

CHAPTER VIII CONTROL OF TRAFFIC

112. Limits of speed - (1) No person shall drive a motor vehicle or cause or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed or below the minimum speed fixed for the vehicle under this Act or by or under any other law for the time being in force :

Provided that such maximum speed shall in no case exceed the maximum fixed for any motor vehicle or class or description of motor vehicles by the Central Government by notification in the Official Gazette.

(2) The State Government or any authority authorized in this behalf by the State Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the nature of any road or bridge, by notification in the Official Gazette, & by causing appropriate traffic signs to be placed or erected under section 116 at suitable places, fix such maximum speed limits or minimum speed limits as it thinks fit for motor vehicles or any specified class or description of motor vehicles or for motor vehicles to which a trailer is attached, either generally or in a particular area or on a particular road or roads: Provided that no such notification is necessary if any restriction under this section is to remain in force for not more than one month.

(3) Nothing in this section shall apply to any vehicle registered under section 60 while it is being used in the execution of military manoeuvres within the area and during the period specified in the notification under sub-section (1) of section 2 of the Manoeuvres, Field Firing and Artillery practice Act, 1938 (5 of 1938).

Corresponding Law. – Section 112 corresponds to section 71 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 112 prescribes the maximum speed at which each class or type of motor vehicle can be driven. It also empowers the State Government to restrict the speed of any class of motor vehicle in certain circumstances.

113. Limits of weight and limitations on use. – (1) The State Government may prescribe the conditions for the issue of permits for ⁶⁸ [transport vehicles] by the State or Regional Transport Authorities and may prohibit or restrict the use of such vehicles in any area or route.

(2) Except as may be otherwise prescribed, no person shall drive or cause or allow to be driven in any public place any motor vehicle which is not fitted with pneumatic types.

(3) No person shall drive or cause or allow to be driven in any public place any motor vehicle or trailer –

(a) The unladen weight of which exceeds the unladen weight specified in the certificate of registration of the vehicle or

(b) the laden weight of which exceeds the gross vehicle weight specified in the certificate of registration.

(4) Where the driver or person in charge of a motor vehicle or trailer driven in contravention of sub-section (2) or clause (a) of sub-section (3) is not the owner, a Court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or trailer.

⁶⁸ Substituted for “heavy goods vehicles or heavy passenger motor vehicles” by Act 54 of 1994, S.34 (w.e.f. 14-11-1994).

Corresponding Law. – Section 113 corresponds to section 72 of the Motor Vehicles Act, 1939.
Objects and Reasons. – Clause 113 seeks to empower the State Government to impose restrictions on the laden weight of vehicles to be driven on public roads.

114. Power to have vehicle weighed. – (1) ⁶⁹ [Any officer of the Motor Vehicles Department authorized in this behalf by the State Government shall, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section 113.] require the driver to convey the vehicle to a weighting device, if any, within a distance of ten kilometers from any point on the forward route or within a distance of twenty kilometers from the destination of the vehicle for weighment; and if on such weighment the vehicle is found to contravene in any respect the provisions of section 113 regarding weight, he may, by order in writing, direct the driver to off-load the excess weight at his own risk and not to remove the vehicle or trailer from that place until the laden weight has been reduced or the vehicle or trailer has otherwise been dealt with so that it complies with section 113 and on receipt of such notice, the driver shall comply with such directions.

(2) Where the person authorized under sub-section (1) makes the said order in writing, he shall also endorse the relevant details of the overloading on the goods carriage permit and also intimate the fact of such endorsement to the authority which issued that permit.

Corresponding Law. – Section 114 corresponds to section 73 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 114 seeks to authorize the State Government to empower officers to weigh goods carriages & wherever it is found that the vehicle is carrying excess load, to direct the driver to unload the excess goods at his risk and not to proceed unless such excess load is unloaded.

