

DELHI ROAD TRANSPORT LAW (AMENDMENT) ACT 1971.

32 - Government of India Law and Justice (Ministry of Law) Laws (Act), 1971 No. 71 of 1971 (24th 1st 71.) An Act to provide for the establishment of a Road Transport Corporation for the Union territory Delhi, and; for that purpose, further to amend the Road Transport Corporations Act, 1950, and the Delhi Municipal Corporation Act... 1957, and for matters connected therewith or incidental thereto, it enacted by Parliament in the twenty-second year of the Republic of India as follows: (I) This Act may be called the Road Transport Laws (Amendment) Act, 1971. Short title and commencement 64 of 1950 (2) It shall be deemed to have come into force on the third day of November, 1971

2. In the Transport Corporations Act, 1950. in section I. — Amendment of section I (i) in sub-section (2) the words "except the Union territory of" shall be omitted; (ii) the following provision shall be added, namely: — "Provided that on and from the commencement of the Road Transport Laws (Amendment) Act, 1971, this Act, as amended by the said Act, shall extend to, and be in force in the Union Territory of Delhi. Government of India Scanned with CamScanner On 11/11/2019. Road Transport Law (Amendment) 3. In this Act, unless the context otherwise requires; — "Municipal Corporation" means the Municipal Corporation of Delhi established under the Delhi Municipal Corporation Act, 1957; 66 of 1957 (b) "new Corporation" means the new Transport Corporation for the Union territory of Delhi established under section 3 of the Road Transport Corporation Act, 1950 64 of 1950 On the establishment, under the Road Transport Corporations Act 1950, of a new Corporation— Vesting of assets, etc. In the new Corporation 64 of 1950 (a) all properties movable and immovable, and all interests of whatsoever nature and kind then belonging to, or vested in, the Municipal Corporation of Delhi, for the purpose of the Transport Undertaking immediately before such establishment, shall vest in the new Corporation; (b) all debts, obligations and liabilities incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Municipal Corporation of Delhi for the purpose of Transport Undertaking, and subsisting immediately before such establishment, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the new Corporation; (c) all licences and permits granted to the Municipal Corporation of Delhi for the purpose of the Delhi Transport Undertaking, and in force immediately before such establishment, shall be deemed to have been granted to the new Corporation and shall have effect accordingly; (d) all suits, prosecutions and other legal proceedings instituted, or which might have been instituted, by, for or against the Municipal Corporation of Delhi for the purpose of Delhi Transport Undertaking, may, — (i) if such suit, prosecution or other legal proceeding was pending immediately before the establishment of the new Corporation, or (ii) if the cause of action for such suit, prosecution or other legal proceeding arose before such establishment the institution of such suit, prosecution or other legal proceeding was not barred before such establishment by any law for the time being in force: be continued or, as the case may be, instituted, by, for or against, the new Corporation (e) all rules, regulations, appointments, notifications, bye-laws, schemes, orders, standing orders and orders relating to transport services, whether made under the Delhi Road Transport authority Act, 1950, or under the Delhi Municipal Corporation Act, 1957 and in force immediately before such establishment, shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force and be deemed to be regulations made by the new Corporation 13 of 1950 under section 45 of the Road Transport Corp. Act, 1950, unless and until they are by regulations made under that 66 of 1957 section; 64 of 1950 (f) notwithstanding anything in any other law for the time being in force or in operation to the contrary, every officer or other employee of the Municipal Corporation of Delhi appointed or deemed to be appointed for the purpose of the Delhi Transport Undertaking shall be transferred to, and become an officer or other employee of the new Corporation such, designation as the new Corporation may determine and shall hold such, office by the same tenure, on the same remuneration and on the same terms and conditions of service and with the same rights to pension, gratuity and matters as he would have had if the new Corporation had not been established and continue to do so unless and until employment is terminated, remuneration and terms and conditions of service are duly altered or terminated by the new Corporation Provided that the tenure, remuneration and other terms and conditions of service of any such officer or other employee shall not be altered to

