

THE MOTOR VEHICLES ACT, 1988

[Act 59 of 1988, dt. 14-10-1988]

[As amended by the Jan Vishwas (Amendment of Provisions) Act, 2023
(No. 18 of 2023), dt. 11-8-2023]

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

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :

CHAPTER I PRELIMINARY

1. Short title, extent and commencement

(1) This Act may be called the Motor Vehicles Act, 1988.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in this Act to the commencement of this Act shall, in relation to a State, be construed as a reference to the coming into force of this Act in that State.

2. Definitions

In this Act, unless the context otherwise requires,—

- ²[(1) “adapted vehicle” means a motor vehicle either specially designed and constructed, or to which alterations have been made under sub-section (2) of section 52, for the use of a person suffering from any physical defect or disability, and used solely by or for such person;
- (1A) “aggregator” means a digital intermediary or market place for a passenger to connect with a driver for the purpose of transportation;
- (1B) “area”, in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette;]
- (2) “articulated vehicle” means a motor vehicle to which a semi-trailer is attached;
- (3) “axle weight” means in relation to an axle of a vehicle the total weight transmitted by the several wheels attached to that axle to the surface on which the vehicle rests;

¹ Enforced w.e.f. 1-7-1989, vide SO 368(E), dt. 22-5-1989.

² Substituted by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019. Prior to substitution, clause (1) read as under:
“(1) “area”, in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette;”

- (4) “certificate of registration” means the certificate issued by a competent authority to the effect that motor vehicle has been duly registered in accordance with the provisions of Chapter IV;
- ¹[(4A) “community service” means an unpaid work which a person is required to perform as a punishment for an offence committed under this Act;]
- (5) “conductor” in relation to a stage carriage, means a person engaged in collecting fares from passengers, regulating their entrance into, or exit from, the stage carriage and performing such other functions as may be prescribed;
- (6) “conductor’s licence” means the licence issued by a competent authority under Chapter III authorising the person specified therein to act as a conductor;
- (7) “contract carriage” means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum,—
 - (a) on a time basis, whether or not with reference to any route or distance, or
 - (b) from one point to another;and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes—
 - (i) a maxicab; and
 - (ii) a motorcab notwithstanding that separate fares are charged for its passengers;
- (8) “dealer” includes a person who is engaged—
 - (a) ²[x x x]
 - (b) in building bodies for attachment to chassis; or
 - (c) in the repair of motor vehicles; or
 - (d) in the business of hypothecation, leasing or hire-purchase of motor vehicle;
- (9) “driver” includes, in relation to a motor vehicle which is drawn by another motor vehicle, the person who acts as a steersman of the drawn vehicle;
- ¹[(9A) “driver refresher training course” means the course referred to in sub-section (2A) of section 19;]
- (10) “driving licence” means the licence issued by a competent authority under Chapter II authorising the person specified therein to drive, otherwise than as a learner, a motor vehicle or a motor vehicle of any specified class or description;

1 Inserted by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.

- (11) “educational institution bus” means an omnibus, which is owned by a college, school or other educational institution and used solely for the purpose of transporting students or staff of the educational institution in connection with any of its activities;
- (12) “fares” includes sums payable for a season ticket or in respect of the hire of a contract carriage;
- ¹[(12A) “golden hour” means the time period lasting one hour following a traumatic injury during which there is highest likelihood of preventing death by providing prompt medical care;]
- (13) “goods” includes live-stock, and anything (other than equipment ordinarily used with the 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;
- (14) “goods carriage” means any motor vehicle constructed or adapted for use solely for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods;
- (15) “gross vehicle 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;
- (16) “heavy goods vehicle” means any goods carriage the gross vehicle weight of which, or a tractor or a road-roller the unladen weight of either of which, exceeds 12,000 kilograms;
- (17) “heavy passenger motor vehicle” means any public service vehicle or private service vehicle or educational institution bus or omnibus the gross vehicle weight of any of which, or a motor car the unladen weight of which, exceeds 12,000 kilograms;
- ²[(18) “invalid carriage” means a motor vehicle specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability, and used solely by or for such a person;]
- (19) “learner’s licence” means the licence issued by a competent authority under Chapter II authorising the person specified therein to drive as a learner, a motor vehicle or a motor vehicle of any specified class or description;
- (20) “licensing authority” means an authority empowered to issue licences under Chapter II or, as the case may be, Chapter III;
- (21) “light motor vehicle” means a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road-roller the unladen weight of any of which, does not exceed ³[7500] kilograms;
- ⁴[(21A) “manufacturer” means a person who is engaged in the manufacture of motor vehicles;]