115. Power to restrict the use of vehicles. – The State Government or any authority authorized in this behalf by the State Government, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may, by notification in the Official Gazette, prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified class or description of motor vehicles or the use of trailers either generally in a specified area or on a specified road and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed or erected under section 116 at suitable places :

Provided that where any prohibition or restriction under this section is to remain in force for not more than one month, notification thereof in the Official Gazette shall not be necessary but such local publicity in the circumstances may permit shall be given of such prohibition or restriction.

Corresponding Law. – Section 115 corresponds to section 74 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 115 empowers the State Government and prescribed authorities to restrict the driving of any specified class of motor vehicle and also to restrict the driving of any class of motor vehicle below a minimum speed fixed for that class of vehicle on any public road.

116. Power to erect traffic signs. – (1) (a) The State Government or any authority authorized in this behalf by the State Government may cause or permit traffic signs to be placed or erected in any public place for the purpose of bringing to public notice any speed limits fixed under sub-

69. Substituted for “Any person authorized in this behalf by the State Government may, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section 113, “by Act 54 of 1994, S. 35 (w.e.f. 14-11-1994).

section (2) of section 112 or any prohibitions or restrictions imposed under section 115 or generally for the purpose of regulating motor vehicle traffic.

(a) A State Government or any authority authorized in this behalf by the State Government may, by notification in the Official Gazette or by the erection at suitable places of the appropriate traffic sign referred to in Part A of the Schedule, designate certain roads as main roads for the purposes of the driving regulations made by the Central Government.

(2) Traffic signs placed or erected under sub-section (1) for any purpose for which provision is made in the Schedule shall be of the size, color and type and shall have the meanings set forth in the Schedule, but the State Government or any authority empowered in this behalf by the State Government may make or authorize the addition to any sign set forth in the said Schedule, of transcriptions of the words, letters or figures thereon in such script as the State Government may think fit provided that the transcriptions shall be similar size and color to the words, letters or figures set forth in the Schedule. (3) Except as provided by sub-section (1), no traffic sign shall, after the commencement of this Act, be placed or erected on or near any road; but all traffic signs placed or erected prior to the commencement of this Act by any competent authority shall for the purpose of this Act be deemed to be traffic signs placed or erected under the provisions of sub-section (1).

(4) A State Government may, by notification in the Official Gazette, empower any police officer not below the rank of a Superintendent of Police to remove or cause to be removed any sign or advertisement which is so placed in his opinion as to obscure any traffic sign from view or any sign or advertisement which in his opinion is so similar in appearance to a traffic sign as to be misleading or which in his opinion is likely to distract the attention or concentration of the driver.

(5) No person shall willfully remove, alter, deface, or in any way tamper with, any traffic signs placed or erected under this section.

(6) If any person accidentally causes such damage to a traffic sign as renders it useless for the purpose for which it is placed or erected under this section, he shall report the circumstances of the occurrence to a police officer or at a police station as soon as possible, and in any case within twenty – four hours of the occurrence.

(7) For the purpose of bringing the sign set forth in ⁷⁰ [the First Schedule] in conformity with any International Convention relating to motor traffic to which the Central Government is for the time being a party, the Central Government may, by notification in the Official Gazette, make any addition or alteration to any such sign and on the issue of any such notification, ⁷¹ [the First Schedule] shall be deemed to be amended accordingly.

Corresponding Law. – Section 116 corresponds to section 75 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 116 confers power on the State Government and any authority authorized by the State Government to erect traffic signs on public road for the information of road users. It also empowers certain officers to remove from the public road any sign which is likely to distract the attention of a driver.

117. Parking places and halting stations. – The State Government or any authority authorized in this behalf by the State Government may, in consultation with the local authority having

70. Substituted for "the Schedule" by Act 54 of 1994, S. 36 (w.e.f. 14-11-1994)

71. Substituted for "the Schedule" by Act 54 of 1994, s. 36 (w.e.f. 14-11-1994).

* In exercise of power conferred by S. 118, the Central Government made the Rules of the Road Regulations, 1989, w.e.f. 1-7-1989.

jurisdiction in the area concerned, determine places at which motor vehicles may stand either indefinitely or for a specified period of time, and may determine the places at which public service vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers.