Without the approval of the Government : Provided further that any service rendered, or decided to have been rendered, in relation to road transport service, under the Municipal Corporation of Delhi, by any such or other employee before establishment of the new Corporation shall be deemed to be service rendered under the new Corporation. (I) Where the sum total of the value of the properties and interests referred to in clause (a) of section 4, vested in the new Corporation (hereinafter in this section referred to as 'the assets') exceeds the sum total of the debts, of assets obligations and liabilities which are deemed to have been and incurred by the Corporation under clause (b) of that section in this section referred to as "the liabilities") such excess shall be paid by the Corporation to the Municipal Corporation of Delhi on such terms and conditions as may be determined by the Central Government in this behalf. Where the sum total of the assets exceeds the sum total of the liabilities such excess shall be paid by the Municipal Corporation of Delhi to the new Corporation on such terms and conditions as may be determined by the Central Government in this behalf. (2) The sum total of the value of the assets and the sum total of the liabilities shall be such amounts as may be arrived at by agreement between the Municipal Corporation of Delhi and the new Corporation and where no such agreement can be reached, the amounts shall be determined by an arbitral tribunal consisting of one nominee of the Municipal Corporation of Delhi, one nominee of the new Corporation and a Chairman, to be nominated by the Chief Justice of the High Court of Delhi. (4) An appeal shall lie to the High Court of Delhi against the decision of the tribunal and the order of that High Court on such appeal shall be final. Central Government may, by order, in writing, exempt all or any of the vehicles of the new Corporation from payment of any tolls or other charges leviable under any enactment for the time being in force, for the use of the roads within the Union territory of Delhi. (5) The Corporation shall be exempted from payment of certain charges leviable under the Road Transport Laws (Amendment) Act, 1950, and from the commencement of this Act— (a) the Road Transport Corporation, 1950, in application to the Union territory of Delhi, be subject to amendments specified in the Schedule (B) of the Municipal Corporation Act, 1957, and in the transport services in the territory of Delhi subject to the amendments specified in the Second Schedule and references therein shall be construed as references to the Road Transport Corporation Act, 1950; (c) the Motor Act, 1939, in application to the Territory of Delhi, be subject to the provisions specified in the Third Schedule. (1) The Delhi Road Transport Law (Amendment) Ordinance, 1971, is hereby repealed. (2) Notwithstanding any repeal, anything done or any action taken under the Transport Corporation Act, 1950, or the Delhi Municipal Corporation Act, 1957, or the Motor Vehicles Act, 1939, as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of the Road Transport Corporation Act, 1950, the Delhi Municipal Corporation Act, 1957, or the Motor Vehicles Act, 1939, as the case may be, as amended by this Act.

SCHEDULE (See Section 7 (a)) TO THE DELHI ROAD TRANSPORT LAW (AMENDMENT) ACT, 1971

Section 3 If the whole or any part of the State*, Subordinate to the whole or any part of the Union territory of Delhi "Section 5.—In sub-section (a) "both of the Central Government and of the State Government concerned in connection with the Corporation in such proportion as may be agreed to by both the Government and of nomination by each Government"; substitute "of the State Government in the Corporation and of nomination by the Government" Section 12.—In clause (b), for "Chairman" or Vice-Chairman substitute "Chairman, Vice-Chairman or Chief Executive Officer, the General Manager, the Deputy General Manager or the Chief Accounts Officer of the Corporation" Section 13.—For "State or part of the State", substitute "Union territory of Delhi or part of the Union territory of Delhi" In clause (a), for "State" substitute "Union territory of Delhi" In clause (1) for "State concerned", substitute "Union territory of Delhi"; and in clause (2) for "State concerned", substitute "Union territory of Delhi".

Section 19A. (1) any articles or goods have come into the possession of a

Corporation for carriage or otherwise and are not claimed by the owner or any other person appearing to the Corporation to be entitled thereto, the Corporation shall, if such owner or other person is known, cause a notice to be served upon him requiring him to remove the articles or goods within seven days of the service of such notice; and (2) if such owner or other person is not known or the notice cannot be served upon him or he does not comply with the requisites in the notice, the Corporation may, after the expiration of such period as may be specified by regulations made under this Act, sell the articles or goods by public auction and shall, after deducting from the sale—proceeds expenses for holding the sale or any amount which may be due to the Corporation, credit the surplus sale—proceeds, any, to the Fund of the Corporation; and the sale—proceeds, so credited may be paid on demand to any person who establishes his right thereto in a court of competent jurisdiction or within one year of such sale to the satisfaction of the Corporation.

