

AS AMENDED BY PROVINCIAL MOTOR VEHICLES
(AMENDMENT) ORDINANCE, 1978

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THE BALUCHISTAN, N.W.F.P., PUNJAB, SIND MOTOR VEHICLES ORDINANCE 1965

WEST PAKISTAN ORDINANCE XIX OF 1965

[18th June 1965]

An Ordinance to amend and consolidate the law relating to Motor Vehicles in the Province of Baluchistan, N.W.F.P., Punjab and Sind.

Preamble.— WHEREAS it is expedient to amend and consolidate the law relating to Motor vehicles in the Provinces of Baluchistan, N.W F.P., Punjab and Sind ;

AND WHEREAS the Provincial Assembly of West Pakistan is not in session and the Governor of West Pakistan is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of Article 19 of the Constitution, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance :

CHAPTER I PRELIMINARY

1. Short title and extent. (1) This Ordinance, may be called the Baluchistan, N.W.F.P, Punjab, Sind Motor Vehicles Ordinance 1965.

(2) It extends to the whole of the Province of Baluchistan, N W F P, Punjab and Sind except the Tribal Areas.

COMMENTARY

General Amendment by N.W F.P. Ordinance of 1972 In the West Pakistan Motor Vehicles Ordinance, 1965, hereinafter referred to as the Principal Ordinance, for the word "Corporation and the "Road Transport Corporation" wherever occurring, the word "Board" shall respectively be substituted.

Punjab General Amendment Punjab Act lit of 1973. In the West Pakistan Motor Vehicles Ordinance. 1965 (West Pakistan Ordinance XIX) of 1965) in its application to the Province of the Punjab, hereinafter referred to as the principal Ordinance, and in any rules framed there under:

{a} for the words. Road Transport Corporation, wherever occurring the words Punjab Road Transport Board ; and

(b) for the word 'Corporation', wherever occurring, the word "Board" shall be substituted.

Extended to whole of Pakistan. The Motor Vehicles Ordinance 1965 has been extended, with effect from 5.3.1978 to the whole of Pakistan, vide Provincial Motor Vehicles (Amendment) Ordinance 1978.

Certain amendments by Ord. VIII of 1978 from the date of notification. Insertion of sub-section (2) to section 3. sub-section (9A) to section 7, proviso to section 12 and section 89-A shall be effected from date of notification by Federal Government in official Gazette.

Approval by West Pakistan Assembly under clause (3) of Article 79. This Ordinance was approved by the West Pakistan Assembly in pursuance of clause 3 of Article 79 of the Constitution (1962) at its meeting held on the 10th July 1965.

Rules framed under Motor Vehicle Act, 1939 superseded by West Pakistan Motor Vehicles Rules 1969. The West Pakistan Government has framed the West Pakistan Motor Vehicles Rule, 1940 in supersession of the Punjab Motor Vehicles; Rules, 1940, the Baluchistan Motor Vehicles Rules. 1940, the North-West Frontier Vehicles Rules, 1940 the Sind Motor Vehicles Rules, 1940. The West Pakistan Motor Vehicles Rules, 1969 were finalised after taking consideration the Draft Rules previously published with the West Pakistan Government Notification No. T-9/225-65, dated 26th July, 1968.

Enforcement of new section 116 A to Lahore—Notification. In pursuance of the provisions of sub-section (I) of section 116-A of the West Pakistan Motor Vehicles Ordinance. 1965, the Governor of West Pakistan is pleased to direct that the provision of the said section (introduction of "ticket system") shall come into force within the local limits of Lahore Municipal Corporation from 1st of November, 1969.

Enforcement of new section 116-A in the Rawalpindi—Notification. In pursuance of the provisions of sub-section (1) of section 116-A of the West Pakistan Motor Vehicles Ordinance. 1965, the Governor of West Pakistan is pleased to direct that the provision of the said section (introduction of "ticket system" shall come into force within the local limits of Rawalpindi Cantonment and Police Station Islamabad from 1st of December 1969

Chapters VII & VIII and S 125. Motor Vehicles Act, 193) saved from repeal. The West Pakistan Motor Vehicles Ordinance, 1965, has repealed the Motor Vehicles, Act (IV of 1939) in its application to the Province of West Pakistan, except Chapters VII and VIII and Section 125 ; Chapter VIII and section 125 of the Motor Vehicles Act, 1939 deal with insurance of motor vehicles against third party risks.

Rights and liabilities—Remedies must be sought in the Ordinance. The issue of route permits is governed by the provisions of the Ordinance, which provides the necessary machinery for obtaining relief by a person. who is aggrieved by an order of the Regional Transport Authority. Civil Courts

should not encourage parties seeking route permits to rush to them for relief without availing themselves to the remedy provided by the Ordinance.

2. Definitions. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

(1) "*ambulance*" means a vehicle designed for the carriage of sick, wounded or invalid persons or animals ;

(2) "*axle weight*" means in relation to an axle of vehicle the total weight transmitted by the several wheels attached to axle to the surface whereon the vehicle rests ;

(3) "*Corporation*" means the Road Transport Corporation established under section 70 ;

(4) "*certificate of registration*" means the certificate issued by the competent authority to the effect that a Motor Vehicle has been registered in accordance with the provisions of Chapter III ;

(5) "*contract carriage*" means a Motor Vehicle which carries a passenger or passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum and from one point to another without stopping to pick up or set down along the line of route passengers not included in the contract;

and includes a motor cab notwithstanding that the passengers may pay separate fares ;

(6) "*delivery van*" means any goods vehicle the registered laden weight of which does not exceed 5,000 pounds avoirdupois ;

(7) "*driver*" includes, where a separate person acts as steersman of a Motor Vehicle, that person as well as any other person engaged in the driving of the vehicle;

(8) "*emergency vehicle*" means a Motor Vehicle used solely for police, fire-brigade or ambulance purposes or to relieve distress ;

(9) "*fares*" includes sums payable for a season ticket or in respect of the hire of a contract carriage ;

(10) "*goods*" include live-stock and anything (other than equipment ordinarily used with vehicle carried by a vehicle except living persons, but does not include luggage or personal effects carried in a motor car or in a trailer attached to a motor car or the personal Luggage of passengers travelling in the vehicle ;

(11) "*goods vehicle*" means any Motor Vehicle constructed or adapted for use for the carriage of goods, or any Motor Vehicle not so constructed or adapted when used for the carriage of goods, solely or in addition to passengers.

(12) "*Government*" means the Government of Baluchistan/N.W.F.P./Punjab/Sind ;

(13) "*heavy transport vehicle*" means a transport vehicle the registered axle weight of which exceeds 10,600 pounds avoirdupois, or the registered laden weight of which exceeds 14,500 pounds avoirdupois ;

(14) "*intersection*" shall include the area bounded by the side lines, real or projected, of two or more public highways which meet or cross each other ;

(15) "*invalid carriage*" means a Motor Vehicle the unladen weight of which does not exceed five hundred weights, 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 ;

(16) "*licence*" means the document issued by a competent authority authorising the person specified therein to drive a Motor Vehicle or a Motor Vehicle of any specified class or description ;

(17) "*licensing authority*" means an authority empowered to grant licences under this Ordinance ;

(18) "*light transport vehicle*" means any public service vehicle other than a motor cab, or any goods vehicle other than a heavy transport vehicle or a delivery van ;

(19) "*locomotive*" means a Motor Vehicle which is itself not constructed to carry any load (other than equipment used for the purpose of propulsion), the unladen weight of exceeds 16,000 pounds avoirdupois, but does not include a road roller ;

(20) "*motor cab*" means any Motor Vehicle constructed, adapted or used to carry not more than ten passengers excluding the driver, for hire or reward ;

(21) "*motor car*" means any Motor Vehicle other than a transport vehicle, locomotive, road roller, tractor, motor cycle or invalid carriage.

(22) "*motor cycle*" means a Motor Vehicle, other than an invalid carriage, with less than four wheels, the unladen weight of which, inclusive of any side-car attached to the vehicle, does not exceed 300 pounds avoirdupois ;

(23) "*motor vehicle*" means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached [or a tractor] and a trailer ; but does not include a vehicle running upon fixed rails or used solely upon the premises of the owner;

(24) "*owner*" means the person in whose name the Motor Vehicle is registered and includes—

(a) a transferee of the Vehicle from such person ;

(b) in relation to a Motor Vehicle which is the subject of a hire-purchase agreement, the person in possession of the vehicle under that agreement; and

(c) where the person in whose name the Motor Vehicle is registered or the person in possession of the motor vehicle under a hire purchase agreement—

(i) a minor, the guardian of such minor ;

(ii) a company registered under the Companies Act, 1913, the directors of such company ;

(iii) a society registered under the Societies Registration Act. 1860, or under any law relating to co-operative societies, the principal officer of such society by whatever designation known ;

(iv) a firm, all the partners of such firm ; and

(v) any other association of persons, all the members of such association :

Provided that where such company, firm, society or other association of persons has given notice to the registering authority that it has nominated a director, partner, office bearers, member or officer, as the case may be of the company, firm, society or association to be the owner of the vehicle, for the purposes of this Ordinance, the person so nominated shall alone be deemed to be owner for the purposes of this Ordinance ;

(25) "*permit*" means the document issued by the Provincial Transport Authority or a Regional Transport Authority, authorising the use of a transport vehicle as a contract carriage or stage carriage, or authorising the owner as a private carrier to use such vehicle ;

(26) "*prescribed*" means prescribed by rules made under this Ordinance ;

(27) "*private carrier*" means an owner of a transport vehicle other than a public carrier who uses that vehicle solely for the carriage of goods which are his property or the carriage of which is necessary for the purposes of his business not being a business of providing a transport, or who uses the vehicle for any of the purposes specified in sub-section (2) of section (44) ;

N.W.F.P. Addition : N.W.F.P. Ordinance I of 1972 : The following new clause shall be inserted, and shall be deemed to have been so inserted on and from 1st July, 1970 :—

Punjab Addition-Punjab Ordinance XXII of 1971 :

"(27-A) "*Province*" means the Province of the Punjab ;".

(28) "*public carrier*" means an owner of a .transport vehicle who transports or undertakes to transport goods, or any class of goods, for another person at any time and in any public place, for hire or reward, whether in pursuance of the terms of a contract or agreement or otherwise, and includes any person* body, association or company engaged in the business of earring of the goods of persons associated with that person, body. association or company for the purposes of having their goods transported ;

(29) "*public highway*" shall include any highway, road, street, avenue, alley, public place, public driveway or any other public way ;

(30) "*public place*" means a road, street, way or other place, whether a thoroughfare or not to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a stage carriage ; .

(31) "*public service vehicle*" means any Motor Vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a motor cab, contract carriage, and stage carriage ;

(32) "*registered axle weight*" means in respect of any vehicle the axle weight certified and registered by the registering authority as permissible for that vehicle ;

(33) "*registered laden weight*" means in respect of any vehicle the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle ;

(34) "registering authority" means an authority empowered to register Motor Vehicles under Chapter III ;

(35) "*school bus*" means any Motor Vehicle used exclusively for the carriage of students of any educational institution, recognised by Government or the managing committee of which is a society registered under the Societies Registration Act, 1860 ;

(36) "*semi-trailer*" means any vehicle which is so designed that when operated, the forward end of its body or chassis rests upon the body or chassis of the towing Motor Vehicle ;

(37) "*stage carriage*" means a Motor Vehicle carrying or adapted to carry more than six persons excluding the driver which carries passengers for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey ;

(38) "*street (roadway)*" means that part of the public highway which is intended for vehicular traffic ;

(39) "*tractor*" means Motor Vehicle which is in itself constructed to carry and load (other than equipment used for the purpose of propulsion) the unladen weight of which does not exceed 16,000 pounds avoirdupois, but does not include a road-roller ;

(40) "*traffic signs*" includes all signals, warning signs posts, direction posts, or other devices for the information, guidance or direction of drivers of Motor Vehicles ;

(41) "*trailer*" means any vehicle other than a side-car drawn or intended to be drawn by a Motor Vehicle ;

(42) "*transport vehicle*" means a public service vehicle, a goods vehicle, a locomotive or a tractor;

Punjab Addition: Punjab Ordinance IX of 1970 : In clause (42) of section 2, after the word "tractor" occurring for the second time, the words and commas "with or without trailer," shall be inserted.

(43) "*unladen weight*" means the weight of a vehicle or trailer, including all equipment ordinarily used within the vehicle or trailer when working. but excluding the weight of the driver or attendant; and where alternative parts or bodies are used, the unladen weight of the vehicle means the weight of the vehicle with the heaviest such alternative part or body ;

(44) "*weight*" means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests.

COMMENTARY

"Motor vehicle" and "transport vehicle"—Scope of terms. Our Supreme Court has held that trailer is included in the terms "motor vehicle" and from the definition-given in section 2 (42) of the West Pakistan Motor Vehicles Ordinance. 1955, a tractor is within the expression "transport vehicle" unless it is used solely for agriculture purpose.

"Owner" does not include person other than stated in definition. The definition of "owner" is made unambiguously clear by the use therein of the word "means" which has the effect of excluding in either of the given contingencies the real owner i.e, the owner in the ordinary or popular sense of that term or for the matter of that every one other than those specified therein.

A person selling out motor vehicle may still continue to be owner for purposes of Ordinance.

Where a vehicle is in possession of hire purchaser at the time of accident results in death of plaintiff's husband and the driver, under terms of agreement, is an employee of hire purchaser, held neither the original owner nor its department would be vicariously liable for negligent act of driver.

Appellate Court or Authority has inherent jurisdiction to order remand. It is manifestly clear from the definition of the term "appeal" that it is inherent in the right of appeal that the whole case, including the facts, is within the jurisdiction of the appellate authority, unless and until in a particular statute the right of appeal is whittled down or hedged in by certain limitations. In other words, the appellate Court has the jurisdiction of giving all the relief which the original Court or tribunal can give. It would, therefore, follow that the power of remand which is merely ancillary and incidental, is inherent in the appellate authority in that in certain cases where the Court or tribunal has violated the statutory provision it may become impossible for the appellate authority to give an effectual and proper decision without remitting the cases to the Court of first instance.

CHAPTER II LICENSING'OF DRIVERS OF MOTOR VEHICLES

3. Prohibition of driving without licence. (1) No person shall drive a Motor Vehicle in any public place unless he holds an effective licence authorising him to drive the vehicle ; and no person shall

so drive a Motor Vehicle as paid employee or shall so drive a public service vehicle unless his licence specially entitles him so to do :

Provided that a person receiving instruction in driving a Motor Vehicle may, subject to such conditions as may be prescribed by Government in this behalf, drive a Motor Vehicle in any public place.

(2) No person shall drive a motor vehicle in any public place unless he has in his possession his own copy of the most recent version of the Pakistan Highway Code published by the Federal Government.

4. Age limit in connection with driving of Motor Vehicles. (I) No person shall drive in any public place —

(i) a motor cycle or an invalid carriage, unless he has attained the age of eighteen years ;

(ii) a motor car, otherwise than as a paid employee, unless he has attained the age of eighteen years;

(iii) a motor car as a paid employee or a transport vehicle, unless he has attained the age of twenty one years;

(iv) a heavy transport vehicle, unless he has attained the age of twenty-two years.

(2). (a) No person about the age of fifty years shall drive a transport vehicle in any public place unless the licence entitling him so to do bears an effective endorsement by the licensing authority that such person has furnished a certificate in Form B as set forth in the First Schedule signed by a registered medical practitioner.

(b) The licensing authority shall not make on any licence any such endorsement as is referred to in clause (a) unless it appears from the medical certificate furnished by the holder of the licence that he is not suffering from any disease or disability specified in the Second Schedule or any other disease or disability which is likely to cause the driving by him of a transport vehicle to be a source of danger to the public or to the passengers.

(c) An endorsement made under the provisions of clause (a) shall be effective for a period of twelve months from the date thereof, but the said period may, from time to time, be extended by the licensing authority by a further period of twelve months at any one time, on the production by the holder of the licence of a fresh medical certificate as required under clause (a) and on being satisfied therefrom that the holder of the licence is not suffering from any disease or disability referred to in clause (b).

(3) No person shall drive a Motor Vehicle in a public place with his eyes wholly or partly covered with any cloth or opaque substance, or in such manner as to interfere in any manner with his vision.

5. Owners of Motor Vehicles not to permit contravention of section 3 of or section 4. No owner or person in charge of a Motor Vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle.

6. Restriction on use of licence by person other than holder. No holder of a licence shall permit to be used by any other person.

7. Grant of licence. (1) Any person who is not disqualified under section 4 for driving a Motor Vehicle and who is not for the time being disqualified for holding or obtaining a licence, may apply to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business or, if the application is for a licence to drive as a paid employee, in which the employer resides or carries on business for the issue to him of a licence.

(2) Every application under sub section (1) shall be in Form A as set forth in the First Schedule, shall be signed by or bear the thumb impression of the applicant in two places, and shall contain the information required by the form.

(3) Where the application is for a licence to drive as paid employee or to drive a transport vehicle, or where in any Other case the licensing authority for reason to be stated in writing so requires, the application shall be accompanied by a medical certificate in Form B as set forth in the First Schedule signed by a registered medical practitioner.

(4) Every application for a licence to drive [a motor vehicle] shall be accompanied by three copies of a recent photograph of the applicant attested by a Magistrate or [an Officer of Government not inferior in rank to an officer in grade 17 of National Pay Scales].

(5) If, from the application or from the medical certificate referred to in sub-section (3), it appears that the applicant is suffering from any disease or disability specified in the Second Schedule or any other disease or disability which is likely to cause the driving by him of a Motor Vehicle of the class which he would be authorised by the licence applied for to drive to be a source of danger to the public or to the passengers, the licensing authority shall refuse to issue the licence:

Provided that—

(a) a licence limited to driving an invalid carriage may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such a carriage ;

(b) the applicant may, except where he suffers from a disease or disability specified in the Second Schedule, claim to be subjected to a test of his fitness or ability to drive a motor vehicle of a particular construction or design, and if he passes such test to the satisfaction of the licensing authority and is not otherwise disqualified, the licensing authority shall grant him a licence to drive such Motor Vehicle as the licensing authority may specify in the licence.

(6) No licence shall be issued to any applicant unless he passes to the satisfaction of the licensing authority the test of competence specified in the Third Schedule :

Provided that where the application is for a licence to drive a Motor Vehicle (not being a transport vehicle) otherwise than a paid employee, the licensing authority may exempt the applicant from the test specified in the Third Schedule, if—

(a) the applicant possesses a driving certificate issued by an automobile association recognised in this behalf by Government or

(b) the licensing authority is satisfied that the applicant has previously held a licence (or similar document) valid outside the Province and has had not less than twelve months recent experience of driving a Motor Vehicle of the class to which the application refers :

Provided further that where the applicant, being a serving member of the armed forces of Pakistan, is in possession of a valid army driving licence and has been actually driving one or more classes of Motor Vehicle for not less than three years immediately before the date of application, the licensing authority shall, subject to the prescribed conditions, exempt him from the test specified in the Third Schedule and issue to him a driving licence for the class or classes of Motor Vehicles he has been so driving.

(7) The test of competence to drive shall be carried out in a vehicle of the class to which the application refers and for the purposes of Part I of the test—

(a) a person who passes the test in driving a heavy transport vehicle shall be deemed also to have passed the test in driving any Motor Vehicle other than a motor cycle or a road-roller ;

(b) a person who passes the test in driving a light transport vehicle shall be deemed also to have passed the test in driving a motor car, or a motor cab or a delivery van.

(8) No licence shall be issued to any applicant to drive a heavy transport vehicle unless he has held for a period of not less than three years immediately preceding the making of the application an effective licence to drive a Motor Vehicle other than a motor cycle an invalid carriage or a road-roller.

(9) When an application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his physical fitness and of his competence to drive and has paid to the authority the prescribed fee, the licensing authority shall grant the applicant a licence unless the applicant is disqualified under section 4 for driving a Motor Vehicle or is for the time being disqualified for holding or obtaining a licence :

Provided that a licensing authority may issue a licence to drive a motor cycle or a motor car notwithstanding that it is not the appropriate licensing authority, if the licensing authority is satisfied that there is good reason for the applicant's inability to apply to the appropriate licensing authority.

(10) No licence shall be issued to any applicant unless he has in his possession his own copy of the most recent version of the Pakistan Highway Code published by the Federal Government.

COMMENTARY

Motor vehicle and "transport vehicles"—Scope of terms. The Supreme Court has held that a trailer is included in the term "motor vehicle" and from the definition given in section 2 (42) of the West Pakistan Motor Vehicles Ordinance, 1965, a tractor is within the expression "transport vehicle" unless it is used solely for agricultural purpose.

8. Form and contents of licence. (1) Every licence, except a licence issued under section 15. shall be in Form C as set forth in the First Schedule and shall have affixed thereto one of the signatures or thumb-impressions given on the application for the licence and, one of the photographs referred to in subsection (4) of section 7.

(2) A licence shall specify whether the holder is entitled to drive as a paid employee and whether he is entitled to drive a public service vehicle and shall further be expressed as entitling the holder to drive a Motor Vehicle of one more of the following classes namely :—

- (a) motor cycle,
- (b) motor car,
- (c) motor cab,
- (d) delivery van,
- (e) light transport vehicle,
- (f) heavy transport vehicle,
- (g) locomotive,
- (h) tractor,
- (i) road roller,
- (j) invalid carriage,
- (k) any other Motor Vehicle of a specified description

9. Addition to licence. (1) Any person holding a licence issued under this Ordinance who is not for the time being disqualified for holding or obtaining a licence may apply in Form D as set forth in the First Schedule to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business or if the application relates to a licence to drive as a paid employee, in which the employer resides or carries on business, for the addition of any class of Motor Vehicles to the licence as is specified in section 8.

(2) The provisions of section 7 shall apply to an application under this section as if the application were for the grant of a licence under that section to drive the class of Motor Vehicle which the applicant desires to be added to his licence:

Provided that the provisions of sub-sections (3) and (4) of that section shall not apply where the applicant is the holder of a licence to drive as a paid employee or to drive a transport vehicle.

(3) No fee other than a fee for the test of competence to drive shall be charged for an addition to a licence under this section.

10. Extent of validity of licence. (1) Subject to any rules made by Government, a licence issued under the foregoing sections shall be effective throughout the Province.

(2) Subject to any rules made by Government, a licence to drive a Motor Vehicle issued by a competent authority in any part of Pakistan not included in the Province shall be valid throughout the Province as if it were a licence issued under this Ordinance and it shall be lawful for the holder of such a licence to drive and be employed in driving in the Province a Motor Vehicle of any class or description which he is authorized by such licence to drive:

Provided that the holder of such a licence is not disqualified under any of the provisions of this Ordinance for holding or obtaining a licence in the province

11. Currency of licences. A licence issued under the forgoing sections shall, subject to the provisions contained in this Ordinance as to the cancellation of licences and the disqualification of holders of licence for holding or obtaining licences, be effective without renewal for a period up to three years in the case of licence to drive a motor car or motor cycle otherwise than a paid employee, and in any other case for a period of twelve months only from the date of issue of last renewal.

[Provided that no licence shall be renewed unless the holder thereof has in his possession his own copy of the most recent version of the Pakistan Highway Code published by the Federal Government.]

12. Renewal of licences. (1) Any licensing authority may on an application made to it renew a licence issued under the provision of this Ordinance.

(2) A licence to drive as a paid employee shall not be renewed so as to be effective for any period after the expiry of five years from the date of the medical certificate furnished by the licence holder under section 7 unless he furnishes a fresh medical certificate in Form B as set forth in the First Schedule and signed by a registered medical practitioner in which case the period of five years shall be computed from the date of the last of such certificates.

(3) An application for the renewal of a licence shall be in Form E as set forth in the First Schedule and shall contain the declaration required by the form ; provided that if the applicant does not or is unable to subscribe to the said declaration, the provisions of sub-section (5) of section shall apply.

(4) The fee payable for the renewal of a licence shall be as prescribed, and enhanced fee may be prescribed where the application for renewal is made more than thirty days from the date of expiry of the licence:

Provided that if the application for renewal is made more than three years after the expiry of the licence, the licensing authority may refuse to renew the licence unless the applicant undergoes and passes to its satisfaction the test of competence specified in the Third Schedule.

(5) When the authority renewing the licence is not authority which issued the licence, it shall intimate the fact of renewal to the authority which issued the licence.

COMMENTARY

In 1970 SCMR 501, R.T.A. granted stage carriage permit for part of route and not for whole route applied for and as notified. Appellate authority directed R.T.A to readvertise modified route and then grant permit for route. Appellate authority's order, in circumstances, held, amounted to cancellation of permit already granted by R.T.A. without determining rival claims of contestants. Order being in excess of jurisdiction and seriously affecting rights of permit-holders, held, would not be sustainable in law.

13. Cancellation of licence on grounds of disease or disability. (1) Notwithstanding anything contained in section II or section 12, any licensing authority may at any time cancel a licence or may require the holder thereof, as a condition of continuing to hold such licence, to furnish a fresh medical certificate in Form B as set forth in the First Schedule and signed by a registered medical practitioner, if the licensing authority has reasonable grounds to believe that the holder of the licence is by virtue of any disease or disability, unfit to drive a Motor Vehicle.

(2) When the authority cancelling the licence is not the authority which issued the licence, it shall intimate the fact of cancellation to the authority which issued the licence.

14 Order refusing licences and appeals therefrom. (1) Where the licensing authority refuses to issue or cancels or refuses to renew any licence, it shall do so by an order communicated to the applicant or the holder, as the case may be; giving reasons in writing for such refusal or cancellation.

(2) Upon the issue of any such order the person affected, if he is the holder of a licence, shall forthwith surrender his licence to the licensing authority making the order if the licence has not already been surrendered, and the licensing shall, if no appeal is preferred against its order as provided in sub-section (3), or where any appeal has been preferred and been dismissed, destroy the licence or cause it to be destroyed.

(3) Any person aggrieved by an order referred to in sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority, who shall decide the appeal after giving the authority against whose order the appeal has been preferred an opportunity of being heard and that authority shall be bound by the decision of the appellate authority.

15. Licence to drive Motor Vehicles, the property of the Federal Government. (1) The authority specified in Part A of the Fourth Schedule may grant licences, valid throughout the Province, to persons who have completed their eighteenth year to drive Motor Vehicles which are the property or are for the time being under the exclusive control of the Federal Government.

(2) A licence issued under this section shall specify the class or classes of vehicles which the holder is entitled to drive and the period for which he is so entitled.

(3) A licence issued under this section shall not entitle the holder to drive any Motor Vehicle except a Motor Vehicle which is the property or for the time being under the exclusive control of the Federal Government.

(4) The authority issuing any licence under this section shall at the request of Government furnish such information respecting any person to whom a licence is issued as Government may at any time require.

16. Power of licensing authority to disqualify for holding licence. (I) If a licensing authority is satisfied after giving him an opportunity of being heard that any person :—

(a) is a habitual criminal or a habitual drunkard, or

(b) is using or has used a motor vehicle in the commission of a cognizable offence, or

(c) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public, it may, for reasons to be recorded in writing make an order disqualifying that person for a specified period for holding or obtaining a licence.

