

**AZAD JAMMU & KASHMIR MOTOR VEHICLES ORDINANCE
1971.**

AN ORDINANCE

To consolidate the law relating to Motor vehicles in the State of Jammu and Kashmir.

WHEREAS it is expedient to consolidate the law relating to motor vehicles in the State of Jammu and Kashmir;

It is hereby enacted as follows:-

**CHAPTER I
PRELIMINARY**

1. **Short title and extent-** (1) This Ordinance may be called the Azad Jammu and Kashmir Motor Vehicles Ordinance 1971.
(2) It extends to the whole of Azad Jammu and Kashmir State and shall come into force
2. **Definitions.** In this Act, unless the context otherwise requires, the following expression shall have the meanings hereby respectively assigned to them, that is to say-
 - (1) "ambulance" means a vehicle designed for the carriage of sick, wounded or invalid persons or animals;
 - (2) "axle weight" means in relation to an axle of a vehicle the total weight transmitted by the several wheels attached to that axle to the surface whereon the vehicle rests;
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 - (3) "Corporation" means the Road-Transport Corporation;
 - (4) "certificate of registration" means the certificate issued by a competent authority to the effect that a motor vehicle has been duly registered in accordance with the provisions of Chapter III;
 - (5) "contract carriage" means, 'a motors vehicle under contract which carries a passenger or passengers for hire or reward expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum and from one point to another without stopping to pick up or set down along the line of route

passengers not included in the contract; and includes a motor cab notwithstanding that the passengers may pay separate fares;

(6) "delivery Van" in case any goods vehicle the registered laden weight of which does not exceed 5,000 Pounds avoirdupois;

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

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

(9) "fares" include sums payable for a season ticket or in respect to the hereof a contract carriage;

(10) "Goods" include 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 traveling in the vehicle;

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

(12) "Government" means the Azad Government of the State of Jammu and Kashmir;

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

(14) "invalid carriage" means a motor vehicle the unladen weight of which does not exceed five hundred weights, specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability, and used solely by or for such a person;

(15) "licence" means the document issued by a competent authority authorizing the person specified therein to drive a motor vehicle or a motor vehicle of any specified class or

description;

- (16) "licensing authority" means an authority empowered to grant licences under this Act;
- (-17) "light transport vehicle" means any public service vehicle other than a motor cab, or any goods vehicle other than a heavy transport vehicle or a delivery van;
- (18) "locomotive" means a motor vehicle which is itself not constructed to carry any load (other than equipment used for the purpose of propulsion), the unladen weight of which exceeds 16,000 pounds avoirdupois, but does not include a road-roller;
- (19) "motor cab" means any motor vehicle constructed, adapted or used to carry not more than ten passengers excluding the driver, for hire or reward;
- (20) "motor car" means any motor vehicle^ other than a transport vehicle, locomotive, road roller, tractor, motor cycle or invalid carriage;
- (21) "motor cycle" means a motor vehicle, other than an invalid carriage, with less than four wheels, the unladen weight of which, inclusive of any side-car attached to the vehicle does not exceed 900 pounds avoirdupois;
- (22) "motor vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source, and includes a chassis ^to which a body has not been attached and a trailer, but does not include a vehicle running upon fixed rails or used solely upon the premises of the owner;
- (23) "Owner" means the person in whose name the motor vehicle - is registered and includes-
 - (a) a transferee of the motor vehicle from such person;
 - (b) in relation to a motor vehicle which is the subject of a hire-purchase agreement, the person in possession of vehicle under that agreement; and
 - (c) where the person in whose name the motor vehicle is registered or the person in possession of the motor vehicle

under a hire-purchase agreement is-

- (i) a minor, the guardian of such minor;
- (ii) a company registered under the Companies Act, 1913, the directors of such company;
- (iii) a society registered under the Societies Registration Act, 1860, or under any law relating to co-operative societies, the principal officer of such society by whatever designation known;
- (iv) a firm, all the partners of such firm; and
- (v) any other association of persons, all the members of such association;

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

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

(25) "prescribed" means prescribed , by rules made under this Act;

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

(27) "public carrier" means an owner of a transport vehicle who transports or undertakes to transport goods, or any class of goods, for another person at any time and in any public place, for

hire or reward, whether in pursuance of the terms of a contract or agreement or otherwise, and includes any person, body, association or company engaged in the business of carrying the goods of persons associated with that person, body, association or company for the purposes of having their goods transported;

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

(29) "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;

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

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

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

(33) "registering authority" means an authority empowered[^] to register motor vehicles under Chapter III;

(34) "school bus" means any motor vehicle used exclusively for the carriage of students of any educational institution recognized by Government of the managing committee of which is a society registered under the Societies Registration Act, 1860;

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

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

- (37) "street roadway" means that part of the public highway which is intended for vehicular traffic;
- (38) "tractor" means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion) the unladen weight of which does not exceed 16,000 pounds avoirdupois; but does not include a road-roller;
- (39) "traffic signs" includes all signals, warning sign posts, direction posts, or other devices for the information, guidance or direction of drivers of motor vehicles;
- (40) "trailer" means any vehicle other than a side-car drawn or intended to be drawn by a motor vehicle;
- (41) "transport, vehicle" means a public service vehicle, a goods vehicle, a locomotive or a tractor other than a locomotive or tractor used solely for agricultural purposes;
- (42) "unladen weight" means the weight of a vehicle or trailer, including all equipment ordinarily used within the vehicle or trailer when working, but excluding the weight of the driver or a tenant; and where alternative parts or bodies are used, the unladen weight of vehicle means the weight of the vehicle with the heaviest such alternative part or body;
- (43) "weight" means the total weight transmitted-for the time being by the wheels of a vehicle to the surface on which the vehicle rests.

CHAPTER II LICENSING W DRIVERS OF MOTOR VEHICLES

3. **Prohibition on driving without licence.** No person shall drive a motor vehicle in any public place unless he holds an 'effective licence authorising him to drive the vehicle;', and no person shall so drive a motor vehicle as paid employee or shall so drive a public service vehicle unless his licence specially entitles him. so-to do.:-

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

- 4. Age limit in connection with driving of motor vehicles,** (1) No person shall drive in any public place-
- (i) a motor cycle or an invalid carriage, unless he has attained the age of eighteen years;
 - (ii) a motor car, otherwise than as a paid employee, unless he has attained the age of eighteen years;
 - (iii) a motor car as a paid employees or a transport vehicle, unless he has attained the age of twenty-one years;
 - (iv) a heavy transport vehicle, unless he has attained the age of twenty-two years;
- (2) (a) No person above the age of fifty years shall drive a transport vehicle in any public place unless the licence entitling him so to do bears an effective endorsement by the licensing authority that such person has furnished a certificate in Form B as set forth in the First Schedule signed by a registered medical practitioner.
- (b) The "licensing authority shall not make on any licence any such endorsement as is referred to in clause (a) unless it appears from the medical certificate furnished by the holder of the licence that he is not suffering from any disease or disability specified in the Second Schedule or any other disease or disability which is likely to cause the driving by him of a transport vehicle to be a source of danger to the public or to the passengers.
- (c) An endorsement made under the provisions of clause (a) shall be effective for a period of twelve months from the date thereof, but the said period may, from time to time, be extended by the licensing authority by a further period of twelve months at any one time, on the production by the holder of the licence of a fresh medical certificate as required under clause (a) and on being satisfied there from that the holder of the licence is not suffering from any disease or disability referred to in clause (b).
- (3) No person shall drive a motor vehicle in public place with his eyes wholly or partly covered with any cloth or other opaque substance, or in such manner as to interfere in any manner with his vision.

5. **Owners of motor vehicles not to permit contravention of section, 3 or section 4.-** No owner or person in charge of a motor vehicle shall cause or permit . any person who does not satisfy the provisions of sections 3 or section 4 to drive the vehicle.
6. **Restriction on use of Licence by person other than holder.** No holder of a licence shall permit it to be used by any other person.
7. **Grant of licence.** (1) Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a licence, may apply to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business or, if the application is for a licence to drive as a paid employee, in which the employer resides or carries on business for the issue to him of a licence.
(2) Every application under sub-section (1) shall be in Form A as set forth in the First Schedule, shall be signed by,, or bear the thumb impression of the applicant in two places, and shall contain the information required by the form.
(3) Where the application is for a licence to drive as a paid employee or to drive a transport vehicle, or where in any other case the licensing authority for reasons to be stated in writing so requires, the application shall be accompanied by a medical certificate in Form B as set forth in the First Schedule signed by a registered medical practitioner.
(4) Every application for a licence to drive as a paid employee and every application for a licence to drive a transport vehicle shall be accompanied by three copies of a recent photograph of the applicant attested by a Magistrate or a Class I Officer of Government.
(5) If, from the application or from the medical certificate referred to in sub-section (3), it appears that the applicant is suffering from any disease or disease or disability specified in the Second Schedule or any other disease or disability which is likely to cause the driving by him of a motor vehicle of the class which he would be authorised by the licence applied for to drive to be a source of danger to the public or to the passengers, the licensing authority shall refuse to issue the licence:

Provided that-

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

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

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

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

(a) the applicant possess a driving certificate issued by an automobile association recognized in this behalf by Government; or

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

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

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

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

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

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

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

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

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

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

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

9. Additions to licences, (1) Any person holding a licence issued under this Act who is not for the time being disqualified for holding or obtaining a licence may apply in Form L as set forth in the First Schedule to the licensing authority having Jurisdiction in the area in which he ordinarily resides or carries on business or, if the application relates to a licence to drive as a paid employee, in which- the employer resides or carries on business, for the addition of any class of motor vehicles to' the licence as is specified in section 8.

