

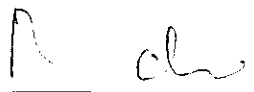
**പതിനാലാം കേരള നിയമസഭ  
പതിനാറാം സമ്മേളനം**

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നം. 1826

01.11.2019 ര്മദുപടിയ്

**കേന്ദ്രസർക്കാരിന്റെ പുതിയ വാഹന നിയമത്തിലെ വ്യവസ്ഥകൾ**

<u>ചോദ്യം</u> <b>ശ്രീ. കെ.വി.വിജയദാസ്</b>		<u>മറുപടി</u> <b>ശ്രീ.എ.കെ.ശശിന്ദ്രൻ</b> (ഗതാഗത വകുപ്പ് മന്ത്രി)	
(എ)	കേന്ദ്രസർക്കാർ പുറപ്പെടുവിച്ച പുതിയ വാഹന നിയമത്തിൽ പിഴ ഈടാക്കുന്ന വ്യവസ്ഥകളുടെ വിശദാംശം നൽകുമോ;	(എ)	കേന്ദ്ര സർക്കാർ പുറപ്പെടുവിച്ച പുതിയ മോട്ടോർ വാഹന ഭേദഗതി നിയമത്തിലെ പിഴ സംബന്ധിച്ച വകുപ്പുകളുടെ പകർപ്പ് അനുബന്ധമായി ചേർക്കുന്നു.
(ബി)	കേന്ദ്ര സർക്കാർ ആദ്യം പുറപ്പെടുവിച്ച പിഴയുടെ താരിഫുകളിൽ സംസ്ഥാന സർക്കാരിന്റെ അഭ്യർത്ഥനയെത്തുടർന്ന് കുറവ് വരുത്തിയിട്ടുണ്ടോ; വിശദവിവരം നൽകുമോ;	(ബി)	ഇല്ല
(സി)	പ്രസ്തുത നിയമത്തിന്റെ അടിസ്ഥാനത്തിൽ കേരളത്തിന് ഏതെല്ലാം വ്യവസ്ഥകളിൽ തനതായി തീരുമാനമെടുക്കാൻ കഴിയും; വിശദമാക്കുമോ?	(സി)	മോട്ടോർവാഹന നിയമത്തിലെ 177, 179(1), 179(2), 182(2), 184 (limited to item (c) of the explanation), 190(2), 192A(1), 194(1), 194(2), 194A, 194B(1), 194B(2), 194D, 194E എന്നീ വകുപ്പുകൾ പ്രകാരമുള്ള നിയമലഘനങ്ങൾക്കാണ് പിഴ കുറക്കാൻ തീരുമാനിച്ചിട്ടുള്ളത്.

  
**സെക്ഷൻ ഓഫീസർ**

insurance business in India shall provide in accordance with the provisions of this Act and the schemes made under this Act for treatment of road accident victims, including during the golden hour.

(2) The Central Government shall make a scheme for the cashless treatment of victims of the accident during the golden hour and such scheme may contain provisions for creation of a fund for such treatment.

Refund in certain cases of compensation paid under section 161.

163. (1) The payment of compensation in respect of the death of, or grievous hurt to, any person under section 161 shall be subject to the condition that if any compensation (hereafter in this sub-section referred to as the other compensation) or other amount in lieu of or by way of satisfaction of a claim for compensation is awarded or paid in respect of such death or grievous hurt under any other provision of this Act or any other law for the time being in force or otherwise, so much of the other compensation or other amount aforesaid as is equal to the compensation paid under section 161, shall be refunded to the insurer.

(2) Before awarding compensation in respect of an accident involving the death of, or bodily injury to, any person arising out of the use of a motor vehicle under any provision of this Act other than section 161 or any other law for the time being in force, the Claims Tribunal, court or other authority awarding such compensation shall verify as to whether in respect of such death or bodily injury compensation has already been paid under section 161 or an application for payment of compensation is pending under that section, and such Tribunal, court or other authority shall—

(a) if compensation has already been paid under section 161, direct the person liable to pay the compensation awarded by it to refund to the insurer, so much thereof as is required to be refunded in accordance with the provisions of sub-section (1);

(b) if an application for payment of compensation is pending under section 161 forward the particulars as to the compensation awarded by it to the insurer.

*Explanation.*—For the purpose of this sub-section, an application for compensation under section 161 shall be deemed to be pending—

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

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

Payment of compensation in case of death or grievous hurt, etc.

164. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle or the authorised insurer shall be liable to pay in the case of death or grievous hurt due to any accident arising out of the use of motor vehicle, a compensation, of a sum of five lakh rupees in case of death or of two and a half lakh rupees in case of grievous hurt to the legal heirs or the victim, as the case may be.

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

(3) Where, in respect of death or grievous hurt due to an accident arising out of the use of motor vehicle, compensation has been paid under any other law for the time being in force, such amount of compensation shall be reduced from the amount of compensation payable under this section.

Scheme for interim relief for claimants.

164A. (1) The Central Government, may make schemes for the provision of interim relief to claimants praying for compensation under this Chapter.