2 B. In the exercise of any of its powers under this Act, the Corporation shall not incur on any single day this Act, work, service or scheme or for any other purpose a capital expenditure of more than twenty five lakhs of rupees (except with the previous approval of the Corporation to obtain the approval of the Central Government in consultation cases with the State Government", substitute "that Government in Section 23— (a) For sub-section (1), substitute— (1) The State Government may provide to a Corporation established by the Government any capital that may be required by the Corporation for the purpose of carrying on its undertaking or for purposes connected therewith on such terms and conditions, not inconsistent with the provisions of this Act as that Government may determine; the Central Government (b) In sub-section (3), omit and "in consultation with the Central Government" Section 2C.—In sub-section omit and the Central Government 7 Section 2B.—In sub-sections (1) and (2), omit in consultation with the Central Government n. ORATION Govt. PLEICT of Delhi New Delhi.ii0002 contd Scanned with CamScanner 1 -37- Act, 71 Delhi Road Transport Laws (Amendment) Section and the Central Government*. section 33.- In sub-section (4), for "the Legislature of the State substitute each House of Parliament" Section 35— (a) In sub-section (2), for "the Central Government", substitute "State Government" (b) in sub-section (3) for "the Legislature of the State" substitute "each House of Parliament" Section 37. —In sub-section (3), for "the Legislature of the State" substitute "each House of Parliament" Section 3B. —Omit, "with the previous approval of the Central Government". Section 39.—In sub-section (2), for, "Central and the State Government" substitute "State Government". Section 40.— (1) In clause for "High Court exercising jurisdiction in relation to the State concerned", substitute "High Court of Delhi", (i) in clause (a) for "the High Court", substitute "the High Court of Delhi" (b) for "the order of the High Court", substitute "the order of that High Court" Section 44.—In sub-section (1) in clause (a), for "the Central and the State Government" substitute "the State Government". (11) clause (m), insert— (mm) the service of notice and orders under this Act" Section 45.—In sub-section (2) after clause (e), insert— (f) the period after the expiration of which unclaimed articles or goods may be sold by public auction; (a) the regulation of the carriage of passengers and goods in the road transport services of the Corporation" Section 46.— After rules made by it under section insert "or any regulations made by a Corporation under section 45". After Section 4B, Insert— "CHAPTER VI" SPECIAL PROVISIONS APPLICABLE TO THE UNION TERRITORY OF DELHI (1) No court shall proceed to the trial of any offence made punishable by or under this Act except on the complaint of, or on an information received from, the General Manager of the new Corporation or a person authorised by him of full age and capacity by general or special order in this behalf in writing. (2) DELHI TRAJI CORPORATION Govt. of NCT of Delhi Scanned with CamScanner Delhi Road Transport (Amendment) Act, 1967 (2) All offences against this Act or any rule or regulation made thereunder or any bye-law continued thereunder, whether committed within or outside the Union territory of Delhi, shall be cognizable by a magistrate. Appoint— 508 (1) The mayor or more members of the first or second class for the trial of offences against this Act or any rule or regulation made thereunder or any bye-law continued thereunder and may prescribe the time and place at which such magistrate or magistrates shall sit for the despatch of business. (2) Such magistrates and the members of staff shall be paid such salary, pension, leave and other allowances as may, from time to time, be fixed by the State Government. (3) The new Corporation shall, out of its fund, pay to State Government the amounts of the salary, pension, leave and other allowances as fixed under sub-section (2) together with all other incidental charges in connection with the establishments of the said magistrates (4) Such magistrates shall