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

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

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

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

(2) Subject to any rules made by Government, a licence to drive a motor vehicle issued by a competent authority in any part , of Pakistan not included in A J & K .shall be valid throughout / A J & K. as if it were a licence" issued under this Act and it shall be lawful for the holder of such a licence to drive and be employed in driving in A J & K a motor vehicle of any class or description

which he is authorised by such licence to drive:

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

- 11. Currency of licences.** A licence issued under the foregoing sections shall, subject to the provisions contained in this Act, as to the cancellation of licences and the disqualification of holders of licences for holding or obtaining licences, be effective without renewal for a period upto three years in the case of a licence to drive a motor car or motor cycle otherwise than as a paid employee, and in any other case for a period of twelve months" only from the date of issue of last renewal.
- 12. Renewal of licences-** (1) Any licensing authority may on an application made to it renew a licence issued under the provisions of this Act.
- (2) A licence to drive as a paid employee shall .not be renewed so as to be effective for any period after the expiry of five years from the date of the medical certificate furnished by the licence holder under section 7 unless he furnishes a fresh medical certificate in Form B as set forth in- the First Schedule and signed by a registered medical practitioner in which case the period of five years shall be computed from the date of the last of such certificates.
- (3) An application for the renewal of a licence shall be in Form E as set forth in the First Schedule and shall contain the declaration required by the form; provided that if the applicant does not or is unable to subscribe to the said declaration, the provisions of sub-section (5) of section 7 shall apply.
- (4) The fee payable for the renewal of a licence shall be as prescribed, and enhanced fee may be prescribed where the application for renewal is made more than thirty days from the date of expiry of the licence:

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

- (5) When the authority renewing the licence is not the authority which issued the licence, it shall intimate the fact of renewal to the authority which issued the licence.
- 13. Cancellation of licence on grounds of disease or disability-** (1) Notwithstanding anything contained in section 11 or section 12 any licensing authority may at any time cancel a licence or may require The holder thereof as a condition of continuing to hold such licence, to furnish a fresh medical certificate in Form B as set forth in the First Schedule and signed by a registered medical practitioner, if the licensing authority has • reasonable grounds to believe that the holder of the licence is by virtue of any disease OF disability, unfit to drive a motor vehicle.
- (2) When the authority canceling the licence is not the authority which issued the licence, it shall intimate the, fact of cancellation to the authority which issued the licence.
- 14. Order Refusing licence and appeal there from.** (1) Where the licensing authority refuses issue or cancels or refuses to renew any licence, it shall do so by an order communicated to the applicant or the holder, as the case, may be, giving reasons in writing for such refusal or cancellation.
- (2) Upon the issue of any such order the person affected if he is the holder of a licence, shall forthwith surrender his licence to the licensing authority making the order if the licence has not already been surrendered, and the licensing authority shall, if no appeal is preferred against its order as provided in sub-section (3), or where any such appeal has been preferred and been dismissed, destroy the licence or cause^ it to be destroyed.
- (3) Any person aggrieved, by an order referred to in sub-. section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority, who shall decide the. appeal after giving the authority against whose order the appeal has been preferred an opportunity of being heard, and that authority shall be bound by the decision of the appellate author.
- 15. Licence to drive motor vehicles, the property of -the Central Government.** (1) The authority specified in Part A of the Fourth Schedule may grant licences, valid throughout A J & K to persons who have completed their eighteenth year to drive motor vehicles, which are the property or are for the time being under the exclusive control of the Central Government.

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

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

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

16. Power of licensing authority to disqualify for holding a licence.

(1) If a licensing authority is satisfied after giving him an opportunity of being heard that any person-

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

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

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

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

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

17. Power of Regional Transport Authority to disqualify- (1) A Regional Transport Authority constituted under Chapter IV may,

for reasons to be recorded in writing and subject to any prescribed conditions, declare any person disqualified, for a specified period, for holding or obtaining a licence to drive a transport vehicle in AJ&K.

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

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

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

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

Provided that the Court shall not order the disqualification of an offender convicted for the first or second time of an offence punishable under section 95.

(2) The Court shall order the disqualification of an offender convicted of an offence punishable under section 96 or section 97 and such disqualification shall, be for a period of not less than six months.

(3) The Court shall order the disqualification of an offender convicted of an offence against the Provisions of clause (c) of sub-section (1) of section 89 or of section 94 and such disqualification shall be for a period of not less than one month.

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

(a) who having been convicted of an offence punishable under section 98 is again convicted of an offence punishable under that section,

(b) who is convicted of an offence punishable under section 100,

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

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

(5) A Court ordering the disqualification of an offender convicted of an offence punishable under section 98 may also direct that the offender shall, whether he has previously passed the test of competency of drive specified in the Third Schedule or not, remain disqualified until he has subsequent to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.

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

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

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

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

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

20. Endorsement. (1) The Court or authority making an order of disqualification shall endorse or cause to be endorsed upon the licence, if any, held by the person disqualified, particulars of the order of disqualification and of any conviction for an offence in respect of which an order of disqualification is made; and particulars of any removal or variation of an order of disqualification made under sub-section (3) of section 39 shall be similarly so endorsed.

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

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

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

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

(a) if the person in respect of whom the endorsement is to be

made is at the time the holder of a licence, he shall produce the licence before the Court or authority within , _ such time as the Court, or authority may fix, or

(b) if not being then the holder of a licence, he subsequently obtains licence, he shall within five days after obtaining the licence produce it before the Court or authority for the purpose of endorsement; and if the licence is not produced within the time specified, the person in respect of whom the endorsement is to be made shall be deemed to have committed an offence punishable under section 94 and the licence shall on the expiry or such time be of no effect until it has been produced for the purpose of endorsement.

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

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

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

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

Provided that, if the disqualification is limited to the driving of a motor vehicle of a particular class or description the Court

shall endorse the licence to this effect and shall, send a copy of the order of disqualification to the licensing authority by which the licence was granted and shall return the licence to the holder.

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

- 22. Power to make rules-** (1) Government may make rules for the purpose of carrying into effect the provisions of this Chapter.
- (2) Without prejudice to the generality of the foregoing Powers, such rules may provide for all or any of the following matters, namely:-
- (a) The appointment, jurisdiction, control and functions of licensing authorities and other prescribed authorities;
 - (b) -the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees; Provided that. no, fee so fixed shall exceed two rupees;
 - (c) the issue of duplicate licence to replace licences lost, destroyed or mutilated, the replacement of photographs which have become absolute and the issue of temporary licence to persons receiving instruction in driving and the fees to be charged therefor;
 - (d) the conditions subject to which a Regional Transport Authority may disqualify a person for holding a licence to drive a transport vehicle;
 - (e) the medical examination and testing of applicant, for licences and of drivers and the fees to be charged therefor;
 - (f) the fees to be paid for the grant and renewal of licences;
 - (g) the exemption of prescribed persons, or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;

(h) the granting by registered medical practitioners of the certificates referred to in sub-section (2) of section 4, sub-section (3) of section 7 and sub-section 0) of section

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

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

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

CHAPTER III

REGISTRATION OF MOTOR VEHICLES

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

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

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

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

(2) Government may, by rule made under section 43, require

that any certificate of registration issued under the provisions of the Motor Vehicles Act, 1939, shall be presented, within a prescribed period, to a specified registering authority for entry therein of such further particulars of the vehicle as that authority may, for the purposes of this ordinance, deem fit to record.

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

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

(3) The registering authority shall passing to the vehicle for display thereon in the prescribed manner, a distinguishing mark (in this ordinance referred to as the registration mark) consisting of the group of letters allotted by the Sixth Schedule followed by a number containing not more than four figures or such number and a letter:

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

(4) Government may, by a notification in the Official Gazette, direct that motor vehicles registered before the commencement of this ordinance shall be assigned new registration marks within such period and according to such procedure as may be specified in the notification.

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

- (2) A registration made under this section shall be valid only for a period of one month, and shall not be renewable.
27. **Production of vehicle at the time of registration.** The registering authority may, before proceeding to register a motor vehicle, require the person applying for registration of the vehicle to produce the vehicle either before itself or such authority as Government may by order appoint for this purpose in order that the registering authority may satisfy itself that the particulars contained in the application are true and that the vehicle complies with the requirements of Chapter VI and of the rules made thereunder.
28. **Refusal of registration-** (1) The registering authority may, for reasons to be recorded in writing, refuse to register any motor vehicle, if-
- (a) the vehicle is mechanically so defective as to render its use unsafe; or
 - (b) The vehicle does not comply with the requirements of Chapter VI, or of the rules made thereunder; or
 - (c) The applicant fails to furnish particulars of any previous registration of the vehicle; or
 - (d) the applicant fails to produce before the registering authority--
 - (i) Where the vehicle has been previously registered under this ordinance or under any other law relating to the registration of motor vehicles in force in any place in Pakistan, a letter of authority or a certificate of transfer from the person shown as owner in the last registration certificate in respect of such vehicle; or
 - (ii) Where the vehicle has been imported from any place outside Pakistan and has not been previously registered in any place in Pakistan, against an import licence for the vehicle.
- (2) Where a registering authority refuses to register a motor vehicle, it shall furnish to the applicant free of cost a copy of the reasons for such refusal.

