

TAMIL NADU MOTOR VEHICLES (SPECIAL PROVISIONS) ACT, 1992.

Registered fPrfce•t TAMIL NADU EXTRAORDINARY PUBLISHED BY Act 59 MADRAS, FRIDO', JULY 31, 1992 IS AASGEERASA, THIRUVALLUV. •R Du— Part IV—Section 2 Tamil Nadu Acts and The following Art' of the r.l'amil Nadu Legislative As embly received the 1992 and is hereby published for assent of. the President on the 31st , general information :— ACT No. 41 OF 1992. Act Inali•e cerlain speciat.; provisions •in respect of permits for stage carriages l!.ndcr t/i,e Motor Vehicles Act, 1988 and in relation to the sch.emes and Houtes notified under Chapter VI of that Act and to provide for •ntatters connected therewith. BE it enacted hy the Legislative Assembly of the State of Tamil Nadu in the Forty-third Year of the Republic of India. as follows (1) This Aet may be called the Tamil Nadu Motor Vehicles (Special Short tide, extent, commencement Provisions) Act, 1992. and applica- (2) It extends to the whole of the State of Tamil Nadu. tion. (3) The provisions of this Act (except sections 6 and 7) shall be dee:med to have come into force on the 4th June 1976 and remain in forc.e upto and inclusive' of the 30th June 1990 and section 6 shall be deemed to have come: into force on the 1st July 1990 : Provided that the provisions of this Act so f.ar as they relate to section 6, shall be deemed to have continued in force on and from the 1st July 1990 (4) shall apply only in relation to draft schemes, approved sche]l es and notified routes

2. Tn this Act, unless the context otherwiw requires,—(a) " approved scheme " means a scheme approved under section •10() of the NL'otor Vehicles Act : (In ft, M:heme " means a ehune published under. section. 99 . ot the Motor Vehicles Act ; (c) " Motor Vehicles Act " means {he Motor Vehicles Act, 1988 ; (d) the expression " notified route " shall have l. •he Namc Inenning as in section 100 of the Motor Vehicles Act ; IVO Ex [4691—1 158 Grant of Permit under Certain Circumstances. Existing permits to be valid. Act to override Chapters V and VI of Motor TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (e) wol'(ls and expressions used hrcin and not defined in the Motor Vehicles Act shall have the rncanings respectively assigned to them in that ct. 3 (J) Notwithstanding anything contained in a an 01-• approved scheme,! the Regi mal {liransport Auth.ority may, on an application made in accordance with the mules made in. this behalf, permit OL' "rant a renevv a permit to a small operator to ply his stage carriage on the entire route covered by the draft scheme or the approved schme or on S'uch portion of the route covered by the draft scheme or approved schell)e as may be speci- fied änd for such period and subject to such terms and conditions which may be in fesPect of matters specified in sub-section (2) of section 7'2 of the Motor Vehicles Act or in respect of any other Inatl•er as it thinks fit. the purposes of this sub-sec9ion and section 6 ' small operator ' means any stage carriage operator holding on the date of the commencement of this Act or on any date subsequent to such date of commencement, five or less stage carriage permits notwithstanding that all or any stage carriage permits had expired after such date of commencement : Provided that in computing the number of stage carriage permits for the purposes of this sub-section— (i) the number of permits in respect of reserve vehicles kept by the stage carnage operator to ma.intain the service. ; or (.ii) the number of temporary permits granted under clause (a) , clause (b), or clause (c) uf sub-section (l) of ection 87 of the Motor Vehicles shall be ekeluded. (2) Notwithstanding aanything contained in a dfaft scheme or an approved scheme, the Regional. Transport Authority may, on an application made in accordance with the rules made in this behalf vary the conditions of a permit for a stage carriage so as to enable the applicant to operate on t.he entire route or any portion of the route covered by such draft scheme or an approved (3) For the period during which the permit referred to under sub- section (1) or sub-section ('2) is in force, the draft schemc or the approved scheme relating to the entire route or portion of the route referred to in the said sub-sections shall be deemed to have been modified to the extent specified in the said sub-sections. (4) Notwithstanding anything contained in Chapter V r includingv section 98 of the Motor Vehicles Act, the provisions of Chapter V of that and .the rules made thereunder shall, so far, as may be, apply in relation to the grant, renewaa or variation of permit under this section as they apply in relation to the grant., renewal or variation of permit under th2 said Chapter V

