2) or by reason of replacement of its engine without such approval under sub-section (3), the owner of the vehicle shall, within fourteen days of the making of the alteration, report the alteration to the registering authority within those jurisdiction he resides and shall forward the certificate of registration to the authority together with the prescribed fee in order that particulars of the alteration may be entered therein.

(5)A registering authority other than the original registering authority making any such entry shall communicate the details of the entry to the original registering authority.

*[(6) No person holding a vehicle under a hire-purchase agreement shall make any alteration to the vehicle for which approval of the registering authority is required under sub-section (1), except with the written consent of the registered owner.

Explanation. – For the purposes of this section, “alteration” means a change in the structure of a vehicle which results in change in its basic feature]”. - *Inserted by Act 54 of 1994, S. 15(w.e.f. 14-11-1994).

(2) Notwithstanding anything contained in sub-section (1), a State Government may, by notification in the Official Gazette, authorize, subject to such conditions as may be specified in the notifications, and permit any person owing not less than ten transport vehicles to alter any vehicle owned by him so as to replace the engine thereof with engine of the same make and type, without the approval of registering authority.

(3) Where any alteration has been made in motor vehicle without the approval of registering authority or by reason of replacement of its engine without such approval under sub-section (2), the owner of the vehicle shall, within fourteen days of the making of the alteration, report the alteration to the registering authority within whose jurisdiction he resides and shall forward the certificate of registration to that authority together with the prescribed fee in order that particulars of registration may be entered therein.

(4) A registering authority other than the original registering authority making any such entry shall communicate the details of the entry to the original registering authority.

(5) Subject to the provisions made under sub-section (1), (2), (3) and (4), no person holding a vehicle under a hire-purchase agreement shall make any alteration to the vehicle except with the written consent of the registered owner.

Explanation. - For the purpose of this section, "alteration" means a change in the structure of a vehicle which results in change in its basic feature.]

Corresponding Law.- Section 52 corresponds to section 32 of the Motor Vehicles Act, 1939.

NOTES

"Alteration" – Meaning of. – The alteration within the meaning of S. 52(1) must be a change in the structure of vehicle which results in change in its basic feature : T.K.Radhamani v. Joint Regional Transport Officer A.I.R. 1997 Ker. 85: (1996) 2 Ker.L.T. 477 (1997)1 Acc.C.C. 386(D.B).

53. Suspension of registration. – (1) If any registering authority or other prescribed authority has reason to believe that any motor vehicle within its jurisdiction -

(a) is in such a condition that its use in a public place would constitute a danger to the public, or that it fails to comply with the requirements of this Act or of the rules made there under, or

(b) has been, or is being, used for hire or reward without a valid permit for being used as such, the authority may, after giving the owner an opportunity of making any representation he may wish to make (by sending to the owner a notice by registered post acknowledgment due at his address entered in the certificate of registration), for reasons to be recorded in writing, suspend the certificate of registration of the vehicle-

(i) in any case falling under clause (a), until the defects are rectified to its satisfaction; and

(ii) in any case falling under clause (b), for a period not exceeding four months.

(2) an authority other than a registering authority shall, when making a suspension order under sub-section (1), intimate in writing the fact of such suspension and the reasons therefore to the registering authority within whose jurisdiction the vehicle is at the time of the suspension.

(3) Where the registration of a motor vehicle has been suspended under sub-section (1) for a continuous period of not less than one month, the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension.

(4) The owner of a motor vehicle shall, on the demand of a registering authority or other prescribed authority which has suspended the certificate of registration of the vehicle under this section, surrender the Certificate of registration.

(5) A certificate of registration surrendered under sub – section (4) shall be returned to the owner when the order suspending registration has been rescinded and not before.

Corresponding Law. – Section 53 corresponds to section 33 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 54 empowers the registering authorities to suspend the certificate of registration of a motor vehicle, if the vehicle is used for hire or reward without a permit. It also empowers the registering authority to suspend the certificate of registration of a vehicle if the vehicle is mechanically defective or if its use on public road will endanger public safety until the defects are rectified and the vehicle is certified to be road worthy.