(1-A) If a licensing authority is satisfied, after giving him an opportunity of being heard, that in respect of any person an order under sub-section (1) of this section, or a declaration under sub-section (I) of section 18, has been made on more than one occasion, it may, for reasons to be recorded in writing, make an order canceling the licence granted to that person and disqualifying him for such period as it may deem fit.

(2) Upon the issue of any such order the person affected if he is the holder of licence, shall forthwith surrender his licence to the licensing authority making the order, if the licence has not already been surrendered, and the licensing authority shall keep it until the disqualification has expired or has been removed.

(3) Any person aggrieved by an order made by a licensing authority under this section may, within thirty days of the service on him of the order, appeal to the prescribed authority and such appellate authority shall give notice to the licensing authority and hear either party if so required by that party and make such inquiry into the matter as it thinks fit. An order made by any such appellate authority shall be final.

17. Power of Regional Transport Authority to disqualify. (1) A Regional Transport Authority constituted under Chapter IV may, for reasons to be recorded in writing and subject to any prescribed conditions declare any person disqualified, for a specified period, for holding or obtaining a licence to drive a transport vehicle in the Province.

(2) A Regional Transport Authority making a declaration under subsection (1) shall, if the person so disqualified is the holder of a licence, furnish a copy of the declaration to the licensing authority by whom the licence was granted, and if the person so disqualified is not holder of licence, to the licensing authority within whose jurisdiction he ordinarily resides.

(3) Upon the making of declaration under sub-section (1), the person affected, if he is holder of a licence, shall forthwith surrender his licence to the licensing authority by whom the licence was granted, and the licensing authority shall keep it until the disqualification has expired or has been removed.

(4) Any person aggrieved by an order made under subsection (1) may, within thirty days of the receipt of intimation of such order, appeal against the order to the prescribed authority.

18. Power of Court to order disqualification. (1) Where a person is convicted of an offence under this Ordinance, or of an offence in the commission of which a motor vehicle was used, the Court by which such person is convicted may subject to the provisions of this section, in addition to imposing any other punishment authorised by law, declare the persons so convicted to be disqualified for such period as the Court may specify for holding any licence or for holding a licence to drive a particular class or description of vehicles :

Provided that the Court shall not order the disqualification of an offender convicted for the first or second time of an offence punishable under section 98.

(2) The Court shall order the disqualification of an offender convicted of an offence punishable under section 99 or section 100 and such disqualification shall be for a period of not less than six months.

(3) The Court shall order the disqualification of an offender convicted of an offence against the provisions of clause (c) of sub-section (1) of section 92 or of section 94 and such disqualification shall be for a period of not less than one month.

(4) The Court shall, unless for special reasons to be recorded in writing, it thinks fit to order otherwise, order the disqualification of an offender:—

(a) who having been convicted of an offence punishable under section 301 is again convicted for an offence punishable under that section,

(b) who is convicted of an offence punishable under section 103,

(c) who is convicted of an offence under section 106 :

Provided that the period of disqualification shall not exceed, in the cases referred to in clauses (a) and (b), two years, and, in the case referred to in clause (c) one year.

(5) A Court ordering the disqualification of an offender convicted of an offence punishable under section 101 may also direct that the offender shall, whether he has previously passed the test of competency to drive specified in the Third Schedule or not, remain disqualified until he has subsequent to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.

(6) The Court to which an appeal lies from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made by the Court below, and the Court to which appeals ordinarily lie from any Court may set aside or vary any order of disqualification made by that Court, notwithstanding that no appeal lies against the conviction with which such order was made.

19. Effect of disqualification order. (1) Person in respect of whom any disqualification order is made under this Chapter shall be debarred to the extent and for the period specified in such order from holding or obtaining a licence, and the licence, if any, held by such person at the date of the order shall cease to be effective during such period.

(2) The operation of a disqualification order made under section 18 shall not be suspended or postponed while an appeal is pending against such order or against the conviction as a result of which such order is made unless the appellate Court so directs.

(3) Any person in respect of whom any disqualification order has been made may at any time after the expiry of six months from the date of the order apply to the Court or other authority by which the order was made, to remove the disqualification ; and the Court or authority, as the case may be, may, having regard to all the circumstances of the case, remove or vary the order of disqualification :

Provided that where an application has been made under this section a second application thereunder shall not be entertained before the expiry of a further period of three months.

20. Endorsement. (1) The Court or authority making an order of disqualification shall endorse or cause to be endorsed upon the licence, if any, held by the person disqualified, particulars of the order of disqualification and of any conviction for an offence in respect of which an order of disqualification is made ; and particulars of any removal or variation of an order of disqualification made under sub-section (3) of section 19 shall be similarly so endorsed

(2) Any person accused of an offence specified in the Fifth Schedule or any other offence involving the driving of a motor vehicle shall when attending the Court trying him for such offence bring with him his licence if it is in his possession.

(3) The Court by which any person is convicted of an offence specified in the Fifth Schedule or any other offence involving the driving of a motor vehicle shall, whether or not an order of disqualification is made in respect of such conviction, endorse or cause to be endorsed particulars of such conviction on any licence held by the person convicted.

21. Transfer of endorsement and Issue of licence free from endorsement. (1) An endorsement on any licence shall be transferred to any new or duplicate licence obtained by the holder thereof until the holder becomes entitled under the provisions of this section to have a licence issued to him free from endorsement.

(2) Where a licence is required to be endorsed and the licence is at the time not in the possession of the Court authority by which the endorsement is to be made, then ;—

(a) if the person in respect of whom the endorsement is to be made is at the time the holder of a licence, he shall produce the licence before the Court or authority within such time as the Court or authority may fix, or

(b) if, not being then the holder of a licence, he subsequently obtains a licence, he shall within five days after obtaining the licence produce it before the Court or authority for the purpose of endorsement ;

and if the licence is not produced within the time specified the person in respect of whom the endorsement is to be made shall be deemed to have committed an offence punishable under section 97 and the licence shall on the expiry of such time be of no effect until it has been produced for the purpose of endorsement.

(3) A person whose licence has been endorsed shall if during the period of five years since the last endorsement was made no further order of endorsement has been made against him. be entitled, on surrendering his licence and on payment of the prescribed fee, to receive a copy of the licence free from all endorsements, and if the endorsement was only in respect of exceeding a speed limit, he shall be entitled to have a copy of the licence free from endorsement issued on the expiration of one year from the date of the order directing the endorsement to be made :

Provided that in computing the said period of five years and one year respectively, the time during which the said person was disqualified for holding or obtaining a licence shall be excluded.

(4) When a licence is endorsed or an order of endorsement is made by any Court, it shall send particulars of the endorsement or order, as the case may be, to the licensing authority by which the licence was last renewed and to the licensing authority which granted the licence.

(5) Where the holder of a licence is disqualified by the order of any Court for holding or obtaining a licence, the Court shall take possession of the licence and forward it to the licensing authority by which it was granted or last renewed and that authority shall keep the licence until the disqualification has expired or has been removed and the person entitled to the licence has made a deemed in writing for its return to him :

Provided that, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, the Court shall endorse the licence to this effect and shall send a copy of the order of disqualification to the licensing authority by which the licence was granted and shall return the licence to the holder.

(6) Where on an appeal against any conviction or order of a Court which has been endorsed on a licence, the appellate Court varies or sets aside the conviction or order, the appellate Court shall so inform the licensing authority by which the licence was last renewed and the licensing authority which granted the licence, and shall amend or cause to be amended the endorsement of such conviction or order.

22. Power to make rules. (1) Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely ;—

(a) the appointment jurisdiction, control and functions of licensing authorities and other prescribed authorities ;

(b) The conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees ; provided that no fee so fixed shall exceed two rupees

(c) the issue of duplicate licences to replace licences lost, destroyed or mutilated, the replacement of photographs which have become obsolete and the issue of temporary licences to persons receiving instruction in driving and the fees to be charged therefore ;

(d) the conditions subject to which a Regional Transport Authority, may disqualify a person for holding a licence to drive a transport vehicle ;

(e) the medical examination and testing of applicants for licences and of drivers and the fees to be charged therefore ;

(f) the fees to be paid for the grant and renewal of licences;

(g) the exemption of prescribed persons, or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter ;

(h) the granting by registered medical practitioners of the certificate referred to in sub-sections (2) of section 4, sub section (3) of section 7 and subsection (1) of section 13;

(i) the communication of particulars of licences granted by on licensing authority to other licensing authorities;

(j) the control of schools or establishments for the instruction of drivers of motor vehicles and the acceptance of driving certificate issued by such schools or establishment as qualifying the holder for exemption from Part 1 of the test specified in the Third Schedule ;and

(k) the exemption of drivers of road-rollers from all or any of the provisions of this Chapter or of the rules made thereunder.

COMMENTARY

Rules framed under the section. In exercise of the powers conferred by sections 22, 41, 68, 69. 70, 74, 96, and 120 of the West Pakistan Motor Vehicles Ordinance, 1965, and in supersession of the Punjab Motor Vehicles Rules, 1940, the North-West Pakistan Frontier Motor Vehicle Rules, 1940,

the Baluchistan Motor Vehicles Rules, 1940 and the Sind Motor Vehicles Rules, 1940, the Government of West Pakistan has not framed the West Pakistan Motor Vehicles Rules, 1969.

CHAPTER III

REGISTRATION OF MO FOR VEHICLES

23. Motor vehicles not to be driven without registration. (1) No person shall drive any motor vehicle and no owner of a motor vehicle shall, cause or permit the vehicle to be driven in any place unless the vehicle is registered in accordance with this Chapter and the vehicle carries a registration mark displayed in the prescribed manner.

Explanation. A motor vehicle shall not be deemed to be registered in accordance with this Chapter if the certificate of registration has been suspended or cancelled.

(2) Nothing in this section shall apply to a motor vehicle while being driven within the limits of Jurisdiction of a registering authority to or from the appropriate place of registration for the purpose of being registered under sections 24, 26, 40 or 41, or to a motor vehicle exempted from the provisions of this Chapter while in the possession of a dealer in motor vehicles.

COMMENTARY

Vehicle not registered-Owner and driver both liable. Section 22 (of the Motor Vehicles Act) indicates that no person shall drive any vehicle unless it is registered. The words of this section are unambiguous and apply not only to the owner but also to any other person employed by him as a driver.

24. Registration where to be made. (1) Subject to the provisions of section 26, section 40 and section 41, every owner of a motor vehicle shall cause the vehicle to be registered by the registering authority of the Division in which he has his residence or place of business or in which the vehicle is normally kept.

(2) Government may, by rules made under section 43, require that any certificate of registration issued under the provisions of the Motor Vehicles Act, 1939, shall be presented, within a prescribed period, to a specified registering authority for entry therein of such further particulars of the vehicle as that authority may, for the purposes of this Ordinance, deem fit to record.

25. Registration how to be made. (1) An application by or on behalf of the owner of a motor vehicle for registration shall be in Form F as set forth in the First Schedule, shall contain the information required by that form, and shall be accompanied by the prescribed fee.

(2) The registering authority shall issue to the owner of a motor vehicle registered by it a certificate of registration in Form G as set forth in the First Schedule and shall enter in a record to be kept by it particulars of such certificate.

(3) The registering authority shall assign to the vehicle for display thereon in the prescribed manner, a distinguishing mark (in this Ordinance referred to as the registration mark) consisting of

the group of letters allotted to the District concerned by the Sixth Schedule followed by a number containing not more than four figures or such number and a letter :

Provided that any motor vehicle, whether the property of Government or not, declared by the Central Government to be meant for the use of the President or by the Provincial Government to be meant for the use of the Governor of West Pakistan, shall not be assigned a registration mark, and shall instead display such other mark as may be specified by the Central or the Provincial Government, as the case may be,

(4) Government may, by a notification in the official Gazette, direct that motor vehicles registered before or after the commencement of this Ordinance, shall be assigned new registration marks within such period as according to such procedure as may be specified in the notification following sub-sections shall be substituted :—

SIND AMENDMENT: SIND FINANCE ACT VII OF 1977: The following subsections shall be substituted:-

(4) Government may, by notification, direct that the registration under a section of any particular class or classes of motor vehicles, shall be valid for such fixed period not less than one year as Government may specify in the notification.

(5) Where a notification is issued under sub-section (4), the motor vehicles specified in the notification shall, in addition to the certificate of registration and the registration mark, be issued plates, to be called registration plates, for display thereon.

(6) The registration plates shall be issued on payment of such fee and of such material, colour and dimension and carry such writing (including registration marks) as may be prescribed.

26. Temporary registration. (1) Notwithstanding anything contained in section 24, the owner of a motor vehicle may apply to the prescribed manner to any registering authority to have the vehicle temporarily registered and thereupon such registering authority shall issue to the owner of the vehicle a temporary certificate of registration and assign to the vehicle a temporary mark of registration

(2) A registration made under this section shall be valid only for period of one month, and shall not be renewable.

27. Production of vehicle at the time of registration. The registering authority may, before proceeding to register a motor vehicle, require the person applying for registration of the vehicle to produce the vehicle either before itself or such authority as Government may by order appoint for this purpose in order that the registering authority may satisfy itself that the particulars contained in the application are true and that the vehicle complies with the requirements of Chapter VI and of the rules made there under.

28. Refusal of registration. (1) The registering authority may, for reasons to be recorded in writing, refuse to register any motor vehicle if-

- (a) the vehicle is mechanically so defective as to render its use unsafe or
 - (b) the vehicle does not comply with the requirements of Chapter V or of the rules made thereunder ; or
 - (c) the applicant fails to furnish particulars of any previous registration of the vehicle ; or
 - (d) the applicant fails to produce before the registering authority:
 - (i) where the vehicle has been previously registered under the Ordinance or under any other law relating to the registration of motor vehicles in force in any place in Pakistan, a letter of authority or a certificate of transfer from the person shown as owner in the last registration certificate in respect of such vehicle ; or
 - (ii) where the vehicle has been imported from any place outside Pakistan and has not been previously registered in any place in Pakistani an import licence for the vehicle.
- (2) Where a registering authority refuses to register a motor vehicle, it shall furnish to the applicant free of cost a copy of the reasons for refusal.

29. Effectiveness in West Pakistan of registration. (1) Subject to the provisions of section 30, a motor vehicle registered by a competent authority in any part of Pakistan not included in the Province under the law relating to motor vehicles in force in such part, shall not be required to be registered under this Ordinance :

Provided that there is in force in respect of the vehicle a certificate conforming to and containing substantially the same particular as the certificate of registration in Form G as set forth in First Schedule issued by such competent authority in respect of such vehicle.

- (2) A certificate complying with the requirements of the proviso to the last preceding subsection shall be effective throughout the Province as if it were a certificate of registration issued under this Ordinance and the provisions of this Ordinance shall apply thereto.
- (3) Sub-section (1) shall not apply to any motor vehicle previously registered in the Province if the certificate of registration of the vehicle is, for the time being, suspended or cancelled for any reason other than that of permanent removal of the vehicle from the Province.

30. Assignment of fresh registration mark on removal to another Province: (1)-When a motor vehicle not required to be registered in the Province by virtue of sub-section (1) of section 29 is kept in the Province for a period exceeding twelve months, the owner of the vehicle shall apply to the registering authority, within whose jurisdiction the vehicle then is, for the assignment of a new registration mark and shall present the certificate of registration of the vehicle to that registering authority.

(2) The registering authority to which application is made under sub-section (1) shall assign the vehicle a registration mark specified in the Sixth Schedule to be carried thenceforth on the vehicle and shall enter the mark upon the certificate of registration of the vehicle before returning it to the applicant and shall also, in communication with the registering authority by whom the vehicle was previously registered, arrange for the transfer of the registration of the vehicle from the records of that registering authority to its own records.

(3) Government may make rules under section 43 requiring the owner of a motor vehicle not registered within the Province, which is brought into or is for the time being in the Province, to furnish to the prescribed authority such information with respect to the motor vehicle and its registration as may be prescribed.

S1ND SUBSTITUTION : S1ND FINANCE ACT VII OF 1977 :

Sub-Section (2) shall be substituted :—

"Where application is made under subsection (1) the requirements of section 25 shall be complied with."

31. Change of residence or place of business. (1) If the owner of the motor vehicle ceases to reside or have shift place of business at the address recorded in the certificate of registration of the vehicle, he shall, within thirty days of any such change of address, intimate his new address to the registering authority by which the certificate of registration was issued, or, if the new address is within the jurisdiction of another registering authority, to that other registering authority and shall at the same time forward the certificate of registration to the registering authority in order that the new address may be entered therein.

(2) A registering authority other than the original registering authority making any such entry shall communicate the altered address to the original registering authority.

(3) Nothing in sub-section (1) shall apply where the change of the address recorded in the certificate of registration is due to a temporary absence not intended to exceed six months in duration or where the motor vehicle is neither used nor removed from the address recorded in the certificate of registration.

32. Transfer of ownership. (1) Within thirty days of the transfer of ownership of any motor vehicle registered under this Chapter, the transferee shall report (he transfer to the registering authority within whose jurisdiction he ordinarily resides and shall forward the certificate of registration of the vehicle to that registering authority together with the prescribed fee in order that particulars of the transfer of ownership may be entered therein.

(2) A registering authority other than the original registering authority making any such entry shall communicate the transfer of ownership to the original registering authority.

(2) A Cancellation of certificate of registration of vehicles registered in the Tribal Areas of Baluchistan in certain cases. If the owner of a motor vehicle registered by a registering authority having jurisdiction in the tribal areas of the province of Baluchistan ceases to reside or to have his

place of business in those areas, or sells or otherwise transfers the motor vehicle to any person who does not reside or have hit place of business in those areas, the certificate of registration and registration mark of the vehicle shall stand cancelled as from the day on which he ceases to reside or to have his place of business in those areas or, as the case may be, sells or otherwise transfers the vehicle to such person.

33. Alteration in motor vehicle. (1) If a motor vehicle is so altered that the particulars contained in the certificate of registration are no longer accurate, the owner of the vehicle shall within fourteen days of the making of any such alteration, report the alteration to the registering authority within whose jurisdiction he resides and shall forward the certificate of registration of the vehicle to that authority together with the prescribed fee in order that particulars of the alteration may be entered therein :

Provided that it shall not be necessary to report any change in the unladen weight of the motor vehicle consequent the addition or removal of fittings or accessories, if such change does not exceed two per cent or the weight entered in certificate of registration.

(2) A registering authority other than the original registering authority making any such entry shall communicate the details of the entry to the original registering authority.

34. Suspension of registration. (1) A registering authority or any other prescribed authority may, after giving the owner an opportunity of making any representation he may wish to make, for reasons to be recorded in writing, suspend the registration certificate of a motor vehicle, if—

(a) the vehicle is not insured as required by law ; or

(b) any fees or taxes payable in respect of the vehicle under this Ordinance or the rules framed thereunder, or the West Pakistan Motor Vehicle Taxation Act, 1958, have remained unpaid for a period exceeding three months from the date such fees or taxes were due ; or

(c) in the case of a public service vehicle, it is not covered by a valid certificate of fitness; or

(d) the authority has reasons to believe that the vehicle is in such a condition that its use in a public place would constitute a danger to the public, or that it fails to comply with the requirements of Chapter VI or of the rules made thereunder ; or

(e) a substantially false statement has been made in the application for registration of the vehicle; or

(f) the registration certificate has been deliberately defaced or mutilated or unauthorised additions or alterations have been made therein;

and such suspension shall remain in force till the vehicle is duly insured as required by law, or the fees or taxes have been paid, or a valid certificate of fitness in respect of the vehicle has been obtained, or the defects are remedied to the satisfaction of such authority, or the false statement in the application for registration has been replaced by a correct statement in the prescribed manner, as the case may be.

(2) A registering authority or any prescribed authority may, after giving the owner an opportunity of making any representation he may wish to make and for reasons to be recorded in writing, suspend, for a period not exceeding six months, the certificate of registration of a vehicle, if it is satisfied that :—

(i) the vehicle is used for subversive activities against the State ; or

(ii) the vehicle is used for hire or reward without obtaining a permit from the Provincial or a Regional Transport Authority as required under section 44; or

(iii) the vehicle has been found by a Court to have been used by the owner of the vehicle, or with his knowledge or connivance in the commission of a cognizable offence punishable with imprisonment of not less than five years.

(3) An authority other than a registering authority shall, when making a suspension order under sub-section (1), intimate in writing the fact of suspension and the reasons therefore to the registering authority within whose jurisdiction the vehicle is at the time of the suspension.

(4) A registering authority or other prescribed authority suspending the registration certificate of a motor vehicle under this section shall communicate the fact of suspension together with the reasons therefore in writing to the owner of the vehicle, and the owner shall thereupon forthwith surrender to that authority the certificate of registration and any token or card issued to authorise the use of the vehicle in a public place.

(5) Where the registration of a motor vehicle has been suspended under sub-section (1) for a continuous period of not less than one month, the registering authority, within whose Jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension, and when the suspension has continued without interruption for a period of not less than six months, the registering authority within whose jurisdiction the vehicle was when the registration was suspended may, if it is the original registering authority, cancel the registration and the entry relating to the vehicle in its record, and if it is not the original registering authority, shall forward the certificate of registration and any token or card surrendered under sub-section (4) to that authority which may cancel it forthwith.

(6) The certificate of registration and any token or card surrendered under subsection (4) shall be returned to the owner when the order suspending registration is rescinded.

SIND ADDITIONS : SIND FINANCE ACT VII OF 1977.

In clause (f) between the word "certificate" and the word "has" the words "or plate" and in the matter following clause (f), between the word "fitness" and the word "in" the words and commas "or plate, as the case may be" shall be inserted.

35. Cancellation of registration. (1) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, as soon as may be, report the fact to the registering

authority within whose jurisdiction he resides and shall forward to that authority the certificate of registration of the vehicle together with any token or card is used to authorise the use of the vehicle in a public place.

(2) The registering authority shall, if it is the original registering authority, cancel the registration and the certificate of registration, or, if it is not, shall forward the report and the certificate of registration, to the original registering authority and that authority shall cancel the registration and the certificate of registration.

(3) Any registering authority may order the examination of a motor vehicle within its jurisdiction by such authority as Government may by order appoint and, if upon such examination and after giving the owner an opportunity to make any representation he may wish to make, it is satisfied that the vehicle is in such a condition that its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, may, for reasons to be recorded in writing, cancel the registration of the vehicle.

(4) If registering authority is satisfied that a motor vehicle has been permanently removed out of the Province, it shall cancel the registration of the vehicle.

(5) A registering authority or any prescribed authority canceling the registration of a motor vehicle under this section shall communicate the fact, together with the reasons therefore, in writing to the owner of the vehicle, and the owner of the vehicle shall thereupon forthwith surrender to that authority the certificate of registration of the vehicle and any token or card issued to authorise the use of the vehicle in a public place.

(6) A registering authority making an order of cancellation under this section shall, if it is the original registering authority, cancel the certificate of registration and the entry relating to the vehicle in its records, and if it is not the original registering authority, intimate in writing the fact of cancellation, and the reasons therefore, and toward the certificate of registration and any token or card surrendered to it under sub-section (6) to the original registering authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

(7) The expression "original registering authority" in this section and in sections 31,32,33 and 34 means the registering authority in whose records the registration of the vehicle is recorded.

36 Appeals. (1) Any owner of a motor vehicle aggrieved by an order of refusal to register a motor vehicle made under section 28 or to issue a certificate of fitness made under sub-section (1) of section 39 or by an order of suspension or cancellation of registration made under section 34 or 35 or by an order of cancellation of the fitness certificate made under sub-section (3) of section 39 may, within thirty days of the date on which he has received notice of such order, appeal against the order in the prescribed manner to the prescribed authority.

(2) The appellate authority shall give notice of the appeal to the original authority, and after giving opportunity to the original authority and the appellant to be heard either personally or by pleader in the appeal, pass such order as it thinks fit.

COMMENTARY

Single Member, Board of Revenue, designated appellate Authority:— No revision lies from his order to Full Board. Where a single Member of the Board of Revenue has been designated by the Government under the Motor Vehicles Act as the prescribed Appellate Authority under section 64 of the Motor Vehicles Act, the appeal under the said Act is apparently a matter within the scope of the Board of Revenue's ordinary powers exercisable under the West Pakistan Board of Revenue Act (XI of 1957). Therefore, a revision does not lie from the decision of the Single Member to the Full Board as

37. Special requirement for registration of transport vehicles. (1) A registering authority shall refuse to register any transport vehicle, other than a motor cab unless the application for registration is accompanied by a document in Form H as set forth in the First Schedule signed by the maker of the vehicle or an assembler duly authorised by the maker in this behalf stating the maximum laden weight and maximum axle weights for which the vehicle is and the several axles are designed

(2) Where a transport vehicle or chassis, as the case may be has fixed to it a metal plate, bearing the stamp of the maker or assembler and identified as pertaining to the particular vehicle or chassis to which it is attached, which contains the particulars specified in sub-section (1), that plate may at the discretion of a registering authority be deemed to be the document referred to in that sub-section.

38. Special particulars to be recorded on registration of transport vehicles. A registering authority, when registering a transport vehicle other than a motor cab, shall enter in the record of registration and shall also enter in the certificate of registration of the vehicle the following particulars, namely:—

(a) the unladen weight of the vehicle;

(b) the number, nature and size of the tyres attached to each wheel;

(c) the laden weight of the vehicle and the axle weights pertaining to the several axles thereof, determined in accordance with the Tyre and Rim Manufacturers Association load ratings for tyres as revised from time to time and approved by the Provincial Transport Authority;

(d) if the vehicle is used or adapted to be used for the carriage of passengers solely or in addition to goods, the number of passengers for whom accommodation is provided.

and the owner of the vehicle shall have the said particulars exhibited in the prescribed manner on the vehicle.

39. Certificate of fitness of transport vehicle. (1) Subject to the provisions of section 40, a transport vehicle shall not be deemed to be validly registered for the purposes of section 23, unless it carries a certificate of fitness in Form 1 as set forth in the First Schedule, issued by the prescribed authority, to the effect that the vehicle complies for the time being with all the requirements of Chapter VI and the rules made there under ; and where the prescribed authority refuses to issue such certificate it shall supply the owner of the vehicle with its reasons in writing for such refusal.

(2) Subject to the provisions of sub section (3), a certificate of fitness shall remain effective for three years unless a shorter period ; not being in any case less than six months, is specified in the certificate by the [authority issuing the certificate]:

Provided that in case of a permit issued under section 60 (1) (a), a certificate of fitness shall remain effective for a period of six months and on the expiry of that period the permit shall be deemed to be suspended until a new certificate of fitness has been obtained.

(3) The prescribed authority may, for reasons to be recorded in writing, cancel a certificate of fitness at any time, if satisfied that the vehicle to which it relates no longer complies with all the requirements of this Ordinance and the rules made thereunder, and on such cancellation the certificate of registration of the vehicle and any permit granted in respect of the vehicle under Chapter IV shall be deemed to be suspended until a new certificate of fitness has been obtained.