- 29. Effectiveness in West Pakistan of registration,** (1) Subject to the provisions of section 30, a motor vehicle registered by a competent authority in any part of Pakistan not included in the province under the law relating to motor vehicles in force in such part, shall not be required to be registered under this ordinance;
- Provided that there is in force in respect of the vehicle a certificate conforming to and containing substantially the same particulars as the certificate of registration in Form G as set forth in the First Schedule issued by such competent authority in respect of such vehicle.
- (2) A certificate complying with the requirements of the proviso to the last preceding sub-section shall be effective throughout the province as if it were a certificate or registration issued under this Ordinance and the provisions of this Ordinance shall apply thereto.
- (3) Sub-section (1) shall not apply to any motor vehicle previously registered in the State if the certificate of registration of the vehicle is, for the time being suspended or cancelled for any reason other than that of permanent removal of the vehicle from the State.
- 30. Assignment of fresh registration mark on removal to another province-** (1) When motor vehicle not required to be registered in the province by virtue of sub-section (1) of section 29 is kept in the province for a period exceeding twelve months, the owner of the vehicle shall apply to the registering authority, within whose Jurisdiction the vehicle then is, for the assignment of a new registration mark and shall present the certificate of registration of the vehicle to that registering authority.
- (2) The registering authority, to which application is made under sub-section (1), shall assign the vehicle a registration mark specified in the Sixth Schedule to be carried thenceforth on the vehicle and shall enter the mark upon the certificate of registration of the vehicle before returning it to the applicant and, shall also, in communication with the registering authority by whom the vehicle was previously registered, arrange for the transfer of the registration of the vehicle from the records of that registering authority to its own records.
- (3) Government may make rules under section 43 requiring the owner of a motor vehicle not register within the province, which

is brought into or is for the time being in the State, to furnish to the prescribed authority such information with respect to the motor vehicle and its registration as may be prescribed.

- 31. Change of residence or Place of business-** (1) If the owner of a motor vehicle ceases to reside or have his place or business at the address recorded in the certificate of registration of the vehicle, he shall within thirty days of any such change of address, intimate his new address to the registering authority by which the certificate of registration was issued, or, if the new address is within the jurisdiction of another registering authority, to that other registering authority, and shall at the same time forward the certificate of registration to the registering authority in order that the new address may be entered therein.
- (2) A registering authority other than the original" registering authority making any such entry shall communicate the altered address to the original registering authority.
- (3) Nothing in Sub-section (1) Shati apply where the change of the address recorded in the certificate of registration is due to a temporary absence not intended to exceed six months in duration or where the motor vehicle is neither used nor removed from the address recorded in the certificate of registration.
- 32. Transfer of ownership,** (1) Within thirty days of the transfer of owner ship of any motor vehicle registered under this Chapter, the transferee shall report the transfer to the registering authority within whose jurisdiction he ordinarily resides and shall forward the certificate of registration of the Vehicle to that registering authority together with the prescribed fee in order that particulars of the transfer of ownership may be entered therein.
- (2) A registering authority other than the original registering authority making any such entry shall communicate the transfer of ownership, to the original registering authority.
- 33. Alteration in motor vehicle.** (1) If a motor vehicle is so altered that the particulars contained in the certificate of registration are no longer accurate, the owner of the vehicle shall within fourteen days of the making of any such alteration, report the alteration to the registering authority within whose jurisdiction he resides and shall forward the certificate of registration of the vehicle to -he authority together with the prescribed fee in order that particulars of the alteration may be entered therein:

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

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

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

- (a) the vehicle is not insured as required by law, or
- (b) any fees or taxes or taxes payable in respect of the vehicle under this ordinance or the rules framed thereunder, or the West Pakistan Motor Vehicles Taxation Act, 1958, Act XXXII of 1958 have remained unpaid for a period exceeding three months from the date such fees or taxes were due, or
- (c) in the case of a Public service vehicle, it is not covered by a valid certificate of fitness; or
- (d) the authority has reasons to believe that the vehicle is in such a condition that its use in a public place would constitute a danger to the public, or that it fails to comply with the requirements of chapter VI or of the rules made thereunder; or
- (e) a substantially false statement has been made in the application for registration of the vehicle; or
- (f) the registration certificate has been deliberately defaced or mutilated or unauthorized additions or alterations have been made therein;

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

manner, as the case may be.

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

(i) the vehicle is used for subversive activities against the state, or

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

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

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

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

(5) Where the registration of a motor vehicle has been suspended under sub-section (1) for a continuous period of not less than one month, the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension, and when the suspension has continued without interruption for a period of not less than six months, the registering authority within whose jurisdiction the vehicle was when the registration was suspended may, if it is the original registering authority, cancel the registration and the entry relating to the vehicle in its records, and if it is not

the original registering authority, shall forward the certificate of registration and any token or card surrendered under sub-section (4) to that authority which may cancel it forthwith.-

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

- 35. Cancellation of registration-** (1) If motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, as soon as may be, report the act to registering authority within whose jurisdiction he resides and shall forward to that authority the certificate of registration of the vehicle together with any token or card issued to authorise the use of the vehicle in a public place.
- (2) The registering authority shall, if it is the original registering authority, cancel the registration and the certificate of registration, or if it is not, shall forward the report and the certificate of registration, to the original registering authority and that authority shall cancel the registration and the certificate of registration.
- (3) Any registering authority may order the examination of a motor vehicle within its jurisdiction by such authority as Government may by order appoint and, if upon such examination and after giving the owner an opportunity to make any representation he may wish to make, it is satisfied that the vehicle is in such a condition that its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, may, for reasons to be recorded in writing, cancel the registration of the vehicle.
- (4) If a registering authority is satisfied, that a motor vehicle has been permanently removed out of Province, it shall cancel the registration of the vehicle.
- (5) A registering authority or any prescribed authority can-. Calling the registration of a motor vehicle under this section shall communicate the fact, together with and the owner of the vehicle shall thereupon forthwith surrender to that authority the certificate of registration of the vehicle and any token or card issued to authorise the use of the vehicle in a public place.
- (6) A registering authority making an order of cancellation

under this section shall, if it is the original registering authority, cancel the certificate of registration and the original registering authority, intimate in writing the fact of cancellation and the reasons therefor, and forward the certificate of registration and any token or card surrendered to it under sub-section (6), to the original registering authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

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

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

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

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

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

- 38. Special particulars be recorded on registration of transport vehicles-** A registering authority, when registering a transport vehicle other than a motor cab, shall enter in the record of registration and shall also enter in the certificate of registration of the vehicle the following particulars, namely:-
- (a) The unladen weight of the vehicle;
 - (b) the number, nature and size of the tires attached to each wheel;
 - (c) the laden weight of the vehicle and the axle weight pertaining to the several axles thereof, determined in accordance with the tyre and Rim Manufacturers Association load ratings for tyres as revised from time to time and approved by the provincial Transport Authority;
 - (d) if the vehicle is used, or adapted to be used for the carriage of passengers solely or in addition to goods, the number of passengers for whom accommodation is provided, and the owner of the vehicle shall have the said particulars exhibited in the prescribed manner on the vehicle.
- 39. Certificate of fitness of transport vehicle,** (1) Subject to the provision of section 40, a transport vehicle shall not be deemed to be validly registered for the* purpose of section 23, unless It carries a certificate of fitness in Form I as set forth in the First Schedule, issued by the authority issuing the certificate to the effect that the vehicle complies for the time being with all the requirements of Chapter VI and the rules made thereunder; and where the prescribed authority refuses to issue such certificate, it shall supply the owner of the vehicle with its reasons in writing for such refusal:
- Provided that in case of a permit issued under section 60
- (1) (a) a certificate of fitness shall remain effective for a ' period of six months and on the expiry of that period the permit shall be deemed to be suspended until a new certificate of fitness has been obtained;,, and
 - (2) Subject to the provisions of sub-section (3), a certificate of fitness shall remain effective for three years unless a shorter period, not being in any case less than six months, is specified in the certificate by the prescribed authority.

- (3) Registration of vehicles, the property of the Central Government. The prescribed authority may, for reason to be recorded in writing cancel a certificate of fitness at any time if satisfied that the vehicle to which it relates no longer complies with all the requirements of this Ordinance and the rules made thereunder; and on such cancellation the certificate of registration of the vehicle and any permit granted in respect of the vehicle under Chapter IV shall be deemed to be suspended until a new certificate of fitness has been obtained.
40. (1) The authorities specified in Part B of the Fourth Schedule may register any motor vehicle which is the property or for the time being under the exclusive control of the Central Government and any vehicle so registered shall not, so long as it remains the property or under the exclusive control of the Central Government require to be registered otherwise under this Ordinance.
- (2) A transport vehicle registered under this section shall carry a certificate of fitness in Form I as set forth in the First Schedule issued by the authority referred to in sub-section(1).
- (3) An authority registering a vehicle under sub-section (1) shall assign to it a registration mark in accordance with the provisions contained in the Fourth Schedule and shall issue a certificate in respect of the vehicle that the vehicle has been registered under this section.
- (4) If a vehicle registered under this section ceases to be the property or, under the exclusive control of the Central Government, The provisions of section 24 shall thereupon apply.
- (5) The authority registering a vehicle under sub-section (i) shall furnish to Government all such information regarding the general nature, overall dimensions, and axle weight of the vehicle as Government may at any time require.
41. **Registration of vehicles the property of Foreign Diplomatic Consular and Trade Missions,** (1) The registering authority may register any motor vehicle which is the property or for the time being under the exclusive control of a Foreign Diplomatic, Consular or Trade Mission accredited to the Government of Pakistan, and shall assign to a vehicle so registered a registration mark in accordance with the provisions contained in the Seventh

Schedule, and shall issue a certificate in respect of that vehicle in Form G as set forth in the First Schedule:

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

(2) Any motor vehicle registered in accordance with the provisions of sub-section (1) shall not, so long as it remains the property or under the exclusive control of a Foreign Diplomatic, Consular or Trade Mission accredited to the Government of Pakistan, be required to be registered otherwise than under this ordinance.