(2) A scheme made under sub-section (1) shall also provide for procedure to recover funds disbursed under such scheme from the owner of the motor vehicle, where the claim arises out of the use of such motor vehicle or other sources as may be prescribed by the Central Government.

164B. (1) The Central Government shall constitute a Fund to be called the Motor Vehicle Accident Fund and thereto shall be credited—

Motor Vehicle  
Accident  
Fund.

(a) payment of a nature notified and approved by the Central Government;

(b) any grant or loan made to the Fund by the Central Government;

(c) the balance of the Fund created under scheme framed under section 163, as it stood immediately before the commencement of the Motor Vehicles (Amendment) Act, 2019; and

(d) any other source of income as may be prescribed by the Central Government.

(2) The Fund shall be constituted for the purpose of providing compulsory insurance cover to all road users in the territory of India.

(3) The Fund shall be utilised for the following, namely:—

(a) treatment of the persons injured in road accidents in accordance with the scheme framed by the Central Government under section 162;

(b) compensation to representatives of a person who died in hit and run motor accident in accordance with schemes framed under section 161;

(c) compensation to a person grievously hurt in a hit and run motor accident in accordance with schemes framed under section 161; and

(d) compensation to such persons as may be prescribed by the Central Government.

(4) The maximum liability amount that shall be paid in each case shall be such as may be prescribed by the Central Government.

(5) In all cases specified in clause (a) of sub-section (3), when the claim of such person becomes payable, where amount has been paid out of this Fund to any person, the same amount shall be deductible from the claim received by such person from the insurance company.

(6) The Fund shall be managed by such authority or agency as the Central Government may specify having regard to the following:—

(a) knowledge of insurance business of the agency;

(b) capability of the agency to manage funds; and

(c) any other criteria as may be prescribed by the Central Government.

(7) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(8) The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him.

(9) The Comptroller and Auditor-General of India or any person appointed by him in connection with the audit of the accounts of the Fund under this Act shall have the same rights, privileges and authority in connection with such audit of the Government accounts and, in particular, shall have the right to demand the production

of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(10) The accounts of the Fund, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and the Central Government shall cause the same to be laid before each House of the Parliament.

(11) Any scheme framed under sub-section (3) of section 161, as it stood immediately before the commencement of the Motor Vehicles (Amendment) Act, 2019, shall be discontinued and all rights and liabilities accruing thereunder shall be met out of the Fund with effect from the date of commencement of this Act.

164C. (1) The Central Government may make rules for the purposes of carrying into effect, the provisions of this Chapter.

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

(a) the forms to be used for the purposes of this Chapter including,—

(i) the form of the insurance policy and the particulars it shall contain as referred to in sub-section (3) of section 147;

(ii) the form for making changes in regard to the fact of transfer in the certificate of insurance under sub-section (2) of section 157;

(iii) the form in which the accident information report may be prepared, the particulars it shall contain, the manner and the time for submitting the report to the Claims Tribunal and the other agency under section 159;

(iv) the form for furnishing information under section 160; and

(v) the form of the annual statement of accounts for the Motor Vehicle Accident Fund under sub-section (7) of section 164B;

(b) the making of applications for and the issue of certificates of insurance;

(c) the issue of duplicates to replace certificates of insurance lost, destroyed or mutilated;

(d) the custody, production, cancellation and surrender of certificates of insurance;

(e) the records to be maintained by insurers of policies of insurance issued under this Chapter;

(f) the identification by certificates or otherwise of persons or vehicles exempted from the provisions of this Chapter;

(g) the furnishing of information respecting policies of insurance by insurers;

(h) adopting the provisions of this Chapter to vehicles brought into India by persons making only a temporary stay therein or to vehicles registered in a reciprocating country and operating on any route or within any area in India by applying those provisions with prescribed modifications;

(i) the requirements which a certificate of insurance is required to comply with as referred to in clause (b) of section 145;

(j) administration of the Fund established under sub-section (3) of section 146;

Power of  
Central  
Government  
to make rules.

(k) the minimum premium and the maximum liability of an insurer under sub-section (2) of section 147;

(l) the conditions subject to which an insurance policy shall be issued and other matters related thereto as referred to in sub-section (3) of section 147;

(m) the details of settlement, the time limit for such settlement and the procedure thereof under sub-section (2) of section 149;

(n) the extent of exemptions and the modifications under the proviso to sub-section (3) of section 158;

(o) the other evidence under sub-section (5) of section 158;

(p) such other agency to which the accident information report as referred to in section 159 may be submitted;

(q) the time limit and fee for furnishing information under section 160;

(r) the higher amount of compensation in respect of death under clause (a) of sub-section (2) of section 161;

(s) a sum to be paid as interim relief as referred to in clause (a) of sub-section (4) of section 161;

(t) the procedure for payment of compensation under sub-section (1) of section 164;

(u) such other sources from which funds may be recovered for the scheme as referred to in sub-section (2) of section 164A;

(v) any other source of income that may be credited into the Motor Vehicle Accident Fund under sub-section (1) of section 164B;

(w) the persons to whom compensation may be paid under clause (d) of sub-section (3) of section 164B;

(x) the maximum liability amount under sub-section (4) of section 164B;

(y) the other criteria under clause (c) of sub-section (6) of section 164B;

(z) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by rules.