54. Cancellation of registration suspended under section 53. – Where the suspension of registration of a vehicle under section 53 has continued without interruption for a period of not less than six months, the registering authority within whose jurisdiction the vehicle was when the registration was suspended, may, if it is the original registering authority, cancel the registration, and if it is not the original registering authority, shall forward the certificate of registration to that authority which may cancel the registration.

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

55. Cancellation of registration. – (1) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, within fourteen days or as soon as may be, report the fact to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward to the authority the certificate of registration of the vehicle.

(2) The registering authority shall, if it is the original registering authority, cancel the registration and the certificate of registration, or, if it is not, shall forward the report and the certificate of registration to the original registering authority and that authority shall cancel the registration.

(3) Any registering authority may order the examination of a motor vehicle within its jurisdiction by such authority as the State Government may by order appoint and, if upon such examination and after giving the owner an opportunity to make any representation he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration), it is satisfied that the vehicle is in such a condition that it is incapable of being used or its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, may cancel the registration.

(4) If a registering authority is satisfied that a motor vehicle has been permanently removed out of India, the registering authority shall cancel the registration.

(5) If a registering authority is satisfied that the registration of a motor vehicle has been obtained on the basis of documents which were, or by representation of facts which was, false in any material particular, or the engine number or the chassis number embossed thereon are different from such number entered in the certificate of registration, the registering authority shall after giving the owner an opportunity to make such representation as he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration), and for reasons to be recorded in writing, cancel the registration.

(6) A registering authority cancelling the registration of a motor vehicle under section 54 or under this section shall communicate such fact in writing to the owner of the vehicle, and the owner of the vehicle shall forthwith surrender to that authority the certificate of registration of the vehicle.

(7) A registering authority making an order of cancellation under section 54 or under this section shall, if it is the original registering authority, cancel the certificate of registration and the entry relating to the vehicle in its records, and, if it is not the original registering authority, forward the certificate of registration to that authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

(8) The expression “original registering authority” in this section and in section 41,49,50,51,52,53 and 54 means the registering authority in whose records the registration of the vehicle is recorded.

(9) In this section “certificate of registration” includes a certificate of registration renewed under the provisions of this Act.

Corresponding Law. – Section 55 corresponds to section 34 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 55 contains provisions for the cancellation of the certificate of registration by the registering authorities where the vehicle has been destroyed or has been rendered permanently incapable of use or has been lost and not recovered or is otherwise not traceable or its use will constitute a danger to public safety. It also provides that the registering authorities may cancel the certificate of registration if the registering authority is satisfied that engine number and chassis number noted in the certificate of registration differs from that found in the vehicle, or that the registration has been obtained by misrepresentation or fraud.

56. Certificate of fitness of transport vehicles. – (1) Subject to the provisions of section 59 and 60, a transport vehicle shall not be deemed to be validly registered for the purposes of section 39, unless it carries a certificate of fitness in such form containing such particulars and information as may be prescribed by the Central Government, issued by the prescribed authority, or by an authorized testing station mentioned in sub-section (2), to the effect that the vehicle complies for the time being with all the requirements of this Act and the rules made there under.

Provided that where the prescribed authority or the “authorized testing station” refuses to issue such certificate, it shall supply the owner of the vehicle with its reasons in writing for such refusal.

(2) The “authorized testing station” referred to in sub-section (1) means a vehicle service station or public or private garage which the State Government, having regard to the experience, training and ability of the operator of such station or garage and the testing equipment and the testing personnel therein, may specify in accordance with the rules made by the Central Government for regulation and control of such station or garages.

(3) Subject to the provisions of sub-section (4), a certificate of fitness shall remain effective for such period as may be prescribed by the Central Government having regard to the object of this Act.

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

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

(5) A certificate of fitness issued under this Act shall, while it remains effective, be valid throughout India.

Corresponding Law. - Section 56 corresponds to section 38 of the Motor Vehicles Act, 1939

Objects and Reasons. – Clause 58 requires that every transport vehicle should carry an effective certificate of fitness issued by the prescribed authorities or by any authorized testing stations specified by the State Governments. It also empowers the issuing authorities to cancel any such certificate if the vehicle fails to comply with the requirements of this Act. The certificate of fitness is to be effective throughout India.