have Jurisdiction over the whole of the Union territory of Delhi. S of 189B. (5) For the purposes of the Code of Criminal Procedure, 1898. all magistrates appointed under this section shall be deemed to be magistrates appointed under section 12 of that Code. (1) The General Manager of the new Corporation or any office— 51. or other employee specially empowered by him in this behalf in writing may; either before or after the institution of the proceedings compound any offence made punishable by, under this Act. (2) Where offence has been compounded, the offender, and no further proceedings if in time, shall be taken against him in respect of the offence so compounded. Limitation No person shall be liable to punishment for any offence against this or any rule or regulation made of time for prosecution thereunder or any bye-law continued thereunder, unless complaint of such offence is made before a magistrate within six months next after— (a) the date of the commission of such offence, or (b) date on which the commission or existence of such offence was first brought to the notice of the complainant. If any person summoned to appear before a magistrate to answer a charge of an offence against this Act or any rule or regulation made thereunder or any bye-law continued thereunder fails to appear at the time and place named in the summons. or on any date to which the hearing of the case is adjourned, the magistrate may hear and determine the case in his absence, if— (a) service of the summons on such person is proved to his satisfaction, and (b) no sufficient reason is shown for the non-appearance of such person. Power of Magistrate to hear cases accused where summoned to appear. AMENDMENTS CORPORATION ACT, 1957. — Omit clause (13) and (20). section 2, headed 'A' (Admin.) DELHI ROAD TRANSPORT CORPORATION Scanned with CamScanner of the Delhi Road Transport Law (Amendment) -39- (Act 71 Section 9—first sub-section (2), In sub-clause (111) of clause "or the Delhi Transport Committee". Section 36 sub-clause (b) from General Manager (Electricity) to any person connected with the administration of the Delhi Electric Supply Undertaking. Section 41, namely the Delhi Road Transport Committee Section 44—omit clause Section 50— (D In the heading, omit the words "Delhi Transport Committee" (i) In sub-section (2) omit the words "Delhi Transport Committee". (iii) in sub-section (2), clause (b). Section 52—omit the words "Delhi Transport Committee". and Section 53—omit the words "Delhi Transport Committee" the Delhi Transport Undertaking. Section 59— (i) In the opening paragraph omit the words "Delhi Transport Undertaking" (1) in clause omit the words "the General Manager (Transport)" Section 60— (i) In the heading, omit "and the General Manager (Transport)" (i) in sub-section (1), for the two suitable persons respectively as the General Manager (Electricity) and the General Manager (Transport)", substitute a suitable person as the General Manager (Electricity) (i) in sub-section (2), for "Each of the two General Managers, substitute the General Manager (Electricity) (iv) in sub-section (3), for any of the General Managers substitute the General Manager (Electricity) in sub-section (4), for "Any of the General (v) substitute "The General Manager (Electricity) Section 61—For each of the General Managers", Substitute "The General Manager (Electricity) Section (1) In sub-section (1), omit clause (b); (II) In sub-section (2), for "any of the General Managers, substitute the General Manager (Electricity) (III) in for any of the General Managers". Substitute the General Manager. Section 63— For the two General Managers' substitute the General Manager (Electricity). Section 64—omit sub-section (2). the Delhi Transport Section 65—omit sub-section (1) omit Committee. Section 66 (1) In sub-section (1) for the General Manager (Electricity) or the General Manager (Transport)?, substitute the General Manager combined. CORPORATION DELHI Govt. NCT of Delhi. p. 1. Scanned with CamScanner or 1971) Delhi Road Transport Law (Arrears) DEH, (i) In sub-section (2), for "any of the General Managers, substitute the General Manager Section 67— (I) in sub-section (1), the Delhi Transport Committee (H) In the words "Delhi Transport Committee". Section 68—omit the words "Delhi Transport Committee" Section 69—omit the words "the Delhi Transport Committee" Section 70— (1) In sub-section (a) in clause omit the words "the Delhi Transport Undertaking" (b) in clause (c), for "Delhi Transport Undertaking" (11) In the words "of the Delhi Transport Undertaking" and wherever as the case may be, the words and brackets "General Manager (Transport)" Section 71—In sub-clause (1) of clause (B) omit "or the Delhi Transport Committee". Section 72— (1) In sub-section (1) omit "and the General Manager (Transport) any municipal officer authorised by him in this behalf"; (i) in sub-section (a) omit "and the General Manager (Transport)" (b) for respectively the Delhi Electric Supply Undertaking and the Delhi Transport substitute "the Delhi Electric Supply Undertaking". Section 83—In sub-section (1), omit Delhi Transport Committee Section 90—omit sub-section (7) clause (Li) Section 92—omit sub-section (1),