Corresponding Law. – Section 117 corresponds to section 76 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 117 permits determining the parking places and halting stations for motor vehicles for the purpose of picking up and setting down passengers.

118. Driving regulations. – The Central Government may, by notification in the Official Gazette, make regulations* for the driving of motor vehicles.

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

119. Duty to obey traffic signs. – (1) Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by mandatory traffic sign and in conformity with the driving regulations made by the Central Government, and shall comply with all directions given to him by any police officer for the time being engaged in the regulation of traffic in any public place.

(2) In this section “mandatory traffic sign” means a traffic sign included in Part A of ⁷² [the First Schedule], or any traffic sign of similar form (that is to say, consisting of or including a circular disc displaying a device, word or figure and having a red ground or border) placed or erected for the purpose of regulating motor vehicle traffic under sub-section (1) of section 116.

Corresponding Law. – Section 119 corresponds to section 78 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 119 lays down that it is the duty of every driver of a motor vehicle to drive the motor vehicle in conformity with the indication given in mandatory traffic signs.

120. Vehicles with left hand control. – No person shall drive or cause or allow to be driven in any public place any motor vehicle with a left– hand steering control unless it is equipped with a mechanical or electrical signaling device of a prescribed nature and in working order.

Corresponding Law. – Section 120 corresponds to section 80 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 120 prohibits driving of motor vehicle fitted with left hand control unless it is fitted with mechanical or electrical signaling device.

121. Signals and signaling devices. – The driver of a motor vehicle shall make such signals and on such occasions as may be prescribed by the Central Government :

Provided that the signal of an intention to turn to the right or left or to stop –

(a) in the case of a motor vehicle with a right – hand steering control, may be given by a mechanical or electrical device of a prescribed nature affixed to the vehicle; and

(b) in the case of a motor vehicle with a left – hand steering control, shall be given by a mechanical or electrical device or a prescribed nature affixed to the vehicle :

Provided further that the State Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt subject to such conditions as may be specified therein any motor vehicle or class or description of motor vehicles from the operation of this section for the purpose of plying in that area or route.

⁷²Substituted for “the Schedule” by Act 54 of 1994, S. 36 (w.e.f. 14-11-1994).

Corresponding Law. – Section 121 corresponds to section 79 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 121 specifies that the drivers of motor vehicles including the vehicles fitted with left hand steering should give appropriate signals including mechanical and electrical signals of their intention to turn right or left.

122. Leaving vehicle in dangerous position – No person in charge of a motor vehicle shall cause or allow the vehicle or any trailer to be abandoned or to remain at rest on any public place in such a position or in such a condition or in such circumstances as to cause or likely to cause danger, obstruction or undue inconvenience to other users of the public place or to the passengers.

Corresponding Law. – Section 122 corresponds to section 81 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 122 lays down that no motor vehicle should be left on the public road in a dangerous position or in such a manner so as to cause inconvenience to other road users or abandoned.

123. Riding on running board, etc. - (1) No person driving or in charge of a motor vehicle shall carry any person or permit any person to be carried on the running board or otherwise than within the body of the vehicle.

(2) No person shall travel on the running board or on the top or on the bonnet of a motor vehicle.

Corresponding Law. – Section 123(1) corresponds to section 82 of the Motor Vehicles Act, 1939. However, sub-section (2) of section 123, is a new provision in the 1988 Act.

Objects and Reasons. – Clause 123 prohibits travelling in running board or on top or on the bonnet of any motor vehicle.

124. Prohibition against travelling without pass or ticket. – No person shall enter or remain in any stage carriage for the purposes of travelling therein unless he has with him a proper pass or ticket;

Provided that where arrangements for the supply of tickets are made in the stage carriage by which a person has to travel, a person may enter such stage carriage but as soon as may be after his entry therein, he shall make the payment of his fare to the conductor or the driver who performs the functions of a conductor and obtain from such conductor or driver, as the case may be, a ticket for his journey.