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

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

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

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

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

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

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

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

- (d) the temporary registration of motor vehicles, and the issue of temporary certificates of registration and marks;
- (e) the manner in which registration marks and the particulars referred to in section 38, and other prescribed particulars shall be exhibited;
- (ee) the authorizing of suitable automobile workshops to issue certificates of fitness, the licensing of such workshops, the equipment and apparatus to be maintained by such workshops, their inspection, the terms and conditions and the period for which, and the authorities by whom, the licences may be granted and renewed, and the fees to be paid for the grant and renewal of the licences;
- (f) the fees to be charged for the issue of alteration of certificates of registration, for certificates of fitness, for registration marks, and for the examination or inspection of motor vehicles, and the refund of such fees;
- (g) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;
- (h) the forms, other than those set forth in the First Schedule, to be used for the purposes of this Chapter;
- (i) the communication between registering authorities of particulars of certificates of registration and by owners of vehicles registered outside the province of particulars of such vehicles and of their registration;
- (j) the particulars to be furnished by the owner of any motor vehicle to the registering authority, upon the transfer of possession of the motor vehicle under, the terms of a hiring agreement;
- (k) the extension of the validity of certificates of fitness pending consideration of applications for their renewal;
- l) the exemption from the provisions of this Chapter and the conditions and fees for exemption of motor vehicles in the possession of dealers;
- (m) the exemption of road-rollers, graders and other vehicles

designed and used solely for the construction, repair and cleaning of roads from all or any of the provisions of this Chapter and the rules made thereunder, and the conditions governing such exemption; and the exemption of light goods vehicles from the provisions of section 39 and the conditions governing such exemption.

CHAPTER IV CONTRQL OF TRANSPORT VEHICLES

44. Transport vehicles not to be used or driven without permit.

(1) No owner of a transport vehicle shall use or permit the use of, and no driver of a transport vehicle shall drive or cause or permit to be driven, the vehicle in any public place, save in accordance with the conditions of a permit authorizing the use or driving of the vehicle in such place granted or countersigned by a Regional or Provincial Transport Authority:-

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

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

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

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

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

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

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

shall not be deemed to constitute a carrying ..of. the goods for hire or reward; but the carriage in a transport vehicle of goods by a person not being a dealer in such goods who has acquired temporary ownership of the goods for the purpose of

transporting them to another place and there relinquishing ownership shall be deemed to constitute a carrying of the goods for hire or reward.

(3) Sub-section (1) shall not apply-

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

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

(c) to any transport vehicle used solely for conveyance of corpses;

(d) to any transport vehicle used for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety; - .

(e) to any school bus; or

(f) to any trailer used for any purpose other than the carriage of goods for hire or reward when drawn by a motor vehicle constructed for the carriage of not more than six passengers excluding the driver.

(4) Subject to the provisions of sub-section (3), sub-section (1) shall, if Government by rules made under section 69 so prescribes, apply to any motor vehicle adapted to carry more than nine passengers excluding the driver.

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

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

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

(3) If any person who is appointed as a member of the Provincial or a Regional Transport Authority has any such interest in a transport undertaking as is referred to in sub-section (2), he shall forthwith give notice of the same in writing to Government.

(4) If any member of the Provincial or a Regional Transport Authority during his term of office acquires any such interest in a transport undertaking as is referred to in sub-section (2), he shall within four weeks of acquiring such interest give notice of the same in writing to Government, and shall on the giving of such notice cease to be such member.

(5) If any person becomes a member or continues to remain as a member of the Provincial or a Regional Transport Authority in contravention of the provisions of this section he shall be deemed to have committed an offence against this Act.

(6) The Provincial Transport Authority shall exercise and discharge the following powers and functions, namely: -

- (i) to co-ordinate and regulate the activities and policies of the Regional Transport Authorities-
- (ii) to perform the duties of a Regional Transport Authority-
 - (a) where there is no such authority; or
 - (b) where there is such authority if he thinks fit so to do and if so required by that authority;

(iii) to settle all disputes and decide all matters' on which differences of opinion arise between the Regional Transport Authorities; and

(iv) to discharge such other functions as may be prescribed.

(7) The Provincial Transport Authority may, subject to such conditions as may be prescribed, issue to a Regional Transport Authority such orders and direction of a general character in respect of road transport as it may deem necessary, and the Regional Transport Authority shall give effect to all such orders and directions.

(8) The Provincial Transport Authority and any Regional Transport if authorised in this -behalf by rules made under section 69, may delegate such of its powers and functions to such authority, or person and subject to such restrictions, limitations and conditions as may be prescribed by the said rules.

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

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

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

(a) the type and seating capacity of the vehicle in respect of which the application is made;

(b) the route or routes on which .or the area within which it is intended to use the vehicle; ,

(c) The time table, if any, of the service to be provided;

(d) Whether the applicant is a Joint stock company registered under the Companies Act, 1913, or a Co-operative Society registered under the Cooperative Societies Act, 1925 or any

Other law for the time being in force in the province relating to co-operative societies;

(e) Where the applicant is an individual, whether he is a resident of the area in which the route falls;

(f) such other matters as may be prescribed.

49. Procedure of regional Transport Authority in considering applications for stage carriage permit. (1) A Regional Transport Authority shall, in deciding whether to grant or refuse a stage carriage permit, have regard to the following matters, namely:-

(a) the interest of the public generally.

(b) the advantages to the public of the service to be provided, including the saving of time likely to be affected thereby and any convenience arising from journeys not being broken;

(c) the adequacy or otherwise of the existing passenger transport services, by any means, between the places to be served;

(d) the benefit to any particular locality or localities likely to be afforded by the service;

(e) the operation by the applicant of other transport services and in particular of unremunerative services in conjunction with remunerative services;

(f) whether the applicant will be able to maintain a reserve of, twenty-five per cent of the vehicles meant for the route to meet abnormal seasonal traffic or an emergency such as the breakdown of vehicles;

(g) the capital actually invested and to be in the undertaking;

(h) Whether the applicant is a Joint stock company registered under the companies Act, 1913, Act Vli of 1913, or a co-operative Society registered under the co-operative Societies Act, 1925, or any other law for the time being in force in the province relating to co-operative societies, or is a firm or an individual;

(1) whether the Corporation is already operating on the route or

part of the route or intends to operate on the route or part of the route;

(j) the condition of the roads included in the proposed route or routes,

and shall also take into consideration any representations made by persons already providing road transport facilities along or near the proposed route or routes or by any local authority or police authority within whose jurisdiction and part of the proposed route or routes lies or lie, and any representation made by an association interested in the provision of road transport facilities

(2) A Regional Transport Authority shall refuse to grant a stage carriage permit if it appears from any time table furnished under section 48 that the provisions of this Ordinance relating to the speed at which vehicles may be driven are likely to be contravened:

Provided that before such refusal an opportunity shall be given to the applicant -to a-Wend the time-table so as to conform to the said provisions

49-A. (1) When the Azad Kashmir Transport Authority has decided to grant a permit-, to an applicant, he shall be called upon to comply, within a specified period, with the following requirements before a permit is issued to him:-

(a) furnish the registration number and model of the vehicle for which permit is to be issued. -

(b) : present his affidavit to the effect that he is the actual owner of the motor -vehicle in respect of, which the permit is to be issued,

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

(c) furnish to the Azad Kashmir Transport Authority a bank guarantee of the prescribed sum as security for payment of any compensation that the applicant may be required to pay

under the provisions of Section 67, provided that the Azad Kashmir Transport Authority may call upon him to furnish cash security in the prescribed sum where it is not satisfied about the sufficiency of the bank guarantee and provided further that a certificate duly issued by a Transporters Mutual Assistance Cooperative Society registered under the Cooperative Act may be accepted in lieu of a bank guarantee, so long as this certificate remains valid and is not withdrawn.

(2) If the applicant fails to comply with all or any of the above requirements within the specified period, the authority may revoke the decision to grant a permit in his favor and proceed to grant the same to some other applicant.

50. Power to restrict the number of stage carriages and impose conditions on stage carriage permits. (1) The Provincial or a Regional Transport Authority shall-

a) have a thorough survey carried out; in such manner and such times as may be prescribed by rules made by Government, of the road passenger and transport services in the province or the region in which it exercises Jurisdiction;

(b) fix the number of stage carriages or stage carriages of any specified type for which stage carriage permits may be granted in the region or in any specified area or on any specified route within the region;

Provided that the "Government may," whenever deemed necessary, order Azad Kashmir Transport Authority to introduce any new routes, or any number of additional permits for an existing route and grant the same to any particular party or the parties.

(2) The Provincial or regional Transport Authority, as the case may be, may, after consideration of the matters set forth in sub-section (1) of section 49.

(a) refuse to grant a stage carriage permit, or grant within the limit fixed under clause (b) of sub-section (1), a stage carriage permit in respect of a particular stage carriage or a particular service of stage carriages in such form as it may, subject to the rules made under section 69, deem fit:

Provided that no permit shall be granted to any Peron for a route other than the route specified in. the application made by him under section 48;

(b) regulate timings of arrival or departure of stage carriages, whether they belong to one or more owners;

(c) attach to a stage carriage permit any prescribed condition or all or any of the following conditions, namely:-

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

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

(iii) that .the • stage carriage or stage carriages shall, be used only on specified routes or in a specified area; '

(iv) that copies- of fare table anytime-table approved, by the Regional Transport Authority shall be' exhibited on the stage carriages and at their stands and slops on the route,, :and that the' time table and fare table so exhibited shall be observed;

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

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

(vii) that in case of a break-down of a stage carriage or other specified emergency on a, route on which less than five Stage carriages are plying, the holder of a permit to ply

(viii) vehicles on such route may, subject to specified conditions, ply on that route a vehicle not covered by a permit and obtain the requisite authorisation in this behalf from the Regional Transport Authority within a specified period.

(viii) that a reserve of a specified number or percentage of vehicles covered by the permit shall be kept by the permit holder to provide for special occasions and break-downs,

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

(x) that tickets shall be issued to passengers for the fares paid.

(3) A condition shall be inserted in every stage carriage permit that in case of death of or injury to a passenger in the vehicle to which the permit relates arising out of the use of the vehicle, there shall be paid by the permit-holder as compensation-

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

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

51. Application for contract carriage permit. An application for a permit to use a motor vehicle as a contract carriage (in this Chapter referred to as a contract carriage permit) shall contain the following particulars namely: -

(a) the name and address of the applicant; and

(b) the type and seating capacity of the vehicle;

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

(d) in the case of a motor vehicle other than a motor cab, the manner in which it is claimed that the public convenience will be served by the vehicle; and

(e) any other particulars which may be prescribed.