164D. (1) The State Government may make rules for the purposes of carrying into effect, the provisions of this Chapter other than the matters specified in section 164C.

Power of State Government to make rules.

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

(a) the other authority under sub-section (5) of section 147; and

(b) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.”

52. In section 165 of the principal Act, in the *Explanation*, for the words, figures and letter “section 140 and section 163A”, the word and figures “section 164” shall be substituted.

Amendment of section 165.

53. In section 166 of the principal Act,—

Amendment of section 166.

(i) in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that where a person accepts compensation under section 164 in accordance with the procedure provided under section 149, his claims petition before the Claims Tribunal shall lapse.”

(ii) in sub-section (2), the proviso shall be omitted;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.”

(iv) in sub-section (4), for the words, brackets and figures “sub-section (6) of section 158”, the word and figures “section 159” shall be substituted;

(v) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Notwithstanding anything in this Act or any other law for the time being in force, the right of a person to claim compensation for injury in an accident shall, upon the death of the person injured, survive to his legal representatives, irrespective of whether the cause of death is relatable to or had any nexus with the injury or not.”

Amendment  
of section  
168.

**54.** In section 168 of the principal Act, in sub-section (1),—

(i) for the word and figures “section 162”, the word and figures “section 163” shall be substituted;

(ii) the proviso shall be omitted.

Amendment  
of section  
169.

**55.** In section 169 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) For the purpose of enforcement of its award, the Claims Tribunal shall also have all the powers of a Civil Court in the execution of a decree under the Code of Civil Procedure, 1908, as if the award were a decree for the payment of money passed by such court in a civil suit.”

5 of 1908.

Amendment  
of section  
170.

**56.** In section 170 of the principal Act, for the word and figures “section 149” the word and figures “section 150” shall be substituted.

Amendment  
of section  
173.

**57.** In section 173 of the principal Act, in sub-section (2), for the words “ten thousand”, the words “one lakh” shall be substituted.

Amendment  
of section  
177.

**58.** In section 177 of the principal Act, for the words “one hundred rupees” and “three hundred rupees”, the words “five hundred rupees” and “one thousand and five hundred rupees” shall respectively be substituted.

Insertion of  
section 177A.

**59.** After section 177 of the principal Act, the following section shall be inserted, namely:—

“177A. Whoever contravenes the regulations made under section 118, shall be punishable with fine which shall not be less than five hundred rupees, but may extend to one thousand rupees.”

Penalty for  
contravention  
of regulations  
under section  
118.

Amendment  
of section  
178.

**60.** In section 178 of the principal Act, in sub-section (3), in clause (b), for the words “two hundred rupees”, the words “five hundred rupees” shall be substituted.

Amendment  
of section  
179.

**61.** In section 179 of the principal Act,—

(i) in sub-section (1), for the words “five hundred rupees”, the words “two thousand rupees” shall be substituted;

(ii) in sub-section (2), for the words “five hundred rupees”, the words “two thousand rupees” shall be substituted.

62. In section 180 of the principal Act, for the words "which may extend to one thousand rupees", the words "of five thousand rupees" shall be substituted.

Amendment of section 180.

63. In section 181 of the principal Act, for the words "which may extend to five hundred rupees", the words "of five thousand rupees" shall be substituted.

Amendment of section 181.

64. In section 182 of the principal Act.—

Amendment of section 182.

(i) in sub-section (1), for the words "which may extend to five hundred rupees", the words "of ten thousand rupees" shall be substituted;

(ii) in sub-section (2), for the words "one hundred rupees", the words "ten thousand rupees" shall be substituted.

65. For section 182A of the principal Act, the following sections shall be substituted, namely:—

Substitution of new section for section 182A.

"182A. (1) Whoever, being a manufacturer, importer or dealer of motor vehicles, sells or delivers or alters or offers to sell or deliver or alter, a motor vehicle that is in contravention of the provisions of Chapter VII or the rules and regulations made thereunder, shall be punishable with imprisonment for a term which may extend to one year, or with fine of one lakh rupees per such motor vehicle or with both:

Punishment for offences relating to construction, maintenance, sale and alteration of motor vehicles and components.

Provided that no person shall be convicted under this section if he proves that, at the time of sale or delivery or alteration or offer of sale or delivery or alteration of such motor vehicle, he had disclosed to the other party the manner in which such motor vehicle was in contravention of the provisions of Chapter VII or the rules and regulations made thereunder.

(2) Whoever, being a manufacturer of motor vehicles, fails to comply with the provisions of Chapter VII or the rules and regulations made thereunder, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one hundred crore rupees or with both.

(3) Whoever, sells or offers to sell, or permits the sale of any component of a motor vehicle which has been notified as a critical safety component by the Central Government and which does not comply with Chapter VII or the rules and regulations made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine of one lakh rupees per such component or with both.

(4) Whoever, being the owner of a motor vehicle, alters a motor vehicle, including by way of retrofitting of motor vehicle parts, in a manner not permitted under the Act or the rules and regulations made thereunder shall be punishable with imprisonment for a term which may extend to six months, or with fine of five thousand rupees per such alteration or with both.