4. Notwith.standing anything contained in a draft scheme or an approved scheme or in section 3, all permits and temporary permits granted, .renewcd or varied under the Motor Vehicles Act or under the said' kection 3 authorising the use of stage carriages on the entire route or any portion of the route covered by

such draft scheme or an approved scheme, shall be valid for the period for which such permits were granted, renewed or varied

5. The provisions of sections 3, 4 and 6 shall have effect, notwithstanding anything to the contrary contained in Chapters V and VI including section 98 of the Motor Vehicles Act, 1939 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 6. (1) Notwithstanding anything contained in the Motor Vehicles Act or in an approved scheme, the Regional Transport Authority may, on an application made in accordance with the rules made in this behalf, renew a permit to a small operator to ply his stage carriage on the entire route covered by the approved scheme or on such portion of the route covered by the approved scheme and for such period and subject to such terms and conditions which may be in respect of matters specified in sub-section (2) of section 72 of the Motor Vehicles Act or in respect of any other matter as it thinks fit. (2) Notwithstanding anything contained in the Motor Vehicles Act or in an approved scheme, the Regional Transport Authority may, on an application made by the small operator in accordance with the rules made in this behalf and subject to such conditions as may be prescribed, vary the conditions of a permit for a stage carriage so as to enable the applicant to operate on the entire route or any portion of the route covered by such approved scheme. (3) Notwithstanding anything contained in Chapter VI including section 98 of the Motor Vehicles Act, the provisions of Chapter V of that Act, and the rules made thereunder shall, so far as may be, apply in relation to the renewal or variation of permit under this section as they apply in relation to the renewal or variation of permit under the said Chapter V. (4) Notwithstanding anything contained in this Act, no new permit shall be granted under this Act to any person on any route covered by an approved scheme

7. Notwithstanding anything contained in any law for the time being in force, every application for grant of new permit on a notified route and all appeals arising therefrom or relating thereto, made or preferred before the date of publication of this Act in the Tamil Nadu Government Gazette, and pending before any court or with any officer, authority or tribunal constituted under the Motor Vehicles Act, on the said date, shall abate. 8. (1) The State Government may make rules to carry out the purposes of this Act. (2) In part, in whole and without prejudice to the generality of the foregoing power, such rules may provide for,— (a) the form in which, the time within which and the manner in which an application under section 3 may be made; (b) the fees to be paid in respect of an application under section 3; (c) any other matter which may be prescribed. All rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published. (4) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of the Legislative Assembly, and if, before the next session, the Assembly decides that the rule should not be made, the rule shall thereafter have effect only in so far as it may be made, or of no effect, as the case may be, so, however, that the repeal or annulment shall be without prejudice to the validity of anything previously done under that rule, or of permits. Pending applications and appeals for grant of new permits to the power to make rules. Act 1939. Any provision of the provisions or any Chapter, the construction of reference to (including the period commencing from the 4th of June 1976 and ending with the 30th day of June 1989, be construed as reference to the corresponding provisions or Chapter of the Motor Vehicles Act, 1939. 160 Validation. SAVHI. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 10. Notwithstanding anything contained in Chapter V or VI including section 98 of the Motor Vehicles Act, all proceedings taken for the grant and all orders passed granting permits or renewal or transfer of permits or any variation, modification, extension or curtailment of the route or routes specified in a stage carriage permit during the period commencing on the 4th day of June 1976 and ending with the date of the publication of this Act in the Tamil Nadu Government Gazette, shall, for all purposes be deemed to be and to have always been taken or passed in accordance with the provisions of this Act as if this Act had been in force at all material times

11. Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of any other law for the time being in force and nothing contained herein shall exempt any person from any proceeding by way of investigation or otherwise which might, apart from this Act, be instituted against him. (By order of the Governor) H.D. ISWLAAIL, Secretary to Government, Law

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