1 Inserted by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.

2. Omitted, *ibid.*

3 Substituted for “6000” by Act 54 of 1994, w.e.f. 14-11-1994.

4 Inserted, *ibid.*

- (22) “maxicab” means any motor vehicle constructed or adapted to carry more than six passengers, but not more than twelve passengers, excluding the driver, for hire or reward;
- (23) “medium goods vehicle” means any goods carriage other than a light motor vehicle or a heavy goods vehicle;
- (24) “medium passenger motor vehicle” means any public service vehicle or private service vehicle, or educational institution bus other than a motor cycle, ¹[adapted vehicle], light motor vehicle or heavy passenger motor vehicle;
- (25) “motorcab” means any motor vehicle constructed or adapted to carry not more than six passengers excluding the driver for hire or reward;
- (26) “motor-car” means any motor vehicle other than a transport vehicle, omnibus, road-roller, tractor, motor cycle or ¹[adapted vehicle];
- (27) “motor-cycle” means a two-wheeled motor vehicle, inclusive of any detachable side-car having an extra wheel, attached to the motor vehicle;
- (28) “motor vehicle” or “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 and a trailer; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine capacity of not exceeding ²[twenty-five cubic centimetres];
- (29) “omnibus” means any motor vehicle constructed or adapted to carry more than six persons excluding the driver;
- (30) “owner” means a person in whose name a motor vehicle stands registered, and where such person is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire-purchase agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;
- (31) “permit” means a permit issued by a State or Regional Transport Authority or an authority prescribed in this behalf under this Act authorising the use of a motor vehicle as a transport vehicle;
- (32) “prescribed” means prescribed by rules made under this Act;
- (33) “private service vehicle” means a motor vehicle constructed or adapted to carry more than six persons excluding the driver and ordinarily used by or on behalf of the owner of such vehicle for the purpose of carrying persons for, or in connection with, his trade or business otherwise than for hire or reward but does not include a motor vehicle used for public purposes;

1. Substituted for “invalid carriage” by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.

2. Substituted for “thirty-five cubic centimetres” by Act 54 of 1944, w.e.f. 14-11-1994.

- (34) “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;
- (35) “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 maxicab, motorcab, contract carriage, and stage carriage;
- (36) “registered axle weight” means in respect of the axle of any vehicle, the axle weight certified and registered by the registering authority as permissible for that axle;
- (37) “registering authority” means an authority empowered to register motor vehicles under Chapter IV;
- (38) “route” means a line of travel which specifies the highway which may be traversed by a motor vehicle between one terminus and another;
- ¹[(38A) “scheme” means a scheme framed under this Act;]
- ²[(39) “semi-trailer” means a vehicle not mechanically propelled (other than a trailer), which is intended to be connected to a motor vehicle and which is so constructed that a portion of it is super-imposed on, and a part of whose weight is borne by that motor vehicle;]
- (40) “Stage carriage” means a motor vehicle constructed or adapted to carry more than six passengers excluding the driver for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stages of the journey;
- (41) “State Government” in relation to a Union territory means the Administrator thereof appointed under article 239 of the Constitution;
- (42) “State transport undertaking” means any undertaking providing road transport service, where such undertaking is carried on by—
- (i) the Central Government or a State Government;
 - (ii) any Road Transport Corporation established under section 3 of the Road Transport Corporations Act, 1950 (64 of 1950);
 - (iii) any municipality or any corporation or company owned or controlled by the Central Government or one or more State Governments, or by the Central Government and one or more State Governments.
- ³[(iv) Zila Parishad or any other similar local authority.]

Explanation : For the purposes of this clause, “road transport service” means a service of motor vehicles carrying passengers or goods or both by road for hire or reward;

1. Inserted by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.

2. Substituted by Act 54 of 1994, w.e.f. 14-11-1994.

3. Inserted, *ibid*.

- ¹[(42A) “testing agency” means any entity designated as a testing agency under section 110B;]
- (43) “tourist vehicle” means a contract carriage constructed or adapted and equipped and maintained in accordance with such specifications as may be prescribed in this behalf;
- (44) “tractor” means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion); but excludes a road-roller;
- (45) “traffic signs” includes all signals, warning sign posts, direction posts, markings on the road or other devices for the information, guidance or direction of drivers of motor vehicles;
- (46) “trailer” means any vehicle, other than a semi-trailer and a side-car, drawn or intended to be drawn by a motor vehicle;
- (47) “transport vehicle” means a public service vehicle, a goods carriage, an educational institution bus or a private service vehicle;
- (48) “unladen weight” means the weight of a vehicle or trailer including all equipments ordinarily used with the vehicle or trailer when working, but excluding the weight of a 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;
- (49) “weight” means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests ¹[or moves].

COMMENTS

Section 2(7)

“Contract carriage” as defined under s. 2(7) of the Act is exhaustive and takes within its fold vehicle of any kind as is permitted to ply as contract carriage without taking into consideration its size and seating capacity. The definition also includes maxicab and motor cab notwithstanding the fact that passengers are charged with separate fares.—*Brijendra Kumar Chaudhary v. State Transport Authority AIR 1991 All 300*

Section 2(10)

‘Driving licence’ has been defined in section 2(10) to mean the person specified therein to drive, otherwise than as a learner, a motor vehicle or a motor vehicle of any specified class or description.—*Oriental Insurance Co. Ltd. v. Angad Kol 2009 (76) AIC 140 (SC)*

Section 2(11)

The use of “educational institution bus” must be exclusively for the conveyance of the students and the staff of such institution.—*Sri Gajanan Motor Transport Co. Ltd. v. State of Karnataka AIR 1991 Kan 40*

Section 2(14)

“Goods carriage” has been defined in section 2(14) to mean any motor vehicle constructed or adapted for use solely for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods.—*Oriental Insurance Co. Ltd. v. Angad Kol 2009 (76) AIC 140 (SC)*

¹ Inserted by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.