182B. Whoever contravenes the provisions of section 62A, shall be punishable with fine which shall not be less than five thousand rupees, but may extend to ten thousand rupees."

Punishment for contravention of section 62A.

66. In section 183 of the principal Act,—

Amendment of section 183.

(i) in sub-section (1),—

(a) after the words "Whoever drives", the words "or causes any person who is employed by him or subjects someone under his control to drive" shall be inserted;

(b) for the words "with fine which extend to four hundred rupees, or, if having been previously convicted of an offence under this sub-section is again

convicted of an offence under this sub-section, with fine which may extend to one thousand rupees”, the following shall be substituted, namely:—

“in the following manner, namely:—

(i) where such motor vehicle is a light motor vehicle with fine which shall not be less than one thousand rupees but may extend to two thousand rupees;

(ii) where such motor vehicle is a medium goods vehicle or a medium passenger vehicle or a heavy goods vehicle or a heavy passenger vehicle with fine which shall not be less than two thousand rupees, but may extend to four thousand rupees; and

(iii) for the second or any subsequent offence under this sub-section the driving licence of such driver shall be impounded as per the provisions of the sub-section (4) of section 206.”

(ii) sub-section (2) shall be omitted.

(iii) in sub-section (3), after the word “mechanical”, the words “or electronic” shall be inserted.

(iv) in sub-section (4), for the word, brackets and figure “sub-section (2)”, the word, brackets and figure “sub-section (1)” shall be substituted.

**67.** In section 184 of the principal Act,—

(i) after the words “dangerous to the public”, the words “or which causes a sense of alarm or distress to the occupants of the vehicle, other road users, and persons near roads,” shall be inserted;

(ii) for the words “which may extend to six months or with fine which may extend to one thousand rupees”, the words “which may extend to one year but shall not be less than six months or with fine which shall not be less than one thousand rupees but may extend to five thousand rupees, or with both” shall be substituted;

(iii) for the words “which may extend to two thousand rupees”, the words “of ten thousand rupees” shall be substituted;

(iv) the following *Explanation* shall be inserted, namely:—

“*Explanation.*—For the purpose of this section,—

- (a) jumping a red light;
- (b) violating a stop sign;
- (c) use of handheld communications devices while driving;
- (d) passing or overtaking other vehicles in a manner contrary to law;
- (e) driving against the authorised flow of traffic; or
- (f) driving in any manner that falls far below what would be expected of a competent and careful driver and where it would be obvious to a competent and careful driver that driving in that manner would be dangerous,

shall amount to driving in such manner which is dangerous to the public.”

**68.** In section 185 of the principal Act,—

(i) in clause (a), after the words “breath analyser,” the words “or in any other test including a laboratory test,” shall be inserted;

Amendment  
of section  
184.

Amendment  
of section  
185.



(ii) for the words "which may extend to two thousand rupees", the words "of ten thousand rupees" shall be substituted;

(iii) the words "if committed within three years of the commission of the previous similar offence," shall be omitted;

(iv) for the words "which may extend to three thousand rupees", the words "of fifteen thousand rupees" shall be substituted;

(v) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

*Explanation.*—For the purposes of this section, the expression "drug" means any intoxicant other than alcohol, natural or synthetic, or any natural material or any salt, or preparation of such substance or material as may be notified by the Central Government under this Act and includes a narcotic drug and psychotropic substance as defined in clause (xiv) and clause (xxiii) of section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

61 of 1985

69. In section 186 in the principal Act, for the words "two hundred rupees" and "five hundred rupees", the words "one thousand rupees" and "two thousand rupees" shall respectively be substituted.

Amendment  
of section  
186.

70. In section 187 of the principal Act,—

Amendment  
of section  
187.

(i) for the brackets and letter "(c)" the brackets and letter "(a)" shall be substituted;

(ii) for the words "three months", the words "six months" shall be substituted;

(iii) for the words "which may extend to five hundred rupees", the words "of five thousand rupees" shall be substituted;

(iv) for the words "six months", the words "one year" shall be substituted; and

(v) for the words "which may extend to one thousand rupees", the words "of ten thousand rupees" shall be substituted.

71. In section 189 of the principal Act,—

Amendment  
of section  
189.

(i) for the words "one month", the words "three months" shall be substituted;

(ii) for the words "which may extend to five hundred rupees", the words "of five thousand rupees" shall be substituted;

(iii) after the words "with both", the words, "and for a subsequent offence shall be punishable with imprisonment for a term which may extend to one year, or with fine of ten thousand rupees; or with both." shall be inserted.

72. In section 190 of the principal Act,—

Amendment  
of section  
190.

(i) in sub-section (1),—

(a) for the words "which may extend to two hundred and fifty rupees", the words "of one thousand five hundred rupees" shall be substituted;

(b) for the words "which may extend to one thousand rupees", the words "of five thousand rupees" shall be substituted; and

(c) after the words "with both", the words "and for a subsequent offence shall be punishable with imprisonment for a term which may extend to six months, or with a fine of ten thousand rupees for bodily injury or damage to property" shall be inserted.

