

SIND ACT No. XIV OF 1948<sup>1</sup>.

[THE MOTOR VEHICLES (SIND AMENDMENT) ACT, 1948.]

[17th March, 1948]

An Act to amend the Motor Vehicles Act, 1939, in its application to ~~the Province of Sind.~~

IV of  
1939.

WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, in its application to ~~the Province of~~ Sind for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Motor Vehicles (Sind Amend- Short title.  
ment) Act, 1948.

IV of  
1939.

2. In section 42 of the Motor Vehicles Act, 1939 (hereinafter called the said Act), for clause (a) of sub-section (3) the following shall be substituted, namely:— Amendment  
of section  
42 of Act  
IV of 1939.

“(a) to any transport vehicle owned by or on behalf of the Central Government or a Provincial Government other than a vehicle used for a commercial purpose or for the purposes of a commercial department;”

3. To sub-section (1) of section 43 of the said Act, the following shall be added, namely:— Amendment  
of section  
43 of Act  
IV of 1939.

“or

(iii) notwithstanding anything contained in section 58 or section 60 cancel any permit granted under the Act in respect of a transport vehicle or class of such permits either generally or in any area specified in the notification:

Provided that the Provincial Government shall not issue any such notification before the expiry of a period of one month from the date of a notification declaring its intention to do so:

Provided further that when any such permit has been cancelled, the permit holder shall be entitled to such compensation as may be provided in the rules; or

(iv) declare that it will engage in the business of road transport service either generally or in any area specified in the notification.”

<sup>1</sup> For Statement of Objects and Reasons, see S. G. G., 1948, Pt. IV, p. 20; and for proceedings in Assembly see S. L. A. Debates, 1948, Vol. III, Book No. I, pp. 37-44.

Amendment  
of section  
44 of Act  
IV of 1939.

4. In sub-section (2) of section 44 of the said Act the following provisos shall be added, namely :—

“Provided that if the Provincial Government so thinks fit the Provincial Transport Authority or a Regional Transport Authority may consist of a single official :

Provided further that an official shall not be ineligible to be a member of any such authority by reason merely that the Provincial Government employing him has any financial interest in a transport undertaking.”

Insertion of  
new section  
44A in  
Act IV of  
1939.

5. After section 44 of the said Act, the following new section shall be inserted, namely :—

“44-A. Notwithstanding anything contained in this Act, the Provincial Government may by notification in the *Official Gazette* authorize the Provincial Transport officer or a Regional Transport officer to exercise and discharge in lieu of any other authority prescribed by or under this Act such powers and functions as may from time to time be specified in the notification.”

Amendment  
of section  
45 of Act  
IV of 1939.

6. To section 45 of the said Act, the following proviso shall be added, namely :—

“Provided that the Provincial Government may by notification in the *Official Gazette* direct that applications for such class of permits in such region as may be specified in the notification shall be made to the Provincial Transport Authority.”

Amendment  
of section  
47 of Act  
IV of 1939.

7. In section 47 of the said Act—

(a) in sub-section (1)—

(i) after the words “Regional Transport Authority” the words “or the Provincial Transport Authority” shall be inserted ;

(ii) for the words “shall also” the words “may also” shall be substituted ;

(iii) the words “or near” shall be omitted.

(b) in sub-section (2), after the words “Regional Transport Authority” the words “or the Provincial Transport Authority” shall be inserted.



8. In section 48, 54 (a), 56, sub-sections (2), (3), (4), (5) and (7) of section 57 of the said Act after the words "Regional Transport Authority", wherever they occur, the words "or the Provincial Transport Authority" shall be inserted.

Amendment of sections 48, 54, 56, and 57 of Act IV of 1939.

9. After section 48 of the said Act, the following new section shall be inserted, namely :—

Insertion of new section 48-A in Act IV of 1939.

"48A. Notwithstanding anything contained in sections 47 and 48, a Regional Transport Authority or Provincial Transport Authority shall issue the stage carriage permit applied for by or on behalf of the Provincial Government or by a company in which the Provincial Government is a shareholder with the concurrence of the Provincial Government."

Issue of stage carriage permit to Government or local authorities.

10. In section 50 of the said Act, for the words "shall also" the words "may also" shall be substituted.

Amendment of section 50 of Act IV of 1939.

11. In section 55 of the said Act—

Amendment of section 55 of Act IV of 1939.

(a) after the words "Regional Transport Authority" the words "or the Provincial Transport Authority" shall be inserted;

(b) for the words "shall also" the words "may also" shall be substituted ;

(c) the words "or near to" shall be omitted.

12. In section 58 of the said Act—

Amendment of section 58 of Act IV of 1939.

(a) in sub-section (1) after the words "Regional Transport Authority" the words "or the Provincial Transport Authority" shall be inserted ;

(b) the proviso to sub-section (2) shall be omitted ;

(c) the following sub-section shall be added, namely :—

"(3) Notwithstanding anything contained in sub-section (1) above, the Provincial Government may order a Regional Transport Authority or the Provincial Transport Authority to limit the period for which any permit or class of permits is issued to any period less than the minimum prescribed in the Act."

13. After section 58 of the said Act, the following section shall be inserted, namely :—

Insertion of new section 58-A in Act IV of 1939.

"58A. Notwithstanding anything hereinbefore contained the Provincial Government may by order direct any Regional Transport Authority or the Provincial Transport Authority

Grant of permit to local authority.

to grant a stage carriage permit to the Provincial Government or to a company in which the Provincial Government is a shareholder."

Insertion of  
section 60-A  
in Act IV  
of 1939.

Power of  
Provincial  
Government  
to cancel or  
suspend a  
permit.

14. After section 60, the following section shall be inserted, namely :—

"60A. Notwithstanding anything hereinbefore contained, the Provincial Government may, if it is of opinion that the public interest so requires and after giving an opportunity to the holder of a permit to be heard, cancel the permit or suspend it for such period as it thinks fit."

Amendment  
of section  
62 of Act  
IV of 1939.

15. In section 62 of the said Act—

(i) after the words "Regional Transport Authority" the words "or the Provincial Transport Authority" shall be inserted ;

(ii) after clause (c) the following shall be inserted, namely:—  
"or

(d) pending decision on an application for the grant or renewal of a permit,"

Amendment  
of section  
68 of Act  
IV of 1939.

16. After clause (h) of sub-section (2) of section 68 of the said Act, the following new clause shall be inserted, namely :—

"(hh) the compensation to be paid to a permit holder for cancellation of a permit in respect of a transport vehicle;"