40. Registration of vehicle, the property of the Central Government: (1) The authorities specified in part B of the Fourth Schedule may register any motor vehicle which is the property or for the time being under the exclusive control or the Federal Government, and any vehicle so registered shall not, so long as it remains the property or under the exclusive control of the Federal Government, require to be registered otherwise than under this Ordinance.

(2) A transport vehicle registered under this section shall carry a certificate of fitness in Form as set forth in the First Schedule issued by the authority referred to in sub-section (1).

(3) An authority registering a vehicle under sub-section (1) shall assign to it a registration mark in accordance with the provisions contained in the Fourth Schedule and shall issue a certificate in respect of the vehicle that the vehicle has been registered under this section.

(4) If a vehicle registered under this section ceases to be the property or under the exclusive control of the Federal Government, the provisions of section 24 shall thereupon apply.

(5) The authority registering a vehicle under sub-section (1) shall furnish to Government all such information regarding the general nature, overall dimensions, and axle weight of the vehicle a Government may at any time require.

41. Special registration of vehicles: Notwithstanding anything contained in this Chapter and the Sixth Schedule, Government may, by rules, prescribe a special procedure for the registration of any class, or type or category of motor vehicles, or motor vehicles belonging to a specified class of persons, and such rules may among other matters provide for: —

(a) the appointment of special registration authority for such motor vehicles; and

(b) a special registration mark to be carried by such motor vehicles.

COMMENTARY

"Original provision reproduced: Section 41, prior to its substitution by the West Pakistan Amendment Ordinance XXXIX of 1965, read as follows:--

"41. Registration of vehicles the property of Foreign Diplomatic Consular and Trade

Missions: (1) The registering authority may register any motor vehicle which is the property or for the time being under the exclusive control of a Foreign Diplomatic, Consular or Trade Mission accredited to the Government of Pakistan, and shall assign to a vehicle so registered a registration mark in accordance with the provisions contained in the Seventh Schedule, and shall issue a certificate in respect of that vehicle in Form G as set forth in the First Schedule:

Provided that, the registration mark shall be exhibited only on the number plate, supplied by the Ministry of Foreign Affairs and Commonwealth Relations of the Central Government.

(2) Any motor vehicle registered in accordance with the provisions of sub-sections (I) shall not, so long as it remains the property or under the exclusive control of a Foreign Diplomatic, Consular or Trade Mission accredited to the Government of Pakistan, be required to be registered otherwise under this Ordinance.

(3) If a vehicle registered under this section ceases to be the property or under the exclusive control of a Foreign Diplomatic, Consular or Trade Mission, the provisions of section 24 shall there upon apply".

42. Application of Chapter III to trailers. (1) The registration mark assigned to trailer shall be displayed in the prescribed manner on the side of the vehicle.

(2) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed in the prescribed manner on the trailer or on the last trailer in the train, as the case may be.

43. Power to make rules. (1) Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees ;

(b) the appointment, functions and jurisdiction of registering and other prescribed authorities ;

(c) the issue of certificates of registration and certificates of fitness and duplicate of such certificates to replace certificates lost destroyed or mutilated;

(d) the temporary registration of motor vehicles, and the issue of temporary certificates of registration and marks ;

(e) the manner in which registration marks and the particulars referred to in section 38, and other prescribed particulars shall be exhibited ;

(ee) the authorising of suitable automobile workshops to issue certificates of fitness, the licensing of such workshops ; the equipment and apparatus to be maintained by such workshops, their inspection, the terms and conditions and the period for which, and the authorities by whom, the licences may be granted and renewed, and the fees to be paid for the grant and renewal of the licences;

(f) the fees to be charged for the issue or alteration of certificates of registration for certificates, of fitness, for registration marks, and, for the examination or inspection of motor vehicles and the refund of such fees;

(g) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter ;

(h) the forms, other than those set forth in the First Schedule, to be used for the purposes of this Chapter ;

(i) the communication between registering authorities of particulars of certificates of registration and by owners of Vehicles registered outside the Province of particulars of such vehicles and of their registration :

(j) the particulars to be furnished by the owner of any motor vehicle to the registering authority, upon the transfer of possession of the motor vehicle under the terms of a hiring agreement;

(k) the extension of the validity of certificates of fitness pending consideration of applications for their renewal.

(l) the exemption from the provisions of this Chapter and the conditions and fees for exemption, of motor vehicles in the possession of dealers ;

(m) the exemption of road-rollers, graders and other vehicles, designed and used solely for the construction, repair and cleaning of roads from all or any of the provisions of this Chapter and the rules made thereunder, and the conditions governing such exemption of light goods vehicles from the provisions of section 39 and the conditions governing such exemption.

COMMENTARY

Rules framed under the section. In exercise of the powers conferred by section 22,43, 68, 69, 70, 74, 96 and 120 of the West Pakistan Motor Vehicles Ordinance. 1965, and in supersession of the Punjab Motor Vehicle Rules, 1940. the North-West Pakistan Frontier Motor Vehicles Rules 1940, the Baluchistan Motor Vehicles Rules, 1940 and the Sind Motor Vehicles Rules, 1940, the Government of West Pakistan has now framed the West Pakistan Motor Vehicles Rules 1969.

CHAPTER IV

CONTROL OF TRANSPORT VEHICLES

44. Transport vehicles not to be used or driven without permit: (1) No owner of a transport vehicle shall use or permit the use of, and no driver of a transport vehicle shall drive or cause or permit to be driven, the vehicle in any public place, save in accordance with the conditions of a permit authorising the use or driving of the vehicle in such place granted or countersigned by a Regional or Provincial Transport Authority :

Provided that a stage carriage permit shall, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a contract carriage :

Provided further that a stage carriage permit may, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a goods vehicle either when carrying passengers or not:

Provided also that a public carrier's permit shall, subject to any conditions that may be specified in the permit authorise the holder to use the vehicle for the carriage of goods for or in connection with a trade or business carried on by him.

(2) In determining, for the purposes of this Chapter, whether a transport vehicle is or is not used for the carriage of goods for hire or reward.

(a) the delivery or collection by or on behalf of the owner of goods sold, used or let on hire or hire purchase in the course of any trade or business carried on by him other than the trade or business of providing transport.

(b) the delivery or collection by or on behalf of the owner of goods which have been or which are to be subject to a process or treatment in the course of a trade or business carried on by him, or

(c) the carriage of goods in a transport vehicle by a manufacturer of or agent or dealer in such goods whilst the vehicle is being used for demonstration purposes.

shall not be deemed to constitute a carrying of the goods for hire or rewards ; but the carriage in a transport vehicle of goods by a person not being a dealer in such goods who has acquired temporary ownership of the goods for the purpose of transporting them to another place and there relinquishing ownership shall be deemed to constitute a carrying of the goods for hire or reward,

(3) Sub-section (1) shall not apply:—

(a) to any transport vehicle owned by or on behalf of the Central or any Provincial Government and used for public purposes unconnected with any commercial enterprise ;

(b) to any transport vehicle owned by a local authority or by a person acting under contract with a local authority and used solely for road claming, watering or conservancy purposes ;

(c) to any emergency vehicle ;

- (d) to any transport vehicle used for any other public purpose prescribed in this behalf;
 - (e) to any transport vehicle used solely for conveyance of corpses :
 - (f) to any transport vehicle used for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety ;
 - (g) to any school bus ; or
 - (h) to any trailer used for any purpose other than the carriage of goods for hire or reward when drawn by a motor vehicle constructed for the carriage of not more than six passengers excluding the driver.
- (4) Subject to the provisions of sub-section (3), sub-section (1) shall, if Government by rules made under section 69 so prescribes, apply to any motor vehicle adapted to carry more than nine passengers excluding the driver.

COMMENTARY

Rights and liabilities—Remedies must be sought in the Ordinance. The issue of route permits is governed by the provisions of the Ordinance, which provides the necessary machinery for obtaining relief by a person, who is aggrieved by an order of the Regional Transport Authority. Civil Courts should not encourage parties seeking route permits to rush to them for relief, without availing themselves to the remedy provided by the Ordinance.

N.W.F.P. ADDITION - N.W.F.P. ORDINANCE I OF 1972 :

"44-A permission to drive transport vehicles registered in other province. A transport vehicle registered in an other Province may be allowed to be driven within the Province.

(a) in the case of a transport vehicle for which a permit has been issued, by general or special resolution of the Provincial Transport Authority ; and

(b) in any other case, by general or special order of Government ;

subject to such terms and conditions as may be specified by the Provincial Transport Authority or Government in the said resolution order, as the case may be."

PUNJAB ADDITION : PUNJAB ORDINANCE XXII OF 1971 :

"44-A. Permission to drive transport vehicles registered in other Provinces. A transport vehicle registered in any other Province may be allowed to be driven within the Province :—

(a) in case of a transport vehicle for which a permit has been issued, by general or special resolution of the Provincial Transport Authority ; and

(b) in any other case, by general or special order of the Government ;

subject to such terms and conditions as may be specified by the Provincial Transport Authority or the Government in the said resolution or order, as the case may be."

45. Power of Government to control road transport. (1) Government having regard to -

(a) the advantages offered to the public trade and industry by the development of motor transport, and

(b) the desirability of—

(i) co-ordinating road and rail transport,

(ii) preventing the deterioration of the road system and

(iii) preventing uneconomic competition among transport vehicles, and after having heard the representatives of the interest affected and having consulted the Provincial and Regional Transport Authorities concerned, may, for reasons to be recorded in writing, by a notification in the official Gazette:—

(i) prohibit or restrict throughout the Province or in any area or on any route within the Province, subject to such conditions as it may think desirable, the conveying of long distance goods traffic generally or of prescribed classes of goods, by private or public carriers ; or

(ii) fix maximum or minimum fares or freights for stage-carriages and public carries to be applicable throughout the Province or within any area or on any route within the Province.

(2) Notwithstanding anything in sub-section (1). Government may, by notification under this sub-section, cancel generally or in relation to a specified area any permit or class of permit granted under this Chapter in respect of transport vehicles in order to enable the Corporation constituted under section 70 to use its transport vehicles on the routes thus rendered vacant;

Provided that the provisions of section 22 of the West Pakistan General Clauses Act, 1956 as to previous publication shall apply to a notification under this sub-section, and for the purposes of the said section a notification under this sub-section shall be deemed to be a rule made under an Act.

(3) Government may direct the Provincial Transport Authority or a Regional Transport Authority not to grant or issue any permit (if already granted but not issued) or to restrict the grant of fresh permits to a specified number on any route or routes or part of a route on which the Corporation is already operating motor transport or intends to do so.

Explanation: For the purpose of this sub-section "route" includes any combination of routes or combination of a route.

COMMENTARY

Government's powers to cancel permits unlimited. Under section 43 (4) (a) of the Motor Vehicles Act, 1939, the Government is entitled to cancel any permit or class of permits". The words used are wide and contain no limitation or condition as to the necessity of canceling all permits on a particular route.

46. Transport authorities. (1) Government shall by notification in the official Gazette, constitute—

(i) a Provincial Transport Authority to exercise and discharge throughout the Province the powers and functions specified in sub-section (6), and

(ii) Regional Transport Authorities to exercise and discharge throughout such areas (in this Chapter referred to as regions) as may be specified in the notification, in respect of each Regional Transport Authority, the powers and functions conferred by or under this Chapter on such authorities ;

Provided that the area specified as the region of a Regional Transport Authority shall in no case be less than an entire District.

(2) The Provincial Transport Authority or a Regional Transport Authority shall consist of such number of [Government officers] as Government may think fit to appoint, but no person who has any financial interests whether as proprietor, employee or otherwise in any transport undertaking shall be appointed or continue as a member of the Provincial or a Regional Transport Authority.

Explanation: —A. person shall not be deemed to have any financial interest in a transport undertaking for the purposes of this section merely by reason of the fact that he is a member or an employee of the Railway Board or is a person in the service of Pakistan or serving under the Corporation.

(3) If any person is appointed as a member of the Provincial or a Regional Transport Authority has any such interest in a transport under section 70 to use its transport vehicles on the routes thus rendered vacant;

Provided that the provisions of section 22 of the West Pakistan General Clauses Act, 1956 as to previous publication shall apply to a notification under this sub-section, and for the purposes of the said section, a notification under this sub-section shall be deemed to be a rule made under an Act.

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Provided that the area specified as the region of a Regional Transport Authority shall in no case be less than an entire District.

(2) The Provincial Transport Authority or a Regional Transport Authority shall consist of such number of Government officers as Government may think fit to appoint, but no person who has any financial interests whether as proprietor, employee or otherwise in any transport undertaking shall be appointed or continue as a member of the Provincial or a Regional Transport Authority.

*Explanation:—*A person shall not be deemed to have any financial interest in a transport undertaking for the purposes of this section merely by reason of the fact that he is a member or an employee of the Railway Board or is a person in the service of Pakistan or serving under the Corporation.

(3) If any person is appointed as a member of the Provincial or a Regional Transport Authority has any such interest in a transport

(1) Member, Board of Revenue (Transport) Chairman

(2) Secretary to Government of the Punjab Member
Communication and Works Department

(3) Chief (Housing and Transport) Government of the PunjabMember
Planning and Development Department.

(4) Assistant Inspector-General of PoliceMember

(Traffic) the Punjab,

(5) Secretary. Provincial Transport AuthorityMember/Secretary

Duties of Transport authorities—Rules laid down by Supreme Court. In Member, Board of Revenue V. Akhtar Khan the Supreme Court laid following rules of law :—

(1) Transport authorities must apply their "independent" minds to facts of case regardless of what another authority or Tribunal in different jurisdiction may have held.

(2) Transport authorities decision should be in accordance with natural justice, not being fanciful, arbitrary, or based upon extraneous considerations.

(3) Decision of other Tribunal becomes relevant in the context of reasonableness of Transport authorities decision.

(4) Findings of criminal Courts are not conclusive, but due weight and consideration should be given to such findings.

Delegation of powers and functions of R.T.A to any authority or person. The Regional Transport Authority may delegate its powers and function to such Authority or person, and subject to such restrictions, limitation and conditions as may be prescribed by rules made by the Authority.

Employees of Road Transport Corporation—Whether Government servants. It has been held that a person initially appointed by the Provincial Government as employees of Lahore Omnibus Service but continuing to serve successively Punjab Transport Board, West Pakistan Transport Board and Road Transport Corporation is not a Government servant As such protection afforded to civil servants by Articles 178 and 234 (I) of the Constitution of Pakistan (1962) would not available to such employee.

S 43 {4} (a). Motor Vehicles Act, 1938, declared ultra vires. Supreme Court has declared that sub-section (4) of section 43 of the Motor Vehicles Act, 1939, being violative of the rights protected by section 299 of the Government of India Act 1935. was ultra vires the Federal Legislature and hence impugned notifications issued under the said sub-section were also bad in law.

P.T.A. has no power to fix fares for stage carriers. The order of Provincial Transport Authority, Karachi, reducing the fares charges by stage carriers is in excess of the powers vested in that authority and would therefore, be void.

Regional Transport Authority—If a quasi-judicial authority. The applicant for a permit and the person who makes a representation have to be heard, if they wish to be heard, at a public meeting, but it has never been held that a hearing alone is sufficient to convert the tribunal into quasi-Judicial tribunal.

Powers of appellate authority—Extent: Section 64 of the Motor Vehicles Act in itself limits the powers of the appellate authority. This authority, when an appeal is filed under clause (a), can pass

an order under that clause alone, and not under other clauses mentioned in section 64. In the absence of rules prescribed under section 50 (1) (a), order of R.T.A. directing survey, held, could not be delayed merely because no rules have been framed.

Enquiry Officer sitting as member in meeting of Corporation held to determine guilt as petitioner—Meeting Improper—Decision taken by meeting set aside. Where the Enquiry Officer who had made an adverse report against the petitioner sat in the meeting of the Corporation to determine whether the petitioner was guilty or not, it was held :

The member in his capacity as the Enquiry Officer had already formed an opinion against the petitioner and it cannot be said that he sat in the meeting of the Corporation with an unbiased mind. By his report he had prejudged the issue against the petitioner before participating in the meeting. The petitioner was certainly placed in a position of great disadvantage in having to face the member who had already expressed his opinion against him in writing. Moreover, in the awkward situation of the petitioner, he was bound to experience considerable reluctance and embarrassment on his part to face the Enquiry Officer and to criticise his conduct and the report. No doubt administrative tribunals are not required to follow the procedure commonly known to law Courts but nevertheless in quasi-judicial matters they are bound to act in conformity with the principles of natural justice and in accordance with the canons of fair play. It is one of the fundamental and well recognised principles of administration of justice, that "justice should not only be done but it should manifestly and undoubtedly be seen to be done." If one of the members of a tribunal is biased or which is the same thing has pre-judged the issue against a party, it is bound to cause reasonable apprehension in the mind of the party that he is not likely to get a fair and impartial deal at the hands of tribunals. If one of the authorities or any one of the authorities hearing a case has any pecuniary or otherwise substantial interest or is biased, the defect goes to the root of the constitution of the tribunal which becomes improperly constituted.

Superior Court when may issue mandamus to R.T.A. Even though Courts are normally reluctant to interfere with the exercise of discretion by administrative authorities or Tribunals yet where a clear case has been made out of an authority acting in excess of jurisdiction or of an authority refusing to exercise the jurisdiction vested in it, the Courts have always claimed to have had the jurisdiction by way of writ of mandamus to set aside the order passed by it or to command it to exercise its Jurisdiction in accordance with law.

R.T.A. to apply Its own independent mind. The Administrative Tribunal like the Regional Transport Authority is to apply its own independent mind to facts and circumstances of each case and come to its own decision regardless of what the other authority or tribunal acting in different jurisdiction may or may not have held.

Number of stage-carriage permits fixed by R.T.A.—Cannot be questioned. The order of the Regional Transport Authority fixing the number of route permits is final and cannot be questioned in appeal nor is the appellate authority competent to increase the number of route permits or create an extra route and grant fresh permit.

Remand of case to R.T.A. The Full Bench consisting of Faizullah Khan, Basbiruddin Abroad and Shakirullah Jan, JJ has held that the powers of the Appellate Tribunal include the power to remand the case to Regional Transport Authority.

Appellate authority not a court of Justice: The appellate authority does not administer justice as a Court of Law though while deciding as between the rival claims of the applicants for a permit it has to deal with them in a fair and justice manner. But a tribunal even acting "judicially" is not obliged to grant an adjournment suo motu without any application on behalf of any of the parties.

Accident by truck—Finding that truck was over speeding must be based on evidence. The Regional Transport Authority is a quasi-Judicial body, Therefore, there must be some evidence before it to sustain the finding that there had been a breach of legal provisions i.e, the vehicle concerned had been driven in excess of the authorised limit, and in the absence of any legal evidence that the vehicle had been driven in excess of the authorised limit the mere fact that truck was involved in an accident cannot be considered as a proof of the fact that the vehicle had been driven at a speed not authorised by the law. It is well settled proposition of law that the suspicions, however grave, are after all suspicions and cannot take the place of proof.

47. General provisions as to applications for permit: (1) Every application for a permit shall be made to the Regional Transport Authority of the region or of one of the regions in which it is proposed to use the vehicle or vehicles and, if the applicant resides or has his principal place of business in any one of those regions, to the Regional Transport Authority of that region.

(2) Nothing in sub-section (1) shall apply to road transport services operated by the Corporation.

48. Application for stage carriage permits. (1) An application for permit to use a motor vehicle as a stage carriage (in this Chapter referred to as a stage carriage permit) shall contain the following particulars. namely :—

(a) the name and address of the applicant;

(b) the registration number, type, model and seating capacity of the vehicle in respect of which the application is made ;

(c) the route or routes on which or the area within which it is intended to use the vehicle ; and

(d) such other matters as may be prescribed.

(2) An application for a permit shall be accompanied by an affidavit of the applicant to the effect that he is the actual owner of the motor vehicle in respect of which the application is made.

Explanation: For the purposes of this Chapter, "actual owner" means a person or a body of persons having proprietary rights in a motor vehicle, acquired by way of purchase gift, inheritance, or under a hire-purchase agreement, or as a result of the settlement of a lawful claim :

PUNJAB AMENDMENT IN SECTION 48 : PUNJAB ORDINANCE IX OF 1970 ;

(i) in clause (c) of sub section (I), the words or the area within which shall be omitted ; and

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

"(3) No application, for grant of permit shall be made unless the vehicle in respect of which the permit is required conforms to the age prescribed for the purpose."

PUNJAB ADDITION : PUNJAB ORDINANCE XII OF 1972:

In section 48, in sub-section (2), after the word "made" at the end, the following shall be added, namely ;

"and that no Government servant has any financial interest in such motor vehicle, either directly or indirectly."

49. Procedure for grant of applications for stage Carriage permits: (1) Where an application for a stage carriage permit conforming to the provisions of section 48 has been received by the Regional Transport Authority, it shall, on the payment of the prescribed fee, and on the applicant furnishing to the Regional Transport Authority, a bank guarantee of the prescribed sum as security for payment of any compensation that the applicant may be required to pay under the provisions of section 67, grant a permit to the applicant in the prescribed form in respect of the motor vehicle specified in the application :

Provided that where any such permit granted in respect of the vehicle for which the permit granted in respect of the vehicle for which the permit is applied for has been suspended or cancelled, the Regional Transport Authority—

(a) shall not, during the period of suspension of the previous permit, grant a permit in respect of the vehicle ;

(b) may, in case of a previous permit, for reasons to be recorded in writing, a copy whereof shall be granted to the applicant free of cost, refuse to grant a permit for a period not exceeding three months whereafter the applicant may make a fresh application for the grant of stage carriage permit.

(2) No security in the form of bank guarantee shall be required in respect of :—

(a) a stage carriage permit authorising the plying of; a stage carriage in an urban area ; and

(b) any other stage carriage permit if—

(i) the applicant furnishes a certificate duly issued by the West Pakistan Transporters Mutual Assistance Co-operative Society Limited, Lahore, showing him as member thereof;

(ii) the certificate so issued remains valid ; and

(iii) such certificate is withdrawn.

BALUCHISTAN SUBSTITUTION : BALUCHISTAN ORDINANCE V OF 1974.

(1) In sub-section (1) of section 49, after the words Regional Transport Authority the words, "a certificate of Group Insurance issued by an Insurance Company, duly approved and notified in the official Gazette by the Government of Baluchistan shall be omitted and the words "certificate duly issued by the Baluchistan Transport Mutual Assistance Cooperative;

Society Limited, Quetta, showing him (the applicant) as member thereof, and the certificate so issued remains valid and is not withdrawn shall be substituted.

(2) In sub-section (3) of section 49 of the principal Ordinance, after the words "is withdrawn by" the words "the Insurance Company" shall be omitted" and the words "Cooperative Society" shall be substituted,,

BALUCHISTAN AMENDMENT ORDINANCE X OF 1971 :

In sub-section (1) of section 49 of the West Pakistan Motor Vehicles Ordinance, 1965 hereinafter called the principal Ordinance, after the words "Regional Transport Authority", the words "a bank guarantee" shall be omitted, and the words a certificate Group Insurance issued by a Insurance Company, duly approved and notified in the official Gazette by the Government of Baluchistan" shall be substituted.

(2) For the existing sub-section (2) of section 49 of the principal Ordinance, the following shall be substituted.

(2) No certificate, as contemplated by sub-section (1) of this section shall be required in respect of a stage carriage permit authorising the plying of a stage carriage exclusively in an urban area.

(3) After sub-section (2) of section 49 of the principal Ordinance, as substituted above, the following sub-sections (3) and (4) shall be added.

(3) In case the certificate, as required under sub-section (I) of this section, is withdrawn by the Insurance Company, the permit shall stand cancelled.

(4) Notwithstanding anything contained in section 4 of the West Pakistan General Clauses Act, 1956. (West Pakistan Act VI of 1956), the permits issued before the coming into force of this Ordinance shall not remain valid after the expiry of a period of 45 days of the coming into force of this Ordinance, if the certificate, as required by sub section (1) of this section, is not filed with the Regional Transport Authority within the said period.

PUNJAB SUBSTITUTION: PUNJAB ORDINANCE IX OF 1970:

For sub-section (2) the following sub-section shall be substituted ;—

"(2) No bank guarantee shall be required in respect of—

(a) a stage carriage permit authorising the plying of a stage carriage in an urban area ; and

(b) any other stage permit if—

(i) the applicant furnishes security to the satisfaction of the Chairman of the Regional Transport Authority to which the application is made, for payment of any compensation that the applicant may be required to pay under provisions of section 67 ; or

(ii) the applicant furnishes a certificate duly issued by the West Pakistan Transporters Mutual Assistance Co-operative Society, Limited Lahore, showing him as member thereof, and the certificate so remains valid and is not withdrawn."

COMMENTARY

Where grantees of permits fail to produce statement of Bank accounts to show capital actually invested in securing buses and are found not possessing any vehicles of their own, held, permits granted by R. T. A. would not be in accordance with provisions of S. 49.

Considerations other than those enumerated in section 49 not be taken into account in granting route permits. 1969 W.P. (Rev.) 19.

Applicant having rendered "services to the nation" is not person justifying the grant of permit. Nor applicant company be refused permit simply because "its Managing Director own permits on other route" in some other capacity.

50. Conditions for grant of stage carriage permit. (1) A condition shall be inserted in every stage carriage permit that in case of death of, injury to, a passenger in the vehicle to which the permit relates arising of the use of the vehicle, there shall be paid by the permit holder as compensation:

(a) in case of death of passenger, a sum of rupees eight thousand to the legal representatives of the deceased passenger ; and

(b) in case of any injury to a passenger, the amount specified in the Thirteenth Schedule to the injured passenger.

(2) A Regional Transport Authority may attach to a stage carriage permit any prescribed condition or any or all of the following conditions, namely :—

(i) that the service specified in the permit shall be commenced not later than a specified date and be continued for a specified period ;

(ii) that a specified number in return trips of daily service shall be maintained on the route or routes specified in the permit and that they may be varied only in accordance with the specified conditions ;

(iii) that the stage carriage shall be used only on specified routes or in specified areas;

(iv) that copies of the fare-table and time-table approved by the Regional Transport Authority shall be exhibited on the stage carriage and at its stands and stops on the route, and that the time table and fare-table so exhibited shall be observed;

(v) that not more than a specified number of passengers and not more than a specified amount of luggage shall be carried on any stage carriage at any one time;

(vi) that within municipal limits and in such other areas and place as may be prescribed, passengers shall not be taken up or set down except at specified places ;

(vii) that the permit holder shall maintain such accounts and records of the operation of the services and shall submit such financial and statistical returns as may be required by the Regional or Provincial Transport Authority, and that the records, and accounts shall be produced for inspection before the person or persons authorised in this behalf by the Regional or Provincial Transport Authority; and

(viii) that tickets shall be issued to passengers for the fare paid.