(ii) in sub-section (2),—

(a) for the words "a fine of one thousand rupees", the words "imprisonment for a term which may extend to three months, or with fine which may extend to

ten thousand rupees or with both and he shall be disqualified for holding licence for a period of three months” shall be substituted; and

(b) for the words “a fine of two thousand rupees”, the words “imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both” shall be substituted;

(iii) in sub-section (3),—

(a) for the words “which may extend to three thousand rupees”, the words “with a fine of ten thousand rupees and he shall be disqualified for holding licence for a period of three months” shall be substituted; and

(b) for the words “which may extend to five thousand rupees”, the words “of twenty thousand rupees” shall be substituted.

73. Section 191 of the principal Act shall be omitted.

74. In section 192 of the principal Act, the following *Explanation* shall be inserted, namely:—

“*Explanation.*—Use of a motor vehicle in contravention of the provisions of section 56 shall be deemed to be a contravention of the provisions of section 39 and shall be punishable in the same manner as provided in sub-section (1).”

75. In section 192A of the principal Act, in sub-section (1),—

(i) after the words “for the first offence with”, the words “imprisonment for a term which may extend to six months and” shall be inserted;

(ii) for the words “which may extend to five thousand rupees but shall not be less than two thousand rupees”, the words “of ten thousand rupees” shall be substituted;

(iii) for the words “three months”, the words “six months” shall be substituted;

(iv) for the words “which may extend to ten thousand rupees but shall not be less than five thousand rupees”, the words “of ten thousand rupees” shall be substituted.

76. After section 192A of the principal Act, the following section shall be inserted, namely:—

“192B. (1) Whoever, being the owner of a motor vehicle, fails to make an application for registration of such motor vehicle under sub-section (1) of section 41 shall be punishable with fine of five times the annual road tax or one-third of the lifetime tax of the motor vehicle whichever is higher.

(2) Whoever, being a dealer, fails to make an application for the registration of a new motor vehicle under the second proviso to sub-section (1) of section 41 shall be punishable with fine of fifteen times the annual road tax or the lifetime tax of the motor vehicle whichever is higher.

(3) Whoever, being the owner of a motor vehicle, obtains a certificate of registration for such vehicle 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 shall be punishable with imprisonment for a term which shall not be less than six months but may extend to one year and with fine equal to ten times the amount of the annual road tax or two-third the lifetime tax of the motor vehicle, whichever is higher.

Omission of section 191.

Amendment of section 192.

Amendment of section 192A.

Insertion of new section 192B.

Offences relating to registration

(4) Whoever, being a dealer, obtains a certificate of registration for such vehicle 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 shall be punishable with imprisonment for a term which shall not be less than six months but may extend to one year and with fine equal to ten times the amount of annual road tax or two-third the lifetime tax of the motor vehicle, whichever is higher.”.

77. In the principal Act,—

Amendment  
of section  
193.

(A) in section 193, in the marginal heading, for the words “agents and canvassers”, the words “agents, canvassers and aggregators” shall be substituted;

(B) section 193 shall be numbered as sub-section (1) thereof, and—

(i) in sub-section (1) as so numbered,—

(a) for the words “which may extend to one thousand rupees”, the words “of one thousand rupees” shall be substituted;

(b) for the words “which may extend to two thousand rupees”, the words “of two thousand rupees” shall be substituted;

(ii) after sub-section (1) as so numbered, the following sub-sections shall be inserted, namely:—

“(2) Whoever engages himself as an aggregator in contravention of the provisions of section 93 or of any rules made thereunder shall be punishable with fine up to one lakh rupees but shall not be less than twenty-five thousand rupees.

(3) Whoever, while operating as an aggregator contravenes a condition of the licence granted under sub-section (1) of section 93, not designated by the State Government as a material condition, shall be punishable with fine of five thousand rupees.”.

78. In section 194 of the principal Act,—

Amendment  
of section  
194.

(i) in sub-section (1),—

(a) the word “minimum” shall be omitted;

(b) for the words “of two thousand rupees and an additional amount of one thousand rupees per tonne of excess load”, the words “of twenty thousand rupees and an additional amount of two thousand rupees per tonne of excess load” shall be substituted;

(c) the following proviso shall be inserted, namely:—

“Provided that such motor vehicle shall not be allowed to move before such excess load is removed or is caused or allowed to be removed by the person in control of such motor vehicle.”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven when such motor vehicle is loaded in such a manner that the load or any part thereof or anything extends laterally beyond the side of the body or to the front or to the rear or in height beyond the permissible limit shall be punishable with a fine of twenty thousand rupees, together with the liability to pay charges for off-loading of such load:

Provided that such motor vehicle shall not be allowed to move before such load is arranged in a manner such that there is no extension of the load

laterally beyond the side of the body or to the front or to the rear or in height beyond the permissible limit:

Provided further that nothing in this sub-section shall apply when such motor vehicle has been given an exemption by the competent authority authorised in this behalf, by the State Government or the Central Government, allowing the carriage of a particular load.”;

(iii) in sub-section (2), for the words, “which may extend to three thousand rupees”, the words “of forty thousand rupees” shall be substituted.

79. After section 194 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 194A, 194B, 194C, 194D, 194E and 194F.

Carriage of excess passengers.