Explanation. – In this section, -

(a) “pass” means a duty privilege or courtesy pass entitling the person to whom it is given to travel in a stage carriage gratuitously and includes a pass issued on payment for travel in a stage carriage for the period specified therein;

(b) “ticket” includes a single ticket, a return ticket or a season ticket.

Corresponding Law. – Section 124 corresponds to section 82 – A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 124 prohibits travelling in buses without ticket or pass.

125. Obstruction of driver. – No person driving a motor vehicle shall allow any person to stand or sit or to place anything in such a manner or position as to hamper the driver in his control of the vehicle.

Corresponding Law. – Section 125 corresponds to section 83 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 125 no driver of a motor vehicle shall allow any person to be seated in such a position so as to hamper his driving.

126. Stationary Vehicles. - No person driving or in charge of a motor vehicle shall cause or allow the vehicle to remain stationary in any public place, unless there is in the driver's seat a person duly licensed to drive the vehicle or unless the mechanism has been stopped and a brake or brakes applied or such other measures taken as to ensure that the vehicle cannot accidentally be put in motion in the absence of the driver.

Corresponding Law. – Section 126 corresponds to section 84 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 126 lays down that no motor vehicle should remain stationary in a public place unless there is a licensed driver in the vehicle or where the engine has stopped running, proper precautionary methods have been taken to ensure that the vehicle will not move accidentally in the absence of the driver.

127. Removal of motor vehicles abandoned or left unattended on a public place. – ⁷³ [(1) where any motor vehicle is abandoned or left unattended on a public place for ten hours or more or is parked in a place where parking is legally prohibited, its removal by a towing service or its immobilization by any means including wheel clamping may be authorized by a police officer in uniform having jurisdiction.]

(2) Where an abandoned, unattended, wrecked, burnt or partially dismantled vehicle is creating a traffic hazard, because of its position in relation to the ⁷⁴ [public place], or its physical appearance is causing the impediment to the traffic, its immediate removal from the ⁷⁵ [public place] by a towing service may be authorized by a police officer having jurisdiction.

(3) Where a vehicle is authorized to be removed under sub-section (1) or sub-section (2) by a police officer, the owner of the vehicle shall be responsible for all towing costs, besides any other penalty.

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

Objects and Reasons. – Clause 127 makes provision empowering Police Officers to tow away the motor vehicles which are abandoned or left unattended on any public road and recover the cost of removal from the owners of such vehicles.

128. Safety measures for drivers and pillion riders. – (1) No driver of a two – wheeled motor cycle shall carry more than one person in addition to himself on the motor cycle and no such person shall be carried otherwise than sitting on a proper seat securely fixed to the motor cycle behind the driver's seat with appropriate safety measures.

(2) In addition to the safety measures mentioned in sub-section (1), the Central Government may, prescribe other safety measures for the drivers of two-wheeled motor cycles and pillion riders thereon.

73. Sub-S.(1) substituted by Act 54 of 1994, S.37(w.e.f.14-11-1994). Prior to its substitution, sub-S.(1) read as under :-

“(1) Where any motor vehicle is abandoned, or left unattended, on a public place for ten hours or more, its removal by a towing service may be authorized by a police officer having jurisdiction.”

74. Substituted for “highway” by Act 54 of 1994, S.37 (w.e.f. 14-11-1994).

75. Substituted, *ibid*, for “highway” (w.e.f. 14-11-1994).

76. Substituted by S. 38, *ibid*, for " a protective headgear of such descriptions as may be specified by the State Government by rules made by it in this behalf, and different descriptions of headgears may be specified in such rules in relation to different circumstances or different class or description of motor cycles" (w.e.f. 14-11-1994)

Corresponding Law. – Sub – section (1) of section 128 corresponds to section 85 of the Motor Vehicles Act, 1939. However, sub-section (2) of section 128, is a new provision in the 1988 Act.

