

THE MOTOR VEHICLES ACT, 1988
ACT No. 59 OF 1988

MOTOR VEHICLE LAWS IN INDIA

1. The Carriage by Road Act, 2007
2. The Motor Vehicles Act, 1988
3. The National Highways Act, 1956
4. The National Highways Authority of India Act, 1988
5. The Control of National Highways (Land and Traffic) Act, 2002.
6. The Multimodal Transportation of Goods Act, 1993.

7. The Motor Transport Workers Act, 1961
8. The Public Liability Insurance Act, 1961
9. The Road Transport Corporations Act,
1950
10. The Fatal Accidents Act, 1855

The Motor Vehicles Act 1988
Act No. 59 of 1988

The Act has taken into account changes in the road transport technology, pattern of passenger and freight movements, developments in the road network in the country and particularly techniques in the motor vehicles management.

CARRIAGE

A carriage is a contrivance which is used for carrying or transporting, especially along or over a solid surface.

Carriage includes any carriage, wagon, cart truck, vehicle or other means of conveying goods, or passengers by land.

A crane is a motor vehicle

The term automobile includes all vehicles propelled by other than muscular power, except rail road and railway cars and motor vehicles, running only on rails and tracks, and road rollers.

PREAMBLE

An Act to consolidate and amend the law relating to motor vehicles.

RELEVANCE OF MV ACT TO THE TATA MOTORS TRAINEES

The Act deals with

- ▣ Construction equipment and maintenance
- ▣ Standards for components and parts
- ▣ Anti-pollution control devices
- ▣ Issue of testing fitness certificates
- ▣ Registration marks

The Act categorises motor vehicles into different types.

Generally the categorisation is based on size, type and utility of such vehicles.

MV ACT

1. Extends to whole of India
2. Came into force on 1 July 1989
3. No. of Chapters - 14
4. No. of Sections - 217

TYPES OF VEHICLES

Words Defined	Clause of Section 2
Contract carriage	7
Goods carriage	14
Heavy goods vehicle	16
Heavy passenger motor vehicle	17
Invalid carriage	18
Light motor vehicle	21
Maxicab	22
Medium goods vehicle	23
Medium passenger motor vehicle	24

Motor cab	25
Motor car	26
Motor cycle	27
Motor vehicle or vehicle	28
Omnibus	29
Private service vehicle	33
Public service vehicle	35
Semi trailer	39
Stage carriage	40
Tourist vehicle	43
Tractor	44
Trailer	46
Transport vehicle	47

“Contract carriage” means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum –

- a) on a time basis, whether or not with reference to any route or distance; or
- b) from one point to another,
and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes –
 - i) a maxicab; and
 - ii) a motor car notwithstanding that separate fares are charged for its passengers;

“Goods carriage” means any motor vehicle constructed or adapted for use solely for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods.

“Heavy goods vehicle” means any goods carriage the gross vehicle weight of which, or a tractor or a road-roller the unladen weight of either of which, exceeds 12,000 kilograms;

“Heavy passenger motor vehicle” means any public service vehicle or private service vehicle or educational institution bus or omnibus the gross vehicle weight of any of which, or a motor car the unladen weight of which, exceeds 12,000 kilograms;

“Invalid carriage” means a motor vehicle specially designed and constructed, and not merely, adapted, for the use of a person suffering from some physical defect or disability, and used solely by or for such a person;

“Light motor vehicle” means a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road-roller the unladen weight of any of which, does not exceed 7,500 kilograms.

“Maxicab” means any motor vehicle constructed or adapted to carry more than six passengers, but not more than twelve passengers, excluding the driver, for hire or reward;

“Medium goods vehicle” means any goods carriage other than a light motor vehicle or a heavy goods vehicle;

CHAPTERISATION

Number

1. Preliminary
2. Licensing of drives of motor vehicles
3. Licensing of conductors of stage carriages
4. Registration of motor vehicles
5. Control of transport vehicles
6. Special provisions relating to State Transport undertaking
7. Construction, equipment and maintenance of vehicles

8. Control of traffic
9. Motor vehicles temporarily leaving or visiting India
10. Liability without fault in certain cases
11. Insurance of motor vehicles against third party risks
12. Claims Tribunals
13. Offences, penalties and procedure
14. Miscellaneous

Salient portions of the Act have been discussed in this presentation.

DEFINITIONS

Section 2(8)

Dealer includes a person who is engaged

- b) in building bodies for attachment to chassis; or
- c) in the repair of motor vehicles; or
- d) in the business of hypothecation, leasing or hire purchase of motor vehicles

Definitions	Clause of Section 2
Certificate of registration	4
Goods	13
Manufactures	21A
Owner	30

To be noted

1. Driving licence does not mean a learner's licence
2. A minor cannot be an owner (His guardian would be the owner)

Following Excluded From Definition of Motor Car :

- Transport vehicle
- Omnibus
- Road roller
- Tractor
- Motor cycle
- Invalid carriage

Special Provision Regarding Motor Vehicle
Subject to Hire Purchase Agreement etc.

Section 51

Alteration in Motor Vehicle
Section 52

Alteration means a change in the structure of a vehicle which results in a change in its basic features.

Certificate of Fitness
Section 56

This provision has been added with a view to prevent or reduce pollution and due to environmental concerns.

In case of refusal, owner of the vehicle will be supplied with reasons in writing for such refusal.

Thus on appeal can be filed if refusal is felt to be arbitrary or malafide or on any other valid ground.

Power to Fix the age limit of Motor Vehicle
Section 59

Different ages for different classes or
different types of motor vehicles.

CONSIDERATIONS

Having regard to

- a) Public safety
- b) Convenience
- c) Objects of this Act

Thus fixation of age for different category of vehicles can be lawful only on these three grounds.

The provisions of registration also apply to trailer.

Section 61(1)

Power to State Government to control road transport.

Section 67

General provision regarding construction
and maintenance of vehicles.

Section 109

Power of Central Government to make Rules

Section 110

Power of State Government to make Rules
Section 111

Vehicles with left hand control
Section 121

OFFENCES

Different types of offences and penalties have been enumerated in following provisions of the MV Act.

Sections 3,4,5,6,23,36,39,47,52,66,
93,109,112,113,114,115,124,130,133,158,
178,179,189,197 and 198 etc.

SUMMARY

Due sensitisation of the automobile engineers and those connected with sale, servicing and maintenance of vehicles to the provisions of the MV Act, 1988 is a functional necessity.

Thanks