194A. Whoever drives a transport vehicle or causes or allows a transport vehicle to be driven while carrying more passengers than is authorised in the registration certificate of such transport vehicle or the permit conditions applicable to such transport vehicle shall be punishable with a fine of two hundred rupees per excess passenger:

Provided that such transport vehicle shall not be allowed to move before the excess passengers are off-loaded and an alternative transport is arranged for such passengers.

Use of safety belts and the seating of children.

194B. (1) Whoever drives a motor vehicle without wearing a safety belt or carries passengers not wearing seat belts shall be punishable with a fine of one thousand rupees:

Provided that the State Government, may by notification in the Official Gazette, exclude the application of this sub-section to transport vehicles to carry standing passengers or other specified classes of transport vehicles.

(2) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven with a child who, not having attained the age of fourteen years, is not secured by a safety belt or a child restraint system shall be punishable with a fine of one thousand rupees.

Penalty for violation of safety measures for motor cycle drivers and pillion riders.

194C. Whoever drives a motor cycle or causes or allows a motor cycle to be driven in contravention of the provisions of section 128 or the rules or regulations made thereunder shall be punishable with a fine of one thousand rupees and he shall be disqualified for holding licence for a period of three months.

Penalty for not wearing protective headgear.

194D. Whoever drives a motor cycle or causes or allows a motor cycle to be driven in contravention of the provisions of section 129 or the rules or regulations made thereunder shall be punishable with a fine of one thousand rupees and he shall be disqualified for holding licence for a period of three months.

Failure to allow free passage to emergency vehicles.

194E. Whoever while driving a motor vehicle fails to draw to the side of the road, on the approach of a fire service vehicle or of an ambulance or other emergency vehicle as may be specified by the State Government, shall be punishable with imprisonment for a term which may extend to six months, or with a fine of ten thousand rupees or with both.

Use of horns and silence zones.

194F. Whoever—

(a) while driving a motor vehicle—

(i) sounds the horn needlessly or continuously or more than necessary to ensure safety, or

(ii) sounds the horn in an area with a traffic sign prohibiting the use of a horn, or

(b) drives a motor vehicle which makes use of a cut-out by which exhaust gases are released other than through the silencer,

shall be punishable with a fine of one thousand rupees and for a second or subsequent offence with a fine of two thousand rupees.”

**80.** Section 195 of the principal Act shall be omitted.

Omission of section 195.

**81.** In section 196 of the principal Act,—

Amendment of section 196.

(i) after the words “shall be punishable”, the words “for the first offence” shall be inserted;

(ii) for the words “which may extend to one thousand rupees”, the words “of two thousand rupees.” shall be substituted; and

(iii) after the words “with both”, the words “, and for a subsequent offence shall be punishable with imprisonment for a term which may extend to three months, or with fine of four thousand rupees, or with both.” shall be inserted.

**82.** In section 197 of the principal Act,—

Amendment of section 197.

(i) in sub-section (1), for the words “which may extend to five hundred rupees”, the words “of five thousand rupees” shall be substituted;

(ii) in sub-section (2), for the words “which may extend to five hundred rupees”, the words “of five thousand rupees” shall be substituted.

**83.** In section 198 of the principal Act, for the words “with fine which may extend to one hundred rupees”, the words “with fine of one thousand rupees” shall be substituted.

Amendment of section 198.

**84.** After section 198 of the principal act, the following section shall be inserted, namely:—

Insertion of new section 198A

198A. (1) Any designated authority, contractor, consultant or concessionaire responsible for the design or construction or maintenance of the safety standards of the road shall follow such design, construction and maintenance standards, as may be prescribed by the Central Government from time to time.

Failure to comply with standards for road design, construction and maintenance.

(2) Where failure on the part of the designated authority, contractor, consultant or concessionaire responsible under sub-section (1) to comply with standards for road design, construction and maintenance, results in death or disability, such authority or contractor or concessionaire shall be punishable with a fine which may extend to one lakh rupees and the same shall be paid to the Fund constituted under section 164B.

(3) For the purposes of sub-section (2), the court shall in particular have regard to the following matters, namely:—

(a) the characteristics of the road, and the nature and type of traffic which was reasonably expected to use it as per the design of road;

(b) the standard of maintenance norms applicable for a road of that character and use by such traffic;

(c) the state of repair in which road users would have expected to find the road;

(d) whether the designated authority responsible for the maintenance of the road knew, or could reasonably have been expected to know, that the condition of the part of the road to which the action relates was likely to cause danger to the road users;

(e) whether the designated authority responsible for the maintenance of the road could not reasonably have been expected to repair that part of the road before the cause of action arose;

(f) whether adequate warning notices through road signs, of its condition had been displayed; and

(g) such other matters as may be prescribed by the Central Government.

*Explanation.*—For the purposes of this section, the term “contractor” shall include sub-contractors and all such persons who are responsible for any stage in the design, construction and maintenance of a stretch of road.

85. After section 199 of the principal Act, the following sections shall be inserted, namely:—

“199A. (1) Where an offence under this Act has been committed by a juvenile, the guardian of such juvenile or the owner of the motor vehicle shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render such guardian or owner liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

*Explanation.*—For the purposes of this section, the Court shall presume that the use of the motor vehicle by the juvenile was with the consent of the guardian of such juvenile or the owner of the motor vehicle, as the case may be.