- 52. Procedure of Regional Transport Authority in considering application for contract carriage permit.** A Regional Transport Authority shall, in deciding whether to grant or refuse a contract carriage permit, have regard to the extent to which additional contract carriages may be necessary or desirable in the public interest; and shall also take into consideration any representations made by persons already holding, contract carriage permits in the region or by any local authority or police authority in the region to the effect that the number of contract carriages for which permits have already been granted is sufficient for or in excess of the needs of the region or any area within the region.
- 53. Power to restrict the number of contract carriages and impose conditions on contract carriage permits.** A Regional Transport Authority may, after consideration of the matters specified in section 52-
- (a) fix the number of contract carriages generally or contract carriages of any specified type for which contract carriage permits may be granted, in the region or any specified area within the region;
 - (b) refuse to grant a contract carriage permit, or grant a contract carriage permit in respect of a particular contract carriage or a particular service of contract carriages in such form as it may, subject to the rules made under section 69, deem fit; provided that no person shall be granted a contract carriage permit for any area not specified in the application made by him under section 51;
 - (c) attach to the contract carriage permit any prescribed condition or all or any one of the following conditions, namely: -
 - (i) that the contract carriage or contract carriages shall be used only in a specified area or on a specified route or routes;
 - (ii) that except in accordance with specified conditions no contract or hiring may be entered into for transporting goods or passengers in the contract carriage or carriages outside a specified area;
 - (iii) that subject to specify conditions, goods may be

carried in a contract carriage to the exclusion of or in addition to passengers;

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

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

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

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

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

(ix) that the conditions. of-the permit shall not he departed from save with the. approval of ,the,_ authority.

- 54. Application for private carriers permit-** An application for a permit to use a transport vehicle for the carriage of goods for or in connection with a trade or business carried on by the applicant (in ..this Chapter referred to as a private.: carrier's permit) shall contain the following particulars, namely:-
- (a) the type. and carrying capacity of the vehicle;
 - (b) the nature of. the goods which the applicant expects normally to carry in connection with his trade or business;
 - (c) - the area for which the permit is required; and
 - (d) any other particulars which may be prescribed.

- 55. Procedure of Regional Transport Authority in considering application for a private carriers permit.** (1) Where an application conforming to the provisions of section 54 for a private carrier's permit has been received by the Regional Transport Authority, it. shall if satisfied that the vehicle or

vehicles for which the permit is required will not be used except in connection with the business of the applicant, such business not being transport business, grant the applicant, on the payment of the prescribed fee a permit in the prescribed form in respect of the vehicle or vehicles specified in the application!

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) that the vehicle shall be used only on specified routes or in a specified area;
- (ii) that the laden weight and the axle weights of any vehicles used shall not exceed a specified maximum;
- (iii) that such records as may be prescribed relating to the plying

of the vehicles shall be maintained; and

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

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

(2), On receipt of an application for a stage carriage permit on the appointed date or dates, the Regional Transport Authority shall make the application available for inspection at its office, and shall publish the application or the substance thereof in the prescribed manner together with a notice of the date before which representations in connection therewith may be submitted, and the date, not being less than thirty days from such publication, on which and the time and place at which, the application and any representation received will be considered.

(3) No representation in connection with an application referred to in sub-section (3) shall be considered by the Regional Transport Authority unless it is made in writing before the appointed date and unless a copy thereof is furnished simultaneously to the applicant by the person making such representation.

(4) When any representation such as is referred to in sub-section (3) is made, the Regional Transport Authority shall dispose of the application at a public hearing at which the applicant and the person making the representation shall be given an opportunity of being heard either in person or by a duly-authorized representative.

(5) When any representation has been made by the persons or authorities referred to in section 52 to the effect that the number of contract carriages for which permits have already been granted in any region or any area within a region is sufficient for or in excess of the needs of the region or of such area, whether such representation is made in connection with a particular application for the grant of a contract carriage permit or otherwise, the Regional Transport Authority may take any such steps as it considers appropriate for the hearing, of the

representation in the presence of any persons likely to be affected thereby.

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

60. Duration and renewal of permits. (1) (i) A permit other than a temporary permit issued under section 64, shall be effective without renewal for such period not less than three years and not more than five years, as the Regional Transport Authority may in its discretion specify in the permit.

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

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

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

61. General conditions attaching to all permits- (a) Save as provided in section 62, a permit shall not be transferable from one person to another except with the permission of the transport authority which granted the permit and shall not without such permission operate to confer on any person to whom a vehicle covered by the permit is transferred any right to use that vehicle in the manner authorized by the permit.

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

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

(a) that the vehicle or vehicles to which the permit relates are at

all times so maintained as to comply with the requirements of Chapter V, and the rules made thereunder;

(b) that the vehicle or vehicles to which the permit relates are not driven at a speed permissible under this Ordinance.

(c) that any prohibition or restriction imposed and any maximum or minimum fares or freights fixed by notification made under section 45 are observed in connection with any vehicle or vehicles to which the permit relates;

(d) that the vehicle or vehicles to which the permit relates are not driven, in contravention of the provision of section 76;

(e) that the permit holder shall furnish to the Provincial Transport Authority or a Regional Transport Authority or an officer of the Transport Department authorized in this behalf, within such period of time as may be fixed by that authority or the officer, such information relating to the vehicle or vehicles covered by the permit or the permit holder's business as a carrier as may be required by that authority or officer;

(f) that the provisions of any law for the time being in force in the Province relating to insurance of motor vehicles so far as they apply to the holder of the permit are observed; and

(g) that the permit holder's business premises shall be according to a design approved by the Provincial Transport Authority and maintained properly.

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

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

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

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

authorized by the permit; or

(c) if the holder of the permit ceases to possess the vehicle or vehicles covered by the permit; or

(d) if the holder of the permit has obtained the permit by fraud or mis-representation; or

(e) if the holder of a public carrier's permit fails, without , ; • reasonable cause, / to ply.-the vehicle; or

(f) if the holder- of the permit uses or causes or allows the vehicle or vehicles to be used for subversive activities against the State; or /

(g) if the holder of the permit uses or causes or allows the vehicle or vehicles to be used for the transport of goods the movement of which is banned under any law for the time being inforce, or for the commission of a cognizable' offence; or

(h) if a forgery has been committed in respect of the permit or it has in any way otherwise been tampered with:

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

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

63. Transfer of permit on death of holder, (1) where the holder of a permit dies, the person succeeding to the possession of the vehicle or vehicles covered by the permit may, for a period of three months, use the permit as if it had been granted to himself:

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

Provided further that no permit shall be so used-after the date on which it would have ceased to be effective without renewal in

the hands of the deceased holder.

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

- 64. Temporary permits-** (1) A Regional Transport Authority may, without following the procedure laid down in section 59, grant permits, to be effective for a limited period not exceeding four months, authorizing the use of a transport vehicle temporarily-
- (a) for the conveyance of passengers, on special occasions such as to and from fairs and religious gatherings, or
 - (b) for the purposes of a seasonal business, or
 - (c) to meet any particular temporary need, or
 - (d) pending decision on an application for the grant of a permit, and may attach to any such permit any condition as it thinks fit.

64-A (1) The Azad Kashmir Transport Authority may, grant special permits to be effective for one return trip only authorizing the use of a motor vehicle for that trip as a public vehicle.

(2) The Azad Kashmir Transport Authority may, subject to such conditions as it may impose, in that behalf delegate its powers of issuing a permit under sub-section (1) to its Chairman any member or any Gazette Officer of Government.

- 65. Validation of permits for use outside region in which granted-**

(a) A contract carriage permit or a stage carriage permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been countersigned by the Regional Transport Authority of that other region.

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

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

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

66. Appeals. (1) Any person-

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

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

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

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

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

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

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

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

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

(2) No appeal shall lie against any order passed under subsection (2) of section 45.

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

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

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

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

67. Compensation for death of, or injury to, a passenger. (1) In case of death of, or injury to, a passenger in a stage carriage or a contract carriage, other than a motor cab, arising out of use of such carriage, there shall be paid by the permit holder of such carriage as compensation-

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

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

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

(3) Any contract for the conveyance of a passenger in a stage

carriage or contract carriage, other than a motor cab, in respect of which a permit has been issued under this Chapter, shall, so far as it purports to negative or restrict the liability of any person in respect of any claim made against that person in respect of the death of, or bodily injury to, the passenger who is being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

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

(2) A Claims Tribunal shall consist of one or more members as Government may deem fit to appoint, and where it consists of two or more members, one of them shall be appointed as the Chairman thereof.

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

- (a) by the person who has sustained the injury; or
- (b) where death has resulted, by the legal representatives of the deceased passenger; or
- (c) by an agent duly authorised by the person injured or the legal representatives of the deceased passenger, as the case may be.