(3) The Provincial Transport Authority may regulate the timing of departure of stage carriages, whether they belong to one or more owners.

SIND SUBSTITUTION: SIND ACT XVI OF 1976.

In section 50, in clause (a) of sub-section (1), for the words, "eight thousand", the words "fifteen thousand" shall be substituted.

PUNJAB OMISSION: PUNJUB ORDINANCE IX OF 1970.

In section 50, in clause (W) of sub-section (2). (he words "or specified areas" shall be omitted.

COMMENTARY

The order of R.T.A. directing survey cannot be delayed merely because no rules are framed.

51. Application for contract carriage permit. An application for permit to UK a motor vehicle as a contract carriage (in this Chapter referred to as a contract carriage permit) shall contain the following particular, namely;

(a) the name and address of the applicant;

- (aa) the type and seating capacity of the vehicle;
- (b) the area for which the permit is required ;
- (c) * * * ;
- (d) any other particulars which may be prescribed.

PUNJAB AMENDMENT ; PUNJAB ORDINANCE XII OF 1972.

Section 51 shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

(2) An application under sub-section (1) shall be accompanied by an affidavit of the applicant to the effect that no Government Servant has, either directly or indirectly, any financial interest in the vehicle in respect of which permit is applied for.

52. Procedure of Regional Transport Authority in considering application for contract carriage permit. A Regional Transport Authority shall, in deciding whether to grant or refuse a contract-carriage permit, have regard to the extent to which additional contract-carriage may be necessary or desirable in the public interest; and shall also take into consideration any representation made by persons already holding contract-carriage permits in the region or by any local authority or police authority in the region to the effect that the number of contract-carriages for which permits have already been granted is sufficient for or in excess of the needs of the region or any area within the region.

53. Power to restrict the number of contract carriages and impose conditions on contract-carriage permits. (1) A Regional Transport Authority may, after consideration of the matters specified in section 52:—

- (a) fix the number of contract-carriages generally or contract-carriages of any specified type for which contract-carriage permits may be granted in the region or any specified area within the region ;
- (b) refuse to grant a contract-carriage permit, or grant a contract-carriage permit in respect of a particular contract-carriage or a particular service of contract-carriages in such form as it may, subject to the rules made under section 69, deem fit; provided that no person shall be granted a contract-carriage permit for any area not specified in the application made by him under section;
- (c) attach to the contract-carriage permit any prescribed condition or all or any one of the following conditions, namely :—
 - (i) that the contract-carriage or contract-carriages shall be used only in a specified area or on a specified route or routes :

(ii) that except in accordance with specified conditions no contract or hiring may be entered into for transporting goods or passengers in the contract-carriage or carriages outside specified area;

(iii) that subject to specified conditions, goods be carried in contract carriage to the exclusion of or in addition to passengers

(iv) that in the case of motor cabs, specified fares shall be charged and a table of fares displayed on the vehicle;

(v) that, in the case of vehicles other than motor cabs, specified rates of hiring not exceeding specified maximum shall be charged;

(vi) that in the case of motor cabs, a specified weight of passengers luggage shall be carried free of charge and a specified charge shall be made for any luggage in excess of the luggage to be carried free of charge ;

(vii) that a taxi-meter shall be fitted to every motor cab ;

(viii) that specified conditions of the permit shall be liable to be varied, and that further specified conditions may be attached to the permit by the authority at any time on due notice being given to the permit holder;

(ix) that the conditions of the permit shall not be departed from save with the approval of the authority.

(2) There shall be inserted in every contract-carriage permit other than such permit in respect of a motor cab, a condition that in case of death of, or injury to, a passenger in the vehicle to which the permit relates arising out of the use of the vehicle, there shall be paid by the permit holder as compensation—

(a) in case of death of a passenger, a sum of rupees eight thousand to the legal representatives of the deceased passenger ; and

(b) in case of an injury to a passenger, the amount specified in the Thirteen Schedule, to the injured passenger,

PUNJAB SUBSTITUTED: PUNJAB ORDINANCE XII OF 1972.

In sub-section (2) of section 53 for the words "other than such permit in respect of a motor cab", the words and comma "Other than a permit, in respect of a contract carriage constructed, adapted or used for carrying not more than six passengers including the driver" shall be substituted.

COMMENTARY

Number for stage carriage permits fixed by R.T.A. cannot be questioned. The order of the Regional Transport Authority fixing the number of route permits is final and cannot be questioned in appeal

nor is the appellate authority competent to increase the number of route permits or create an extra route and grant fresh permit.

Cancellation of existing stage carriage permits. (1) All permits to ply a stage carriage, other than a permit authorising a stage carriage to ply in an urban area only, issued before the coming into force of this Ordinance, shall, after the expiry of sixty days from the date of the coming into force of this Ordinance, cease to be valid and shall stand cancelled, and no stage carriage shall be plied on the authority of an such permit :

Provided that a fresh permit in respect of such stage carriage may be obtained in accordance with the provisions contained in sections 48, 49 and 50 of the Principal Ordinance, as substituted by this Ordinance.

(2) Government may, by notification- in the official Gazette, extend in-respect of any area or areas specified in the notification, the period sixty days mentioned in sub-section (1).

A Bus Conductor is not required to hold licence. Court issuing summons to accused before taking cognizance of offence but on being produced by Police convicting him then and there, on his pleading guilty, in disregard of procedure prescribed in S. 116, held, proceedings are liable to be quashed.

In the absence of rules prescribed under section 50 (1) (a), order of R.T.A. directing survey, held, could not be delayed merely because no rules have been framed.

Existing route permit—New conditions cannot be added to: Section 51 of the Motor Vehicles Act cannot be said to be an independent section. Clause (d) of the said section authorising the Regional Transport Authority to require fitting meters to taxis must be held to relate to the stage when the said Authority is to consider whether to grant or refuse the application for a route-permit. The R.T.A. cannot add new conditions to the already existing route permits.

Restriction on number of trips—Whether warranted by conditions of Permit: The Supreme Court has declared that the conditions of a permit do not warrant restriction of number of trips.

Finalisation of rates of and fixation of ratio of route permits: A route was lying within jurisdiction of two R.T.A's. Ceiling number of permits was fixed, only tentatively, by one R.T A's resolution Such resolution also finalised rates by a joint conference of R.T.A's. and fixed ratio of permits for two regions. This procedure was held to be valid.

54. Application for private carrier's permit: An application for a permit to use a transport vehicle for the carriage of goods for or in connection with a trade or business carried on by the applicant (in this Chapter referred to as a private carrier's permit) shall contain the following particulars, namely : -

(a) the type and carrying capacity of the vehicle ;

(b) the nature of the goods which the applicant expects normally to carry in connection with his trade or business ;

(c) the area for which the permit is required ; and

(d) any other particulars which may be prescribed.

PUNJAB ADDITION: PUNJAB ORDINANCE XII OF 1972.

Section 54 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:

(2) An application under sub-section (1) shall be accompanied by an affidavit of the applicant to the effect that no Government servant has, either directly or indirectly, any financial interest in the vehicle in respect of which permit is applied for.

55. Procedure of Regional Transport Authority in considering application for a private carrier's permit. (I) Where an application conforming to the provisions of section 54 for a private carrier's permit has been received by the Regional Transport Authority, it shall, if satisfied that the vehicle or vehicles for which the permit is required will not be used except in connection with the business of the applicant, such business not being transport business, grant the applicant, on the payment of the prescribed fee, a permit in the prescribed form in respect of the vehicle or vehicles specified in the application :

Provided that the Regional Transport Authority may, for reasons to be recorded in writing, a copy where of shall be granted free of cost to the applicant, refuse to grant a permit, where ;—

(i) the applicant is the holder of a private carrier's permit which has been suspended ; or

(ii) any such permit previously held by the applicant has been cancelled ; or

(iii) any such permit previously granted in respect of the vehicle or vehicles for which the permit is applied for has been suspended or cancelled.

(2) A Regional Transport Authority may in granting a private carrier's permit impose conditions to be specified in the permit relating to the description of goods which may be carried, or the area in which the permit shall be valid, or the maximum laden weight and axle weight of any vehicles used.

(3) A Regional Transport Authority may, on the application of the holder of a private carrier's permit granted by it, and subject to such conditions as it may attach, extend the operation of the permit to the region or to any area within the region of another Regional Transport Authority, and the requirements of section 65 as to counter-signature of permits shall not be applicable to any such permit :

Provided that nothing in this section shall authorise a Regional Transport Authority to grant a permit effective solely within the region of another Regional Transport Authority.

COMMENTARY

Regional Transport Authority—Is a quasi-judicial authority: The applicant for a permit and the person who makes a representation have to be heard, if they wish to be heard, at a public meeting, but it has never been held that a hearing alone is sufficient to convert the tribunal into quasi-judicial.

Grant of route permits—Public policy the main criterion: The only consideration which should weigh with the Transport Authority in granting permits is the public interest. That being so, a Transport Authority could resolve that a syndicate of operators under proper management and with sufficient capital should be preferred for certain routes over individual operators in public interest.

Cancellation of route permit by R.T.A.—When justified: A stage-carriage was involved in a road accident. The driver of vehicle was charged under section 304-A, Pakistan Penal Code, 1860, for rash and negligent driving but was ultimately acquitted. It was held that notwithstanding the acquittal of driver, the Regional Transport Authority would be justified (in circumstances of the present case) to cancel route permit on its own independent finding that the carriage was "speeding uncontrolled" in contravention of conditions of the route permit.

Appellate Authority's power to decrease a limit—Whether fettered: A limit once fixed by the Regional Transport Authority cannot be increased by the appellate authority, but certainly there can be no such restriction on the decrease of a limit, inasmuch as the appellate authority being administratively superior to the Regional Transport Authority capable of substituting its own judgment would not be confronted in such an eventuality with the legal hurdles that it has to face by ordering an increase, which would result in the nullification of the statutory provisions.

Declaration or advertisement of route—Appealable: The act of declaring the route open on the part of the Regional Transport Authority being the first preliminary act of the series culminating in the grant or refusal of a permit is appealable.

Duties of Transport authorities—Rules laid down by Supreme Court: In *Member, Board of Revenue v. Akhtar Khan* our Supreme Court has laid the following rules of law :—

- (1) Transport authorities must apply their "independent" minds to facts of case regardless of what another authority or Tribunal in different jurisdiction may have held.
- (2) Transport authorities decision should be in accordance with natural justice, not being fanciful, arbitrary, or based upon extraneous considerations.
- (3) Decision of other Tribunal becomes relevant in the context of reasonableness of Transport authorities decision.

(4) Findings of criminal Court are not conclusive but due weight and consideration should be given to such findings.

56 Application for public carrier's permit. An application for a permit to use a motor vehicle for the carriage of goods for hire or reward (in this Chapter referred to as a public carrier's permit) shall be made on the prescribed form and shall contain the prescribed particulars.

PUNJAB ADDITION : PUNJAB ORDINANCE XII OF 1972 ;

In section 56 the full-stop at the end shall be replaced by a colon and thereafter the following proviso shall be added, namely ;—

"Provided that the application shall be accompanied by an affidavit of the applicant to the effect that no Government servant has any financial interest, either directly or indirectly, in the vehicle in respect of which the application is made".

57. Procedure of Regional Transport Authority in considering application for public carrier's permit: (1) Where an application for a public carrier's permit conforming to the provisions of section 56 has been received by a Regional Transport Authority, it shall, on payment of the prescribed fees, grant a permit in the prescribed form in respect of the vehicle or vehicles specified in the application :

Provided that the Regional Transport Authority may refuse to grant the permit where :—

- (i) the applicant is the holder of a public carrier's permit which has been suspended ; or
- (ii) any such permit previously held by the applicant has been cancelled ; or
- (iii) any such permit previously granted in respect of the vehicle or vehicles for which the permit applied for has been suspended or cancelled.

(2) A Regional Transport Authority may, on the application of the holder of a public carrier's permit granted by it, and subject to such conditions as it may attach, extend the operation of the permit to the region or to any area within the region of another Regional Transport Authority, and the requirements of section 65 as to counter-signature of permits shall not be applicable to any such permit:

Provided that nothing in this section shall authorise a Regional Transport Authority to grant a permit effective solely within the region of another Transport Authority.

COMMENTARY

Notice of modification in route—It must be published: The view that, when an authority proposes to modify an application, it must be published afresh to provide a further occasion for objections, is clearly erroneous because the rule itself contemplates the modification at a stage subsequent to the

publication of the original application and refers to the time when the decision to grant or refuse permit is to be taken.

R.T.A. to apply its own independent mind. The Administrative Tribunal like Regional Transport Authority is to apply its own independent mind to facts and circumstances of each case and come to its own decision regardless of what the other authority or tribunal acting in different jurisdiction may or may not have held.

Finalisation of rates and fixation of route permits: A route was lying within jurisdiction of two R.T.As, Ceiling number of permits was fixed, only tentatively, by one R.T.A.'s resolution. Such resolution also finalised rates by a joint conference of R.T.As, and fixed ratio of permits for two regions. This procedure was held to be valid.

Delegation of powers and functions of R.T. A. to any authority or person. The Regional Transport Authority may delegate its powers and functions to such Authority or person, and subject to such restrictions, limitations and conditions as may be prescribed by rules made by the Authority.

No embargo on presence of outsiders in R.T.As meeting: There does not seem to be an embargo on the presence of outsiders at a meeting of the Regional Transport Authority.

Rules framed under Motor Vehicles Act, 1939 superseded by West Pakistan Motor Vehicles Rules 1969. By Notification No T-9/225 65, dated 1st September, 1969 the West Pakistan Government has framed the West Pakistan Motor Vehicles Rules, 1969 in supersession of the Punjab Motor Vehicles Rules, 1940, the Baluchistan Motor Vehicles Rules, 1940, the North-West Frontier Motor Vehicles Rules, 1940 and the Sind Motor Vehicles Rules, 1940. The West Pakistan Motor Vehicles Rules, 1969 were finalised after taking consideration the draft Rules previously published with the West Pakistan Government Notification No. T-9/225-65, dated 26th July, 1968.

58. Power to restrict the number of and attach conditions to public carrier's permits. The Regional Transport Authority may attach to a public carrier's permit all or any of the following conditions, namely :—

(i) that the vehicle shall be used only on specified routes or in a specified area ;

(ii) that the laden weight and the axle weights of any vehicles used shall not exceed a specified maximum ;

(iii) that such records as may be prescribed relating to the plying of the vehicles shall be maintained ; and

(iv) that the vehicle used shall comply with such other specified condition or conditions appropriate to the service which the Regional Transport Authority thinks proper to impose in the public interest or with a view to prevent uneconomic competition between Road Transport Services.

59. Procedure in applying for and granting permits. (1) An application for a permit of any kind may be made at any time.

(2) (3) (4) (5) (6) * * *

(7) When a Regional Transport Authority refuses an application for a permit of any kind it shall give to the applicant in writing its reasons for the refusal.

COMMENTARY

Special leave to appeal refused by the Supreme Court: A petition for special leave to appeal arose from the following facts : Four applicants applied individually each in his own right for route permit. The Regional Transport Authority suo motu grouped three applicants together and granted a Joint permit to them. At the same time the Regional Transport Authority refused the grant of permit to the fourth applicant by taking into account matters wholly extraneous to reasons as ordained by the West Pakistan Motor Vehicles Ordinance, 1965. The Supreme Court refused special leave to appeal holding that the High Court was right in coming to conclusion that the R T.A. had acted in violation of mandatory provision of the Ordinance.

In 1970 S.C.M.R. 501, R.T.A. granted stage-carriage permit for part of route and not for whole route applied for and as notified. Appellate authority directed R.T.A to re-advertise modified route and then permit for route Appellate authority's order, in circumstances, held amounted to cancellation of permit already granted by R.T.A without determining rival claims of contestants. Order being in excess of jurisdiction and seriously affecting rights of permit-holders, held, would not be sustainable in law.

Grant of routs permits—Public policy the main criterions. The only consideration which should weigh with the Transport Authority in granting permits is the public interest. That being so, a Transport Authority could resolve that a syndicate of operators under proper management and with sufficient capital should be preferred for certain routes over individual operators in public interest.

Parties may not be heard in presence of each other. The law does not say that the applicant and the objector must be heard in the presence of each other ; all that it says is that they both must be heard if they wish to be heard. The hearing of the objector in the absence of the applicant or subsequently to the date on which the applicant is heard or his application considered does not in all cases amount to a denial of fair hearing so as to make the proceeding; void or illegal.

Permit granted for eight months under Defence of India (Amendment) Ordinance, 1942—Automatic renewal. When a permit was issued for eight months under the Defence of India (Amendment) Ordinances, 1942 and 1944, it was held :

A permit was for the period from 1st August, 1944 to 21st March. 1945 and was thus for a "specified period" within the meaning of the Ordinance of 1944. The respondent company or the associating individuals were not, therefore, entitled to claim an automatic renewal for a period longer than the specified period.

Grant of temporary permits—Considerations. It is neither possible nor desirable to attempt an exhaustive enumeration of the situations which would, be covered by clause (c), but it is clear that

the clause cannot be interpreted so as to exclude a temporary or a short term need, which may arise due to the fact that permanent arrangements are bound to take time in accordance with the procedure prescribed in section 57 of the Motor Vehicles Act. Until the permanent arrangements come into existence, there will exist a particular temporary need which must be met by the expedient of issuing temporary permits under section 62 of the Motor Vehicles Act.

Grant of permits—Consideration to be kept in view. The relevant considerations for the grant of permits by the Regional Transport Authority are laid down in section 47 of the Motor Vehicles Act. The interest, convenience and the benefit of the public are of paramount importance, and the other things equal to the operation by the applicant of other transport services and in particular unremunerative services in conjunction with remunerative services have also to be kept in view.

Grant of temporary route permits. The provisions of section 61 dispensing with provisions of section 59 do not by implication exclude the normal procedure laid down in sections 48, 49 and 50. Therefore, an order passed under section 64 would be appealable and the right of appeal is not confined to existing operators only.

Grant of permits when not in accordance with provisions of S. 49. In a case grantees of route permits failed to produce statement of Bank accounts to show capital actually invested in securing buses. They were found not possessing any vehicles of their own. The Board of Revenue held that the permits granted by the Regional Transport Authority were in accordance with the provisions of section 49 of the Ordinance. As such the orders of the R.T.A. were set aside by the Board.

Reasons for grant or refusal of route permits. The applicant having rendered "services to the nation" is not a reason justifying the grant of route permit. Nor the applicant-Company is refused the route permit simply because "its Managing Director owns permits on other routes" in some other capacity.

Rules framed under Motor Vehicles Act 1939 superseded by West Pakistan Motor Vehicles Rules, 1969. By Notification No. T-9/225-65, dated 1st September, 1969 the West Pakistan Government has framed the West Pakistan Motor Vehicles Rules, 1969 in supersession of the Punjab Motor Vehicles Rules, 1940, the Baluchistan Motor Vehicles Rules, 1940, the North-West Frontier Motor Vehicles Rules, 1940 and the Sind Motor Vehicles Rules 1910. The West Pakistan Motor Vehicles Rules, 1969 were finalised after taking into consideration the draft Rules previously published with the West Pakistan Government Notification No. T-9/-25-65. dated 26th July, 1968.

Police report on grant of route permit—Value and use. The police authority within whose local jurisdiction any part of the proposed route lies, has also been given the right to make representations. But the police report submitted to the Regional Transport Authority or the Appellate Authority, if it requires the police authority to do so, is not intended to be anything more than an expression of opinion by an order, with particular reference to the question as to whether any of the applicants for a permit had anything to its credits or discredit as supplier of transport facilities. Such a report is meant more for the use of the several applicants or any one of them. In other words, it is in the nature of information supplied by the police in order to assist the authority in making up its mind

Purchase of motor rickshaw—Question of source not to be considered while granting permit: The law cannot possibly intend that a person should be refused a permit for a rickshaw because he had purchased it on a permit which he had obtained from the Controller of Imports or some other competent authority.

Temporary permit cannot be treated as permanent. A temporary permit, though invalidly granted, can not be ordered by the Court to be treated as a permanent permit.¹³

Notice of modification in route—It must be published. The view that, when an Authority proposes to modify an application, it must be published afresh to provide a further occasion for objections, is clearly erroneous because the rule itself contemplates the modification at a stage subsequent to the publication of the original application and refers to the time when the decision to grant or refuse permit is to be taken.

Permits not granted in regular manner—Proper procedure not followed Effect. Where the permits were issued to the appellant, not in accordance with the legal provisions, but in pursuance of a procedure which seems to have been invented by the R.T.A. for its own purpose, held:

It is not possible to take exception to the view expressed by the High Court that the permits were granted in an irregular or illegal manner not contemplated by the Act, and, therefore, they create no legal rights under the Act, such as could be protected by invoking the writ jurisdiction of the High Court. The mere fact the form, for a regular permit was used or that the fee for a regular permit had been charged would not alter this essential position.

Existing route permit-New conditions cannot be added to. Section 51 of the Motor Vehicles Act cannot be an independent section. Clause (d) of the said section authorising the Regional Transport Authority to require fitting of meters to taxis must be held to relate to the stage when the said Authority is to consider where to grant or refuse the application for the route-permit. The R.T.A. cannot add new conditions to the already existing route permit.

Formal survey When not necessary. Where the Chairman, Regional Transport Authority visits the area and respectable members of public request for provision of direct link between two terminals of the route, formal survey would not be necessary in the circumstances of the case."

Procedure contained in S. 59 dispensed with in case of temporary Permits: The procedure contained in section 57 of the Motor Vehicle Act, 1939 corresponding to section 59 of the Ordinance has been dispensed with in the case of temporary permits; Section 49 of the Ordinance only lays down the general principles and the relevant considerations which the Regional Transport Authority has to bear in mind while granting or refusing a stage-carriage permit.

R.T.A. When incompetent to grant permits.- The provisions contained in Section 50 of the West Pakistan Motor Vehicles Ordinance, 1965 are mandatory. As such a Regional Transport Authority is not competent to grant permits in excess of the advertised number.

*Restriction of number of trips—*Whether warranted by conditions of permit. The Supreme Court has declared that the conditions of a permit do not warrant restriction of trips.

No embargo on presence of outsiders in R. T. A's meeting. There does not seem to be an embargo on the presence of outsiders at a meeting of the Regional Transport Authority.

Appeal against order of refusal to grant route permits –Appellate Authority may order re distribution of permits. The possibility of re distribution of permits in an appeal under clause (a) of section 64, Motor Vehicles Act, cannot be excluded for such re-distribution would really be incidental to the power of the Appellate Authority to allow an appeal of a person aggrieved by the refusal of a permit to him or consequential upon it. It is difficult to appreciate how else relief can be granted to a successful appellant under clause (a) if the number of route permits on a particular route is limited, except by taking away permits granted to others.

Limit of permits— Appellate Authority may not increase. The Regional Transport Authority is empowered to limit the number of stage carriages for which permit may be granted and where such a limit has been fixed by the R.T.A, it is not open to Appellate Authority to grant a permit beyond the limit fixed by the R.T.A.

60. Duration and renewal of permits. (1) A permit other than a temporary permit issued under section 68 shall be effective without renewal for such period not less than three years and not more than five years, as the Regional Transport Authority may in its discretion specify on the permit.

(2) A permit may be renewed on an application made in that behalf in the prescribed manner and on payment of the prescribed fee for a period specified in sub-section (1)

COMMENTARY

Original permit canceled- Renewed one automatically cancelled. When the original permit is set aside by higher authorities, the renewal there of must also stand automatically set aside and cease to subsist for the period for which it was renewed.

61. General conditions attached to all permits. (1) A permit other than a special permit without renewal—

(a) in the case of a permit or a contract carriage permit, not being a permit to ply a motor-cab, for such period, not being less than one year and not more than three years as the Regional Transport Authority may after considering the condition of the bus for the route in question in its discretion specify in the permit; and

(b) in the case of any other permit, for such period not being less than three years and not more than five years, as the Regional Transport Authority may. in its discretion, specify in the permit.

(2) The holder of a permit may, with the permission of the authority by which the permit was granted, replace by another vehicle of the same or substantially similar nature and capacity any vehicle covered by the permit.

(3) The following shall be conditions of every permit:—

- (a) that the vehicle or vehicles to which the permit relates are at all times so maintained as to comply with the requirements of Chapter VI and the rules made thereunder;
- (b) that the vehicle or vehicles to which the permit relates are not driven at a speed exceeding the speed permissible under this Ordinance;
- (c) that any prohibition or restriction imposed and any maximum or minimum fares or freights fixed by notification made under section 45 are observed in connection with any vehicle or vehicles to which the permit relates ;
- (d) that the vehicle or vehicles to which the permit relates are not driven in contravention of the provisions of section 76;
- (e) that the permit holder shall furnish to the Provincial Transport Authority or a Regional Transport Authority or an officer of the Transport Department authorized in this behalf, within such period of time as may be fixed by that authority or the officer, such information relating to the vehicle or vehicles covered by the permit or the permit holders business as a carrier as may be required by that authority or officer ;
- (f) that the provisions of law for the time being in force in the Province relating to insurance of motor vehicles so far as they apply to the holder of the permit are observed ; and
- (g) that the permit holder's business premises shall be according to a design approved by the Provincial Transport Authority and maintained properly.

Explanation. In this clause, business premises include bus stations shelters, garages and repair shops for the vehicle or vehicles to which the permit relates.

PUNJAB ADDITION : PUNJAB ORDINANCE XII OF 1972.

In section 61 in sub section (3), after clause (d). the following new clause shall be inserted, namely:

"(dd) that no Government servant shall acquire any interest, either directly or indirectly, in the vehicle covered by a permit except when he acquires such interest by operation of law or under the decree, judgment or order of any court or with the permission, in writing, of the authority by which the permit was granted.

62. Cancellation and suspension of permit. (1) The transport authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit—

(a) on the breach of any condition specified in sub-section (3) or section 61 or of any other condition contained in the permit; or

(b) if the holder of the permit uses or causes or allows a vehicle to which the permit relates to be used in any manner not authorized by the permit; or

- (c) if the holder of the permit ceases to possess the vehicle or vehicles covered by the permit; or
- {d) if the holder of the permit has obtained the permit by fraud or misrepresentation ; or
- (e) if the holder of a public carrier's permit fails, without reasonable cause, to play the vehicle ; or
- (f) if the holder of the permit uses or causes or allows the vehicle or vehicles to be used for subversive activities against the State ; or
- (g) if the holder of the permit uses or causes or allows the vehicle or vehicles to be used for the transport of goods the movement of which is banned under any law for the time being in force, or for the commission of a cognizable offence ;
- (h) if a forgery has been committed in respect of the permit or it has in any way otherwise been tampered with :

Provided that no permit shall be cancelled unless an opportunity has been given to the holder of the permit to submit his explanation of being heard,

(2) Where a transport authority cancels or suspends a permit, shall record in writing its reasons for the cancellation or suspension and shall give a copy thereof to the holder of the permit.