Section 2(21)

Light Motor Vehicle is defined in section 2(21), which says that “light motor vehicle” means a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road-roller the unladen weight of any of which, does not exceed 7,500 kilograms.—*Janki Bai v. Uttam Singh Yadav 2011 (101) AIC 624 (Chhattisgarh H.C.)*

Section 2(22)

Where the authorities, after going through the description of the vehicle as given by the manufacturer, find that the vehicle can be classified as maxi-cab for having the seating capacity of more than six, argument cannot be raised that in view of the description in the registration certificate the vehicle cannot be considered as maxi-cab.—*Bhakthavatsalan v. Assistant Regional Transport Officer AIR 1990 Kan 297*

Section 2(28)

Undoubtedly registration of the motor vehicle is essential but where the vehicle is not registered it would still be a motor vehicle if it falls within the definition as given under section 2(28)—*Poomani v. Tuticorin Thermal Power Project AIR 1990 Mad 372*

Section 2(34)

The road inside the secretariat premises falls within the definition of “Public Place” for the members of public after obtaining permission becomes entitled to right of access to secretariat.—*Oriental Fire & General Insurance Co. Ltd. v. Raghunath Muduli AIR 1991 Ori 173*

A place where public have access without restriction or even limited with pass is a public place.—*United India Insurance Co. Ltd. v. Gujarat Ship Trading Corporation 1997 (3) GLR 2560*

¹[2A. E-cart and e-rickshaw

(1) Save as otherwise provided in the proviso to sub-section (1) of section 7 and sub-section (10) of section 9, the provisions of this Act shall apply to e-cart and e-rickshaw.

(2) For the purposes of this section, “e-cart or e-rickshaw” means a special purpose battery powered vehicle of power not exceeding 4000 watts, having three wheels for carrying goods or passengers, as the case may be, for hire or reward, manufactured, constructed or adapted, equipped and maintained in accordance with such specifications, as may be prescribed in this behalf.]

²[2B. Promotion of innovation

Notwithstanding anything contained in this Act and subject to such conditions as may be prescribed by the Central Government, in order to promote innovation, research and development in the fields of vehicular engineering, mechanically propelled vehicles and transportation in general, the Central Government may exempt certain types of mechanically propelled vehicles from the application of the provisions of this Act.]

CHAPTER II**LICENSING OF DRIVERS OF MOTOR VEHICLES****3. Necessity for driving licence**

(1) No person shall drive a motor vehicle in any public place unless he holds an effective driving licence issued to him authorising him to drive the vehicle; and no person shall so drive a transport vehicle other than ³[a motor cab or motor cycle] hired for his own use or rented under any scheme made under sub-section (2) of section 75] unless his driving licence specifically entitles him so to do.

1. Inserted by Motor Vehicles (Amdt.) Act, 2015 (3 of 2015), dt. 19-3-2015, w.e.f. 7-1-2015.

2. Inserted by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.

3. Substituted for “a motor cab” by Act 54 of 1994, w.e.f. 14-11-1994.

(2) The conditions subject to which sub-section (1) shall not apply to a person receiving instruction in driving a motor vehicle shall be such as may be prescribed by the Central Government.

COMMENTS

Section 3 deals with the necessity for driving license.—*Janki Bai v. Uttam Singh Yadav* 2011 (101) AIC 624 (Chhattisgarh H.C.)

State Govt. has the authority to prescribe conditions subject to which sub-section (1) would not apply to a person receiving instructions in driving of a motor vehicle. It cannot be said that the person having the authority of driving in a public place under a temporary permit for persons intending to learn driving would not be a person duly licensed to drive in a public place.—*National Insurance Co. Ltd. v. A. Basu AIR 1990 Mad 305*

4. Age limit in connection with driving of motor vehicles

(1) No person under the age of eighteen years shall drive a motor vehicle in any public place:

PROVIDED that ¹[a motor cycle with engine capacity not exceeding 50cc] may be driven in a public place by a person after attaining the age of sixteen years.

(2) Subject to the provisions of section 18, no person under the age of twenty years shall drive a transport vehicle in any public place.

(3) No learner's licence or driving licence shall be issued to any person to drive a vehicle of the class to which he has made an application unless he is eligible to drive that class of vehicle under this section.

5. Responsibility of owners of motor vehicles for contravention of sections 3 and 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. Restrictions on the holding of driving licences

(1) No person shall, while he holds any driving licence for the time being in force, hold any other driving licence except a learner's licence or a driving licence issued in accordance with the provisions of section 18 or a document authorising, in accordance with the rules made under section 139, the person specified therein to drive a motor vehicle.

(2) No holder of a driving licence or a learner's licence shall permit it to be used by any other person.

(3) Nothing in this section shall prevent a licensing authority having the jurisdiction referred to in sub-section (1) of section 9 from adding to the classes of vehicles which the driving licence authorises the holder to drive.