Objects and Reasons. – Clause 128 prescribes certain safety measures for drivers and pillion riders of motor vehicles. It also empowers the Central Government to prescribe other safety measures in this regard.

129. Wearing of protective headgear. - Every person driving or riding (otherwise than in a side car, on a motor cycle of any class or description) shall, while in a public place, wear⁷⁶

[protective headgear conforming to the standards of Bureau of Indian Standards:]

Provided that the provisions of this section shall not apply to a person who is a Sikh, if he is, while driving or riding on the motor cycle, in a public place, wearing a turban :

provided further that the State Government may, by such rules, provide for such exceptions as it may think fit.

Explanation. – “Protective headgear” means a helmet which, -

(a) by virtue of its shape, material and construction, could reasonably be expected to afford to the person driving or riding on a motor cycle a degree of protection from injury in the event of an accident; and

(b) is securely fastened to the head of the wearer by means of straps or other fastenings provided on the headgear.

corresponding Law. – Section 129 corresponds to section 85 – A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 129 empowers the State Government to prescribe protective headgear to be worn by the drivers or pillion riders of motor cycle other than a person who is a Sikh wearing a turban and to make such exemption as the State Government thinks fit.

130. Duty to produce license and certificate of registration. – (1) The driver of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his license for examination.

Provided that the driver may, if his license has been submitted to, or has been seized by, any officer or authority under this or any other Act, produce in lieu of the license a receipt or other acknowledgement issued by such officer or authority in respect thereof and thereafter produce the license within such period, in such manner as the Central Government may prescribe to the police officer making the demand.

⁷⁷

[(2) The conductor, if any, of a motor vehicle on any public place shall, on demand by any officer of the Motor Vehicles Department authorized in this behalf, produce the license for examination.]

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

“(2) The conductor, if any, of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his license for examination”

[(3) The owner of a motor vehicle (other than a vehicle registered under section 60), or in his absence the driver or other person in charge of the vehicle, shall, on demand by a registering authority or any other officer of the Motor Vehicles Department duly authorized in this behalf, produce the certificate of insurance of the vehicle and, where the vehicle is a transport vehicle, also the certificate of fitness referred to in section 56 and the permit; and if any or all of the certificates or the permit are not in his possession, he shall, within fifteen days from the date of demand, submit photo copies of the same, duly attested in person or send the same by registered post to the officer who demanded it.

Explanation. – For the purposes of this sub-section, “certificate of insurance” means the certificate issued under sub-section (3) of section 147.]

(4) If the license referred to in sub-section (2) or the certificates or permit referred to in sub-section (3), as the case may be, are not at the time in the possession of the person to whom demand is made, it shall be a sufficient compliance with this section if such person produces the license or certificates or permit within such period in such manner as the Central Government may prescribe, to the police officer or authority making the demand :

Provided that, except to such extent and with such modifications as may be prescribed, the provisions this sub-section shall not apply to any person required to produce the certificate of registration or the certificate of fitness of a transport vehicle.

Corresponding Law.– Section 130 corresponds to section 86 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 130 requires the driver of a motor vehicle to produce on demand by a Police Officer, the driving license, registration certificate, fitness certificate in the case of transport vehicle.

131. Duty of the driver to take certain precautions at unguarded railway level crossings. -

Every driver of a motor vehicle at the approach of any unguarded railway level crossing shall cause the vehicle to stop and the driver of the vehicle shall cause the conductor or cleaner or attendant or any other person in the vehicle to walk up to the level crossing and ensure that no train or trolley is approaching from either side and then pilot the motor vehicle across such level crossing, and where no conductor or cleaner or attendant or any other person is available in the vehicle, the driver of the vehicle shall get down from the vehicle himself to ensure that no train or trolley is approaching from either side before the railway track is crossed.

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

Objects and Reasons. – Clause 131 prescribes certain duties for a driver approaching an unmanned level crossing to ensure safe crossing of the vehicle in the interest of public safety.