COMMENTARY

Government's powers to cancel permit unlimited. Under section 43 (4) (a) of the Motor Vehicles Act, 1939, the Government is entitled to cancel "any permit or class of permits". The words used are wide and contain no limitation or condition as to the necessity of canceling all permits on a particular route.

R.T.A. has no power to fix fares for stage carriers. The order of the Provincial Transport Authority, Karachi, reducing the fares chargeable by stage-carriages is in excess of the powers vested in that authority and would therefore, be void.

Cancellation of route permit by R.T.A.—When justified. A stage-carriage was involved in a road accident. The driver of vehicle was charged under section 304-A, Pakistan Penal Code, 1860, for rash and negligent driving but was ultimately acquitted. It was held that notwithstanding the acquittal of driver, the Regional Transport Authority would be justified (in circumstances of the present case) to cancel route permit on its own independent finding that the carriage was "speeding uncontrolled" in contravention of conditions of the route permit.

The R.T.A. would be justified, in the circumstances of a case, in canceling route-permit on its own independent finding that carriage was speeding uncontrolled" in contravention of conditions of route permit.

Original permit cancelled - Renewed one automatically cancelled. When the original permit is set aside by higher authorities, the renewal thereof must also stand automatically set aside and cease to subsist for the period for which it was renewed.

Permit of new operator cancelled to avoid competition and consequent accidents on road—High Court not to interfere. The Member, Board of Revenue, cancelled the route permit of a new operator because his view was that the necessary enlarging of the number of operators on a route which was not of major importance was likely to encourage competition between the new and old operators of the region and this was likely to result in road accidents (which was the view which had also been taken by the local committees) The learned Member took the view that by introducing a new operator when there were already existing operators in the region would not be in public interest.
Held :

It is not open to the High Court to interfere with the assessment of the question by the learned Member in relation to public interest.

Suspension of route permit—When without lawful authority. The driver of a vehicle was acquitted of offences under section 279, 304A and 337, Penal Code(XLV of 1860). The Regional Transport Authority suspended the route permit of owner for six months. The order of suspension, held, to be without lawful authority in the circumstances of case, no additional material having been placed before it.

Mere suspension of an applicants earlier permit not good enough to warrant cancellation of permit by appellate authority. Mere suspension of an earlier permit, to which the reason had not been disclosed in the impugned order, was not good enough to warrant the cancellation of its permits granted by the Regional Transport Authority. Even otherwise it appeared from the impugned order that the permits were suspended after the grant of the permits which were the subject-matter of the present dispute. Suspension, therefore, being subsequent to the grant of the permits would not be a relevant consideration in so far as the permits in question were concerned.

Legality of grant of injunction. Where an injunction was issued by the District Judge permitting the company to ply its buses on the routes though their permits had been cancelled, it was held :

The injunction was misconceived and the order dismissing the application for canceling that injunction was not correct.

Transport Board may cancel permits even when its vehicles already running on the route. The intention of the law is to enable the Government to have a kind of monopoly for running vehicles on particular route and the mere fact that the Transport Board is already running its vehicles can not in any way fetter the powers of the Government to cancel permits.

Order of cancellation not serving purpose for which passed— Validity. It is not a necessary condition of validity that the order should in fact be able to serve the purpose for which it is passed. The condition of validity of the order is subjective one, namely, that the authority concerned should pass the order with that object in view. If this condition is satisfied, the order is legal even though the Court on examining the facts be of the opinion that the purpose could not have been served by

the order. It is for the officer authorised to pass the order and not for the Court to determine whether the purpose will be served by the order.

63. Transfer of permit on death of holder. (i) Where the holder of a permit dies, the person succeeding to the possession of the vehicle or vehicles covered by the permit may, for a period of three months, use the permit as if it had been granted to himself:

Provided that such person has, within thirty days of the death of the holder, informed the transport authority which granted the permit of the death of the holder and of his intention to use the permit:

Provided further that no permit shall be so used after the date on which it would have ceased to be effective without renewal in the hands of the deceased holder.

(2) The transport authority may, on application made to it within three months of the death of the holder of a permit, transfer the permit to the person succeeding to the possession of the vehicles covered by the permit.

64. (1) Special permits. Regional Transport Authority may grant special permits, to be effective for one return trip only, authorizing the use of a motor vehicle for that trip as a public service vehicle.

(2) A Regional Transport Authority may, subject to such conditions as it may impose in this behalf, delegate its powers of issuing a permit under sub-section (1) to its Chairman, any Member or any Gazetted Officer of Government.

COMMENTARY

Permit granted or eight months under Defense of India (Amendment) Ordinance, 1942—Automatic renewal. When a permit was issued for eight months under the Defense of India (Amendment) Ordinances, 1942 and 1944, it was held :

A permit was for the period from 1st August 1944 to 31st March, 1945 and was thus for a "specified period" within the meaning of the Ordinance of 1944. The respondent company or the associating individual were not, therefore, entitled to claim an automatic renewal for a period longer than the specified period.

Locus standi to invoke writ Jurisdiction. It has been held that the operators on major part of route in respect of which temporary route permits were issued to other persons also under section 64 of the Ordinance, would have locus standi to invoke the writ jurisdiction of the High Court under Article 98(2)(a) of the Constitution of Pakistan (1962).

Police report on grant of route permit — Value and use. The police authority within whose local jurisdiction any part of the proposed route lies, has also been given the right to make representations. But the police report submitted to the Regional Transport Authority or to the Appellate Authority, if it requires the police authority to do so, is not intended to be anything more

than an expression of opinion by an order, with particular reference to this question as to whether any of the applicants for a permit had any thing to its credit or discredit as supplier of transport facilities. Such a report is meant more for the use of the several applicants or any one of them. In other words, it is in the nature of information supplied by the police in order to assist the authority in making up its mind.

Grant of temporary permits—Considerations. It is neither possible nor desirable to attempt an exhaustive enumeration of the situations which would be covered by clause (c), but it is clear that the clause cannot be interpreted so as to exclude a temporary or a short-term need, which may arise due to the fact that permanent arrangements are bound to take time in accordance with the procedure prescribed in section 57 of the Motor Vehicles Act. Until the permanent arrangements come into existence, there will exist a particular temporary need which must be met by the expedient of issuing temporary permits under section 62 of the Motor Vehicles, Act.

Temporary permit cannot be treated as permanent. A temporary permit though invalidly granted, cannot be ordered by the Court to be treated as a permanent permit.

PUNJAB ADDITION : PUNJAB ORDINANCE XII OF 1972.

In section 64 the full-stop occurring at the end of sub-section (1) shall be replaced by a comma and thereafter the following shall be added, namely :—

"or authorising a transport vehicle being driven empty."

65. Validation of permits for use outside region in which granted. (1) A contract-carriage permit or a stage-carriage permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been countersigned by the Regional Transport Authority of that other region.

(2) A Regional Transport Authority when countersigning the permit may attach to the permit any condition which it might have imposed if it had granted the permit, and may likewise vary any-condition attached to the permit by the authority by which the permit was granted.

(3) The provisions of this Chapter relating to the grant, cancellation and suspension of permits shall apply to the grant, cancellation and suspension of countersignatures of permits.

(4) Notwithstanding anything in sub-section (1), a Regional Transport Authority of one region may issue a temporary permit under clause (a) or clause (c) of section 64 to be valid in another region with the concurrence, given generally or for the particular occasion, of the Regional Transport Authority of that other region.

66. Appeals. (1) Any person—

(a) aggrieved by the refusal of the Provincial or a Regional Transport Authority to grant a permit, or by any condition attached to a permit granted to him, or

(b) aggrieved by the cancellation or suspension of the permit or by any variation of the conditions thereof, or

(c) aggrieved by the refusal to transfer the permit to the person succeeding on the death of the holder of a permit to the possession of the vehicle or vehicles covered by the permit, or

(d) aggrieved by the refusal of the Provincial or a Regional Transport Authority to countersign a permit, or by any condition attached to such countersignature, or

(e) aggrieved by the refusal to renew a permit, or

(f) being a local authority or police authority or an association which, or a person providing transport facilities who, having opposed the grant of a permit, is aggrieved by the grant thereof or by any condition attached thereto, or

(g) being the holder of a licence, who is aggrieved by the refusal of a Regional Transport Authority to grant an authorisation to drive a public service vehicle,

may, within thirty days and in the prescribed manner, appeal to the prescribed authority, who after giving such person and the original authority an opportunity of being heard, pass such order, not inconsistent with the provisions of this Ordinance or the rules framed thereunder, as it may deem fit:

Provided that the appellate authority shall not increase the number of permits granted by the Provincial Transport Authority or a Regional Transport Authority.

(2) No appeal shall lie against any order passed under sub-section (2) of section 45,

(3) Save as expressly provided in this Ordinance, no Court or other authority shall have jurisdiction:-

(a) to entertain or adjudicate upon any matter which the Provincial or a Regional Transport Authority or the prescribed authority is empowered by this Ordinance to dispose of or to determine ; or

(b) to question the legality of anything done under this Ordinance by or at the instance of the Provincial or a Regional Transport Authority or the prescribed authority.

(4) No Court or other authority shall be competent to grant an injunction or other order in relation to any proceedings before the Provincial or a Regional Transport Authority or the prescribed authority under this Ordinance, or anything done or intended to be done by or at the instance of any such authority under this Ordinance.

COMMENTARY

Point yet to be determined by the Supreme Court. Our Supreme Court granted the special leave to appeal to determine the following questions;

(1) Whether rules made under any provision of the repealed Motor Vehicles Act, 1939, continue in force? [In view of promulgation of the West Pakistan Motor Vehicles Rules, 1969 (see infra), this question is of academic interest only.]

(2) Whether rule 4.37 of the rules framed under Act IV of 1939 is not in conflict with section 66 of the West Pakistan Motor Vehicles Ordinance, 1965?

Special leave to appeal refused by the Supreme Court. A petition for special leave to appeal arose from the following facts: Four applicants applied individually each in his own right for route permit. The Regional Transport Authority suo motu grouped three applicants together and granted a joint permit to them. At the same time, the Regional Transport Authority refused the grant of permit to the fourth applicant by taking into account matters wholly extraneous to reasons as ordained by the West Pakistan Motor Vehicles Ordinance, 1965. The Supreme Court refused special leave to appeal holding that the High Court was right in coming to the conclusion that the R.T.A. had acted in violation of mandatory provisions of the Ordinance.

Locus standi to invoke writ Jurisdiction. It has been held that the operators on major part of route in respect of which temporary route permit were issued to other persons who under section 64 of the Ordinance, would have locus standi to invoke the writ jurisdiction of the High Court under Article 93 (2) (a) of the Constitution of Pakistan (1962).

Parties may not be heard in presence of each other. The law does not say that the applicant and the objector must be heard in the presence of each other. All that it says is that they both must be heard if they wish to be heard. The bearing of the objector in the absence of the applicant or subsequently to the date on which the applicant is heard or his application considered does not in all cases amount to a denial of fair bearing so as to make the proceedings void or illegal.

Superior Courts when may issue mandamus to R.T.A. Even though Courts are normally reluctant to interfere with the exercise of discretion by administrative authorities or Tribunals yet where a clear case has been made out of an authority acting in excess of jurisdiction or of an authority refusing to exercise the jurisdiction vested in it, the courts have always claimed to have had the jurisdiction by way of writ of mandamus to set aside the order passed by it or to command it to exercise its jurisdiction in accordance with law.

Single Member, Board of Revenue, designated Appellate Authority— No revision lies from his order to Full Board. Where a single Member of the Board of Revenue has been designated by the Government under the Motor Vehicles Act as the prescribed Appellate Authority under section 64 of the Motor Vehicles Act, the appeal under the said Act is apparently a matter within the scope of the Board of Revenue's ordinary powers exercisable under the West Pakistan Board of Revenue Act (XI of 1957). Therefore, a revision does not lie from the decision of the Single Member To the Full Board."

Appeal against order of refusal to grant route permits—Appellate Authority may order re distribution of permits. The possibility of re-distribution of permits in an appeal under clause (a) of section 64, Motor Vehicles Act, cannot be excluded for such re-distribution would really be incidental to the power of the Appellate Authority to allow an appeal of a person aggrieved by the refusal of a permit to him or consequential upon it. It is difficult to appreciate how else relief can be granted to a successful appellant under clause (a) if the number of route permits on a particular route is limited, except by taking away permits granted to others.

Suspension of route permit—When without lawful authority. The driver of a vehicle was acquitted of offences under sections 279, 304A and 337, Penal Code (XLV of 1860). The Regional Transport Authority suspended the route permit of owner for six months. The order of suspension, held, to be without lawful authority in the circumstances of case, no additional material having been placed before it.

Mere suspension of an applicant's earlier permit not good enough to warrant cancellation of permit by appellate authority. Mere suspension of an earlier permit, of which the reason had not been disclosed in the impugned order, was not good enough to warrant the cancellation of its permits granted by the Regional Transport Authority. Even otherwise it appeared from the impugned order that the permits were suspended after the grant of the permits which were the subject-matter of the present dispute. Suspension, therefore, being subsequent to the grant of the permits would not be a relevant consideration in so far as the permits in question were concerned.

Limitations Imposed on powers of appellate authority—Determination. The conclusions drawn by the learned Judges in the High Court :

(i) that the order passed by the Authority was not itself a just and proper order, as the first named petitioner was granted four permits against a fleet of five buses ; and (ii) that the case of Rehbar Bus Service was equally compatible with the petitioner's case, were assailed before the Supreme Court by way of petition for special leave to appeal. Reliance was also placed on the limitations imposed by section 121 (2) of the West Pakistan Motor Vehicles Ordinance on the powers of the appellate authority which were not kept in view by the High Court. The Supreme Court granted the special leave to appeal to determine the validity of the findings of the High Court.

Limit of permits—Appellate Authority may not increase. The Regional Transport Authority is empowered to limit the number of stage carriages for which permit may be granted and where such a limit has been fixed by the R.T.A. It is not open to Appellate Authority to grant a permit beyond the limit fixed by the R.T.A.

Remand of case to R.T.A. A Full Bench consisting of Faizuifah Khan, Bashiruddin Ahmad and Shakirullah Jan, JJ. has held that the powers of the Appellate Tribunal include the power to remand the case to Regional Transport Authority.

Rules framed under Motor Vehicles Act 1939 superseded by West Pakistan Motor Vehicles Rules, 1969. By Notification No. T-9/225-65, dated

1st September, 1969 the West Pakistan Government has framed the West Pakistan Motor Vehicles Rules, 1969 in supersession of the Punjab Motor Vehicles Rules, 1940, the Baluchistan Motor Vehicles Rules, 1940, the North West Frontier Motor Vehicles Rules, 1940 and the Sind Motor Vehicles Rules 1940. The West Pakistan Motor Vehicles Rules, 1969 were finalised after taking into consideration the draft Rules previously published with the West Pakistan Government Notification No. T-9/225-65, dated 26th July, 1968.

Declaration or advertisement of route—Appealable. The act of declaring the route open on the part of the Regional Transport Authority being the first preliminary act of the parties culminating in the grant or refusal of a permit is appealable.

Appellate authority not a Court of justice. The appellate authority does not administer justice as a Court of Law though while deciding as between the rival claims of the applicants for a permit it has to deal with them in a fair and just manner. But a tribunal even acting "judicially" is not obliged to grant an adjournment suo motu without any application on behalf of any of the parties.

Appellate Court or Authority has inherent Jurisdiction to order remand. It is manifestly clear from the definition of the term "appeal" that it is inherent in the right of appeal that the whole case, including the facts, is within the jurisdiction of the appellate authority, unless and until in a particular statute the right of appeal is whittled down or hedged in by certain limitations. In other words, the appellate Court has the jurisdiction of giving all the relief which the original Court or tribunal can give. It would, therefore, follow that the power of remand which is merely ancillary and incidental, is inherent in the appellate authority in that certain cases where the Court or tribunal has violated the statutory provision, it may become impossible for the appellate authority to give an effectual and proper decision without remitting the case to the Court of first instance.

Appellate Authority's power to decree a limit Whether fettered. A limit once fixed by the Regional Transport Authority cannot be increased by the appellate authority, but certainly there can be no such restriction on the decrease of a limit, inasmuch as the appellate authority being administratively superior to the Regional Transport Authority and capable of substituting its own judgment, would not be confronted in such an eventuality with the legal hurdles that it has to face by ordering an increase, which would result in the nullification of the statutory provisions.

Permit of new operator cancelled to avoid competition and consequent accidents on road - High Court not to interfere. The Member, Board of Revenue cancelled the route permit of a new operator because in his view the unnecessary enlarging of the number of operators on a route which was not of major importance was likely to encourage competition between the new and old operators of the region and this was likely to result in road accidents (which was the view which had also been taken by the local committees). The learned Member took the view that by introducing a new operator when there were already existing operators in the region would not be in public interest. Held:

It is not open to the High Court to interfere with the assessment of the question by the learned Member in relation to public interest.

67. Compensation for the death of, or injury to, a passenger. (1) In the case of death of, or injury to, a passenger in a stage carriage or a contract carriage, other than a contract carriage constructed, adapted or used to carry not more than six passengers including the driver, arising out of the use of such carriage, there shall be paid, if a permit has been granted in respect of that carriage, by the holder of the permit, and, if no permit has been so granted, by the owner of the carriage, as compensation the amount specified in the thirteenth schedule.—

(a) in the case of death of a passenger, to the legal representatives of the deceased passenger, and

(b) in the case of an injury to a passenger, to the injured passenger.

(2) The compensation payable under sub-section (1) shall be in addition to any sum which the person entitled to receive compensation may receive or be eligible to receive under a policy of insurance under the provisions of Section 95 of the Motor Vehicles Act, 1930 (IV of 1939).

(3) Any contract for the conveyance of a passenger in a stage carriage or contract carriage, other than a contract carriage constructed, adapted or used to carry not more than six passengers including the driver, in respect of which a permit has been issued under this chapter, shall, so far as it purports to restrict the liability of any person, or to absolve any person from his liability, in respect of any claim made against that person in respect of the death of, or injury to the passengers who is being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

COMMENTARY

Liability for compensation under section 67 is limited to "permit holder". The Transport Corporation established under section 70 is not "permit holder" within meaning of section 67(1).

67-A. (1) Claims Tribunal. Government may, by notification in the official Gazette, constitute a Claims Tribunal for such area or areas as may be specified in the notification, for the purpose of adjudicating upon claims for compensation under section.

(2) A Claims Tribunal shall consist of one or more members as Government may deem fit to appoint, and where it consists of two or more members, one of them shall be appointed as the Chairman thereof for compensation under section 67 of the West Pakistan Motor Vehicles Ordinance, 1965.

67-B. (1) Applications for compensation. An application for compensation under section 67 may be made—

(a) by the person who has sustained the injury ; or

(b) where death has resulted, by the legal representatives of the deceased passenger; or

(c) by an agent duly authorised by the person injured or the legal representatives of the deceased passenger, as the case may be.

(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident resulting in The death or injury, as the case may be, of the passenger, and shall be in such form and shall contain such particulars as may be prescribed.

(3) No application for compensation under this section shall be entertained unless it is made within ninety days of the accident:

Provided that the Claims Tribunal may entertain an application after the expiry of the said ninety days. If it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

PUNJAB ADDITION: PUNJAB ORDINANCE IX OF 1970. In section 67-B in sub-section (3), after the word "is" and before the word "made", the words "accompanied by such fee as may be prescribed and is" shall be inserted.

PUNJAB ADDITION : PUNJAB ORDINANCE IX OF 1970. After section 67-B, the following section shall be added, namely :—

"67-BB, laformatioo regarding claim for compensation. Where the Claims Tribunal receives information from any source that an accident giving rise to a claim for compensation under section 67 has occurred within its jurisdiction, it may, after such inquiry as it may deem proper, inform the passenger injured in the accident or the legal representatives of the passenger who has died as a result of the accident that it is open to him or them to make an application for compensation under section 67-B and may give him or them, as the case may be, or such other information as it may think fit."

67-C. Award of compensation. On receipt of an application for compensation made under section 67-B, the Claims Tribunal shall hold an inquiry into giving an opportunity to the parties of being heard and pass an order determining, in accordance with the provisions of section 67, the amount of compensation payable, and specifying the person or persons to whom the compensation shall be paid.

67-D, Procedure and powers of Claims Tribunal. (I) In the holding of an inquiry under section 67-C, the Claims Tribunal shall, subject to any rules that may be made in this behalf by Government, follow such summary procedure as it thinks fit.

(2) The Claims Tribunal shall be deemed to be a civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure. 1898 (Act V of 1898).

(3) The Claims Tribunal shall have all the powers of a Civil Court—

(a) for the purposes of taking evidence on oath, enforcing the attendance of witnesses and compelling the discovery and production of document and material objects ; and

(b) for such other purposes as may be prescribed.

67-E. Appeal. (I) Subject to the provisions of sub-section (2), any person aggrieved by an order of the Claims Tribunal awarding or refusing to award compensation, may within ninety days from the date of the order, prefer an appeal to the prescribed authority.

(2) No appeal shall lie under section (1) if the amount in dispute in appeal does not exceed rupees one thousand.

PUNJAB ADDITION : PUNJAB ORDINANCE OF 1970. In section 67-E (1)

(i) after the word and comma "may" and before the word "within," the words "on payment of such fee as may be prescribed and" shall be inserted ; and

(ii) the full-stop at the end shall be replaced by a colon, and there- after the following proviso shall be added, namely :—

"Provided that the appellate authority may entertain an appeal after the expiry of the said ninety days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time."

67-F. Recovery of amount of compensation. (I) Where any compensation has been awarded by the Claim Tribunal or the prescribed authority, and the same has not been paid to the person to whom it has been awarded. within seven days of the order awarding to compensation—

(a) if the compensation is payable by a person who has furnished a bank guarantee under section 49, the bank giving the guarantee shall on being required by the Tribunal deposit with the Tribunal the amount of compensation, or so much thereof as can be paid out of the amount secured under the guarantee ; provided that amount of compensation which cannot be so recovered shall be recoverable in the manner provided in clause (b);

(b) if the compensation is payable by a person who has not furnished a bank guarantee under section 49, the Claims Tribunal or the prescribed authority awarding the compensation may on the application of the person entitled to receive the compensation, issue a certificate to the Collector, and the Collector shall there upon proceed to recover the amount specified in the certificate in the same manner as an arrear of land revenue.

(2) Where any compensation has been paid under the provisions of clause (a) of sub-section (1) out of any amount secured under 49 in respect of a stage carriage, the permit in respect of such stage carriage shall stand suspended until the permit-holder furnishes to the Regional Transport Authority which issued the permit, a fresh bank guarantee of the prescribed sum under the provisions of section 49.

BALUCHISTAN AMENDMENT ORDINANCE X OF 1971 : (1) In clause (a) of sub-section (I) of section 67-F of the Principal Ordinance, after the words "has furnished", the words "a bank guarantee under section 49, the bank giving the guarantee" shall be omitted and the words "the certificate under section 49, the company, issuing such certificate", shall be substituted.

(2) In clause (b) of sub-section (1) of section 67-F of the Principal Ordinance for the words "a bank guarantee" occurring after the word "has not furnished" the words "the certificate" shall be substituted.

(3) Sub-section (2) of section 67-F of the Principal Ordinance, shall be omitted.

BALUCHISTAN SUBSTITUTION : BALUCHISTAN ORDINANCE OF 1974. In clause (a) of sub-section (1) of section 67-F after the words "has furnished", the words "the certificate under section 49, the company issuing such certificate" shall be omitted and the words "a certificate duly issued by the Baluchistan Transport Mutual Assistance Cooperative Society Limited, Quetta" shall be substituted.

PUNJAB ADDITION : PUNJAB ORDINANCE XH OF 1972. In section 67-F after sub-section (2), the following new sub-section shall be added, namely :—

“(3) An order passed by a Claims Tribunal of any other Province of the State of Azad Jammu and Kashmir shall be enforceable in the Province in the same manner as if it were an order of a Claims Tribunal of the Province : provided that the orders of the Claims Tribunal in the Province are also enforceable in such other Province or said State.”

67-G. Bar of Jurisdiction. No Civil Court shall have jurisdiction to entertain any question relating to any claim for compensation which may be adjudicated upon by a Claims Tribunal, and no injunction in respect of any action taken or to be taken by or before a Claims Tribunal in respect of any claim for compensation shall be granted by a Civil Court.

68. Power to make rules as to stage carriages and contract carriages. (I) Government may make rules in respect of stage carriages and contract carriages :—

(a) to provide for the licensing of person acting as conductors of such carriages.

(b) to regulate the conduct of persons licensed to act as drivers of and the conduct and duties of conductors of, such vehicles, when acting as such ; and

(c) to regulate the conduct of passengers in such vehicles.

(2) Without prejudice to the generality of the foregoing provisions such rules may :—

(a) authorise the removal from such vehicle by the driver or conductor or on the request of the driver or conductor, or any passengers by any police officer, of any person infringing the rules;

(b) require passenger who is reasonably suspected by the driver or conductor of contravening the rules to give his name and address to a police officer or to the driver or conductor on demand ;

(c) require a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle and to pay the fare for the whole of such journey and I accept any ticket provided therefore .

(d) require, on demand being made for the purpose by the driver or conductor or other" person authorised by the owner of the vehicle, production during the Journey and surrender at the end of the journey by the holder thereof any ticket issued to him ;

(e) require a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey for which he has paid the fare ;

(f) require the surrender by the holder thereof on the expiry of the period of journey for which it is issued if a ticket issued to him ;

(g) require the maintenance of complaint books in stage carriages and prescribe the conditions under which passenger may record any complaints in the same.

Rules framed under section 69, West Pakistan Motor Vehicles Rules, 1969. In exercise of the powers conferred by sections 22, 43, 68, 69, 74, 96 and 120 of the West Pakistan Motor Vehicles Ordinance, 1965 and in supersession of the Punjab Motor Vehicles Rules, 1940, the North West Frontier Motor Vehicles Rules, 1940, the Baluchistan Motor Vehicles Rules, 1940 and the Sind Motor Vehicles Rules, 1940, the Government of West Pakistan has now framed the West Pakistan Motor Vehicles Rules, 1969.