7. Restrictions on the granting of learner's licences for certain vehicles

²[(1) No person shall be granted a learner's licence to drive a transport vehicle unless he has held a driving licence to drive a light motor vehicle for at least one year:

¹ Substituted for "a motor cycle without gear" by Act 54 of 1994, w.e.f. 14-11-1994.

² Substituted, *ibid.*

¹[PROVIDED that nothing contained in this sub-section shall apply to an e-cart or e-rickshaw.]

(2) No person under the age of eighteen years shall be granted a learner's licence to drive a motor cycle without gear except with the consent in writing of the person having the care of the person desiring the learner's licence.

8. Grant of learner's 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 driving licence may, subject to the provisions of section 7, apply to ²[any of the licensing authority in the State]—

- (i) in which he ordinarily resides or carries on business; or
- (ii) in which the school or establishment referred to in section 12 from where he intends to receive instruction in driving a motor vehicle is situate,

for the issue to him of a learner's licence.

(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such documents ³[with such fee and submit in such manner, including by electronic means] as may be prescribed by the Central Government.

(3) Every application ⁴[to drive a transport vehicle made] under sub-section (1) shall be accompanied by a medical certificate in such form as may be prescribed by the Central Government and signed by such registered medical practitioner, as the State Government or any person authorised in this behalf by the State Government may, by notification in the Official Gazette, appoint for this purpose:

⁵[PROVIDED that no such medical certificate is required for licence to drive a vehicle other than a transport vehicle.]

(4) 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 which is likely to cause the driving by him of a motor vehicle of the class which he would be authorised by the learner's licence applied for to drive to be source of danger to the public or to the passengers, the licensing authority shall refuse to issue the learner's licence:

PROVIDED that a learner's licence limited to driving an ⁶[adapted vehicle] may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such a carriage.

(5) No learner's licence shall be issued to any applicant unless he ⁷[satisfies such conditions] as may be prescribed by the Central Government.

1. Inserted by Motor Vehicles (Amdt.) Act, 2015 (3 of 2015), dt. 19-3-2015, w.e.f. 7-1-2015.

2. Substituted for "the licensing authority having jurisdiction in the area" by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.

3. Substituted for "and with such fee", *ibid*.

4. Inserted, *ibid*.

5. Omitted, *ibid*.

6. Substituted for "invalid carriage", *ibid*.

7. Substituted for "passes to the satisfaction of the licensing authority such test" by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-4-2021 vide SO 1433(E), dt. 31-3-2021.

(6) When an application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his physical fitness under sub-section (3) and has passed to the satisfaction of the licensing authority the test referred to in sub-section (5), the licensing authority shall, subject to the provisions of section 7, issue the applicant a learner's 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 to drive a motor vehicle:

PROVIDED that a licensing authority may issue a learner's licence to drive a motor cycle or a light motor vehicle notwithstanding that it is not the appropriate licensing authority, if such authority is satisfied that there is good reason for the applicant's inability to apply to the appropriate licensing authority:

¹[PROVIDED FURTHER that a licensing authority may issue a learner's licence in electronic form and such manner as may be prescribed by the Central Government:

PROVIDED ALSO that the licensing authority may, before issuing the license, verify the identity of the applicant in such manner as may be prescribed by the Central Government.]

(7) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of persons from the provisions of sub-section (3), or sub-section (5), or both.

(8) Any learner's licence for driving a motor cycle in force immediately before the commencement of this Act shall, after such commencement, be deemed to be effective for driving a motor cycle with or without gear.

9. Grant of driving licence

(1) Any person who is not for the time being disqualified for holding or obtaining a driving licence may apply to ²[any licensing authority in the State]—

- (i) in which he ordinarily resides or carries on business, or
- (ii) in which the school or establishment referred to in section 12 from where he is receiving or has received instruction in driving a motor vehicle is situated,

for the issue to him of a driving licence.

(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such fee and such documents as may be prescribed by the Central Government.

³[(3) If the applicant passes such test as may be prescribed by the Central Government, he shall be issued the driving licence:

PROVIDED that no such test shall be necessary where the applicant produces proof to show that—

- (a) (i) the applicant has previously held a driving licence to drive such class of vehicle and that the period between the date of expiry of that licence and the date of the application does not exceed five years, or

1 Inserted by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-4-2021 vide SO 1433(E), dt. 31-3-2021.

2 Substituted for "the licensing authority having jurisdiction in the area" by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.

3 Substituted by Act 54 of 1994, w.e.f. 14-11-1994.

- (ii) the applicant holds or has previously held a driving licence to drive such class of vehicle issued under section 18, or
- (iii) the applicant holds a driving licence to drive such class of vehicle issued by a competent authority of any country outside India, subject to the condition that the applicant complies with the provisions of sub-section (3) of section 8;
- (b) the applicant is not suffering from any disability which is likely to cause the driving by him to be a source of danger to the public; and the licensing authority may, for that purpose, require the applicant to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8:

¹[PROVIDED FURTHER that a driving licence for driving an adapted vehicle may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such motor vehicle.]

(4) Where the application is for a licence to drive a transport vehicle, no such authorisation shall be granted to any applicant unless he possesses ²[xxx] a driving certificate issued by a school or establishment referred to in section 12.