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

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

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

- 67-C. On receipt of an application for compensation made under section 67-B the Claims Tribunal shall hold an inquiry into the claim, giving an opportunity to the parties of being heard, and pass an order determining, in accordance with the provisions of Section 67, amount of compensation payable and specifying the person or persons to whom the compensation shall be paid.
- 67.D;(3) in the holding of an inquiry under section 67-C, the Claims Tribunal shall, subject to any rules that may be made in this behalf by Government, follow such summary procedure as it thinks fit.
- (2) The Claims Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (Act V of 1898).
- (3) The Claim Tribunal shall have all the powers of a Civil Court -
- (a) for the purposes of taking evidence on oath, enforcing the attendance of witnesses and compelling the discovery and production of documents and material objects; and
- (b) for such other purposes as may be prescribed.
- 67-E. (1) Subject to the provisions of sub-section (2) any person aggrieved by an order of the Claims Tribunal awarding or refusing EO award compensation, may, within ninety days from the date of the order, prefer an appeal to the prescribed authority.
- (2) No appeal shall lie under sub-section (1) if the amount in dispute in appeal does not exceed rupees one thousand.
- 67-F. Recovery of amount of compensation-**
- (1) Where any compensation has been awarded by the Claims Tribunal or the prescribed authority, and the same has not been paid to the person to whom it has been awarded, within seven days of the order awarding the compensation-
- (a) if the compensation is payable by a person who has furnished a bank guarantee under section 94-A, the bank giving the guarantee shall on being required by the Tribunal deposit with the Tribunal the amount of compensation, or so much thereof as can be paid out of the amount secured under, the guarantee:

Provided that any amount of compensation which cannot be so recovered shall be recoverable in the manner provided in clause (b).

(b) If the compensation is payable by a person who has not furnished a bank guarantee under section 94-A the Claims Tribunal or the prescribed authority awarding the compensation may, on the application of the person entitled to receive the compensation, issue a certificate to the Collector and the Collector shall thereupon proceed to recover the amount specified in the certificate in the same manner as an arrear of land-revenue.

(2) Where any compensation has been paid under the provisions of clause (a) sub-section (1) out of any amount secured under section 49-A in respect of a stage carriage, the permit in respect of such stage carriage shall stand suspended until the permit holder furnishes to the Regional Transport Authority which issued the permit, a fresh bank guarantee of the prescribed sum under the provisions of section 47-A.

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

Provided that an award given by a Claims Tribunal functioning in any province of West Pakistan, shall be enforceable in Azad Jammu and Kashmir in the same manner as if the same award was given by a Claims Tribunal functioning inside Azad Kashmir.

S8. **Power to make rules as to stage carriages and contract carriage-** (1) Government may make rules in respect of stage carriages and contract carriages-

(a) to provide for the licensing of persons acting as conductors of such carriages;

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

- (c) " to regulate the conduct of passengers in such vehicles.
- (2) , Without prejudice to the generality of the foregoing Provisions,-such rules may-
- (a) authorise the removal from Such vehicle by the driver or conductor, or on the request of the driver or conductor any passenger, by any police officer, of any person infringing the rules;
 - (b) require a passenger who is reasonably suspected by the driver or conductor of contravening the rules to give his name and address to a police officer or to the driver or conductor on demand;
 - (c) require a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle and to pay the fare the whole of such journey and to accept, any: ticket provided therefor;
 - (d) require, on demand being made for the purpose by the driver or conductor of other person authorised by the owner of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof any ticket issued to him;
 - (e) require a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey for which he has paid the fare;
 - (f) require the surrender by the holder thereof on the expiry of the period of Journey for which it is issued, of an issued ticket to him;
 - (g) require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers may record any complaints in the same.

- 69. Power to make rules for the purposes of this Chapter, (1)** Government may make rules for the purposes of carrying into effect the provisions of this Chapter.
- (2) Without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters, namely:-

- (i) the period of appointment and the terms of appointment of and the conduct of business by Regional and Provincial Transport Authorities and the reports to be furnished by them;
- (ii) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees;
- (iii) the forms to be used for the purposes of this Chapter, including the forms of permits;
- (iv) the issue of copies of permits in place of permits mutilated, defaced, lost or destroyed;
- (v) the documents, plates and marks to be carried by transport vehicles, the manner in which they are to be carried and the languages in which any such documents are to be expressed;
- (vi) the badges and uniform to be worn by drivers and conductors of stage carriages and contract carriages;
- (vii) the fees to be paid in respect of permits, duplicate permits, plates and badges;
- (viii) the exemption of prescribed persons or classes of persons from payment of all or any portion of the fees payable under this Chapter.
- (ix) the custody, production and cancellation on expiration of permits, and the return of permits which have become void or have been cancelled;
- (x) the conditions subject to which a permit issued in one region shall be valid in another region;
- (xi) the authorities to whom the time within which and the manner in which appeals may be preferred;
- (xii) the construction and fittings of, and the equipment to be carried by, stage and contract carriages, whether generally or in specified areas;
- (xiii) the determination of the number of passengers as stage or contract carriage is adapted to carry and the number of

- passengers which may be carried;
- (xiv) the conditions subject to which goods may be carried on stage and contract carriages partly or wholly in lieu of passengers;
- (xv) the safe custody and disposal of property left in a stage or contract carriage;
- (xvi) regulating the painting or marking of transport vehicles and the display of advertising matter thereon, and in particular prohibiting the painting or marking of transport vehicles in such color or manner as to induce any person to believe that the vehicle is used for the transport of mails;
- (xvii) the conveyance in stage or contract carriages of corpses or persons suffering from any infectious contagious disease or goods likely to cause discomfort or injury to passengers and the inspection and disinfection of such carriages, if used for such purposes;
- (xviii) the provision fitting taxi-meters of approved standard type on motor cabs, and the examining, testing and sealing of taxi-meters;
- (xix) prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places other than duly notified stands or halting places, and requiring the driver of a stage carriage to stop and remain stationary for a reasonable time when so required by a passenger desiring to board or alight from the vehicle at a notified halting place;
- (xx) the requirements which shall be complied within the construction use of any duly notified stand or halting piece, including the provision or adequate facilities for the conveyance of the users thereof, the fees, if any which may be charged for the use of such stands or places, the staff to be employed thereat and the duties and conduct of such staff and generally for maintaining such stands and places in a serviceable and clean condition;
- (xxi) the regulation of motor cab ranks;
- (xxii) requiring the owners of transport vehicles to notify any change of address or to report the failure of or damage to any

- vehicle used for the conveyance of passengers for hire or reward;
- (xxiii) authorising specified persons to enter at all reasonable time and inspect all premises used by permit holders for the purposes of their business;
- (xxiv) requiring a person in charge of a stage carriage to carry any person tendering the legal or customary fare;
- (xxv) the conditions under which, the types of containers or vehicles in which and the seasons during which animals or birds may or may not be carried; .
- (xxvi) the licensing of and the regularizations of the conduct of agents or convessers who engage in the sale of tickets for travel by public service vehicles or otherwise solicit business for such vehicles;
- (xxvii) the licensing of and the regularisation of the activities of agents in the business of collecting, forwarding and distributing of goods carried by transport vehicle;
- (xxviii) the inspection of transport vehicles and their contents and of the permits relating to them;
- (xxix) the carriage of persons other than the driver in good vehicles.
- (xxx) the records to be maintained the returns to be furnished by the owners of transport vehicles; and
- (xxxii) the form in which applications should be made for grant of permits;
- (xxxiii) the amount of security which should be made for the grant of stage carriage and contract carriage permits; and
- (xxxiv) any other matter which is to be or may be prescribed.

**CHAPTER V.
CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF
MOTOR VEHICLES.**

70. Every Motor vehicle shall be so constructed and so maintained as to be at all times under the effective control of the person driving the vehicle.
71. (1) Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers.
(2) Without prejudice to the generality of the foregoing power, Government may make rules governing any of the following matters either generally in respect of motor vehicles or trailers or motor vehicles or trailers of a particular class or in particular circumstances, namely:- '•'”
- (a) the width, height, length and overhang of vehicles and of the loads to be carried therein;
 - (b) seating arrangements in public service vehicles and the protection of passengers against the weather;
 - (c) the size, nature and condition of tyres;
 - (d) . brakes and steering gear;
 - (e) the use of safely glass;
 - (f) signalling appliances, lamps and reflectors;
 - (g) speed governors;
 - (h) the emission of smoke, visible vapour, sparks, ashes, grit or oil
 - (i) the reduction of noise emitted by or caused by vehicles;
 - (j) prohibiting or restricting the use of audible signals at certain times, or in certain places;
 - (k) prohibiting the carrying of appliance likely to cause ^ annoyance or danger;
 - (l) the periodical testing and inspection of vehicles by

prescribed authorities;

(m) the particulars, other than registration marks, to be exhibited by vehicles and the manner in which they shall be exhibited;

(n) the use of nailers or Semi-trailers with motor vehicles? and

(o) prohibiting or requiring the painting in particular colours of motor vehicles of particular description or for particular purposes or in particular area.

CHAPTER VI CONTROL OF TRAFFIC

- 72. Limits of speed.** (1) No person shall drive a motor vehicle or car or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed fixed for the vehicle by or under this Ordinance or by or under any other law for the time being in force:

Provided that such maximum speed shall in no case exceed the maximum fixed for the vehicle in the Eighth Schedule.
:

(2) Government or any authority authorised in this behalf by Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the nature of any road or bridge, by notification in the official Gazette, fix such maximum speed limits as it thinks fit for motor vehicles or any specified class of motor vehicles or for motor vehicles to which a trailer is attached either generally or in a particular area or on a particular road or roads, and where any such restrictions are imposed, cause appropriate traffic signs to be placed or erected under section 79 at suitable places in such area or on or near such road or bridge, as the case may be.

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

- 73. Limit of weight and limitation use.** (1) Government may ^ prescribe conditions for the issue of permits for heavy transport vehicles by the Provincial or Regional Transport Authorities and

may prohibit or restrict the use of such vehicles in any area or route within the Province.

(2) Except as may be otherwise prescribed, no person shall drive or cause or allow to be driven in any public place any motor vehicle which is not fitted with pneumatic tyres.

(3) No person shall drive or cause or allow to be driven in any public place, any motor vehicle or trailer-

(a) the unladen weight of which exceeds the unladen weight specified in the certificate of registration of the vehicle; or

(b) the laden weight of which exceeds the registered laden weight specified in the certificate of registration; or

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

(4) Where the driver or person in charge of a motor vehicle or trailer driven in contravention of sub-section (2) or subsection (3) is not the owner, a Court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or trailer.