69. Power to make rules for the purpose of this Chapter. (1) 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, rules under this section may be made with respect to all or any of the following matters, namely : —

(i) the period of appointment and the terms of appointment of and the conduct of business by Regional and Provincial Transport Authorities the delegation of powers by them to their respective Chairman or Members and the report to be furnished by them;

(ii) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees;

(iii) the forms to be used for the purposes of this Chapter, including the forms of permits;

(iv) the issue of copies of permits in place of permits mutilated, defaced, lost or destroyed;

(v) the documents, plates and marks to be carried by transport vehicles, the manner in which they are to be carried and the languages in which any such documents are to be expressed ;

(vi) the badges and uniforms to be worn by drivers and conductors of stage carriages and contract carriages;

- (vii) the fees to be paid in respect of permits, duplicate permits, plates and badges;
- (viii) the exemption of prescribed persons or classes of persons from payment of all or any portion of the fees payable under this Chapter;
- (ix) the custody, production and cancellation on expiration, of permits and the return of permits have become void or have been cancelled ;
- (x) the conditions subject to which a permit issued in one region shall be valid in another regions;
- (xi) the authorities to whom, the time within which and the manner in which appeals may preferred ;
- (xii) the construction and fittings of, and the equipment to be carried by stage contract carriages, whether generally or in specified areas ;
- (xiii) the determination of the number of passengers stage of a contract carriage is adapted to carry and the number of passengers which may be carried ;
- (xiv) the conditions subject to which goods may be carried on stage and contract carriages partly or wholly in lieu of passengers;
- (xv) the safe custody and disposal of property left in a staged contract carriage;
- (xvi) regulating or painting or marking of transport vehicles and the display of advertising matter thereon, and in particular prohibiting the painting or marking of transport vehicles in such colour or manner as to induce any person to believe that the vehicle is used for the transport of mails;
- (xvii) the conveyance in stage or contract carriages of corpses or persons suffering from any infectious disease or goods likely to cause discomfort or injury to passengers, and the inspection and disinfections of such carriages, if used for such purposes ;
- (xviii) the provision of filling taxi-meters of approved standard type on motor cabs, and the examining, testing and sealing of taximeters ;
- (xix) prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places or in special areas or at places other than duly notified stands or halting places, and requiring the driver of a stage carriage to stop and remain stationary for a reasonable time when so required by a passenger desiring to board or alight from the vehicle at a notified halting place ;
- (xx) the requirements which shall be complied with in the construction or use of any duly notified stand or halting place, including the provision or adequate facilities for the convenience of the users

thereof, the fees, if any, which may be charged for such stands or places, the staff to be employed there at and the duties and conduct of such staff, and generally for maintaining such stands and places in a serviceable and clean condition ;

(xxi) the regulation of motor cab ranks ;

(xxii) requiring the owners of transport vehicles to notify any change of address or to report the failure of or damage to any vehicle used for the conveyance of passengers for hire of reward ;

(xxiii) authorising specified persons to enter at all reasonable times and inspect all premises used by permit holders for the purposes of their business ;

(xxiv) requiring a person in charge of a stage carriage to carry any person tendering the legal or customary fare ;

(xxv) the conditions under which, the types of containers or vehicles in which and the seasons during which animals or birds may not be carried ;

(xxvi) the licensing of and the regulation of the conduct of agents or canvassers who engage in the sale of tickets for travel by public service vehicles or otherwise solicit business for such vehicles ;

(xxvii) the licensing of and the regulation of the activities of agents in the business of collecting, forwarding and distributing of goods carried by transport vehicles ;

(xxviii) the inspection of transport vehicles and their contents and of the permits relating to them ;

(xxix) the carriage of persons other than the driver in goods vehicles ;

(xxx) the records to be maintained and the returns to be furnished by the owners of transport vehicles ;

(xxxi) the classification of routes for the purposes of issue of stage carriage permits ;

(xxxii) the form in which applications should be made for grant of permits ;

(xxxiii) the amount of security which should be made for grant of stage carriage and contract carriage permits ; and

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

PUNJAB SUBSTITUTION : PUNJAB ORDINANCE IX OF 1979

In section 69 in sub-section (2), for clause (xxxi), the following clause shall be substituted, namely:-

“(xxx) the classification of routes and imposition of restrictions regarding age of vehicles for the purpose of issuing stage carriage permits.”

COMMENTARY

Rules framed under the section—West Pakistan Motor Vehicles Rules 1969. In exercise of the powers conferred by sections 22, 43, 68, 69, 70, 74, 95 and 120 of the West Pakistan Motor Vehicles Ordinance, 1965, and in supersession of the Punjab Motor Vehicle Rules 1950, the North West Frontier Motor Vehicles Rules 1940, the Baluchistan Motor Vehicles Rules, 1940 and the Sind Motor Vehicles Rules, 1940, the Government of West Pakistan has now framed the West Pakistan Motor Vehicles Rules, 1969.

CHAPTER V ROAD TRANSPORT CORPORATION

70. Road Transport Corporation. (1) Government may establish a Road Transport Corporation for the purpose of operating road transport service in the Province and the Corporation so established shall be a body corporate by the name of the " Road Transport Corporation" having perpetual succession and a common seal, and shall by that name sue and be sued.

(2) The Corporation shall consist of a Chairman and two members to be appointed by Government.

(3) The term of office of the Chairman or a member shall be three years:

Provided that where the Chairman or a member is a person in the service of Pakistan his term of office shall be such as may be determined by Government.

(4) On the expiry of the term of his office, the Chairman or a member shall be eligible for re-appointment for another term or for such shorter term as Government may determine.

(5) The Chairman or any member may at any time resign his office;

provided that his resignation shall not take effect until it is accepted by Government.

(6) The Chairman and each member shall receive such salary and allowances as may be determined by Government and shall perform such duties as may be assigned to them under this Ordinance or the rules framed thereunder.

(7) Government may, by notification in the official Gazette, remove the Chairman or any member:-

(i) if he refuses or fails to discharge or becomes in the opinion of Government incapable of discharging his responsibilities under this Ordinance ; or

(ii) if he has been declared insolvent; or

(iii) if he been declared to be disqualified for employment in has been dismissed from, the service under the Central Government or the Provincial Government or has been convicted of an offence involving moral turpitude ; or

(iv) if he has knowingly acquired or continues to hold, without the permission in writing of Government, directly or indirectly or through a partner, any share or interest in any contract or employment with or by or on behalf of the Corporation or in any land or property which to his knowledge is likely to benefit or has benefited as a result of the operations of the Corporation.

(7A) A person employed for the purposes of an organization established under sub-section (1) shall be deemed to be a public servant within the meaning of Section (21) of the Pakistan Penal Code (Act XI of 1860)

(8) Government shall consult the Corporation in all matters relating to the co-ordination of road and rail transport and in the fixation of fares and freights under Chapter IV.

(9) Government may make rules not inconsistent with the provisions of this Ordinance, prescribing the powers and functions of the Corporation.

COMMENTARY

Employees of Road Transport Corporation"-Whether Government Servants. It has been held that a person initially appointed by the Provincial Government as employee of Lahore Omnibus Service but continuing to serve successively Punjab Transport Board, West Pakistan Transport Board and Road Transport Corporation is not a Government servant. As such protection afforded to civil servants by Articles 177, 178 and 214 (I) of the Constitution of Pakistan (1962) would not be available to such employee.

Enquiry Officer sitting as member in meeting of Corporation held to determining guilt of petitioner—Meeting Improper. Decision taken by meeting set aside. Where the Enquiry Officer who had made an adverse report against the petitioner sat in the meeting of the Corporation to determine whether the petitioner was guilty or not, it was held :—

The member in his capacity as the Enquiry Officer had already formed an opinion against the petitioner and it cannot be said that he sat in the meeting of the Corporation with an unbiased mind. By his report he had pre-judged the issue against the petitioner before participating in the meeting. The petitioner was certainly placed in a position of great disadvantage in having to face the member who had already expressed his opinion against him in writing. Moreover, in the awkward situation of the petitioner, he was bound to experience considerable reluctance and embarrassment on his part to face the enquiry officer and criticize his conduct and the report. No doubt administrative tribunals are not required to follow the procedure commonly known to law Courts but nevertheless in quasi-judicial matters they are bound to act in conformity with the principles of natural justice and in accordance with the canons of fair play. It is one of the fundamental and well recognised principles of administration of justice that "justice should not only be done but it should manifestly and undoubtedly be seen to be done." If one of the members of a tribunal is biased or, which is the same thing, has prejudged the issue against a party, it is bound to cause

reasonable apprehension in the mind of the party that he is not likely to get a fair and impartial deal at the hands of tribunal. If one of the authorities or any one of authorities hearing a case has any pecuniary or otherwise substantial interest or is biased, the defect goes to the root of the constitution of the tribunal which becomes improperly constituted.

S 43(4):(a), Motor Vehicles Act, 1939 declared ultra vires. The Supreme Court has declared that sub section (4) of section 43 of the Motor Vehicles Act. 1939, being violative of the right protected by section 299 of the Government of India Act, 1935 was ultra vires the Federal Legislature and hence the impugned notifications issued under the said sub-section were also bad in law.

Transport Board may cancel permit even when ifs vehicles already running on the route. The intention of the law is to enable the Government to have a kind of monopoly for running vehicles on particular route and the mere fact that the Transport Board was already running its vehicles cannot in any way fetter the powers of the Government to cancel permits.

Rules framed under S. 70—West Pakistan Motor Vehicles Rules 1969. In exercise of the powers conferred by section 22, 43, 68, 69, 70. 74, 96 and 100 of the Ordinance and in supersession of the West Pakistan Motor Vehicles Rules 1940, the North West Frontier Motor Vehicles Rules, 1940, the Baluchistan Motor Vehicles Rules, 1940 and the Sind Motor Vehicles Rules 1940, the West Pakistan Government framed the West Pakistan Motor Vehicles Rules, 1969 vide West Pakistan Government Notification No, T-9/225-65, dated 1st September, 1969. These Rules were finalised with the West Pakistan Government Notification No. T-9I/225 65 dated 26th July. 1968.

N.W.F.P SUBSTITUTION : N.W.F.P. ORDINANCE V OF 1972

“(2) The Board shall consist of a Chairman and such number of members as may from time to time be appointed by Government.”

PUNJAB AMENDMENT : PUNJAB ORDINANCE IX OF 1978 :

In section 70 :

(a) sub-sections (8) and (9) shall be re-numbered as sub-sections (9) and (10) respectively ; and

(b) before sub-section (9) as so re numbered, the following sub-section shall be inserted, namely:-

"(8) A person employed for the purpose of the Corporation shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860, but shall not be deemed to be a servant of the Government on the ground that he is employed by the Corporation established by the Government."

PUNJAB ADDITION : PUNJAB ACT III OF 1973 ;

In section 70 :

(i) in sub-section (2), for the words "a Chairman and two" the word "seven" shall be substituted; and after the words "Government" the following shall be added :—

"and shall be constituted as follows :-

1. Minister incharge ... Chairman.
2. One nominee of the Provincial Assembly ... Member.
3. One representative of any Bargaining Agent of Road Transport Board Workers Union or Federation ... Member.
4. A representative of Technical Branch of Punjab Road Transport Board. ... Member.
5. A representative of Traffic Branch of Punjab Road transport Board ... Member.
6. A representative of other modes of public transport .. Member.
7. Managing Director of Punjab Road Transport board ... Member.

(ii) for sub-section (3), the following shall be substituted, namely :—

"(3) The term of office of each individual member shall be such as may be determined by Government at the time of his appointment."

(iii) in sub-section (4), the words "the Chairman or" shall be deleted;

(iv) in sub-section (5) for the words "the Chairman or any," the word "any" shall be substituted ;

(v) in sub-section (6), for the words "The Chairman, and each", the words "each" shall be substituted ; and for the word "shall" occurring between the words "member" and "receive" the word "may" shall be substituted ; and for the word "and" occurring between the words " salary" and "allowances" the word "or" shall substituted ;

(vi) in sub-section (7)—

(a) the words "the Chairman" or shall be deleted ; and

(b) after clause (iv), the following new clauses shall be added, namely:

"(v) if he absents himself from two consecutive meetings of the Board without leave of absence ; or

(vi) if he found to be a lunatic or is of unsound mind".

PUNJAB SUBSTITUTION : PUNJAB ACT XXIII OF 1975 :

In Section 70, for existing sub-section (2), the following shall be constituted :—

"(2) The Board shall consist of a Chairman and eleven Members and shall be constituted as follows:-

- (i) Minister Incharge of Transport Department.
- (ii) Two members of the Provincial Assembly of the Punjab to be appointed by Government.
- (iii) One representative or any Bargaining Agent of Road Transport Board Workers Union or Federation to be appointed by Government.
- (iv) A representative of Technical Branch of Punjab Road Transport Board to be appointed by Government.
- (v) A representative of Traffic Branch of Punjab Road Transport Board to be appointed by Government.
- (vi) A representative of the Pakistan Western Railway to be appointed by Government.
- (vii) Managing Director of the Punjab Road Transport Board.
- (viii) A representative of the Finance Department, Government of the Punjab, to be appointed by Government,
- (ix) A representative of the Punjab Transport Department to be appointed by Government.
- (x) A representative of the Punjab Board of Industrial Management to be appointed by Government.
- (xi) A representative of the Bankers Consortium to be appointed by Government.

71. Transport Authorities to have no jurisdiction in respect of motor transport operated by the Corporation. (1) The Corporation may operate motor transport on any route it may think fit, and where it so operates such transport the Provincial Transport Authority and Regional Transport Authority shall, notwithstanding anything in this Ordinance, have no jurisdiction in relation to that transport.

(2) The Provincial Transport Authority or the Regional Transport Authorities shall not grant or issue stage carriage permits on new route or routes wholly lying within an urban area to be notified in this behalf by Government, unless an offer has first been made to the Corporation to operate its services on such route or routes and the Corporation has declined to operate its services on such route or routes;

Provided that if the Corporation fails to operate its services on such route or routes within three months of the date on which the offer of the Provincial Transport Authority or the Regional Transport Authorities, as the case may be, was communicated to it, it shall be presumed that the Corporation has declined to operate its services on such route or routes.

72. Power of the Road Transport Corporation to acquire property in motor transport operated by it. (1) The Corporation shall have power to acquire any property, movable or immovable, used in or for, or ancillary to, the operation of any motor transport conducted under this Chapter.

(2) Such acquisition may be made by serving a notice of acquisition on the owner of the property, or if such owner is not readily traceable or the ownership is in dispute, by a notice of acquisition published in the official Gazette and shall take effect from the beginning of the day on which the notice is served or published.

(3) For any property so acquired there shall be paid compensation equivalent to the market value of the property acquired to be calculated in such manner as Government may describe.

(4) If any dispute arises as to the amount of compensation payable under sub-section (1), it shall be referred to the arbitration of a person who is or has been a High Court Judge and his award shall be final and binding on the parties and shall not be called in question in any Court of law nor shall anything in the Arbitration Act, 1940, apply to such an arbitration.

COMMENTARY

The word "any" before the word "property" merely refer to the nature of property and does not indicate any property in wider sense.

CHAPTER VI CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES.

73. General provision regarding construction and maintenance. Every motor vehicle shall be so constructed and so maintained as to be at all times under the effective control of the person driving the vehicle.

74. Power to make rules. (1) Government may make rules regarding the construction, equipment and maintenance of motor vehicles and trailers.

(2) Without prejudice to the generality of the foregoing power Government may make rules governing any of the following matters either generally in respect of motor vehicles or trailers or motor vehicles or trailers of a particular class or in particular circumstances, namely ;—

(a) the width, height, length and overhang of vehicles and of the loads to be carried therein ;

- (b) seating arrangements in public service vehicles and the protection of passengers against the weather ;
- (c) the size, nature and condition of tyres ;
- (d) brakes and steering gear ;
- (e) the use of safety glass ;
- (f) signaling appliances, lamps and reflectors ;
- (g) speed governors ;
- (h) the emission of smoke, visible vapour, sparks, ashes, grit or oil ;
- (i) the reduction of noise emitted by or caused by vehicles;
- (j) prohibiting or restricting the use of audible signals at certain times or in certain places ;
- (k) prohibiting the carrying of appliances likely to cause annoyance or danger;
- (l) the periodical testing and inspection of vehicles by prescribed authorities;
- (m) the particulars, other than registration marks, to be exhibited by vehicles and the manner in which they shall be exhibited ;
- (n) the use of the trailers or semi trailers with motor vehicles ; and
- (o) prohibiting or requiring the painting in particular colours of motor vehicles of particular description or for particular purposes or in particular areas.

COMMENTARY

West Pakistan Motor Vehicles Rules, 1969 framed under section 74. In exercise of the powers conferred by sections 22, 43, 68, 69, 70, 74, 96 and 120 of the Ordinance and in supersession of the West Pakistan Motor Vehicle, Rules 1940, the North-West Frontier Motor Vehicles Rules, 1940, the Baluchistan Motor Vehicles Rules, 1940, and the Sind Motor Vehicles Rules, 1940, the West Pakistan Government has framed the West Pakistan Motor Vehicle Rules, 1969. vide West Pakistan Government Notification No. T-9/225-65 dated 1st September, 1960.24 These Rules were finalized after taking into consideration the draft Rules previously published with the West Pakistan Government Notification No. T-9/223-65, dated 26th July, 1968.

CHAPTER VII

CONTROL OF TRAFFIC

75. 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 fixed for the vehicle by or under this Ordinance 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 the vehicle in the Eighth Schedule.

(2) Government or any authority authorised in this behalf by 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 fix such maximum speed limits as it thinks fit for motor vehicles or any specified class 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, and where any such restrictions are imposed, cause appropriate traffic signs to be placed or erected under section 79 at suitable places in such area, or on or near such road or bridge, as the case may be.

(3) Nothing in this section shall apply to any vehicle registered under section 40 while it is being used in the execution of military maneuvers within the area and during the period specified in a notification under sub-section (1) of section 2 of the Maneuvers, field, Firing and Artillery Practice Act, 1938.

76. Limits of weight and limitation on use. (1) Government may prescribe conditions for the issue of permits for heavy transport vehicles by the Provincial or Regional Transport Authorities and may prohibit or restrict the use of such vehicles in any area of route within the Province.

(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 tyres.

(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 registered laden weight specified in the certificate of registration ; or

(c) any axle weight which exceeds the maximum axle weight specified for that in the certificate of registration.

(3) Where the driver or person incharge of a motor vehicle or trailer driven in contravention of sub-section (2) or sub-section (3) is not 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.

77. Power to have vehicle weighed. Any person authorised in this behalf by Government may, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section 76,

require the driver to convey the vehicle to a weighing device, if any, within a distance of one mile from any point on the forward route or within a distance of five miles from the destination of the vehicle for weighing and if on such weighing the vehicle is found to contravene in any respect the provisions of section 76 regarding weight, he may, by order in writing, direct the driver to convey the vehicle or trailer to the nearest place to be specified in the order, where facilities exist for the storage of goods, and not to remove the vehicle or trailer from that place until laden weight or axle weight has been reduced or the vehicle has otherwise been treated so that it complies with the provisions of the last preceding section.

78. Power to restrict the use of vehicles. Government or any authority authorised in this behalf by 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 of motor vehicles or the use of trailers either generally in a specified area on or a specified road or bridge, and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed or erected on or under section 79 at suitable places in such area or near such road or bridge, as the case may be ;

Provided that where any prohibition or restriction under this section is to remain in force for a period of not more than one month, notification thereof shall not be necessary.

79. Power to erect traffic sign. (1) Government or any authority authorised in this behalf by Government may cause or permit traffic signs to be placed or erected in any public place for the purpose of regulating motor vehicle frame.

(2) Traffic signs erected under this Chapter for any purpose for which provision is made in the Ninth Schedule shall be of the size, colour and type and shall have meanings set forth in the Ninth Schedule, but Government or any authority empowered in this behalf by Government may make or authorise the addition to any sign set forth in the said Schedule of transcription of the words, letters or figures thereon in such script as Government may think fit; provided that the transcriptions shall be of similar size and colour to the words, letters or figures set forth in the Ninth Schedule.

(3) Except as provided by this Chapter, no traffic sign shall after the commencement of this Ordinance, be placed or erected on or near any road ; but all traffic signs erected prior to the commencement of this Ordinance by any competent authority shall for the purposes of this Ordinance be deemed to be traffic signs erected under the provisions of this Chapter.

(4) Government or any authority authorised under sub-section (1) may remove or cause to be removed any sign or advertisement which in its opinion, is so placed as to obscure any traffic sign from view or any sign or advertisement which is, in the opinion, so similar in appearance to a traffic sign as to be misleading.

80. Parking places and halting stations. Government or any authority authorised in this behalf by Government may, in consultation with the local authority having jurisdiction in the area concerned, determine place 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 taking up and setting down of passengers.

81. Main roads. Government or any authority authorised by it in this behalf may, by notification in the official Gazette or by the erection at suitable places of the appropriate traffic signs referred to in Part III of the Ninth Schedule, designate certain roads as main roads for the purpose of the regulations contained in the Tenth Schedule.

82. Duty to obey traffic signs. (1) Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by a mandatory traffic sign and in conformity with the driving regulations set forth in the Tenth Schedule, and shall comply with all directions given by any electrical traffic signaling device or by any police officer engaged in the regulation of traffic in any public place.

(2) In this section "mandatory traffic sign" means traffic sign included in Part A of the Ninth 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 border erected for the purpose of regulating motor vehicle traffic under sub-section (I) of section 79.

83. Signals and signaling devices. The driver of a motor vehicle shall on the occasions specified in the Eleventh Schedule make the signal specified therein :

Provided that the signals of an intention to turn to the right or left or to stop may be given by a mechanical or an electrical device of a prescribed nature affixed to the vehicle.

84. 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.

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

86. Ridding on running boards. No person driving or in charge of a motor vehicles shall carry any person or permit any person to be carried on the running board or otherwise than within the body of the vehicle:

Provided that Government may, by notification in the official Gazette permit, in such areas as may be specified in the notification, the Civil Armed Forces, the Frontier Constabulary, the West Pakistan Rangers and the Armed Police to have an armed picket on the running board of motor vehicle or otherwise than within the body of the Vehicle.

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

88. Stationery vehicles. No person, driving or in charge of a motor vehicle shall cause or allow the vehicle to remain stationery 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 to ensure that the vehicle cannot accidentally be put in motion in the absence of the driver.

89. Pillion riding. No driver of a two wheeled motorcycle shall carry more than one person in addition to himself on the cycles and no such person shall be carried otherwise than sitting on a proper seat securely fixed to the cycle behind the driver's seat.

89-A. Rider to wear helmet. No person shall drive, or ride the pillion seat of a two-wheeled motor vehicle except when he is wearing a crash helmet

Explanation— In this section "crash helmet" means a helmet made of such material and meeting such other requirements as may be prescribed.

90. Duty to produce licence and certificate of registration. (1) The driver of a motor vehicle in any public place shall, on demand by say police officer in uniform, or any officer of the Transport Department not below the rank of Sub-Inspector, on production if so required of his authority, produce his licence and the certificate of registration of the vehicle and where the vehicle is transport vehicle, the certificate of fitness and the permit of the vehicle referred to in sections 39 and 44, respectively, for examination.

(2) The owner of a motor vehicle, or in his absence the driver of other person in charge of the vehicle, shall on demand by a registering authority or any person authorised in this behalf by Government, produce the certificate of registration of the vehicle and, where the vehicle is a transport vehicle, the certificate of fitness referred to in section 39.

(3) If the licenses or certificates, 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 licence or certificates within ten days at any police station in the Province which he specifies to the officer or authority making the demand:

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

91. Railway crossing. (1) The driver of a transport vehicle who desires to pass over a Railway level crossing shall cause the vehicle to stop before the crossing and shall not attempt to pass over the crossing unless the conductor of the vehicle or where the vehicle has no conductor, a person authorised in this behalf by the owner of the vehicle in writing other than the driver of the vehicle, walks before the vehicle until it has cleared the railway lines.

(2). The name and particulars of the persons authorised by the owner under sub-section (I) shall be reported by the owner to the Registration Authority.

(3) A person shall not be deemed to have been authorised by the owner of the vehicle for the purposes of sub-section (1) unless he has in his possession at the time of performing the act required to be done under that sub-section the written authority of the owner in this behalf,

BALUCHISTAN AMENDMENT ORDINANCE X OF 1971

In sub-section (1) of the Principal Ordinance for the letter "a" occurring between the words "pass over" and the words "Railway level crossings an un-manned" shall be substituted.

PUNJAB SUBSTITUTION—PUNJAB ORDINANCE IX OF 1970

In section 91 in sub-section (I), for the letter "a" occurring between the words "pass over" and the words "Railway level-crossing," the words "an un-manned" shall be substituted.

92 Duty of driver to stop in certain cases. (1) The driver of a motor vehicle shall cause the vehicle to stop and remain stationary so long as may reasonably be necessary—

- (a) when required to do so by any police officer in uniform, 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
- (c) when the vehicle is involved in the occurrence of an accident to a person, animal or vehicle or damage to any property, whether the driving or management of the vehicle was or was not the cause of the accident or damage,

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 furnish 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 99, 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.

93. Duty of owner of motor vehicle to give information. The owner of a motor vehicle the driver of which is accused of any offence under this Ordinance shall, on the demand of any police officer or an officer of the Transport Department authorised in this behalf by Government, give all information regarding the name and address of and the licence held by the driver which is in his possession or could by the exercise of due diligence be ascertained by him.

94. Duty of driver in case of accident and injury to a person, animal or damage to property. When any accident occurs, in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall—

- (a) if any person is injured as a result of such accident, take all reasonable steps to secure medical attention for the person so injured and, if necessary, convey him, to the nearest hospital unless the injured person or his guardian, in case he is a minor desires otherwise ;
- (b) if animal is injured as a result of such accident, take steps and endeavor to locate and report the matter to the owner or custodian of the animal so injured and take all reasonable steps to secure medical attention, if necessary, for the animal ;
- (c) if any damage has been caused to any property as a result of such accident, take reasonable steps to report the damage to the party sustaining the damage ; and
- (d) give on demand by a police or an officer of the Transport Department authorised in this behalf by Government any information required by such officer relating to the occurrence, or if no such officer is present, report the circumstances of occurrence at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence.

PUNJAB ADDITION : PUNJAB ORDINANCE IX OF 1970

After section 94 the following section shall be inserted, namely ;—

94-A. Duty of police officer in case of accident giving rise to claim for compensation. When an accident giving rise to a claim for compensation under section 67 is reported at a police-station, the officer in charge of the police station shall immediately forward a copy of the first information report or the relevant extract of the daily diary, as the case may be, to the Claims Tribunal within whose Jurisdiction the accident has taken place.

95. Inspection of vehicle involved in accident. When any accident occurs in which a motor vehicle is involved any person authorised in this behalf by 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 removed shall be intimated to the owner of the vehicle and the vehicle shall be returned without unnecessary delay, and in no case latter than forty-eight hours of its removal,

96. Power to make rules. (1) Government may make rules for the purpose of carryiog into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely ;

- (a) the nature of the mechanical or electrical signaling devices which may be used on motor vehicles;
- (b) the erection of electrical traffic signaling devices, and the types of such devices that may be installed ;
- (c) 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 ;
- (d) the installation and use of weighing devices ;
- (e) the exemption from all or any of the provisions of this Chapter of emergency vehicles and other special classes of vehicles, subject to such conditions as may be prescribed ;
- (f) the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use ;
- (g) prohibiting the driving down-hill of a motor vehicle with the gear disengaged, either generally or in a specified place ;
- (h) prohibiting the taking hold of or mounting of a motor vehicle in motion ;
- (i) prohibiting the use of foot paths or pavements by motor vehicles ;
- (j) generally, the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic.