³[(5) Where the applicant does not pass the test, he may be permitted to re-appear for the test after a period of seven days:

PROVIDED that where the applicant does not pass the test even after three appearances, he shall not be qualified to re-appear for such test before the expiry of a period of sixty days from the date of last such test ⁴[and such applicant shall be required to complete a remedial driver training course from any school or establishment under section 12].]

(6) The test of competence to drive shall be carried out in a vehicle of the type to which the application refers:

PROVIDED that a person who passed a test in driving a motor cycle with gear shall be deemed also to have passed a test in driving a motor cycle without gear.

(7) When any application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his competence to drive, the licensing authority shall issue the applicant a driving licence unless the applicant is for the time being disqualified for holding or obtaining a driving licence:

PROVIDED that a licensing authority may issue a driving licence to drive a motor cycle or a light motor vehicle notwithstanding that it is not the appropriate licensing authority, if the licensing authority is satisfied that there is good and sufficient reason for the applicant's inability to apply to the appropriate licensing authority:

1. Substituted for the existing proviso by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019. Prior to substitution, it read as under: "PROVIDED FURTHER that where the application is for a driving licence to drive a motor vehicle (not being a transport vehicle), the licensing authority may exempt the applicant from the test of competence to drive a vehicle prescribed under this sub-section, if the applicant possesses a driving certificate issued by any institution recognised in this behalf by the State Government."
2. The words "such minimum educational qualification as may be prescribed by the Central Government and" omitted, *ibid*.
3. Substituted by Act 54 of 1994, w.e.f. 14-11-1994.
4. Inserted by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-4-2021 vide SO 1433(E), dt. 31-3-2021.

PROVIDED FURTHER that the licensing authority shall not issue a new driving licence to the applicant, if he had previously held a driving licence, unless it is satisfied that there is good and sufficient reason for his inability to obtain a duplicate copy of his former licence.

(8) If the licensing authority is satisfied, after giving the applicant an opportunity of being heard, that he—

- (a) is a habitual criminal or habitual drunkard; or
- (b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or
- (c) is a person whose licence to drive any motor vehicle has, at any time earlier, been revoked,

it may, for reasons to be recorded in writing, make an order refusing to issue a driving licence to such person and any person aggrieved by an order made by a licensing authority under this sub-section may, within thirty days of the receipt of the order, appeal to the prescribed authority.

(9) Any driving licence for driving a motor-cycle in force immediately before the commencement of this Act shall, after such commencement, be deemed to be effective for driving a motor cycle with or without gear.

¹[(10) Notwithstanding anything contained in this section, the driving licence to drive e-cart or e-rickshaw shall be issued in such manner and subject to such conditions, as may be prescribed.]

10. Form and contents of licences to drive

(1) Every learner's licence and driving licence, except a driving licence issued under section 18, shall be in such form and shall contain such information as may be prescribed by the Central Government.

(2) A learner's licence or, as the case may be, driving licence shall also be expressed as entitling the holder to drive a motor vehicle of one or more of the following classes, namely,—

- (a) motor-cycle without gear;
- (b) motor-cycle with gear;
- (c) ²[adapted vehicle];
- (d) light motor vehicle;
- ³[(e) transport vehicle;]
- (f) medium passenger motor vehicle;
- (g) heavy goods vehicle;
- (h) heavy passenger motor vehicle;
- (i) road-roller;
- (j) motor vehicle of a specified description.

¹ Inserted by Motor Vehicles (Amdt.) Act, 2015 (3 of 2015), dt. 19-3-2015, w.e.f. 7-1-2015.

² Substituted for "invalid carriage" by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.

³ Substituted by Act 54 of 1994, w.e.f. 14-11-1994.

11. Additions to driving licence

(1) Any person holding a driving licence to drive any class or description of motor vehicles, who is not for the time being disqualified for holding or obtaining a driving licence to drive any other class or description of motor vehicles, may apply to ¹[any licensing authority in the State] in which he resides or carries on his business in such form and accompanied by such documents and with such fees as may be prescribed by the Central Government for the addition of such other class or description of motor vehicles to the licence.

(2) Subject to such rules as may be prescribed by the Central Government, the provisions of section 9 shall apply to an application under this section as if the said application was for the grant of a licence under that section to drive the class or description of motor vehicles which the applicant desires to be added to his licence:

²[PROVIDED that the licensing authority may, before issuing the license verify the identity of the applicant in such manner as may be prescribed by the Central Government.]

12. Licensing and regulation of schools or establishments for imparting instruction in driving of motor vehicles

(1) The Central Government may make rules for the purpose of licensing and regulating, by the State Governments, schools or establishments (by whatever name called) for imparting instruction in driving of motor vehicles and matters connected therewith.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,—

- (a) licensing of such schools or establishments including grant, renewal and revocation of such licences;
- (b) supervision of such schools or establishments;
- (c) the form of application and the form of licence and the particulars to be contained therein;
- (d) fee to be paid with the application for such licences;
- (e) conditions subject to which such licences may be granted;
- (f) appeals against the orders of refusal to grant or renew such licences and appeal against the orders revoking such licences;
- (g) conditions subject to which a person may establish and maintain any such school or establishment for imparting instruction in driving of motor vehicles;
- (h) nature, syllabus and duration of course or courses for efficient instruction in driving any motor vehicle;
- (i) apparatus and equipments (including motor vehicles fitted with dual control) required for the purpose of imparting such instruction;

1. Substituted for “the licensing authority having jurisdiction in the area” by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.

