



## The Motor Vehicles (Kerala Amendment) Act, 1968

Act 16 of 1968

**Keyword(s):**

**Motor Vehicles Act, 1939**

**Amendments appended: 24 of 1969, 34 of 1971, 35 of 1971, 36 of 1971, 7 of 1977, 12 of 1993,**

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# THE MOTOR VEHICLES (KERALA AMENDMENT) ACT, 1968 [\[1\]](#)

(Act 16 of 1968)

*An Act to amend the Motor Vehicles Act, 1939, in its application to the State of Kerala*

*Preamble.*- WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, in its application to the State of Kerala, for the purpose hereinafter appearing ;

BE it enacted in the Nineteenth Year of the Republic of India as follows:-

1. *Short title and extent.*- (1) This Act may be called the Motor Vehicles ( Kerala Amendment) Act, 1968.

(2) It extends to the whole of the State of Kerala.

2. *Amendment of section 47.*- In section 47 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), in sub-section (1), for the proviso, the following proviso shall be substituted, namely:-

“Provided that other conditions being equal,-

(a) an application for a stage carriage permit from the Kerala State Road Transport Corporation shall, as far as may be, be given preference over other applications; and

(b) subject to clause(a), an application for a stage carriage permit from a co-operative society registered or deemed to have been registered under any enactment in force for the time being shall, as far as may be, be given preference over applications from individual owners.”

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## ACT 24 OF 1969

### THE MOTOR VEHICLES (KERALA AMENDMENT) ACT, 1969<sup>[1]</sup>

An Act further to amend the Motor Vehicles Act, 1939, in its application to the State of Kerala .

Preamble . —WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, in its application to the State of Kerala, for the purposes hereinafter appearing;

Be it enacted in the Twentieth Year of the Republic of India as follows: —

1. Short title and extent . —(1) This Act may be called the Motor Vehicles (Kerala Amendment) Act, 1969.

(2) It extends to the whole of the State of Kerala.

2. Amendment of section 47, Central Act IV of 1939 .— After clause © of sub-section (1) of section 47 of the Motor Vehicles Act, 1939 (Central Act IV of 1939), hereinafter referred to as the principal Act, the following clause shall be inserted, namely:—

"(cc) The publication of a scheme under section 68C in respect of service of stage carriages;"

3. Amendment of section 58, Central Act IV of 1939 . —After sub-section (2) of section 58 of the principal Act, the following sub-section shall be inserted, namely:—

"(2-A) Notwithstanding anything to the contrary contained in this Chapter, the Regional Transport Authority shall, in considering an application for the renewal of a stage carriage permit, have regard also to the publication of a scheme under section 68C in respect of service of stage carriages."

4 . Insertion of new section 68CC in Central Act IV of 1939 .— *After section 68C* of the principal Act, the following section shall be inserted namely:—

"68CC. —*Issue of temporary permit to the State Transport Undertaking.* — (1) Notwithstanding anything to the contrary contained in Chapter IV or in this Chapter, after the date of the publication of a scheme under section 68C in respect of service, of stage carriages, whether such publication was before or after the date of the commencement of *the* Motor Vehicles (Kerala Amendment) Act, 1969, the State Transport Undertaking may apply for a temporary permit in respect of the area or route or portion thereof specified in the said scheme, and on such application the regional Transport Authority shall issue such temporary permit to the State Transport Undertaking.

(2) A temporary permit issued under sub-section (1) shall be effective till the grant of permit to the State Transport Undertaking under sub-section (1) of section 68F:

Provided that if the scheme is not approved under sub-section (2) of section 68D, the temporary permit shall be effective till the expiration of a period of one week from the date of refusal to approve the scheme under sub-section (2) of section 68D.

5. Disposal of pending application etc. —All applications for, and proceedings relating to, the grant of a stage carriage permit or the renewal of a stage carriage permit, pending before any Court authority or officer on the date of commencement of this Act shall be disposed of under the principal Act, as amended by this Act.

## Act 34 of 1971

### THE MOTOR VEHICLES (KERALA THIRD AMENDMENT) ACT, 1971<sup>[1]</sup>

*An Act to amend the Motor Vehicles Act, 1939 in its application to the State of Kerala*

*Preamble.*—WHEREAS it is expedient to amend the Motor Vehicles Act, 1939 for the purposes hereinafter appearing;

Be it enacted in the Twenty-second year of the Republic of India as follows: —

1. *Short title, extent and commencement.*— (1) This Act may be called the Motor Vehicles (Kerala Third Amendment) Act, 1971.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the first day of June, 1971.