COMMENTARY

West Pakistan Motor Vehicles Rules, 1969 framed under section 96. In exercise of the powers conferred by sections 22, 43, 68 69, 70, 74, 96 and 120, of the Ordinance and in supersession of the West Pakistan Motor Vehicles Rules, 1940, the North-West Frontier Motor Vehicles Rules, 1940, the Baluchistan Motor Vehicle Rules, 1940, the West Pakistan Government has framed the West Pakistan Motor Vehicles Rules, 1969, vide West Pakistan Government Notification No. T-9125-65, dated 1st September, 1969. These Rules were finalised after taking into consideration the draft Rules previously published with the West Pakistan Government Notification No. T-9/225-55, dated 26th July. 1968 published in Gazette of West Pakistan, Part I, dated 6th December, 1968.1

CHAPTER VIII **OFFENCES, PENALTIES AND PROCEDURE**

97. Offences relating to licences. Whoever, being disqualified under this Ordinance for holding or obtaining a licence, drives a motor vehicle in a public place or applies for or obtains a license or, not being entitled to have a licence issued to him free of endorsement, applies for or obtains a licence without disclosing the endorsement made on a licence previously held by him, or being disqualified under this Ordinance for holding or obtaining a licence, uses a licence such as is

referred to in sub-section (1) of section 10, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both, and any licence so obtained by him shall be of no effect; and if the vehicle so driven is a transport vehicle or, the licence so applied for, obtained or used is a licence to drive a transport vehicle, shall be punished with imprisonment which may extend to two years and with fine which may extend to rupees one thousand, and any licence so obtained by him shall be of no effect.

COMMENTARY

Vehicle not registered—Owner and driver both liable. Section 22 (of the Motor Vehicles Act) indicates that no person shall drive any vehicle unless it is registered. The words of this section are ambiguous and apply to the owner but also to any other person employed by him as a driver

Fixing date of appearance by traffic sergeant—Effect. Section 130 of the Motor Vehicles Act is obviously meant to save the public from unnecessary inconvenience of attending the Court. Therefore, where the sergeant who challaned the accused and fixed a date for their appearance in Court, it was held that he acted wrongly because by his act he denied the accused the benefit of the section.

SIND ADDITIONS: SIND FINANCE ACT VII OF 1977:

97A. Penalty for fabrication of registration plate. Whoever, fabricate or counterfeits a registration plate in contravention of section 25 shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.

98. Driving at excessive speed. (1) Whoever drives a motor vehicle in contravention of section 75 shall be punished with fine which may extend to one hundred rupees, and when the vehicle is a transport vehicle, with a fine which shall not be less than one hundred rupees and which may extend to five hundred rupees.

(2) Whoever causes any person who is employed by him or is subject to his control to drive a motor vehicle in contravention of section 75 shall be punished with fine which may extend to two hundred rupees, and when the vehicle is a transport vehicle, with a fine which may extend to five hundred rupees:

(3) No person shall be convicted of an offence punishable under sub-section (1) solely on the evidence of one witness to the effect that in the opinion of the witness such person was driving at a speed which was unlawful, unless that opinion is shown to be based on an estimate obtained by the use of some mechanical device.

(4) The publication of a time table under which or the giving of any direction that any journey or part of a journey is to be completed within a specified time shall, if in the opinion of the Court it is not practicable in the circumstances of the case for the journey or part of a journey to be completed in the specified time without infringing the provisions of section 75, be prima face evidence that the

person who published the time-table or gave the direction has committed an offence punishable under sub-section (2).

COMMENTARY

Accident by truck—Finding that truck was over-speeding must be based on evidence. The Regional Transport Authority is a quasi-judicial body. Therefore, there must be some evidence before it to sustain the finding that there had been a breach of legal provisions i.e., the vehicle concerned had been driven in excess of the authorised limit, and in the absence of any legal evidence that the vehicle had been driven in excess of the authorised limit the mere fact that the truck was involved in an accident cannot be considered as a proof of the fact that the vehicle had been driven at a speed not authorised by the law. It is well settled proposition of law that suspicions, however grave, are after all suspicions and cannot take the place of proof.

99. Driving recklessly or dangerously. (1) Whoever drives a motor vehicle at a speed or in a manner which is dangerous to human life or property, having regard to all the circumstances of the case, including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, and if the vehicle be a transport vehicle, with imprisonment which may extend to one year and with a fine which may extend to one thousand Rupees.

(2) Whoever, having been previously convicted of an offence specified in sub-section (1) shall, within three years of such conviction, be guilty of an offence punishable under that sub-section, shall be subject for every such subsequent offence to imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both, and where the vehicle is a transport vehicle, with imprisonment which may extend to four years and with fine which may extend to one thousand rupees.

100 Driving while under the influence of drink or drug. Whoever while driving or attempting to drive a motor vehicle is under the influence of drink or a drug to such an extent as to be incapable of exercising proper control over the vehicle, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and if having been previously convicted of such an offence, shall again be guilty of an offence punishable under this section, shall be subject for every such subsequent offence to imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

101. Driving when mentally or physically unfit to drive. Whoever drive a motor vehicle in any public place when he is to his knowledge suffering from any disease or disability calculated to cause his driving of the vehicle to be a source of a danger to the public, shall be punished with fine which may extend to two hundred rupees, and if having been previously convicted of such an offence, shall again be guilty of an offence punishable under this section, shall be subject for every such subsequent offence to fine which may extend to five hundred rupees.

102. Punishment for abetment of certain offences. Whoever abets the commission of an offence under section, 92, 100 or 101, shall be punishable with the punishment provided for the offence.

103. Racing and trials of speed. Whoever, without the written consent of Government, permits or takes part in a race or trial speed between motor vehicles in any public place shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

104. Using vehicle in unsafe condition. Any person who drives or causes or allows to be driven in any public place a motor vehicle or trailer while the vehicle or trailer has any defect, which such person know of or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the vehicle a source of danger to persons and vehicle using such place, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both, or if as a result of such defect an accident causing bodily injury to any person or animal or damage to property takes place, with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

105. Sale of vehicle in or alteration of vehicle to a condition contravening this Ordinance. Whoever, being an importer or bra dealer in motor vehicles, sells or delivers or offers to sell or deliver a motor vehicle or trailer in such condition that the use thereof in a public place would be in contravention of Chapter VI or any rule made thereunder or alters the motor vehicle or trailer so as to render its condition such that its use in a public place would be in contravention of Chapter VI or any rule made thereunder shall be punished with fine which may extend to two hundred rupees :

Provided that no person shall be convicted under this section if he proves that he had reasonable cause to believe that the vehicle would not be used in a public place until it had been put into a condition in which it might lawfully be so used.

106. Using vehicle without permit. (1) Whoever drives a motor Vehicle or causes or allows a motor vehicle to be used or lets out a motor vehicle for use in contravention of the provisions of sub-section (I) of section 44 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, and if having been previously convicted of such an offence, shall again be guilty of an offence punishable under this section, & shall be subject for every such subsequent offence to imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

(2) Nothing in this section shall apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for, the transport of materials for repair or of food or materials to relieve distress or of medical supplies for a like purpose ; provided that the person using the vehicle reports such use to the Regional Transport Authority within seven days.

107. Driving vehicle exceeding permissible weight. Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 76 or of the, conditions of any permit issued thereunder, or in contravention of any prohibition or restriction imposed under section 78 shall be punished with fine which may extend to one hundred Rupees,

and if having been previously convicted of such an offence, shall again be guilty of an offence under this section shall be subject for every such subsequent offence to fine which, may extend to five hundred rupees.

SIND AMENDMENT ACT IV OF 1976: For the words “one hundred” the words “five hundred” and for the words “five hundred” the words “one thousand” shall be substituted.

108 Penalty for failing to stop in case of accident or failure to furnish information, etc.

Whoever contravenes the provisions of clause (c) of sub-section (1) of section 92 or any of the provisions contained in section 94 or furnishes any information required to be furnished thereunder which he knows to be false shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

109. Taking vehicle without authority. Whoever takes and drives away any motor vehicle without having either consent of the owner thereof or other lawful authority shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both :

Provided that no accused person shall be convicted under this section if the Court is satisfied that the accused acted in the reasonable belief that he had lawful authority or in the reasonable belief that the owner would in the circumstance of the case have given his consent if he had been asked to do so.

110. Unauthorised interference with vehicle. Whoever otherwise than with lawful authority or reasonable excuse enters or mounts any stationary motor vehicle or tampers with the brake or any part of the mechanism of a motor vehicle shall be punished with imprisonment which may extend to one month or with fine which may extend to two hundred rupees, or with both.

111. Disobedience of orders, obstruction and refusal of information. Whoever willfully disobeys any direction lawfully given by any person or authority empowered under this Ordinance to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Ordinance to discharge, or being required by or under this Ordinance to supply any information, withholds such information or gives information which he knows to be false or which he does not believe to be true, shall, if no other penalty is provided for the offence, be punished with fine which may extend to two hundred rupees.

111-A. Penalty for contravention of rules relating to appliances. Whoever carries in any motor vehicle any appliance the carrying of which is prohibited by rules made under section 74 shall be punished with fine, which may extend to five hundred rupees and such appliance shall be forfeited to Government.

112. General provision for punishment of offences not otherwise provided for. Whoever contravenes any provision of this Ordinance or of any rules made thereunder shall, if no other penalty is provided for the offence under this Ordinance, be punished with fine which may extend to one hundred rupees and if having been previously convicted of such an offence, shall again be

guilty of an offence punishable under this section shall be subject for every such subsequent offence to fine which may extend to five hundred rupees.

COMMENTARY

The order of court imposing fine but no sentence in default of payment contravenes provisions of section 67 PPC.

A Magistrate cannot take cognizance of an offence under section 112 without complaint or report made by Police to Magistrate.

113. Power of arrest without warrant. (I) A police officer in uniform may arrest without warrant any person who commits in his view an offence punishable under section 99 or section 100 or section 110.

Provided that any person so arrested in connection with an offence punishable under section 100 shall be subjected to a medical examination by a registered medical practitioner within two hours of his arrest and if not so subjected within the said period of two hours shall be released from custody.

(2) A police officer in uniform may arrest without warrant :—

(a) any person who being required under the provisions of this Ordinance to give his name and address which the police officer has reason to believe to be false; or

(b) any person concerned in an offence under this Ordinance or reasonably suspected to have been so concerned, if the police officer has reason to believe that he will abscond or otherwise avoid the service of a summons.

(3) A police officer arresting without warrant the driver of a motor vehicle shall, if the circumstances so required, take or cause to be taken any steps he may consider proper for the temporary disposal and safe custody of the vehicle.

114. Power of Police Officer to seize documents. (1) Any police officer authorised in this behalf or other person authorised in this behalf by Government may, if he has reason to believe that any identification mark carried on a motor vehicle or any licence, permit, certificate of registration, certificate of insurance or other document produced before him by the driver or person in charge of a motor vehicle is a false document within the meaning of section 464 of the Pakistan Penal Code, seize the mark or document and call upon the driver or owner of the vehicle to account for his possession of or the presence in the vehicle of such mark or document,

(2) Any police officer authorised in this behalf by Government may, if he has reason to believe that the driver of a motor vehicle who is charged with any offence under this Ordinance may abscond or otherwise avoid the service of a summons, seize any licence held by such driver and forward it to the Court taking cognizance of the offence and the said Court may, on the appearance of such driver, before it and on such terms as to security as it may deem fit, return the licence to him, and require to surrender any temporary acknowledgment given to him under sub section (3).

(3) A police officer seizing a licence under sub-section (2) shall give to the person surrendering the licence a temporary acknowledgment therefore and such acknowledgment shall authorise the holder to drive any motor vehicle specified in his licence until the licence has been returned to him or up to a date which the Police Officer shall specify in the temporary acknowledgment whichever is earlier ;

Provided that where for any cause in respect of which the holder of the licence is not at fault, he is unable to appear in the Court before the temporary acknowledgment ceases to be effective, any Magistrate or a police officer authorised by Government in this behalf may, on application made to him, substitute a later date in the temporary acknowledgment given under this sub-section.

115. Power to detain vehicle used without certificate of registration or permit. A police officer authorised in this behalf or other person authorised in this behalf by Government may if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of sub-section (1) of section 21 or without the permit required by sub-section (1) of section 44 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain the vehicle, and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle.

116. Summary disposal of cases. (1) A Court taking cognizance of an offence under this Ordinance shall, unless for reasons to be recorded in-writing the Court directs otherwise or when the offence is, an offence specified in Part A of the Fifth Schedule state upon the summons to be served on the accused person that he :—

(ii) may appear by pleader and not in person ; or

(b) may by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the Court such sum not exceeding seventy five rupees as the Court may specify.

(2) Where the offence dealt with in accordance with sub section (1) is an offence specified in Part B of the Fifth Schedule, the accused person shall, if he pleads guilty to the charge, forward his licence to the Court with the letter; containing his plea in order that the conviction may be endorsed on the licence.

(3) Where an accused person pleads guilty and remits the sum specified and has complied with the provisions of sub-section (2), no further proceedings in respect of the offence shall be taken against him, nor shall he be liable to be disqualified for holding or obtaining a licence by reason of his having pleaded guilty.

COMMENTARY

S. 116 read with Motor Vehicles Rules. 1969, r. 193. A bus conductor is not required to hold licence, as now before publication of r. 193 on 3rd November, 1969.

116-A. (1) In any area to which Government have, by notification in the official Gazette, applied the provisions of this section a police officer in uniform, not below the rank of an Assistant Sub Inspector of Police, may, notwithstanding anything to the contrary contained in this Ordinance, or in any other law for the time being in force, charge on the spot any person committing within his view an offence mentioned in the Twelfth { sic : should be "Fifth"} Schedule in respect of a scooter, motor cycle, motor rickshaw, private motor car or a taxi-

(2) A police officer acting under sub-section (1) shall draw up a charge in triplicate. In Form J, as set forth in the First Schedule, in the case of an offence relating to a scooter, motor cycle or motor rickshaw, and in Form K, as set forth in the said Schedule, in the case of an offence relating to a private motor car or taxi, and shall:—

(a) forthwith deliver one copy thereof to the offender, who shall acknowledge its receipt under his signature or thumb-impression or mark, as the case may be;

(b) within twenty-four hours forward the second copy of the charge sheet to the Court having Jurisdiction to try the offence ; and

(c) retain the third copy for record.

(3) A person charged with an offence under this section shall, within seven days of the delivery of the copy of the charge to him deposit at any post office in West Pakistan or any branch of the National Bank of Pakistan, or remit by money order to the Court or police-station specified in the charge, an amount of rupees ten, if the offence relates to a scooter, motor cycle or motor rickshaw and an amount of rupees twenty, if the offence relates to a private motor car, or taxi, and send intimation of such payment to the police-station specified in the charge served upon him ; and upon his doing so, no further proceedings shall be taken against him in respect of that offence.

(4) If the fine is not paid in the manner provided in sub-section (3), the police officer drawing up the charge shall lay a complaint against the offender before the Court having jurisdiction to try the offence.

COMMENTARY

Introduction of ticket system - On-the-spot charges for motor offences. A new section 116-A has been added by the West Pakistan Motor Vehicles (Amendment) Ordinance, 1969, whereunder a police officer in uniform, not below the rank of an Assistant Sub-Inspector of Police has been authorized to charge on the spot any person committing within his view an offence mentioned in the Fifth Schedule of the West Pakistan Motor Vehicles Ordinance, 1965. Besides incorporating this latest amendment at its appropriate place, the text of the West Pakistan Motor Vehicles (Amendment) Ordinance, 1969 is also reproduced for facility of reference.

"ticket system" — Enforcement of new section 116-A so Lahore Notification. In pursuance of the provisions of sub-section (I) of section 116-A West Pakistan Motor Vehicles Ordinance, 1965, the

Governor of West Pakistan is pleased to direct that the provisions of the said section shall come into force within the local limits of Lahore Municipal Corporation from 1st November 1969.

"Ticket systems"—Enforcement of new section 116-A In Rawalpindi-Notification. In pursuance of the provisions of sub-section (1) of section 116-A of the West Pakistan Motor Vehicles Ordinance, 1965, the Governor of West Pakistan is pleased to direct that the provisions of the said section shall come into force within the local limits of Rawalpindi Cantonment and Police Station Islamabad from 1st of December, 1969.

A Bus Conductor is not required to hold licence. Court issuing no summons to accused before taking cognizance of offence but on being produced by Police convicting him then and thereon, on his pleading guilty, in disregard of procedure prescribed in S. 216, held, proceedings are liable to be quashed.

117. Restriction On conviction. No person prosecuted for an offence punishable under section 99 or section 100 shall be convicted unless :—

(a) he was warned at the time the offence was committed that the question of prosecuting him would be taken into consideration; or

(b) within fourteen days from the commission of the offence, a notice specifying the nature of the offence and the time and place where it is alleged to have been committed was served or sent by registered post to him or the person registered as the owner of the vehicles at the time of the offence; or

(c) within twenty-eight days from the commission of the offence, a summons for the offence was served on him :

Provided that nothing in this section shall apply where the Court is satisfied that :—

(a) the failure to serve the notice or summons referred to in this sub-section was due to the fact that neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time; or

(b) such failure was brought by the conduct of the accused.

118. Jurisdiction of Courts. No Court inferior to that of a Magistrate of the Second Class shall try any offence punishable under this Ordinance or any rule made thereunder.

COMMENTARY

Fixing date of appearance by traffic sergeant—Effect. Section 130 of the Motor Vehicles Act is obviously meant to save the public from unnecessary inconvenience of attending the Court. Therefore, where the sergeant who challaned the accused and fixed a date for their appearance in Court, it was held that he acted wrongly because by his act he denied the accused benefit of the section.

CHAPTER IX MISCELLANEOUS

119. Publication of and commencement of rules. (1) Every power to make rules given by this Ordinance is subject to the condition of the rules being made after previous publication.

(2) All rules made under this Ordinance shall be published in the official Gazette, and shall, unless some later date is appointed, come into force on the date of such publication.

120. Appointment of motor vehicles officers. (I) Government may, for the purpose of carrying into effect the provisions of this Ordinance establish a Motor Vehicles Department and a Transport Development and appoint as officers thereof such persons as it thinks fit.

(2) Every such officer shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

(3) Government may make rules to regulate the discharge by officers of the Motor Vehicles Department and the Transport Department of their functions, and in particular and without prejudice to the generality of the foregoing power, to prescribe the uniform to be worn by the authorities to which they shall be subordinate, the duties to be performed by them, the power to be exercised by them and the conditions governing the exercise of such powers.

COMMENTARY

West Pakistan Motor Vehicles Rules, 1969 framed under section 120. In exercise of the powers conferred by sections 29, 43, 68, 69, 7P, 74, 96 and 120 of the Ordinance and in supersession of the West Pakistan Motor Vehicles Rules, 1940, the North-West Frontier Motor Vehicles Rules, 1940, the Baluchistan Motor Vehicles Rules, 1940 and the Sind Motor Vehicles Rules, 1940, the West Pakistan Government has framed the West Pakistan Motor Vehicles Rules, 1968, vide West Pakistan Government Notification No. T-9/225-65, dated 1st September, 1969." These Rules were finalized after taking into consideration the draft Rules previously published with the West Pakistan Government Notification No. T-9/225-65, dated 26th July, 1968.

121. General provisions regarding appeals to prescribed appellate authorities. (1) An appeal under sub-section (3) of section 14, sub section (3) of section 16, sub-section (4) of section 17, sub-section. (1) of section 36 or section 66 shall not operate as a stay of the order or proceedings under the order appealed from, except so far as the appellate authority may direct.

(2) In an appeal under this Ordinance, the order appealed from shall not be altered or reversed merely on account of any error, omission or irregularity, not materially affecting the merits in the procedure or order of the original authority.

COMMENTARY

Limitation imposed on powers of appellate authority-Determination. The conclusion drawn by the learned Judges in the High Court, namely :

(1) that order passed by the Authority was not itself a just and proper order, as the first-named petitioner was granted four permits against a fleet of five buses ; and (ii) that the case of Rehbar Bus Service was equally compatible with the petitioner's, case, were assailed before the Supreme Court by way of petition for special leave to appeal. Reliance was also placed on the limitations imposed by section 1-21 (2) of the West Pakistan Motor Vehicles Ordinance on the powers of the appellate authority which were not kept in view by the High Court. The Supreme Court granted the special leave to appeal to determine the validity of the findings of the High Court.

122. Repeal and savings (1) The enactments specified in the Twelfth Schedule are hereby repealed to the extent specified against each.

(2) Notwithstanding the repeal of the enactments specified in the [Fourteenth] Schedule, everything done, action taken, obligation, liability penalty or punishment incurred, or proceeding commenced, officer appointed or person authorised, jurisdiction or power conferred, licence, certificate or permit granted, rule made and order issued under any of the provisions of the said enactments shall, if not inconsistent with the provisions of this Ordinance, continue in force and, so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred, granted, made or issued under this Ordinance.

COMMENTARY

Scope of sub-section (2). Action taken and acts done should not be inconsistent with the provision of the Ordinance.

Point yet to be determined by the Supreme Court. Our Supreme Court has granted the special leave to appeal to determine the following questions :—

(1) Whether rules made under any provision of the repealed Motor Vehicles Act, 1919, continue in force ? (In view of framing of the West Pakistan Motor Vehicles Rules, 1969, this question bears an academic interest only).

(2) Whether rule 37 of the rules framed under Act IV of 1969 is not in conflict with action 66 of the West Pakistan Motor Vehicles Ordinance, 1965?

THE FIRST SCHEDULE FORMS FORM A

[See section 7 (1)]

FORM OF APPLICATION FOR LICENCE TO DRIVE A MOTOR
VEHICLE

SECTION I

APPLICATION

I apply for a licence to enable me to drive as * a paid employee/otherwise than as a paid employee:

vehicle of the following description—

- (a) motor cycles,
- (b) motor cars,
- (c) invalid carriages,
- (d) motor cabs,
- (e) delivery vans,
- (f) light transport vehicle including public service vehicle,
- (g) heavy transport vehicle including public service vehicle,
- (h) tractors,
- (i) road-rollers,
- (j) locomotives,
- (k) a vehicle of a special type (description attached) constructed or adapted to be driven by me.

(* Strike out whichever inapplicable).

SECTION II

PARTICULARS TO BE FURNISHED BY THE APPLICANT

1. Full name and name of father———
2. Permanent address———
3. Temporary address———
4. Age on the date of the application——— ,
- 4A. Identity card number
5. Particulars of any licence previously held by applicant———
6. Particulars and date of every conviction which has been ordered to be endorsed on any licence held by the applicant.
7. Have you been disqualified for obtaining a licence to drive ? If so, give date, testing authority and result of test.

SECTION III

Declaration as to Physical Fitness of Applicant

The applicant is required to answer "Yes" or "No" in the space provided opposite each question :—

(a) Do you suffer from epilepsy, or from sudden attacks of disabling giddiness or fainting?

(A) Are you able to distinguish with each eye at a distance of twenty five yards in good daylight (with glasses, if worn) a motor car number plate containing seven letters and figures ?

(c) Have you lost either hand or foot or are you suffering from any defect in movement, control, or muscular power of either arm or leg?

(d) Can you readily distinguish the pigmentary colours red and green ?

(e) Do you suffer from night blindness ?

(f) Do you suffer from a defect of hearing ?

(g) Do YOU suffer from any other disease or disability likely to cause your driving of a motor vehicle to be a source of danger to the public ?

If so, give particulars.

I declare that to the best of my information and belief the particulars given in section II and the declaration made in section III hereof are true.

Note. An applicant who answers "Yes" to questions (b) and (c) in the declaration and "No" to the other question may claim to be subjected to a test as to his competency to drive vehicles of a specified type of types,

Signature or thumb-impression of applicant.

Dated 19 .

CERTIFICATE OF TEST OF ABILITY TO DRIVE

The applicant has passed (failed) in the test specified in the Third Schedule to the West Pakistan Motor Vehicles Ordinance, 1965. The test was conducted on _____ at _____ on (date).

Signature of testing Authority.

Signature or thumb-impression of applicant.

(Here enter description of vehicle).

FORM B

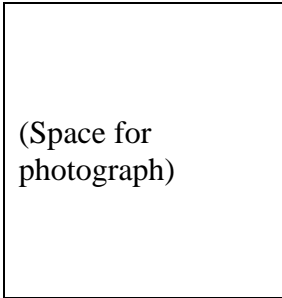
[See section 4 (2) section 7 (3) and section 15]

Form of Medical Certificate in respect of an applicant for a licence to drive Any transport vehicle or to drive any vehicle as paid employee.

(To be filled up by a registered medical practitioner)

1. What is the applicant's apparent age?
2. Is the applicant subject to epilepsy, vertigo or any mental ailment likely to affect his efficiency ?
3. Does the applicant suffer from any heart or lung disorder which might interfere with the performance of his duties as a driver?
4. (a) Is there any defect of visions? If so, has it been corrected by suitable spectacles?
- (b) Can the applicant readily distinguish the pigmentary colours red and green ?
- (c) Does the applicant suffer from night blindness?
- (d) Does the applicant suffer from a degree of deafness which would prevent his hearing the ordinary sound signals ? ..
5. Has the applicant any deformity or loss of members which would interfere with the efficient performance of his duties as a driver ?
6. Does he show any evidence of being addicted to the excessive use of alcohol, tobacco or drugs?
7. Is he generally fit as regards (a) bodily health, and (b) eye-sight ?
8. Marks of identification,

I certify that to the best of my knowledge and belief the applicant is the person herein above described and that the attached photograph is a reasonably correct likeness of the applicant. .



(Space for photograph)

Signature

Name

Designation

Note. Special attention should be directed to distant vision and to the condition of the arms and hands and the joints of both mities.

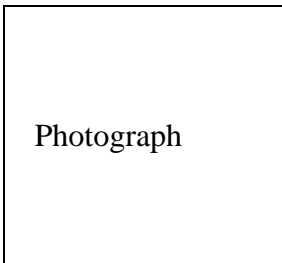
FORM C

See Section 8 (1)]
DRIVING LICENCE

No..... 19.....

(Name).....,

son/daughter of (father's name).....
of permanent address)



Photograph

Signature or thumb-impression

is licensed to drive, throughout the Province of West Pakistan, vehicles of the following description—

- (a) Motor cycle.
- (b) Motor car.

- (c) Motor cab.
- {d} Delivery van.
- (e) Light transport vehicle.
- (f) Heavy transport vehicle.
- (g) Locomotive.
- (h) Tractor.
- (i) Invalid carriage.
- (j) Road-roller.
- (k) A motor vehicle hereunder described.

He is also authorized to drive as a paid employee*. This licence is valid from.....to.....

(*To be struck out if inapplicable).

Signature and designation of Licensing Authority.

Date 19

Authorisation to drive public service vehicle. So long as this licence is valid and is renewed from time to time, the holder is authorized to drive a public service vehicle within the Province of West Pakistan.

Signature and designation of prescribed Authority.

Date 19

This licence is hereby renewed up to	Signature of Licensing Authority
the..... day	of..... 19...
theday	of 19...
the..... day	of..... 19...
the.....day	of..... 19...
the..... day	of 19...