33. Inserted by Act 54 of 1994, S. 16 (w.e.f. 14-11-1994)

57. Appeals. - [(1) Any person aggrieved by an order of the registering authority under section 41,42,43,45,47,48,49,50,52,53,55 or 56 may, within thirty days of the date on which he has received notice of such order, appeal against the order to the prescribed authority.]

(2) The appellate authority shall give notice of the appeal to the original authority and after giving an opportunity to the original authority and the appellant to be heard in the appeal pass such order as it think fit.

Corresponding Law. – Section 57 corresponds to section 35 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 56 seeks to provide for appeal against certain orders passed by the registering authorities. The aggrieved parties in such cases may approach the prescribed authorities and seek redress.

58. Special provisions in regard to transport vehicles. – (1) The Central Government may, having regard to the number, nature and size of the tyres attached to the wheels of a transport vehicle (other than a motor cab), and its make and model and other relevant considerations, by notification in the Official Gazette, specify, in relation to each make and model of a transport vehicle, the ³⁵ [maximum gross vehicle weight] of such vehicle and the maximum safe axle weight of each axle of such vehicle.

(2) A registering authority, when registering a transport vehicle, other than a motor cab shall enter in the record of registration and shall also enter in the certificate of registration of the vehicle the following particulars, namely :-

(a) the unladen weight of the vehicle;

(b) the number, nature and size of the tires attached to each wheel;

(c) the gross weight of the vehicle and the registered axle weights pertaining to the several axles thereof; and

(d) if the vehicle is used or adapted to be used for the carriage of passengers solely or in addition to goods, the number of passengers for whom accommodation is provided, and the owner of the vehicle shall have the same particulars exhibited in the prescribed manner on the vehicle.

34. Sub. – S. (1) substituted by S. 17 *ibid* (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (1) read as under :-

“(1) Any owner of a motor vehicle aggrieved by an order of refusal under section 45 to register a motor vehicle or to renew the certificate of registration in respect of a motor vehicle (other than a transport vehicle) or under section 48 to issue a no objection certificate or under section 50 to enter the particulars of the transfer of ownership in the certificate of registration or under sub-section (1) of section 56 to issue a certificate of fitness or by an order of suspension under section 53 or cancellation under section 54 or section 55 or by an order of an cancellation under sub-section (4) of section 56 may, within thirty days of the date on which he has received notice of such order, appeal against the order to the Prescribed Authority.”

35. Substituted, *ibid*, for “maximum safe laden weight” (w.e.f.14-11-1994).

(3) There shall not be entered in the certificate of registration of any such vehicle any gross vehicle weight or a registered axle weight of any of the axles different from that specified in the notification under sub-section (1) in relation to the make and model of such vehicle and to the number, nature and size of the tires attached to its wheels :

Provided that where it appears to the Central Government that heavier weights than those specified in the notification under sub-section (1) may be permitted in a particular locality for vehicle of a particular type, the Central Government may, by order in the Official Gazette direct that the provisions of this sub-section shall apply with such modifications as may be specified in the order.

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(5) In order that the gross vehicle weight entered in the certificate of registration of a vehicle may be revised in accordance with the provisions of sub-section (3), the registering authority may require the owner of transport vehicle in accordance with such procedure as may be prescribed to produce the certificate of registration within such time as may be specified by the registering authority.

Corresponding Law. – Section 58 corresponds to section 36 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 57 empowers the Central Government to specify in relation to each make and model of a transport vehicle the maximum safe laden weight and the maximum safe axle weight of each such vehicle. It also provided that the registering authorities while registering a transport vehicle shall make a note of the unladen weight, and gross vehicle weight and such other particulars in the registration certificate of the vehicle.

59. Power to fix the age limit of motor vehicle. – (1) The Central Government may, having regard to the public safety, convenience and objects of this Act, by notification in the Official Gazette, specify the life of a motor vehicle reckoned from the date of its manufacture, after the expiry of which the motor vehicle shall not be deemed to comply with the requirements of this Act and the Rules made thereunder :
Provided that the Central Government may specify different ages for different classes or different types of motor vehicles.