2. Inserted by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-4-2021 vide SO 1433(E), dt. 31-3-2021.

- (j) suitability of the premises at which such schools or establishments may be established or maintained and facilities to be provided therein;
- (k) qualifications, both educational and professional (including experience), which a person imparting instruction in driving a motor vehicle shall possess;
- (l) inspection of such schools and establishments (including the services rendered by them and the apparatus, equipments and motor vehicles maintained by them for imparting such instruction);
- (m) maintenance of record by such schools or establishments;
- (n) financial stability of such schools or establishments;
- (o) the driving certificates, if any, to be issued by such schools or establishments and the form in which such driving certificates shall be issued and the requirements to be complied with for the purpose of issuing such certificates;
- (p) such other matters as may be necessary to carry out the purposes of this section.

(3) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of schools or establishments imparting instruction in driving of motor vehicles or matters connected therewith from the provisions of this section.

(4) A school or establishment imparting instruction in driving of motor vehicles or matters connected therewith immediately before the commencement of this Act whether under a licence or not, may continue to impart such instruction without a licence issued under this Act, for a period of one month from such commencement, and if it has made an application for such licence under this Act within the said period of one month and such application is in the prescribed form, contains the prescribed particulars and is accompanied by the prescribed fee, till the disposal of such application by the licensing authority.

¹[(5) Notwithstanding anything contained in any other provision, where any school or establishment has been accredited by a body notified by the Central Government under any other law for the time being in force, any person who has successfully completed a training module at such school or establishment covering a particular type of motor vehicle shall be eligible to obtain a driving licence for such type of motor vehicle.

(6) The curriculum of the training module referred to in sub-section (5) and the remedial driver training course referred to in sub-section (5) of section 9 shall be such as may be prescribed by the Central Government and that Government may make rules for the regulation of such schools or establishments.]

13. Extent of effectiveness of licences, to drive motor vehicles

A learner's licence or a driving licence issued under this Act shall be effective throughout India.

1 Inserted by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019.

14. Currency of licences to drive motor vehicles

(1) A learner's licence issued under this Act shall, subject to the other provisions of this Act, be effective for a period of six months from the date of issue of the licence.

(2) A driving licence issued or renewed under this Act shall—

- (a) in the case of a licence to drive a transport vehicle, be effective for a period of ¹[five years]: ²[x x x]

³[PROVIDED that in the case of licence to drive a transport vehicle carrying goods of dangerous or hazardous nature be effective for a period of ⁴[three years and renewal thereof shall be subject to such conditions as the Central Government may prescribe; and]

⁵[(b) in the case of any other licence, subject to such conditions as the Central Government may prescribe, if the person obtaining the licence, either originally or on renewal thereof,—

- (i) has not attained the age of thirty years on the date of issue or, renewal thereof, be effective until the date on which such person attains the age of forty years; or
- (ii) has attained the age of thirty years but has not attained the age of fifty years on the date of issue or, renewal thereof, be effective for a period of ten years from the date of such issue or renewal; or
- (iii) has attained the age of fifty years but has not attained the age of fifty-five years on the date of issue or, renewal thereof, be effective until the date on which such person attains the age of sixty years; or
- (iv) has attained the age of fifty-five years on the date of issue or as the case may be, renewal thereof, be effective for a period of five years from the date of such issue or renewal.]

⁶[PROVIDED that every driving licence shall, notwithstanding its expiry under this sub-section continue to be effective for a period of thirty days from such expiry.]

1. Substituted for "three years" by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.

2. Word "and" omitted by Act 54 of 1994, w.e.f. 14-11-1994.

3. Inserted, *ibid*.

4. Substituted for "one year and renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the prescribed syllabus; and" by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.

5. Substituted, *ibid*. Prior to substitution, clause (b) read as under:

"(b) in the case of any other licence—

(i) if the person obtaining the licence either originally or on renewal thereof, has not attained the age of fifty years on the date of issue or, as the case may be, renewal thereof—

(A) be effective for a period of twenty years from the date of such issue or renewal; or

(B) until the date on which such person attains the age of fifty years, whichever is earlier;

(ii) if the person referred to in sub-clause (i), has attained the age of fifty years on the date of issue or, as the case may be, renewal thereof, be effective, on payment of such fee as may be prescribed, for a period of five years from the date of such issue or renewal:"

6. Omitted, *ibid*.

COMMENTS

Section 14 stipulates certain conditions as to the currency of driving licences in certain cases.—*C.H. Ramarao v. United India Insurance Co. Ltd. 2011 (101) AIC 420 (Calcutta H.C.)*

Section 14(2) provides for duration of a period of three years in case of an effective licence to drive a 'transport vehicle' whereas in case of any other licence, it may remain effective for the period of 20 years.—*Oriental Insurance Co. Ltd. v. Angad Kol 2009 (76) AIC 140 (SC)*

15. Renewal of driving licences

Any licensing authority may, on application made to it, renew a driving licence issued under the provisions of this Act with effect from the date of its expiry:

PROVIDED that in any case where the application for the renewal of a licence is made ¹[either one year prior to date of its expiry or within one year] after the date of its expiry, the driving licence shall be renewed with effect from the date of its renewal:

PROVIDED FURTHER that where the application is for the renewal of a licence to drive a transport vehicle or where in any other case the applicant has attained the age of ²[fifty years], the same shall be accompanied by a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8, and the provisions of sub-section (4) of section 8 shall, so far as may be, apply in relation to every such case as they apply in relation to a learner's licence.