78. Sub-S.(3) substituted, *ibid* (w.e.f. 14-11-1994). Prior to its substitution, sub-S.(3) read as under:-

“(3) The owner of a motor vehicle (other than a vehicle registered under section 60), or in his absence the driver or other person in charge of the vehicle, shall on demand by a registering authority or any person authorized in this behalf by the State Government, produce the certificate or registration and the certificate of insurance of the vehicle and, where the vehicle is a transport vehicle, also the certificate of fitness referred to I section 56 and the permit.

Explanation. – for the purposes of this sub-section, “certificate of insurance” means the certificate issued under sub-section(3) of section 147”.

132. Duty of driver to stop in certain cases. – (1) The driver of motor vehicle shall cause the vehicle to stop & remain stationary so long as ⁷⁹ [may for such reasonable time as may be necessary, but not exceeding twenty-four hours],-

⁸⁰ [(a) when required to do so by any police officer not below the rank of a Sub-Inspector in uniform, in the event of the vehicle being involved in

the occurrence of an accident to a person, animal or vehicle or of damage to property, or]

(b) when required to do so by any person in charge of an animal if such person apprehends that the animal is, or being alarmed by the vehicle will become, unmanageable, or

⁸¹ (c) [***]

And he shall give his name and address and the name and address of the owner of the vehicle to any person affected by any such accident or damage who demands it provided such person also furnishes his name and address.

(2) The driver of a motor vehicle shall, on demand by a person giving his own name and address and alleging that the driver has committed an offence punishable under section 184, give his name and address to that person.

(3) In this section the expression “animal” means any horse, cattle, elephant, camel, ass, mule, sheep or goat.

Corresponding Law. – Section 132 corresponds to section 87 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 132 details the duty of the driver of a motor vehicle to stop his vehicle in certain circumstances such as when his vehicle is involved in an accident, etc.

133. Duty of owner of motor vehicle to give information- The owner of a motor vehicle, the driver or conductor of which is accused of any offence under this Act shall, on the demand of any police officer authorized in this behalf by the State Government, give all information regarding the name and address of, and the license held by, the driver or conductor which is in his possession or could by reasonable diligence be ascertained by him.

Corresponding Law-Section 133 corresponds to section 88 of the Motor Vehicles Act. 1939.

Objects and Reason- Clause 133 provides that the owner of a motor vehicle shall, on demand by a Police Officer, furnish the name and address of the driver or the conductor of the vehicle who are accused of any offence under this Act alongwith the license number, etc.

134. Duty of driver in case of accident and injury to a person. – When any person is injured or any property of a third party is damaged, as a result of an accident in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall –

(a) unless it is not practicable to do so on account of mob fury or any other reason beyond his ⁸² control, take all reasonable steps to secure medical attention for the injured person, [by conveying him to the nearest medical practitioner or hospital, and it shall be the duty of every

79. Substituted for “may reasonably be necessary” by Act 54 of 1994, S.40 (w.e.f. 14-11-1994)

80. Cl. (a) substituted, *ibid* (w.e.f. 14-11-1994). Prior to its substitution, Cl. (a) read as under :- “(a) when required to do so by any police officer in uniform; or”

81 Cl.(c)omitted by Act 54 of 1994, S.40 (w.e.f. 14-11-1994).Prior to its omission Cl.(c)read as under :- “(c) when the vehicle is involved in the occurrence of an accident to a person, animal or vehicle or of damage to any property, whether the driving or management of the vehicle was or was not the cause of the accident or damage,”.

82. Substituted by S.41, *ibid*, for “and, if necessary, convey him to the nearest hospital”(w.e.f. 14-11-1994).

registered medical practitioner or the doctor on the duty in the hospital immediately to attend to the injured person and render medical aid or treatment without waiting for any procedural formalities], unless the injured person or his guardian, in case he is a minor, desired otherwise;

(b) give on demand by a police officer any information required by him or, if no police officer is present, report the circumstances of the occurrence, including the circumstances, if any, or not taking reasonable steps to secure medical attention as required under clause (a), at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence;

⁸³ [(c) give the following information in writing to the insurer, who has issued the certificates of insurance, about the occurrence of the accident, namely :-

- (i) insurance policy number and period of its validity;
- (ii) date, time and place of accident;
- (iii) particulars of the persons injured or killed in the accident;
- (iv) name of the driver and the particulars of his driving license.