(2) In addition to the penalty under sub-section (1), such guardian or owner shall be punishable with imprisonment for a term which may extend to three years and with a fine of twenty-five thousand rupees.

(3) The provisions of sub-section (1) and sub-section (2) shall not apply to such guardian or owner if the juvenile committing the offence had been granted a learner's licence under section 8 or a driving licence and was operating a motor vehicle which such juvenile was licensed to operate.

(4) Where an offence under this Act has been committed by a juvenile, the registration of the motor vehicle used in the commission of the offence shall be cancelled for a period of twelve months.

(5) Where an offence under this Act has been committed by a juvenile, then, notwithstanding section 4 or section 7, such juvenile shall not be eligible to be granted a driving licence under section 9 or a learner's licence under section 8 until such juvenile has attained the age of twenty-five years.

(6) Where an offence under this Act has been committed by a juvenile, then such juvenile shall be punishable with such fines as provided in the Act while any custodial sentence may be modified as per the provisions of the Juvenile Justice Act, 2000.

Insertion of  
new sections  
199A and  
199B.

Offences by  
juveniles.

199B. The fines as provided in this Act shall be increased by such amount not exceeding ten per cent. in value of the existing fines, on an annual basis on 1st day of April of each year from the date of commencement of the Motor Vehicles (Amendment) Act, 2019, as may be notified by the Central Government.”

Revision of  
fines.

86. In section 200 of the principal Act,—

Amendment  
of section  
200.

(i) in sub-section (1).—

(a) for the words, figures and brackets “punishable under section 177, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (2) of section 183, section 184, section 186, section 189, sub-section (2) of section 190, section 191, section 192, section 194, section 196, or section 198.”, the words, brackets, figures and letters “punishable under section 177, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (3) or sub-section (4) of section 182A, section 182B, sub-section (1) or sub-section (2) of section 183, section 184 only to the extent of use of handheld communication devices, section 186, section 189, sub-section (2) of section 190, section 192, section 192A, section 194, section 194A, section 194B, section 194C, section 194D, section 194E, section 194F, section 196, section 198.” shall be substituted;

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

“Provided that the State Government may, in addition to such amount, require the offender to undertake a period of community service.”;

(ii) after sub-section (2), the following provisos shall be inserted, namely:—

“Provided that notwithstanding compounding under this section, such offence shall be deemed to be a previous commission of the same offence for the purpose of determining whether a subsequent offence has been committed:

Provided further that compounding of an offence will not discharge the offender from proceedings under sub-section (4) of section 206 or the obligation to complete a driver refresher training course, or the obligation to complete community service, if applicable.”.

87. In section 201 of the principal Act,—

Amendment  
of section  
201.

(i) in sub-section (1).—

(a) the word “disabled” shall be omitted;

(b) for the words “fifty rupees per hour”, the words “five hundred rupees” shall be substituted;

(c) in the second proviso, for the words “a Government Agency, towing charges”, the words “an agency authorised by the Central Government or State Government, removal charges” shall be substituted;

(ii) in sub-section (2), for the words “towing charges”, the words “removal charges” shall be substituted;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) sub-section (1) shall not apply where the motor vehicle has suffered an unforeseen breakdown and is in the process of being removed.”;

(iv) after sub-section (3), the following *Explanation* shall be inserted, namely:—

*Explanation.*—For the purposes of this section, “removal charges” includes any costs involved in the removal of the motor vehicle from one location to another and also includes any costs related to storage of such motor vehicle.”.

Amendment  
of section  
206.

88. In section 206 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) A police officer or other person authorised in this behalf by the State Government shall, if he has reason to believe that the driver of a motor vehicle has committed an offence under any of sections 183, 184, 185, 189, 190, 194C, 194D, or 194E, seize the driving licence held by such driver and forward it to the licensing authority for disqualification or revocation proceedings under section 19:

Provided that the person seizing the licence shall give to the person surrendering the licence a temporary acknowledgement therefor, but such acknowledgement shall not authorise the holder to drive until the licence has been returned to him.”.

Insertion of  
new sections  
210A, 210B,  
210C and  
210D.

89. After section 210 of the principal Act, the following sections shall be inserted, namely:—

Power of State  
Government  
to increase  
penalties.

“210A. Subject to conditions made by the Central Government, a State Government, shall, by notification in the Official Gazette, specify a multiplier, not less than one and not greater than ten, to be applied to each fine under this Act and such modified fine, shall be in force in such State and different multipliers may be applied to different classes of motor vehicles as may be classified by the State Government for the purpose of this section.

Penalty for  
offence  
committed by  
an enforcing  
authority.

210B. Any authority that is empowered to enforce the provisions of this Act shall, if such authority commits an offence under this Act, shall be liable for twice the penalty corresponding to that offence under this Act.

Power of  
Central  
Government  
to make rules.

210C. The Central Government may make rules for—

(a) design, construction and maintenance standards for National highways;

(b) such other factors as may be taken into account by the Court under sub-section (3) of section 198A;

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

Power of State  
Government  
to make rules.