74. Power to have vehicle weighed. Any person authorised in this behalf by Government may; if he has reason to believe that a goods vehicle or trailer is being used, in contravention of section 73, require the driver to convey the vehicle to a weighing device, if any, within a distance of one mile from any point-on; the forward route or within a distance of five miles from the destination of the vehicle for weighment; and if on such weighment the vehicle is found to contravene in any respect the provisions of section 76 regarding weight, he may, ' by order in writing direct the driver to convey the vehicle or trailer to the nearest place to be specified in the order, where facilities exist for the storage of goods, and not to remove the vehicle or trailer from that place until the laden weight or axle weight has been reduced or the vehicle has otherwise been treated so that it complies with the provisions of the last preceding section.

75. Power to restrict the use of vehicles. Government or any authority authorised in this behalf by Government, if satisfied that it is necessary in the interest of public safety or convenience, or because of the nature of any road or bridge, may by

notification in the official Gazette prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified class of motor vehicles or the use of trailers either generally in a specified area or on a specified road, or bridge, and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed or erected under section 76 at suitable places in such area or on or near such road or bridge, as the case may be:

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

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

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

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

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

Parking places and halting stations. Government or any

authority authorised in this behalf by Government may, in consultation with the local authority having Jurisdiction in the area concerned, determine places at which motor vehicles may stand either indefinitely or for a specified period of time, and may determine the places at which public service vehicles may stop for a longer time than is necessary for, taking up and setting down of passengers.

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

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

(2) In this section, "mandatory, traffic sign" means traffic sign included in Part A of the Ninth Schedule, or any traffic sign of similar form (that is to say, consisting of or including a circular disc displaying a device, word or figure and having a red ground or border) erected for the purpose of - regulating motor vehicle traffic under sub-section (1) of section 76.

80. Signals and signalling devices. The driver of a motor vehicle shall on the occasions specified in the Eleventh Schedule make the signal specified therein;

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

81. Vehicles with left hand control. No person shall drive or cause or allow to be driven in any, public place any motor vehicle with a left hand steering control unless it is equipped with a mechanical or electrical signalling device of a prescribed nature and in working order.

82. Leaving vehicle in dangerous position. No person in charge of

a motor vehicle shall cause or allow the vehicle or any trailer, to remain at rest on any road in such a position or in such a condition or in such circumstances as to cause or be likely to cause danger, obstruction or undue inconvenience to other users of the road.

83. **Riding on running boards-** No person driving or in charge of a motor vehicle shall carry any person or permit any person, to be carried on the running board or otherwise than within the body of the vehicle:
Provided that Government may, by notification in the official Gazette, permit, in such areas as may be specified in the notification, the Civil Armed Forces, the Frontier Constabulary, the West Pakistan Rangers and the Armed Police to have an armed picket on the running board of a motor vehicle or otherwise than within the body of the vehicle.
84. **Obstruction of driver-** No person driving a motor vehicle shall, allow any person to stand or sit or anything to be placed in Such manner or position as to hamper the driver in his control of the Vehicle.
85. **Stationary vehicles-** No person driving or in charge of a motor vehicle shall cause or allow the vehicle to remain stationary in any public place, unless there is in the driver's seat a person duly licensed to drive the vehicle or unless the mechanism has been stopped and a brake or brakes applied or such other measures taken to ensure that the vehicle cannot accidentally be put in motion in the absence of the driver.
86. **Pillion riding.** No driver of a two wheeled motor cycle shall carry more than one person in addition to himself on the cycle and no such person shall be carried otherwise than sitting on proper seat securely fixed to the cycle behind the driver's seat.
87. **Duty to produce licence and certificate of registration-** (1) The driver of a motor vehicle in any public place shall, on demand by any police officer in uniform, or any officer of the Transport Department not below the rank of Sub Inspector, on production if so required of his authority, produce his licence and the certificate of registration of the vehicle and where, 'the vehicle is a transport vehicle, the certificate of fitness and the permit of the vehicle referred to in section 39 and 45, respectively, for examination.

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

(3) If the licence or certificates, as the case may be, are not at the time in the possession of the person to whom demand is made, it shall be a sufficient compliance with this section if such person produces the licence or certificates within ten days at any police station in the Province which he specifies to the officer or authority making the demand:

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

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

(2) The name and particulars of the persons authorised by the owner under sub-section (1) shall be reported by the owner to the Registration Authority.

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

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

(a) when required to do so by any police officer in uniform, or

(b) when required to do so by any person in charge of an animal if such person apprehends that the animal is, or

being alarmed by the vehicle, will become unmanageable, or

(c) when the vehicle is involved in the occurrence of an accident to a person, animal or vehicle or of damage to any property, whether the driving or management of the vehicle was or was not the cause of the accident or damage, and he shall give his name and address and the name and address of the owner of the vehicle to any person affected by any such accident or damage who demands it provided such person also furnishes his name and address.

(2) The driver of a motor vehicle shall, on demand by a person giving his own name and address and alleging that the driver has committed an offence punishable under section 99, give his name and address to that person.

(3) In this section the expression "animal" means any horse, cattle, elephant, camel, ass, mule, sheep or goat.

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

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

(a) if any person is injured as a result of such accident, take all reasonable steps to secure medical attention for the person so injured and, if necessary, convey him to the nearest hospital, unless the injured person or his guardian, in case he is a minor, desires otherwise;

(b) if any animal is injured as a result of such accident, take steps and endeavor to locate and report the matter to the

owner of custodian of the animal so injured and take all reasonable steps to secure medical attention, if necessary, for the animal,

(c) if any damage has been caused to any property as a result of such accident, take reasonable steps to report the damage to the party sustaining the damage; and

(d) give on demand by a police officer or an officer of the Transport Department authorised in this behalf by Government any information required by such officer relating to the occurrence, if no such officer is present, report the circumstances of occurrence at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence.

- 92. Inspection of vehicle involved in accident.** When any accident occurs in which a motor vehicle is involved, any person authorised in this behalf by Government may, on production if so required of his authority, inspect the vehicle and for that purpose may enter at any reasonable time any premises where the vehicle may be, and may remove the vehicle for examination:

Provided that the place to which the vehicle is so removed shall be intimated to the owner of the vehicle and the vehicle shall be returned without unnecessary delay, and in no case later-*than* forty-eight hours of its removal

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

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

- (a) the nature of the mechanical or electrical signalling devices which may be used on motor vehicles;
- (b)The erection of electrical traffic signalling devices, and the types of such devices that may be installed;
- (c)- the removal and the safe custody of vehicles, including their loads, which have broken down or which have been left standing or have been abandoned on roads;

- (d) the installation and use of weighing devices;
- (e) the exemption from all or any of the provisions of this Chapter of emergency vehicles and other special classes of vehicles, subject to such conditions as may be prescribed;
- (f) the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use;
- (g) prohibiting the driving down hill of a motor vehicle with the gear disengaged, either generally or in a specified place;
- (h) prohibiting the taking hold of or mounting of a motor vehicle in motion;
- (i) prohibiting the use of the foot paths or pavements by motor vehicles:

(j) generally the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic.

CHAPTER VII OFFENCES, PENALTIES AND PROCEDURE,

- 94. Offence relating to licences-** Whoever, being disqualified under this ordinance for holding or obtaining a licence, drives; a motor vehicle in a public place or applies for or obtains a licence or, not being entitled to have a licence issued to him free of endorsement, applies for or obtains a licence without disclosing the endorsements made on a licence previously held by him, or being disqualified under this ordinance for holding or obtaining a licence, uses a licence such as is referred to in sub-section (2) of section 30, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and any licence so obtained by him shall be of no effect.
- and if the vehicle so driven is a transport vehicle or, the licence so applied for, obtained or used is a licence to drive a transport vehicle, shall be punished with imprisonment which may extend to two years: and with fine which may extend to rupees one thousand, and any licence so obtained: by, him; shall be of no effect.

- 95. Driving at excessive speed.** (1) Whoever drives a motor vehicle 'in contravention of section 72 shall be punished with fine which may extend to one hundred rupees, and when the vehicle is a .transport vehicle, with a fine which shall not be less than one 'hundred rupees and which may extend to five, hundred rupees.
- (2) Whoever causes any person who is employed by him or is 'subject to his control to drive a motor vehicle in contravention of section 75 shall be punished with fine which may extend to two hundred rupees, and when the vehicle is a t transport vehicle, with a fine which may extend to five hundred rupees.
- (3) No person shall be convicted of an offence punishable under sub-section (1) solely on the evidence of one witness to the effect that in the opinion of the witness such person was driving at a speed which was unlawful, unless that opinion is shown to be based on an estimate obtained by the use of some mechanical device.
- (4) The publication of a time table under which, or the : giving of any direction that, any Journey or part of a journey is to be completed within a specified time shall, if in the opinion of the Court it is not practicable in the circumstances of the case for the journey or part of a journey to be completed in the specified time without infringing the provisions of section 72, be prima-facie evidence that the person who published the time table or gave the direction has committed an offence punishable under sub-section (2).
- 96. Driving recklessly or dangerously,** (1) Whoever drives a motor vehicle at a speed or in a manner which is dangerous to human life or property, having regard to all the circumstances of the case, including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five hundred rupees, and if the vehicle be a transport vehicle, with imprisonment which may extend to one year and with a fine which may extend to one thousand rupees.
- (2) Whoever, having been previously convicted of an offence specified in sub-section (3) shall, within three years of such

conviction, be guilty of an offence punishable under that subsection, shall be subject for every such subsequent offence to imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both, and where the vehicle is a transport vehicle, with imprisonment which may extend to four years and with fine which may extend to one thousand rupees.