2. *Amendment of section 43.*—In section 43 of the Motor Vehicles Act, 1939, (Central Act 4 of 1939) (hereinafter referred to as the principal Act), —

(a) in sub-section (1), for the words “by notification in the official gazette, issue directions to the State Transport Authority”, the words “by notification in the official gazette issue directions prospectively or retrospectively to the State Transport Authority” shall be substituted;

(b) after sub-section (1), the following sub-section shall be, and shall be deemed to have been inserted with effect from the first day of March, 1963, namely: —

“(1A) Any direction under sub-section (1) regarding the fixing of fares and freights for stage carriages, contract carriages and public carriers may provide that such fares or freights shall be inclusive of the tax payable by passengers or consignors of goods as the case may be, to the operators of the stage carriages, contract carriages or public carriers under any law relating to tax on passengers and goods already in existence or to be made from time to time.”

3. *Validation.*— (1) Notwithstanding any judgment, decree or order of any court to the contrary or anything contained in any law for the time being in force, —

(a) the directions relating to fares for stage carriages issued by the Government on or after the first day of March, 1963 shall be deemed to be inclusive of the tax payable under the Kerala Motor Vehicles (Taxation of Passengers and Goods) Act 1963 (Kerala Act 25 of 1963 hereinafter referred to as the said Act) and to have been issued under section 43 of the Motor Vehicles Act, 1939 as amended by this Act;

(b) the revised rate of fares for the stage carriages fixed by the State Transport Authority to take effect from the first day of July, 1963 or thereafter in pursuance of the above-mentioned directions, shall accordingly be deemed to be inclusive of the tax, payable under the said Act by passengers of stage carriages;

(c) all taxes under the said Act collected or purported to have been collected from the operators of stage carriages shall be deemed to be, and to have always been validly collected in accordance with law;

(d) no suit or other proceedings shall be maintained or continued in any court against the Government or any other authority or persons whatsoever for the refund of any tax so collected;

(e) no court shall enforce any decree or order directing the refund of any tax so collected; and

(f) any such tax due to the Government before the commencement of this Act, but not collected, and any such tax which may become due to the Government, from any operator of stage carriages, may be recovered in the manner provided under the said Act.

(2) For the removal of doubts, it is hereby declared that nothing contained in subsection (1) shall be construed as preventing any person from claiming refund of any tax paid by him in excess of the amount due from him under the said Act.

4. *Savings.*— (1) Notwithstanding the cessation of operation of the Motor Vehicles (Kerala Amendment) Ordinance, 1971 (Ordinance No.15 of 1971), —

(a) Anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act;

(b) Anything done or any action taken after the cessation of operation of the said Ordinance and before the date of publication of this Act in the Gazette, which could have been done or taken under the principal Act as amended by the said Ordinances if the said Ordinance had not ceased to operate shall be deemed to have been done or taken under the principal Act as amended by this Act;

(c) Any investigation, legal proceeding or remedy which could have been instituted, continued or enforced under the principal Act as amended by the said Ordinance if the said Ordinance has not ceased to operate may be instituted, continued or enforced under the corresponding provisions of the principal Act as amended by this Act;

(2) The cessation of operation of the Motor Vehicles (Kerala Amendment) Ordinance 1971, shall not—

(a) affect any right, privilege, obligation or liability acquired, accrued or incurred under the principal Act as amended by the said Ordinance;

(b) affect any penalty or punishment incurred in respect of any offence committed under the principal Act as amended by the said Ordinance;

(c) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty or punishment and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed under the provisions of the Principal Act as amended by this Act;

(3) Notwithstanding anything contained in this Act, no person shall be convicted of any offence under the Principal Act as amended by this Act committed after the cessation of operation of the said Ordinance and before the date of publication of this Act in the Gazette.

## Act 35 of 1971

### THE MOTOR VEHICLES (KERALA SECOND AMENDMENT) ACT, 1971<sup>[1]</sup>

An Act further to amend the Motor Vehicles Act, 1939, in its application to the State of Kerala.

*Preamble.*—WHEREAS it is expedient further to amend the Motor Vehicles Act, 1939, in its application to the State of Kerala for the purpose hereinafter appearing;

Be it enacted in the Twenty-second Year of the Republic of India as follows: —

1. *Short title and extent.*— (1) This Act may be called the Motor Vehicles (Kerala Second Amendment) Act, 1971.