210D. The State Government may make rules for design, construction and maintenance standards for roads other than national highways, and for any other matter which is, or may be, prescribed by the State Government.”.

Insertion of  
new section  
211A.

90. After section 211 of the principal Act, the following section shall be inserted, namely:—

Use of  
electronic  
forms and  
documents.

“211A. (1) Where any provision of this Act or the rules and regulations made thereunder provide for—

(a) the filing of any form, application or any other document with any office, authority, body or agency owned or controlled by the Central Government or the State Government in a particular manner;

(b) the issue or grant of any licence, permit, sanction, approval or endorsement, by whatever name called in a particular manner; or

(c) the receipt or payment of money in a particular manner,

then notwithstanding anything contained in such provision, such requirement shall be deemed to have been satisfied if such filing, issue, grant, receipt or payment, as the case may be, is effected by means of such electronic form as may be prescribed by the Central Government or the State Government, as the case may be.



(2) The Central Government or the State Government shall, for the purpose of sub-section (1), prescribe—

(a) the manner and format in which such electronic forms and documents shall be filed, created or issued; and

(b) the manner or method of payment of any fee or charges for filing, creation or issue of any electronic document under clause (a).”

91. In section 212 of the principal Act.—

Amendment  
of section  
212.

(i) in sub-section (4),—

(a) after the words, brackets and figures “the proviso to sub-section (1) of section 112”, the word and figures “section 118” shall be inserted;

(b) after the words, brackets, figures and letter “sub-section (4) of section 163A”, the words, figures and letter “section 164, section 177A” shall be inserted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Every notification issued by the State Government under section 210A shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees or both Houses agree, as the case may be, in making any modification in the notification or the House agrees or both Houses agree, as the case may be, that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.”

92. After section 215 of the principal Act, the following sections shall be inserted, namely:—

Insertion of  
new sections  
215A, 215B,  
215C and  
215D.

“215A. Notwithstanding anything contained in this Act,—

(a) the Central Government shall have the power to delegate any power or functions that have been conferred upon it by the Act to any public servant or public authority and authorise such public servant or public authority to discharge any of its powers, functions and duties under this Act;

Power of  
Central  
Government  
and State  
Government  
to delegate.

(b) the State Government shall have the power to delegate any power or functions that have been conferred upon it by the Act to any public servant or public authority and authorise such public servant or public authority to discharge any of its powers, functions and duties under this Act.

215B. (1) The Central Government shall, by notification in the Official Gazette, constitute a National Road Safety Board consisting of a Chairman, such number of representatives from the State Governments, and such other members as it may consider necessary and on such terms and conditions as may be prescribed by the Central Government.

National Road  
Safety Board.

(2) The National Board shall render advice to the Central Government or State Government, as the case may be, on all aspects pertaining to road safety and traffic management including, but not limited to,—

(a) the standards of design, weight, construction, manufacturing process, operation and maintenance of motor vehicles and of safety equipment;

(b) the registration and licensing of motor vehicles;

(c) the formulation of standards for road safety, road infrastructure and control of traffic;

(d) the facilitation of safe and sustainable utilisation of road transport ecosystem;

(e) the promotion of new vehicle technology;

(f) the safety of vulnerable road users;

(g) programmes for educating and sensitising drivers and other road users; and

(h) such other functions as may be prescribed by the Central Government from time to time.

215C. (1) The Central Government may make rules for the purposes of carrying into effect the provisions of this Chapter.

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

(a) the use of electronic forms and means for the filing of documents, issue or grant of licence, permit, sanction, approval or endorsements and the receipt or payment of money as referred to in section 211A;

(b) the minimum qualifications which the Motor Vehicles Department officers or any class thereof shall be required to possess for appointment as such, as referred to in sub-section (4) of section 213;

(c) the terms and conditions of appointment of Chairman and Members of the National Road Safety Board under sub-section (1) of section 215B;

(d) the other functions of the National Road Safety Board under sub-section (2) of section 215B; and

(e) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules by the Central Government.

215D. (1) The State Government may make rules for the purposes of carrying into effect the provisions of this Chapter, other than the matters specified in section 215C.

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

(a) the use of electronic forms and means for the filing of documents, issue or grant of licence, permit, sanction, approval or endorsements and the receipt or payment of money as referred to in section 211A;

(b) the duties and functions of the officers of the Motor Vehicle Department, the powers to be exercised by such officers (including the powers exercisable by police officers under this Act) and the conditions governing the exercise of such powers, the uniform to be worn by them, the authorities to which they shall be subordinate as referred to in sub-section (3) of section 213;

(c) such other powers as may be exercised by officers of the Motor Vehicles Department as referred to in clause (f) of sub-section (5) of section 213; and

Power of  
Central  
Government  
to make rules.

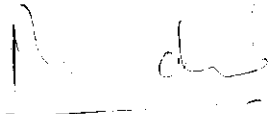
Power of State  
Government  
to make rules.

(d) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules by the State Government.”

93. In the principal Act, the Second Schedule shall be omitted.

Omission of  
Second  
Schedule.

DR. G. NARAYANA RAJU,  
*Secretary to the Govt. of India.*

  
Section Officer