(2) An application for the renewal of a driving licence shall be made in such form and accompanied by such documents as may be prescribed by the Central Government.

(3) Where an application for the renewal of a driving licence is made previous to, or not more than ³[one year] after the date of its expiry, the fee payable for such renewal shall be such as may be prescribed by the Central Government in this behalf.

(4) Where an application for the renewal of a driving licence is made more than ³[one year] after the date of its expiry the fee payable for such renewal shall be such amount as may be prescribed by the Central Government:

PROVIDED that the fee referred to in sub-section (3) may be accepted by the licensing authority in respect of an application for the renewal of a driving licence made under this sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from applying within the time specified in sub-section (3):

PROVIDED FURTHER that if the application is made more than ⁴[one year after the driving licence has ceased to be effective, the licensing authority shall] refuse to renew the driving licence unless the applicant undergoes and passes to its satisfaction the test of competence to drive referred to in sub-section (3) of section 9.

(5) Where the application for renewal has been rejected, the fee paid shall be refunded to such extent and in such manner as may be prescribed by the Central Government.

1. Substituted for "more than thirty days" by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.
2. Substituted by Act 54 of 1994, w.e.f. 14-11-1994.
3. Substituted for "thirty days" by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-9-2019 vide SO 3110(E), dt. 28-8-2019.
4. Substituted for "five years after the driving license has ceased to be effective, the licensing authority may", *ibid.*

(6) Where the authority renewing the driving licence is not the authority which issued the driving licence it shall intimate the fact of renewal to the authority which issued the driving licence.

COMMENTS

Section 15(1) envisages that if the period of driving license expires and the driver files an application for renewal thereof, the original license, despite expiry, shall remain valid for a period of thirty days from the date of expiry.—*Raja Ram v, Rajendra 2010 (96) AIC 434 (Rajasthan H.C.)*

16. Revocation of driving licence on grounds of disease or disability

Notwithstanding anything contained in the foregoing sections, any licensing authority may at any time revoke a driving licence or may require, as a condition of continuing to hold such driving licence, the holder thereof to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8 if the licensing authority has reasonable grounds to believe that the holder of the driving licence, is, by virtue of any disease or disability, unfit to drive a motor vehicle and where the authority revoking a driving licence is not the authority which issued the same, it shall intimate the fact of revocation to the authority which issued that licence.

17. Orders refusing or revoking driving licences and appeals therefrom

(1) Where a licensing authority refuses to issue any learner's licence or to issue or renew, or revokes any driving licence, or refuses to add a class or description of motor vehicle to any driving licence, it shall do so by an order communicated to the applicant or the holder, as the case may be, giving the reasons in writing for such refusal or revocation.

(2) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority which made the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority which made the order.

18. Driving licences to drive motor vehicles, belonging to the Central Government

(1) Such authority as may be prescribed by the Central Government may issue driving licence valid throughout India to persons who have completed their eighteenth year to drive motor vehicles which are the property or for the time being under the exclusive control, of the Central Government and are used for government purposes relating to the defence of the country and unconnected with any commercial enterprises.

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

(3) A driving licence issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle referred to in sub-section (1).

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

19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence

(1) If a licensing authority is satisfied after giving the holder of a driving licence an opportunity of being heard, that he—

- (a) is a habitual criminal or habitual drunkard; or
- (b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or
- (c) is using or has used a motor vehicle in the commission of a cognizable offence; or
- (d) 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; or
- (e) has obtained any driving licence or a licence to drive a particular class or description of motor vehicle by fraud or misrepresentation; or
- (f) has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government having regard to the objects of this Act; or
- (g) has failed to submit to or has not passed the tests referred to in the proviso to sub-section (3) of section 22; or
- (h) being a person under the age of eighteen years who has been granted a learner's licence or a driving licence with the consent in writing of the person having the care of the holder of the licence and has ceased to be in such care,

it may, for reasons to be recorded in writing, make an order—

- (i) disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any classes or descriptions of vehicles specified in the licence; or
- (ii) revoke any such licence.

¹[(1A) Where a licence has been forwarded to the licensing authority under sub-section (4) of section 206, the licensing authority, if satisfied, after giving the holder of the driving licence an opportunity of being heard, may either discharge the holder of a driving licence or, it may for detailed reasons recorded in writing, make an order disqualifying such person from holding or obtaining any licence to drive all or any class or description of vehicles specified in the licence—

- (a) for a first offence, for a period of three months;
- (b) for a second or subsequent offence, with revocation of the driving licence of such person:

PROVIDED that where a driving licence is revoked under this section, the name of the holder of such driving licence may be placed in the public domain in such manner as may be prescribed by the Central Government.]