36. Sub-S. (4) omitted by Act 27 of 2000, S.3 (w.e.f. 11-8-2000). Prior to its omission, sub-S. (4) read as under :-

“(4) When by reason of any alteration in such vehicle, including an alteration in the number, nature or size of its tires, the gross vehicle weight of the vehicle or the registered axle weight of any of its axles no longer accords with the provisions of sub-section (3), the provisions of section 52 shall apply and the registering authority shall enter in the certificate of registration of the vehicle revised registered weights which accord with the said sub-section.”

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, having regard to the purpose of a motor vehicle, such as, display or use for the purposes of a demonstration in any exhibition, use for the purposes of technical research or taking part in a vintage car rally, by notification in the Official Gazette, exempt, by a general or special order, subject to such conditions as may be specified in such notification, any class or type of motor vehicle from the operation of sub-section (1) for the purpose to be stated in the notification.

(3) Notwithstanding anything contained in section 56, no prescribed authority or authorized testing station shall grant a certificate of fitness to a motor vehicle in contravention of the provisions of any notification issued under sub-section (1).

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

Objects and Reasons. – Clause 59 seeks to empower the Central Government to specify the life of motor vehicle of any class or type beyond which the vehicle have to be kept-off the roads. It also confers upon the Central Government the power to exempt from the provisions of this clause vintage cars.

60. Registration of vehicles belonging to the Central Government. – (1) Such authority as the Central Government may, by notification in the Official Gazette, specify, may register any motor vehicle which is the property or for the time being under the exclusive control of the Central Government and is used for Government purposes relating to the defense of the country and unconnected with any commercial enterprises and any vehicle so registered shall not, so long as it remains the property or under the exclusive control of the Central Government, require to be registered otherwise under this Act.

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

(3) A vehicle registered under this section shall carry the certificate issued under sub-section (2).

(4) If a vehicle registered under this section ceases to be property or under the exclusive control of the Central Government, the provisions of section 39 and 40 shall thereupon apply.

(5) The authority registering a vehicle under sub-section (1) shall furnish to any State Government all such information regarding the general nature, overall dimensions and axle weights of the vehicle as the State Government may at any time require.

Corresponding Law. – Section 60 corresponds to section 39 of Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 60 provides that the Central Government may specify the authorities who may register certain motor vehicles of the Central Government to be specified by notification.

61. Application of Chapter to trailers. – (1) The provisions of this Chapter shall apply to the registration of trailers as they apply to the registration of any other motor vehicle.

(2) The registration mark assigned to a trailer shall be displayed in such manner on the side of the drawing vehicle as may be prescribed by the Central Government.

(3) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed on the trailer or on the last trailer in the train, as the case may be, in such manner as may be prescribed by the Central Government.

Corresponding Law. - Section 61 corresponds to section 40 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 61 lays down that the registration marks of trailers shall be exhibited in such manner as may be prescribed.

62. Information regarding stolen and recovered motor vehicle to be furnished by the police to the State Transport Authority. – The State Government may, if it thinks necessary or expedient so to do in the public interest, direct the submission by the Inspector General of Police (by whatever designation called) and such other police officers as the State Government may specify in this behalf, of such returns containing the information regarding vehicles which have been stolen and stolen vehicles which have been recovered of which the police are aware, to the State Transport Authority, and may prescribe the form in which and the period within which such returns shall be made.

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

Objects and Reasons. – Clause 62 empowers the State Government to direct the Inspector General of Police to furnish to the State Transport Authority information regarding stolen and recovered motor vehicles.

63. Maintenance of State Registers of Motor Vehicles. – (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 Motor Vehicles, in respect of the motor vehicles in that State, containing the following particulars, namely :-

(a) registration numbers; (b) years of manufacture; (c) classes and types;

(d) names and address of registered owners; and

(e) such other particulars as may be prescribed by the Central Government. (2) Each State

Government shall supply to the Central Government ³⁷ [if so desired by it] a printed copy of the State Register of Motor Vehicles and shall also 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 Motor Vehicles shall be maintained in such manner as may be prescribed by the State Government.

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

37. Inserted by Act 54 of 1994, S. 19 (w.e.f. 14-11-1994).

Objects and Reasons. – Clause 63 prescribes that the State Government may maintain a State register of all motor vehicles within its jurisdiction in the prescribed form and the State Government shall supply to the Central Government copies of such registers and any further additions or amendments.