(2) It extends to the whole of the State of Kerala.

2. *Omission of section 43A.*—Section 43A of the Motor vehicles Act, 1939 (Central Act 4 of 1939) (hereinafter referred to as the principal Act), inserted by section 3 of the Motor Vehicles (Madras Amendment) Act, 1948 (XX of 1948) and amended by section 2 of the Motor Vehicles (Madras Amendment) Act, 1954 (XXXIX of 1954) shall, in its application to the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), be omitted.

3. *Insertion of new section 43A.*—After section 43 of the principal Act the following section shall be inserted, namely: —

“43A. *Power of State Government to issue orders and directions to Transport Authorities.*— (1) The State Government may issue such orders and directions of a general character as it may consider necessary, in respect of any matter relating to road transport, to the State Transport Authority, or a Regional Transport Authority, and such Transport Authority shall give effect to all such orders and directions.

(2) The State Government may, on a consideration of the matters set forth in sub-section (1) of section 47, direct the State Transport Authority or any Regional Transport Authority to open any new route or to extend an existing route or to permit additional stage carriages to be put, or to reduce the number of stage carriages, on any specified route.”



**Act 36 of 1971**

**THE MOTOR VEHICLES (KERALA AMENDMENT) ACT, 1971**[\[1\]](#)

An Act further to amend the Motor Vehicles Act 1939

*Preamble.*—WHEREAS it is expedient further to amend the Motor Vehicles Act, 1939 (Central Act 4 of 1939);

Be it enacted in the Twenty-second Year of the Republic India as follows: —

1. *Short title and extent.*— (1) This Act may be called the Motor Vehicles (Kerala Amendment) Act, 1971.

(2) It shall extent to the whole of the State of Kerala.

2. *Amendment of Sixth Schedule, Central Act, 4 of 1939.*—In the Sixth Schedule to the Motor Vehicles Act, 1939 (Central Act 4 of 1939), for the letters “KL” occurring in the second column, the letters “KL, KR” shall be substituted.

**The Motor Vehicles (Kerala Amendment) Act, 1976 [\[1\]](#)**

**(Act 7 OF 1977)**

*An Act further to amend the Motor Vehicles Act, 1939, in its application to the State of Kerala .*

*Preamble.* - WHEREAS it is expedient further to amend the Motor Vehicles Act, 1939, in its application to the State of Kerala , for the purpose hereinafter appearing;

BE it enacted in the Twenty-seventh Year of the Republic of India as follows:  $\frac{3}{4}$

1. *Short title and extent* .- (1) This Act may be called the Motor Vehicles (Kerala Amendment) Act, 1976.

(2) It extends to the whole of the State of Kerala .

2. *Amendment of section 59* . - In section 59 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), after subsection (1), the following subsection shall be inserted, namely: -

“(1A) Before granting permission under the preceding subsection, the transport authority shall make such enquiry as it may consider necessary to satisfy itself that the transfer asked for is *bona fide* and not likely to defeat the provisions of the Kerala Motor Transport Workers' Payment of Fair Wages Act, 1971, (23 of 1971) or any other law for the time being in force. If after the enquiry the transport authority finds that the transfer asked for is not *bona fide* or is likely to defeat the provisions of the Kerala Motor Transport Workers' Payment of Fair Wages Act, 1971 or any other enactment for the time being in force, it shall not grant permission for the transfer.”

**THE MOTOR VEHICLES (KERALA AMENDMENT) ACT, 1993 [\[1\]](#)**  
**(ACT 12 OF 1993)**

*An Act to amend the Motor Vehicles Act, 1988, in its application to the State of Kerala .*

*Preamble.* — whereas it is expedient to amend the Motor Vehicles Act, 1988, in its application to the State of Kerala for the purposes hereinafter appearing;

be it enacted in the Forty-fourth Year of the Republic of India as follows :—

1. *Short title and commencement.* —(1) This Act may be called the Motor vehicles (Kerala Amendment) Act, 1993.

(2) It shall be deemed to have come into force on the 26th day of February, 1993.

2. *Amendment of section 71.* —In section 71 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), (hereinafter referred to as the principal Act), in sub-section (4),—

(i) for the words "five" and "ten", the words "ten" and "fifty" shall, respectively, be substituted;

(ii) for the words "any company", the words "any co-operative society or to any company" shall be substituted.

3. *Repeal and saving.* —(1) The Motor Vehicles (Kerala Amendment) Ordinance, 1993 (3 of 1993), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.