1 Inserted by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-4-2021 vide SO 1433(E), dt. 31-3-2021.

(2) Where an order under sub-section (1) ¹[or sub-section (1A)] is made, the holder of a driving licence shall forthwith surrender his driving licence to the licensing authority making the order, if the driving licence has not already been surrendered, and the licensing authority shall—

- (a) if the driving licence is a driving licence issued under this Act, keep it until the disqualification has expired or has been removed; or
- (b) if it is not a driving licence issued under this Act endorse the disqualification upon it and send it to the licensing authority by which it was issued; or
- (c) in the case of revocation of any licence, endorse the revocation upon it and if it is not the authority which issued the same, intimate the fact of revocation to the authority which issued that licence:

²[PROVIDED that the driving licence shall be returned to the holder at the end of the period of disqualification only if he successfully completes the driver refresher training course.]

¹[(2A) The licence holder whose licence has been suspended shall undergo the driver refresher training course from a school or establishment licenced and regulated under section 12 or such other agency, as may be notified by the Central Government.

(2B) The nature, syllabus and duration of the driver refresher training course shall be such as may be prescribed by the Central Government.]

(3) Any person aggrieved by an order made by a licensing authority under sub-section (1) ¹[or sub-section 1A] may, within thirty days of the receipt 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 may pass such order as it thinks fit and an order passed by any such appellate authority shall be final.

20. Power of court to disqualify

(1) Where a person is convicted of an offence under this Act 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 Act, in addition to imposing any other punishment authorised by law, declare the person so convicted to be disqualified, for such period as the court may specify, from holding any driving licence to drive all classes or description of vehicles, or any particular class or description of such vehicles, as are specified in such licence:

PROVIDED that in respect of an offence punishable under section 183 no such order shall be made for the first or second offence.

(2) Where a person is convicted of an offence under clause (c) of sub-section (1) of section 132, section 134 or section 185, the court convicting any person of any such offence shall order the disqualification under sub-section (1), and if the offence is relatable

1 Inserted by the Motor Vehicles (Amdt.) Act, 2019 (32 of 2019), dt. 9-8-2019, w.e.f. 1-4-2021 vide SO 1433(E), dt. 31-3-2021.

2. Substituted for existing proviso, *ibid.* Prior to substitution, it read as under:
“PROVIDED that where the driving licence of a person authorises him to drive more than one class or description of motor vehicles and the order, made under sub-section (1) disqualifies him from driving any specified class or description of motor vehicles, the licensing authority shall endorse the disqualification upon the driving licence and return the same to the holder.”

to clause (c) of sub-section (1) of section 132 or section 134, such disqualification shall be for a period of not less than one month, and if the offence is relatable to section 185, such disqualification shall be for a period of not less than six months.

(3) A court shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise, order the disqualification of a person—

- (a) who having been convicted of an offence punishable under section 184 is again convicted of an offence punishable under that section,
- (b) who is convicted of an offence punishable under section 189, or
- (c) who is convicted of an offence punishable under section 192:

PROVIDED that the period of disqualification shall not exceed, in the case referred to in clause (a), five years, or in the case referred to in clause (b), two years or, in the case referred to in clause (c), one year.

(4) A court ordering the disqualification of a person convicted of an offence punishable under section 184 may direct that such person shall, whether he has previously passed the test of competence to drive as referred to in sub-section (3) of section 9 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.

(5) The court to which an appeal would ordinarily lie from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made under that sub-section notwithstanding that no appeal would lie against the conviction as a result of which such order of disqualification was made.

21. Suspension of driving licence in certain cases

(1) Where, in relation to a person who has been previously convicted of an offence punishable under section 184, a case is registered by a police officer on the allegation that such person has, by such dangerous driving as is referred to in the said section 184, of any class or description of motor vehicle caused the death of, or grievous hurt to, one or more persons, the driving licence held by such person shall in relation to such class or description of motor vehicle become suspended—

- (a) for a period of six months from the date on which the case is registered, or
- (b) if such person is discharged or acquitted before the expiry of the period aforesaid, until such discharge or acquittal, as the case may be.

(2) Where by virtue of the provisions of sub-section (1), the driving licence held by a person becomes suspended, the police officer, by whom the case referred to in sub-section (1) is registered, shall bring such suspension to the notice of the court competent to take cognizance of such offence, and thereupon, such court shall take possession of the driving licence, endorse the suspension thereon and intimate the fact of such endorsement to the licensing authority by which the licence was granted or last renewed.

(3) Where the person referred to in sub-section (1) is acquitted or discharged, the court shall cancel the endorsement on such driving licence with regard to the suspension thereof.

(4) If a driving licence in relation to a particular class or description of motor vehicles is suspended under sub-section (1), the person holding such licence shall be debarred from holding or obtaining any licence to drive such particular class or description of motor vehicles so long as the suspension of the driving licence remains in force.