Explanation. – For the purposes of this section, the expression “driver” includes the owner of the vehicle.]

Corresponding Law. – Section 134 corresponds to section 89 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 134 sets out the duties of the driver involved in accident, such as reporting the accident to the Police Station, rendering medical aid to the injured, etc.

NOTES

“Accident” – Meaning of. – The word “accident” is not defined in the Motor Vehicles Act or in any of the rules framed thereunder. Ordinary, it means an event which takes place without one’s foresight or expectation: Nagaraja Mooppanar v. Emperor A.I.R. 1928 Mad. 364. 29 Cr. L.J. 461: 55 M.L.J. 320

135. Schemes to be framed for the investigation of accident cases and wayside amenities, etc. – (1) The State Government may, by notification in the Official Gazette, make one or more schemes to provide for -

- (a) an in depth study on causes and analysis of motor vehicle accidents;
- (2) Every scheme made under this section by any State Government shall be laid, as soon as may be after it is made, before the State Legislature.

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

Objects and Reasons. – Clause 135 empowers the State Government to frame scheme for indepth study of motor vehicle accident way-side amenities, traffic and posts and truck parking complexes.

vehicle is involved, any person authorized in this behalf by the State Government may, on production if so required of his authority, inspect the vehicle and for that purpose may enter at any reasonable time any premises where the vehicle may be, and may remove the vehicle for examination :

Provided that the place to which the vehicle is so removed shall be intimated to the owner of the vehicle and the vehicle shall be returned ⁸⁴ [after completion of the formalities to the owner, driver or the person in charge of the vehicle within twenty-four hours.]

83. Inserted by Act 54 of 1994, S. 41 (w.e.f. 14-11-1994).

136. Inspection of vehicle involved in accident. – When any accident occurs in which a motor
Corresponding Law. – Section 136 corresponds to section 90 of the Motor Vehicles Act, 1939.
Objects and Reasons. – Clause 136 prescribes that a motor vehicle involved in accident should be produced for inspection before the person authorized by the State Government and for this purpose it empowers the officers to enter into any premises and remove the vehicle for inspection.

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

(a) the occasions on which signals shall be made by drivers of motor vehicles and such signals under section 121;

(b) the manner in which the licenses and certificates may be produced to the police officer under section 130.

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

Objects and Reasons. – Clause 137 lays down that the Central Government may make rules to carry into effect the provisions of this Chapter where Central Government is authorized.

138. Power of State Government to make rules. – (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 137.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for- (a) the removal and the safe custody of vehicles including their loads which have broken down or which have been left standing or have been abandoned on roads;

(b) the installation and use of weighing devices;

(c) the maintenance and management of wayside amenities complexes;

(d) the exemption from all or any of the provisions of this Chapter of fire Brigade vehicles, ambulances and other special classes or descriptions of vehicle, subject to such conditions as may be prescribed;

(e) the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use;

(f) prohibiting the driving downhill of a motor vehicle with the gear disengaged either generally or in a specified place;

(g) prohibiting the taking hold of or mounting of a motor vehicle in motion;

(h) prohibiting the use of foot-paths or pavements by motor vehicles;

(i) generally, the prevention of danger, injury or annoyance to the public or any other person, or of danger or injury to property or of obstruction to traffic; and

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

Corresponding Law. – Section 138 corresponds to section 91 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 138 empowers the State Government to make rules for the purposes of carrying into effect the provisions of this Chapter.

84. Substituted for “without necessary delay” by Act 54 of 1994, S.42 (w.e.f. 14-11-1994).