ENDORSEMENTS

Date	Section and Rule	Fine or other punishment	Signature of Endorsing Authority.

(See section 9}

Form of application for the addition of a new class of vehicle to a driving licence.

I hereby apply for the addition of the following class/classes of motor vehicle the attached licence:-

- (c) Motor cycle.
- (b) Motor car.
- (c) Motor cab
- (d) Delivery van.
- (e) Light transport vehicle.
- (f) Heavy transport vehicle.
- (g) Locomotive.
- (h) Tractor.
- (i) Road-roller.
- (j) Invalid carriage.
- (k) Motor vehicle of a specified description.

*I enclose (a) medical certificate.
(b) three copies of a recent photograph.

*Required only where the applicant is not entitled to drive as a paid employee of a transport vehicle and now wishes to do so.

Date ,19

Signature of applicant.

FORM E

[See section 12 (2)]

Form of application for renewal of driving licence.

I hereby apply for a renewal of the licence under the West Pakistan Motor Vehicles Ordinance, 1965, which was issued to me on the ———, by———(state title of Licensing Authority).

I hereby declare that I am not subject to any disease or disability likely to cause my driving of a motor vehicle to be a source of danger to the public

Date 19 .

Signature of applicant.

FORM F

[See section 25 (1)]

Form of application for the registration of Motor Vehicle

1. Full name, name of father, and address of person to be registered as registered owner.....
2. Class of vehicle.....
3. Type of body.....
4. Maker's name.....
5. Year of manufacture.....
6. Number of cylinders.....
7. Horsepower.....
8. Maker's classification or, if not known, wheel-base.,.... ...
9. Chassis number.....
10. Engine number.....
11. Seating capacity (including driver).....
12. Unladen weight.....
13. Particulars of previous registration and registered No. (if any)....

Additional particulars to be completed only in the case of transport vehicles other than motor cabs.

14. Number, description and size of types.
 - (a) front axle.....
 - (b) rear axle.....
 - (c) any other axle.....
15. Maximum laden weight...lbs.
16. Maximum axle weight. ,.....
 - (a) front axle,lbs.

(A) rear axlelbs.

(c) any other axle.... lbs.

The above particulars are to be filled in for a rigid frame motor vehicle or two or of three axles, for a semi-trailer of an articulated vehicle of three axles or, to the extent applicable, for a trailer (other than the trailer to be registered as part of an articulated vehicle), as the case may be, Where a second trailer or additional trailers are to be registered with an articulated motor vehicle, the following particulars are to be furnished for each such trailer.

17. Type of body.....

If. Unladen weight..

19. Number, description and size of tyres on the axle.....

20. Maximum axle weight.....

Signature of applicant.
Date.....19 .

Explanation. An articulated vehicle means a tractor to which a trailer is attached in such a manner that part of the trailer is superimposed on and part of the weight of the trailer is borne by the tractor.

Note. The motor vehicle above described is held by the person to be registered as the registered owner, under a hire-purchase agreement with.....

Signature of owner
Signature of Hire-Purchase Company.

FORM G

[See section 2 (2) and 41 (2)]

Form of Certificate of Registration

Registered Number.....

Brief description of vehicle.....

(e.g.) Ford touring car, Chevorlet 32 seater bus, Albion lorry, trailer,
etc . Name, name of father, and address of Registered owner

.....

Signature of Registering Authority.

Transferred to Signature of Registering Authority.

Transferred to Signature of Registering Authority.

Detailed description

1. Class of vehicle.....
2. Maker's name.....
3. Type of body.....
4. Year of manufacture.
5. Number of cylinder..
6. Chassis number.....
7. Engine-number.,.....,
8. Horsepower.....
9. Maker's classification or, if not known, wheel base.....
10. Seating capacity (including driver)
11. Unladen weight.....

Additional particulars in the case of all transport vehicles other than motor cabs—

12. Registered laden weight.....
13. Number, description and size of tyres.
 - (a) front axle.....
 - (A) rear axle.....
 - (c) any other axle.
14. Registered axle weight—
 - (a) front axle.....lbs.

(b) rear axle..... lbs.

(c) any other axle. .. lbs.

Additional particulars of alternative or additional trailer or trailers registered with an articulated vehicle—

15. Type of body.....

16. Unladen weight.....

17. Number, description and size of tyres on the axle.,... ..

18. Registered axle weight.....lbs.

Date..... 19' . Signature of Registering Authority,

Note. The motor vehicle above described is held by the person registered as the registered owner under a hire-purchase agreement with..... ..

Date..... !9 . *Signature of Registering Authority.*

FORM H

[See section 37]

Document to be furnished by the maker or authorized assembler in the case of transport vehicles other than motor cabs.

Certified that the vehicle Chassis No.and Engine No.....

manufactured byin the year..... has a wheel base of.....and is

designed for maximum weights as follows when fitted with the tyre equipment specified below :—

Maximum laden weight..... lbs.

Maximum weight front axle...lbs.

Maximum weight rear axle...,lbs

Maximum weight any other axle...lbs.

Tyres

Front wheels.....

Rear wheels.,,

Other wheels.....

Date..... 19 . *Signature of maker or authorized assembler.*

Special certificate to be furnished by any assembler.—

Certified that I am authorised by the maker of the vehicle described above to issue this certificate.

Signature of authorized assembler.

FORM I

[See sections 39 (I) and 40 {2}]

Certificate of fitness (applicable in the case of transport vehicles only)

Vehicle No is certified as complying with the provisions of

Chapter VI of the West Pakistan Motor Vehicles Ordinance, 1965, and the rules made thereunder, This certificate will expire on,

Date.....19 . *Signature and Designation of Inspecting Authority.*

The certificate of fitness is hereby renewed :—

Up to..... 19,

Signature of Inspecting Authority.

Up to.....19.

Signature of Inspecting Authority.

Up to.....19.

Signature of Inspecting Authority.

SECOND SCHEDULE

[See section 7 (5)]

I. Diseases and disabilities absolutely disqualifying a person for obtaining a licence to drive a motor vehicle

1. Epilepsy.
2. Lunacy.
3. Heart disease likely to produce sudden attack of giddiness or fainting.
4. Inability to distinguish with each eye at a distance of twenty-five yards in good daylight (with the aid of glasses, if worn) a series of seven letters and figures in white on a black ground of the same size and arrangement as those of the registration mark of a motor car,
5. A degree of deafness which prevents the applicant from hearing, without hearing aids, the ordinary sound signals;
6. Colour blindness or inability readily to distinguish the pigmentary colours red and green.
7. Night blindness.

II. Diseases and disabilities absolutely disqualifying a person for obtaining a licence to drive a public service vehicle

1. Leprosy.

THIRD SCHEDULE

*[See sections 7 (6) and 18 (5)]
Test of competence to drive*

PART I

The candidate shall satisfy the person conducting the test that he is able to—

- (1) start the engine of the vehicle ;
- (2) move away straight ahead or at any angle ;
- (3) overtake, meet or cover the path of other vehicle and take an appropriate course;

(4) turn right and left corners correctly ;

{5) stop the vehicles in an emergency and normally, and in the latter case bring to rest at an appropriate part of the road ;

(6) drive the vehicle backwards and whilst so doing enter a limited opening either to the right or left;

(7) cause the vehicle to face in the opposite direction by means of forward and reverse gears ;

(8) give by hand and by mechanical means (if fitted to the vehicle) or in the case of a disabled driver for whom it is impracticable or undesirable to give signals by hand, by mechanical means in a clear and unmistakable manner, appropriate signals at appropriate times to indicate his intended actions ;

(9) act correctly and promptly on all signals given by traffic signs and traffic controllers, and take appropriate action on signs given by other road users.

Note.—[i] Requirements 6 and 7 are not applicable in the case of a motor cycle or tricycle not equipped with means for reversing.

(ii) Requirements 6, 7 and 8 are not applicable in the case of invalid carriages.

A candidate shall be deemed to have failed in the test, if during a road test, he does any three or more of the following acts or any one of such acts more than once :—

A. Starting.

1. Fails to look around before starting.
2. Noisy and uncertain gear shifting.
3. Stays too long in low or second gear.
4. Unnecessary fast get away.
5. Stalls motor.
6. Fails to signal.

B. Stopping.

1. Fails to signal.
2. Slows down too suddenly.
3. Fails to use rear view mirror.

C. Turning.

1. Fails to get into proper lane in time.
2. Fails to signal.
3. Fails to check traffic.
4. Swings wide to the right or cuts corners to the left.
5. Fails to complete turn in proper lane.

D. Backings.

1. Fails to look behind before and while backing
2. Uncertain steering when backing

E. Parking.

1. Hits with a jolt other cars in parking.
2. Climbs curb in parking.
3. Parks too far from curb.
4. Forgets to set emergency brake
5. Parks too fast for proper control.

F. Traffic Signals.

1. Fails to notice signals.
2. Runs through a stop signal.

G. Signs.

1. Does not come to a stop on a signal or at a sign requiring him to do so.
2. Does not notice caution or warning signs.
3. Fails to observe direction signs.

H. Passing.

1. Does not await clear distance ahead.
2. Passes a vehicle in intersection when unlawful or dangerous to do so.
3. Passes vehicles on right where unlawful.
4. Fails to use horn when necessary.
5. Too little speed in overtaking.
6. Cuts in too quickly ahead.

I. Hills.

1. Cannot shift gears on an up grade or when going down.
2. Cannot stop and start on hill without rolling backward.
3. Descends in neutral.

J. Speed.

1. Drives at speeds greater than ability warrants.
2. Too fast over rough roads, around corners, through blind intersections and in business districts.
3. Tendency to lag and catch up.
4. Slow down while passing through an intersection or around a curve, rather than before reaching.
5. Hinders traffic by driving slowly in centre of street.

K. Attention.

1. Looks down when shifting gears.
2. Turns his head when talking.
3. Fails to notice dangerous spots.
4. Does not give complete attention to all traffic intersections

L. Attitude towards others.

1. Depends on others for safety.
2. Takes right of way at intersection when not entitled thereto.
3. Inconsiderate to pedestrians.
4. Fails to anticipate what others may do.

M. Miscellaneous.

1. Stalls at intersections.
2. Fails to keep in correct lane.
3. Follows too closely other vehicles.
4. Uses horn too much.
5. Shifts into wrong gear, such as reverse instead of second.
6. Passes standing street cars where unlawful.
7. Speeds up when being overtaken.
8. Reacts slowly in emergency.
9. Careless about using proper hand signals or does not make signal clearly.
10. Unduly nervous.
11. Over-cautious.
12. Reckless or careless.

13. General inexperience.

PART II

(TEST OF TRAFFIC LAWS AND CORRECT ROAD BEHAVIOUR OF APPLICANT)

The candidate shall satisfy the Examiner that he is cognizant of the provisions of sections 85, 86, 87, 88 and 89 and of the Tenth Schedule that he knows the meaning of the traffic signs specified in the Ninth Schedule and the general provisions of the Highway Code.

PART III

(TEST OF PHYSICAL FITNESS)

The candidate shall satisfy the Examiner that he is not subject to any disease or disability likely to cause his driving of a motor vehicle to be a source of danger to the public and particularly that—

(a) he can read from a distance of twenty-five yards a registration plate bearing letters and figures three inches high or decipher other similar letters or figures of the same size from a distance of twenty-five yards with or without spectacles ;

(b) his field of vision is not less than 130 degree ;

(c) he can readily distinguish pigmentary colours, red and green;

(J) he can hear ordinary sound signals without the help of hearing aid ;

(c) he is not suffering from epilepsy, paralysis, serious heart disorders or mental disorders.

THE FOURTH SCHEDULE

[See sections 15 (7) and 40 (1) and (3)]

Authorities entitled to grant licence to drive and to register motor vehicles, the property or for the time being under the exclusive control of the Central Government, and registration marks for such vehicles

PART A

The authorities specified in the second column may grant licences in respect of vehicles, the property or for the time being under the exclusive control of the Department of the Central Government specified in the first column.

Defence Department of the Central Government	1. District Commanders. 2. Commanders of independent brigades.
---	---

3. Officers commanding units having mechanically propelled vehicles in their charge.

4. Commanders, Pakistan Engineers.

PART B

The authorities specified in the second column may register motor vehicle the property or for the time being under the exclusive control of the Department of the Central Government specified in the first column and may grant certificates of fitness in respect of such vehicles.

Defence Department of the Central Government.

The Master-General of the Ordinance in Pakistan or any person authorized by him in this behalf.

PART C

Registration marks for vehicles registered under section 40.

A broad arrow followed by not more than six figures, or a broad arrow followed by a single letter and not more than five figures.

THE FIFTH SCHEDULE

[See sections 20 (2) and (3) and 116]

Offences on conviction of which an endorsement shall be made on the licence of the person affected

PART A

1. Driving when disqualified (section 19).
2. Failing to stop on the occurrence of an accident (section 92).
3. Obtaining or applying for a licence without giving particulars of endorsement (section 92).
4. Driving recklessly or dangerously (section 99).
5. Driving while drunk or under the influence of any drug (section 100).
6. Abetment of an offence under section 19 or section 100.
7. Taking part in unauthorised race or trial of speed (section 103).
8. Altering a licence or using and altered licence.

9. Any offence punishable with imprisonment in the commission of which a motor vehicle was used.

PART B

1. Driving without a licence, or without a licence which is effective, or without a licence applicable to the vehicle driven (section 6).
2. Allowing a licence to be used by another person (section 6).
3. Driving at excessive speed (section 98).
4. Driving when mentally or physically unfit to drive (section 101).
5. Abetment of an offence punishable under section 98 or 101.
6. Refusing or failing within specified time to produce licence (section 90).
7. Failing to stop when required (section 92).
8. Driving an unregistered vehicle (section 23).
9. Driving a transport vehicle not covered by a certificate of fitness section 39).
10. Driving in contravention of any rule made under section 74 (2)(g) relating to speed governors.
11. Driving a vehicle exceeding the permissible limit of weight (section 107).
12. Failure to comply with a requisition made under section 77,
13. Using a vehicle in unsafe condition (section 104).
14. Driving a transport vehicle in contravention of section 44.

(AMENDMENTS BY PROVINCIAL MOTOR VEHICLES (AMENDMENT) ORDINANCE (VII Of 1978)]

In the Sixth Schedule,

(a) For the entry "Hazara" in the first column and the entry relating thereto in the second column the following shall be substituted, namely :—

Abbottabad.....AD.

Mansehra.....MA.

Kohistan..... ..KH.

(6) For the entry "Loralai" in the first column and the entry relating thereto in the second column the following shall be substituted, namely :—

"Loralai (tribal area)...Li (T) :

Loralai (other area)...II"

(c) For the entry "(Zhob)" in the first column and the entry relating thereto in the second column the following shall be substituted namely :

"Zhob...ZB (T)", and,-

(d) For the entry "Chagai" in the first column and the entry relating thereto in the second column the following shall be substituted, namely :—

"Chagai (tribal area) CI (T).

Chagai (Other Area)...CI"

THE SIXTH SCHEDULE

[See sections 25 (3) and 30 (?)]

Respiration marks

The group of letters specified in the second column shall be used as the registration mark for motor vehicles by the registering authority having jurisdiction in the District or area specified in the first column.

Lahore.....LE

SheikhupuraSA

GujranwalaGA

FaisalabadFD

SialkotST

Rawalpindi, excluding the Islamabad
Capital as defined in the Capital of
the Republic (Determination of
Area) Ordinance. 1963RI

Islamabad. Capital as defined in the

Capital of the Republic (Determination of Area) Ordinance 1963..... ID.

Jhang	JG.
Mianwali	MI.
Gujrat	GT.
Dera Ghazi Khan	DG.
Muzaffargarh	MH.
Multan	MN.
Sahiwal	SL.
Sargodha	SG.
Jhelum	JM.
Attock	AK.
Peshawar	PR.
Mardan	MR.
Hazara	HA.
Dera Ismail Khan	DN.
Bannu	BU.
Kohat	KT.
Kark	KK.
Bahawalpur	BR.
Babawalnagar	BN.
Rahim yar khan	RN.
Khairpur	KR.
Jacobabad	JD.
Sukkur	SK.
Larkana	LA.
Nawabshah	NH.
Hyderabad	HD.
Dadu	DU.
Thatta	TA.
Tharparkar	TR.
Sanghar	SR.
Quetta	QA.
Sibi	SI.
Loralai	LI.
Lasbela	LS.
Zhob	ZB.
Kalat	KL.
Chagai	CI.
Kharan	KN.
Makran	ME.
Karachi	KA.

BALUCHISTAN ADDITIONS : CENTRAL ACT XXXIII OF 1976

After the entry "Makran" in the first column and the entry relating thereto in the second column the following entries shall be inserted, namely :—

"Nasirabad	ND
Peshin	PN
Khuzdar... ..	KZ
Kachhi	KI
Kohlu	KU."

N.W.F.P. ADDITION: N.W. F.P. ORDINANCE I OF 1972 :

After the last entry of the District of Karachi and its group of letters, the following new entries shall be added, namely :—

"SwatSW.
DirDR.
ChitralCL."

SIND ADDITION : SIND ACT XX OF 1974 :

The note at the end of the Sixth Schedule shall be numbered as "Note I", and the following shall be added as note 2 :—

Note : 2. In the case of Karachi District when all the series from "A" to "Z" under note 1 are exhausted, new group of letters shall be used as the registration mark in the following orders :— KCC for private cars, KCT for trucks, KCX for taxis KCY for scooters and motorcycles. KCR for motorcycle rickshaws KCM for miscellaneous vehicles (tractors cranes)".

SIND ADDITION : SIND ACT II OF 1975 :

In the Sixth Schedule, in note 2, the following shall be added at the end :—"KCK" for temporary registration of vehicle".

SIND ADDITION : SIND ACT XVI OF 1976

After the last entry note 1, the following shall be added ;—
Badin.....BD".

Note. The series which shall follow the aforesaid group of letters specified in the second column shall be I to 9999. When this series is exhausted, the next series shall be 1 to 9999 preceded by the letter "A" When this second series is exhausted, the next series shall be I to 9999 preceded by the letter 'B' and so on. The registration mark shall be shown—

- (1) In the case of transport vehicles In black on white ground.
- (2) In the case of temporary registration In red on a yellow ground.

(3) In the case of registration marks In white on a red ground.
allotted to dealers.

(4) In other cases In white on a black ground,

THE SEVENTH SCHEDULE

[See section 41]

Registration marks for Vehicles registered under section 41

For motor vehicles, the property of or for the time being under the exclusive control of a member of a foreign diplomatic mission accredited to the Government of Pakistan :—

The letters CD followed by not more than four figure from the serial numbers allotted by the Ministry of Foreign Affairs of the Government of Pakistan in white on a green ground, surrounded by a white margin half an inch broad on an oblong plate.

For motor vehicles, the property of or for time being under the exclusive control of a member of a foreign consular or trade mission according to the Government of Pakistan :—

The letters CS followed by not more than four figures from the serial numbers allotted by the Ministry of Foreign Affairs, Government of Pakistan. in white or a green ground, surrounded by a white margin half an inch broad, on an oblong plate.

COMMENTARY

This Schedule was omitted by the West Pakistan Amendment Ordinance XXXIX of 1966, S. 3.

THE EIGHTH SCHEDULE

(See section 75)

Limits of speed for motor vehicle

Maximum speed per hour

Class of Vehicles

Passenger vehicles, that is to say, vehicles constructed solely for the carriage of passengers and their effects : -

(a) if all the wheels are fitted with pneumatic tyres and the vehicle is not drawing a trailer—

If all the wheels are fitted with pneumatic tyres and the vehicle is not drawing a trailer,

- | | |
|--------------------------------------|----|
| (i) if the vehicle is a motor car | 95 |
| (ii) if the vehicle is a motor cycle | 70 |

(iii) if the vehicle is a motor cab	80
(iv) if the vehicle is a public service vehicle, other than motor cab, capable of carrying not more than 14 passengers excluding driver	70
(v) if the vehicle is a public service vehicle capable of carrying more than 14 passengers excluding driver	65
(b) if the vehicle, being a motor car or motor cab, drawing a two wheeled trailer of a laden weight not exceeding 1,700 pounds avoirdupois, and if all the wheels of the vehicle and trailer are fitted with pneumatic tyres	50
(c) any other vehicle, including an invalid carriage	30
2. Goods vehicle, that is to say, vehicles constructed or adapted for use or used for the conveyance of goods—	
(a) if all the wheels are fitted with pneumatic tyres and the vehicle is a delivery van and is not drawing a trailer	80
(b) if all the wheels are fitted with pneumatic tyres and the registered laden weight of the vehicle does not exceed 22,400 pounds avoirdupois and the vehicle is not drawing a trailer	50
(c) in any other case	
3. Tractors—	
(a) if drawing not more than one trailer and all wheels of the tractor and trailer are fitted with pneumatic tyres.....	25
(b) in any other case	10
4. Locomotives, whether drawing a trailer or not	
	10

THE TENTH SCHEDULE

(See sections 81 and 82)
Driving regulations

1. The driver of a motor vehicle shall drive the vehicle as close to the left hand side of the road as may be expedient, and shall allow all traffic which is proceeding in the opposite direction to pass him on his right hand side.

2. Except as provided in regulation 3, the driver of a motor vehicle shall pass to the right of all traffic proceeding in the same direction as himself.

3. The driver of a motor vehicle may pass to the left of a vehicle the driver of which having indicated an intention to turn to the right has drawn to the centre of the road and may pass a tram-car or other vehicle running on fixed rails, whether in the same direction as himself or otherwise, on either side :

Provided that in no case shall he pass a tram-car at a time or in a manner likely to cause danger or inconvenience to other users of the road or pass on the left hand side of a tram-car, which, when in motion would be traveling in the same direction as himself, while the tram-car is at rest for the purpose of setting down or taking up passengers.

4. The driver of a motor vehicle shall not pass a vehicle traveling in the same direction as himself—

(a) if his passing is likely to cause inconvenience or danger to other traffic proceeding in any direction ; or

(b) where a point or corner or hill or an obstruction of any kind renders the road ahead not clearly visible.

5. The driver of a motor vehicle shall not, when being overtaken or being passed by another vehicle increase speed or do anything in any way to prevent to the other vehicle from passing him.

6. The driver of a motor vehicle shall slow down when approaching a road intersection, a road corner, and shall not enter any such intersection or junction, until he has become aware that he may do so without endangering the safety of persons thereon.

7. The driver of a motor vehicle shall on entering a road intersection if the road entered in a main road designated as such, give way to the vehicles proceeding along that road, and in any other case give way to all traffic approaching the intersection on his right hand.

8. The driver of a motor vehicle shall, when passing or meeting a procession or a body of troops or police on the march or when passing workmen engaged on road repair, drive at a speed not greater than fifteen miles an hour.

9. The driver of motor vehicle shall—

(a) when turning to the left, drive as close as may be to the left hand side of the road from which he is making the turn and of the road which he is entering ;

(b) when turning to the right, draw as near as may be to the centre of the road along which he is traveling, and cause the vehicle to move in such a manner that—

(i) as far as may be practicable, it passes beyond and so to leave on the driver right hand, a point formed by the intersection of the centre lines of the intersection roads, and

(ii) it arrives as near as may be at the left hand side of the road which the driver is entering.

THE ELEVENTH SCHEDULE

(See section 83)
Signals

1. When about to turn to the right or to drive to the right hand side of the road in order to pass another vehicle or for any other purpose, a driver shall extend his right arm in a horizontal position outside of and to the right of his vehicle with the palm of the hand turned to the front.
2. When about to turn to the left or to drive the left hand side of the road, a driver shall extend his right arm and note it in an anti-clock- wise direction.
3. When about to slow down, a driver shall extend his right arm with the palm downward and to the right of the vehicle and shall move the arm so extended up and down several times in such a manner that the signals can be seen by the driver of any vehicle which may be behind him.
4. When about to stop, a driver shall raise his right fore-arm vertically outside of and to the right of the vehicle, palm to the front.
5. When a driver wishes to indicate to the driver of a vehicle behind him that he desires that drivers to over take him, he shall extend his right arm, and had horizontally outside of and to the right of the vehicle and shall swing the arm backwards and forwards in a semi-circular motion.

THE TWELFTH SCHEDULE

Author's Note.—Legislative error crept in W.P. Amendment Ord. IX or 1970 which by its S. 16 subs. word "Fourteenth" for word "Thirteenth" in S. 122 of Principal Ordinance which never existed.

THE THIRTEENTH SCHEDULE

[See sections 53, 58 and 671]

SCALE OF COMPENSATION PAYABLE ON INJURY TO A PASSENGER IN A STAGE CARRIAGE OR CONTRACT CARRIAGE

	Amount of Compensation.
Death or injury	
Rupees	
1. Death	16,000
2. Loss of right arm above or at the elbow	5,000
3. Loss of left arm above or at the elbow	4,000

4. Loss of right arm below the elbow 4,000
5. Loss of leg at or above the knee 5,000
6. Loss of left arm below the elbow 3,000
7. Loss of leg below the knee 5,000
8. Loss of both legs 10,000
9. Permanent loss of hearing 5,000
10. Loss of one eye 6,000
11. Loss of both eyes 10,000
12. Loss of thumb 3,200
13. Loss of all toes of one foot 4,000
14. Loss of index finger 3,200
15. Loss of great toe 3,000
16. Loss of any finger other than index finger 3,000
17. Permanent disfiguration of the face or head 4,000
18. Fracture or dislocation of bone 3,000
19. Emasculation 4,000
20. Loss of one or more teeth - 1,000
21. Any injury which endangers life or which causes the sufferer to be, during the space of twenty days, severe bodily pains or to renders him unable to follow his ordinary pursuits 2,000

22. Medical expenses for an injury not specified in this schedule actual expenses, certified by medical officer.

N.B. Maximum compensation payable for more than one injury shall be limited to 10,000

THE FOURTEENTH SCHEDULE
[See section 122]
Enactment repealed

Serial No	Short title	No and Year	Extent of Repeal
1	The Motor Vehicles Act. 1939	IV of 1939	The whole Chapters VII and VIII and Section 125
2	The Motor Vehicles (Sind Amendment) Act. 1948	Sind, XIV of 1939 The whole	The whole
3	The Motor Vehicles (North West Frontier Amendment) Act, 1951	N.W.F.P XIII of 1950.	The whole
4	The Motor Vehicles (Sind Amendment) Act, 1951.	Sind XVIII of 1951	The whole

5	The Motor Vehicles (North West Frontier Amendment) Act, 1953	N.W.F.P. VIII 1953.	The whole
6	The Motor Vehicles (West Pakistan Amendment) Act, 1958.	West Pakistan XIX of 1958.	The whole
7	The Motor Vehicles (West Pakistan Amendment) Ordinance, 1960.	Ordinance XXV of 1960.	The whole
8	The Motor Vehicles (West Pakistan Amendment) Ordinance, 1963.	West Pakistan Ordinance XIV of 1963.	The whole