64. Power of the Central Government to make rules. – The Central Government may make rules to provide for all or any of the following matters, namely :-

- (a) the period within which and the form in which an application shall be made and the documents, particulars and information it shall accompany under sub-section (1) of section 41;
- (b) the form in which the certificate of registration shall be made and the particulars and information it shall contain and the manner in which it shall be issued under sub-section (3) of section 41;
- (c) the form and manner in which the particulars of the certificate of registration shall be entered in the records of the registering authority under sub-section (5) of section 41;
- (d) the manner in which and the form in which the registration mark, the letters and figures and other particulars referred to in sub-section (6) of section 41 shall be displayed and shown;
- (e) the period within which and the form in which the application shall be made and the particulars and information it shall contain under sub-section (8) of section 41;
- (f) the form in which the application referred to in sub-section (14) of section 41 shall be made, the particulars and information it shall contain and the fee to be charged.
- (g) the form in which and the period within which the application referred to in sub-section (1) of section 47 shall be made and the particulars it shall contain;
- (h) the form in which and the manner in which the application for “No Objection Certificate” shall be made under sub-section (1) of section 48 and the form of receipt to be issued under sub-section (2) of section 48;
- (i) the matters that are to be complied with by an applicant before no objection certificate may be issued under section 48;
- (j) the form in which the intimation of change of address shall be made under sub-section (1) of section 49 and the documents to be submitted alongwith the application;
- (k) the form in which and the manner in which the intimation of transfer of ownership shall be made under sub-section (1) of section 50 or under sub-section (2) of section 50 and the document to be submitted alongwith the application.
- (l) the form in which the application under sub-section (2) or sub-section (3) of section 51 shall be made;
- (m) the form in which the certificate of fitness shall be issued under sub-section (1) of section 56 and the particulars and information it shall contain;
- (n) the period for which the certificate of fitness granted or renewed under section 56 shall be effective;
- (o) the fees to be charged for the issue or renewal or alternation of certificates of registration, for making an entry regarding transfer of ownership on a

certificate of registration, for making or cancelling an endorsement in respect of agreement of hire-purchase or lease or hypothecation on a certificate of registration, for certificates of fitness for registration marks, and for the examination or inspection of motor vehicle, and the refund of such fees;

(p) any other matter which is to be, or may be, prescribed by the Central Government.

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

Objects and Reasons. – Clause 64 provides for the rule-making powers of the Central Government in order to give effect to the provisions of this Chapter.

65. Power of the 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 64.

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

(a) 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);

(b) the appointment, functions and jurisdiction of registering and other prescribed authorities;

(c) the exemption of road-rollers, graders and other vehicles designed and used solely for the construction, repair and cleaning of roads from all or any of the provisions of this Chapter and the rules made thereunder and the conditions governing such exemption;

(d) the issue or renewal of certificate of registration and fitness and duplicates of such certificates to replace the certificates lost, destroyed or mutilated;

(e) the production of certificates of registration before the registering authority for the revision of entries therein of particulars relating to the gross vehicle weight;

(f) the temporary registration of motor vehicles, and the issue of temporary certificate of registration and marks;

(g) the manner in which the particulars referred to in sub-section (2) of section 58 and other prescribed particulars shall be exhibited;

(h) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter.

(i) the forms, other than those prescribed by the Central Government to be used for the purposes of this Chapter;

(j) the communication between registering authorities of particulars of certificates of registration and by owners of vehicles registered outside the State of particulars of such vehicles and of their registration;

(k) the amount or amounts under sub-section (13) of section 41 or sub-section (7) of section 47 or sub-section (4) of section 49 or sub-section (5) of section 50;

(l) the extension of the validity of certificate of fitness pending consideration of applications for their renewal;

(m) the extension from the provisions of this Chapter, and the conditions and fees for exemption, of motor vehicles in the possession of dealers;

(n) the form in which and the period within which the return under section 62 shall be sent;

(o) the manner in which the State Register of Motor Vehicles shall be maintained under section 63;

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

Corresponding Law. – Section 65 corresponds to section 41 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 65 empowers the State Government to make rules for the purpose of carrying into effect the provisions of this Chapter.