In clause "of clause omit", the Delhi Transport Corporation and "the Delhi Transport Undertaking" (11) in sub-clause omit the General Manager (Transport) Section 96—(1) In sub-section In clause omit the Delhi Transport Undertaking in sub-section omit clause Section 100—(1) In sub-section Section 101—(1) In sub-section (1) in clause omit "u. - sub-clause (i) in L. Section (1) For the purposes (c), (e) or, substitute in clause (e) "r (E (11) omit "t or the General (Transport) and the Delhi Transport Committee, Section 106—(i) In sub-section (1), the General Manager (Transport) in regard of any work in connection with the Transport Undertaking" (11) In sub-section (3), omit "the General Manager (Transport) • CORPORATION of Delhi, P. New Delhi-110002 Scanned with CamScanner Section 107—(i) in Section 108 Delhi Road Transport Law (Amendment) 1971—(1) In sub-section • in clause (c); In clause (a), omit sub-clause (L L). 112—(1) In the Delhi Transport Committee" 115—(1) In sub-section In clause (b), "omit", or the Delhi Transport Undertaking". Section 204—(1) In clause (b). Section 208—(1) In sub-section (3), omit "the Delhi Transport Committee in (i) in sub-section (4), omit the Delhi Transport Committee Omit Chapter XIV—Sections 287 to 297 (both inclusive) Section 431—(i) In the opening paragraph, General Manager (Transport); (i) In clause omit "r or the General Section 432—In sub-section General manager (Transport). Section 433—In sub-sections (1) and General Manager (Transport) Section 433—Omit" or the General Manager Section 440—"r the General Manager Section • 442—In sub-section (1), omit, or Manager (Transport) • omit "r the Manager omit the omit ner (Transport) (Transport) "t. the General Section 443—For "the Commissioner, the General Manager (Electricity) or • the General Manager (Transport) n, substitute the Corporation or the General Manager (Electricity) eation 450—Omit "and the General Manager (Transport:) % *respectively and "the Delhi Transport Committee". Section 462—Omit "the Delhi Transport Committee the General Manager (Transport) n. sections 467 to 473 (both inclusive). Section 476—In sub-section (2), omit clause (b). Section 481—In sub-section (1), omit paragraph "D By—laws relating to transport services and the entries occurring in the rounder. Section 467—In sub-section omit: the Delhi Transport Undertaking '8 DELHI TRANSPORT CORPORATION (Amendment) Act of 1971 Delhi road transport law (Amendment) Act 1999—In sub-section (1), omit the General Manager (Transport) the General Manager (Transport) "f • Section 509—In sub-section (1)•, In clause omit: sub-clause (11). Section 509—In sub-section (1), omit "nor the General Manager (Transport) The second Schedule—Omit "12. THE SCHEDULE: (See section 7 (c) .) Application of the Motor Vehicles Act, 1939 in relation to the Union Territory of Delhi The Central Government—(a) may, by notification in the Official Gazette, authorise subject to such terms and conditions, if any, as it may deem fit: to impose, any person to exercise and perform, to the exclusion of the Licensing Authority, Registering Authority, Motor Vehicles Inspector, Traffic Inspector, Regional Transport Authority or State Transport Authority, as the case may be, and without the procedure laid down for the purpose in the Motor Vehicles Act 1939, all or such of the powers, functions and duties of the Licensing Authority, Registering Authority, Motor Vehicles Traffic Inspector, Regional Transport Authority or the Transport Authority under the said Act or under the rules made thereunder in relation to motor vehicles of the new Corporation of those vehicles as be and the drivers and conductors employed in the notification; (b) may, if it so thinks necessary, by cancel, suspend or vary the conditions of any stage carriage, contract carriage or public carrier's permit: which has been granted or countersigned under Chapter IV of the Motor Vehicles Act, 1939, by any Regional Transport Authority in the Union territory of or by the State Transport Authority, and is valid within the whole or any part of that territory, and any order so passed shall be final; (c) if it so directs by order in writing, any Regional Transport Authority within the Union territory of Delhi or the State Transport Authority, shall not grant, countersign or renew any permit under Chapter IV of the Motor Vehicles Act, 1939 other than a private carrier's permit (d) may, by order in writing, exempt the motor vehicles of the new Corporation or the employees of its Undertaking from the provisions of the Motor Vehicles Act, 1939, or of any rules made thereunder relating to fitness. HAUHAN (Admn.) CORPORATION of Delhi Estate, Delhi-110002 to the carrying of certificates of registration Scanned with CamScanner