- 97. Driving while under the influence of drink or drugs** Whoever while driving or attempting to drive a motor vehicle is under the influence of drink or a drug to such an extent as to be incapable to exercising proper control over the vehicle, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and if having been previously convicted of such an offence, shall again be subject for every such subsequent offence to imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.
- 98. Driving when mentally or physically unfit to drive.** Whoever drives a motor vehicle in any public place when he is to his knowledge suffering from any disease or disability calculated to cause his driving of the vehicle to be a source of a danger to the public, shall be punished with fine which may extend to two hundred rupees, and if having been previously convicted of such an offence shall again be guilty of an offence punishable under this section. shall be subject for every such subsequent offence to fine which may extend to five hundred rupees.
- 99. Punishment for abetment of certain offences.** Whoever abets the commission of an offence under section 99, 100 or 101, shall be punishable with the punishment provided for the offence.
- 100. Racing and trials of speed-** Whoever, without the written consent of Government permits or takes part in a race or trial of speed between motor vehicles in any public place shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.
- 101. Using vehicle in unsafe condition.** Any person who drives or causes or allows to be driven in any public place a motor vehicle or trailer while the vehicle or trailer has any defect, which such person knows of, or could have discovered by the exercise of

ordinary care and which is calculated to render the, driving of the vehicle a source of danger to persons and imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both, or if as a result of such defect an accident causing bodily injury to any person or animal or damage to property takes place, with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both. - - -

- 102. Sale of vehicle in or alteration of vehicle to a condition contravening this ordinance.** Whoever, being an importer or dealer in motor vehicles, sells or delivers or offers to sell or deliver a motor vehicle or trailer in such condition that the . Use thereof in a public place would be in contravention of Chapter V or any rule made thereunder or alters the motor vehicle or trailer as to render its condition such that its use in 'a public place would be in contravention of Chapter VI or any rule made thereunder shall be punished with fine which may extend to two hundred rupees:

Provided that no person shall be convicted under this section if he proves that he had reasonable cause to believe that the vehicle would not be used in a public place until it had been put into a condition in which it might lawfully be so used. :-

- 103. Using vehicle without permit.** Whoever drives a motor vehicle or causes or allows a motor vehicle to be used or lets out 'a. motor vehicle for use in contravention of the provisions of subsection (1) of section 44 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, and if having been previously convicted of such an offence shall again be guilty of an offence punishable under this section,, shall be subject for every such subsequent offence -to imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

(2) Nothing in this section shall apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repair or of food or materials to relieve distress or of medical supplies for a like purpose provided that the person using the vehicle reports such use to the Regional Transport Authority within seven days.

- 104. Driving vehicle exceeding permissible weight.** Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 73 or of the conditions of any permit issued thereunder, or in contravention of any prohibition or restriction imposed under section 75 shall be punished with fine which may extend to one hundred rupees, and if having been previously convicted of such an offence, shall again be guilty of an offence under this section, shall be subject for every such subsequent offence to fine which may extend to five hundred rupees.
- 105. Penalty for failing to stop in case of accident or failure to , furnish information etc.** Whoever contravenes the provisions of , ' clause (c) of sub-section 0) of section 89 or any of the provisions contained in section 91 or furnishes any information required to be made thereunder which he knows to be false shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.
- 106 Taking vehicle without authority.** Whoever takes and drives away any motor vehicle without having either the consent of •' the owner thereof or other lawful authority shall be punished with imprisonment which may extend to three months, or with _fine which may extend to five hundred rupees, or with both:
Provided that no accused person shall be convicted under this section if the Court is satisfied that the accused acted in the reasonable belief that he had lawful authority or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked to do so.
- 107. Unauthorised interference with vehicle.** Whoever otherwise than with lawful authority pr reasonable excuse, enters or mounts any stationary motor vehicle or tampers with the brake or any part of the mechanism of a motor vehicle shall be punished with imprisonment which may extend to one month or with fine which may extend to two hundred rupees, or with both.
- 108. Disobedience of orders, obstruction and refusal of information.** Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this ordinance to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this ordinance to

discharge, or, being required by or under this Act to supply any information, with holds such information or gives information which he knows -to be false or which he does not believe to be true, shall, if no other penalty is provided for the offence, be punished with fine which may extend to two hundred rupees. ' .

- 109. General provision for punishment of offences not otherwise provided for.** Whoever contravenes any provision of this ordinance or. of any rules made thereunder shall, if no other penalty is provided for the offence under this ordinance be punished with fine which may extend to one hundred rupees, and if having been previously convicted of such an offence, shall again be guilty of an offence punishable under this section, shall be subject for every such subsequent offence of fine which may extend to five hundred rupees.
- 110. Power of arrest without warrant-** (1) A police officer in uniform may arrest without warrant any person who commits in his view an offence punishable under section 96 or section 97 or section 107:
- Provided that any person so arrested in connection with an offence punishable under section 97 shall be subjected to a medical examination by a registered medical practitioner within two-hours of his arrest, and if not so subjected within the said period of two hours shall be released from, custody.
- (2) A police officer in uniform may arrest without warrant-
- (a) any person who being, required under the provisions of this ordinance to give His name and address refuses to do so, or gives a name and address which the police officer has reason to believe to be false, or
- (b) any person concerned in an offence under this ordinance or reasonably suspected to have been so concerned, if the police officer has reason to believe that he will abscond or otherwise avoid the service of a summons.
- (3) A police officer arresting without warrant the driver of a motor vehicle shall, if the circumstances so required, take or cause to be taken any steps he may consider proper for the temporary disposal and safe custody of the vehicle.
- 111. Power of police officer to seize documents.-** Any police officer authorised in this behalf or other person authorised in this behalf

by Government may, if he has reason to believe that any identification mark carried on a motor vehicle or any licence, permit, certificate of registration, certificate of insurance or other document produced before him by the driver or person in charge of a motor vehicle is a false document within the meaning of section 464 of the Pakistan Penal Code, seize the mark or document and call upon [he driver or owner of the vehicle to account for his possession of or the presence in the vehicle of such mark or document.

(2) Any police *officer* authorised in this behalf by Government may, if he has reason to believe that the driver of a motor vehicle who is charged with any offence under this ordinance may abscond or otherwise avoid the service of a summons, seize any licence held by such driver and forward it to the Court taking cognizance of the offence, and the said Court may, on the appearance of such driver before it and on such terms as to security as it may deem fit, return the licence to him, and require him to surrender any temporary acknowledgement given to him under sub-section(3).

(3) A police officer seizing a licence under sub-section (2) shall give to the person surrendering the licence a temporary acknowledgement therefor and such acknowledgement shall authorise the holder to drive any motor vehicle specified in this licence until the licence has been returned to him or up to a date which the Police Officer shall specially in the temporary acknowledgement whichever is earlier:

Provided that where for any cause in respect of which the holder of the licence is not at fault, he is unable to appear in the Court before the temporary acknowledgement ceases to be effective, any Magistrate or- a police officer authorised by Government in this behalf may, on application made to him, substitute a later date in the temporary acknowledgement given under this sub-section.

- 112. Power to detain vehicle used without certificate of registration or permit.** Any police officer authorised in this behalf or other person authorised in this behalf by Government may if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of sub-section (1) of section 23 or without the permit required by sub-section (1) of section 44 or in contravention of any condition of such permit relating to the route on which or the area in which or the

purpose for which the vehicle may be used, seize and detain the vehicle, and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle.

- 113. Summary disposal of cases-** (1) A Court taking cognizance of an offence under this Act shall, unless for reasons to be recorded in writing, the Court directs otherwise or when the offence is an offence specified in Part A of the Fifth Schedule, state upon the summons to be served on the accused person that he-
- (a) may appear by pleader and not in person, or
 - (b) may by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the Court such sum not exceeding seventy five rupees as the Court may specify.
- (2) Where the offence dealt with in accordance with subsection (1) is an offence specified in Part B of the Fifth Schedule, the accused person shall, if he pleads guilty to the charge, forward his licence to the Court with the letter containing his plea in order that the conviction may be endorsed on the licence.
- (3) Where an accused person pleads guilty and remits the sum specified and has complied with the provisions of subsection (2), no further proceedings in respect of the offence shall be taken against him, nor shall he be liable to be disqualified for holding or obtaining a licence by reason of his having pleaded guilty.
- 114. Restriction on conviction-** No person prosecuted for an offence punishable under section 96 or section 97 shall be convicted unless-
- (a) he was warned at the time the offence was committed that the question of prosecuting him would be taken into consideration, or
 - (b) within fourteen days from the commission of the offence a notice specifying the nature of the offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence, or

(c) within twenty-eight days from the commission of the offence, a summons for the offence was served on him:

Provided that nothing in this section shall apply where the Court is satisfied-

(a) the failure to serve the notice or summons referred to in this sub-section was due to the fact that neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time: or

(b) such failure was brought about by the conduct of the accused.

115. Jurisdiction of Courts. No Court inferior to that of a Magistrate of the second class shall try any offence punishable under this ordinance or any rule made thereunder.

CHAPTER VIII MISCELLANEOUS

116. Publication of and commencement of rules- (1) Every power to make rules given by this ordinance is subject to the condition of the rules being made after previous publication.

(2) All rules made under this ordinance shall be published in the official Gazette, and shall, unless some later date is appointed, come into force on the date of such publication.

117. Appointment of motor vehicles officers, (1) Government may, for the purpose of carrying into effect the provisions of this ordinance establish a Motor Vehicles Department and a Transport Department and appoint as officers thereof such persons as it thinks fit.

(2) Every such officer shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

(3) Government *may*, make rules to regulate the discharge by officer¹- of the Motor Vehicle Department and the Transport Department of their functions, and in particular and without prejudice to the generality of the foregoing power, to prescribe uniform¹ to be worn by them, the authorities to which they shall

be subordinate, the duties to be performed by them, the powers to be exercised by them, and the conditions governing the exercise of such powers.

118. General provisions regarding appeals to prescribed appellate

authorities- (1) An appeal under sub-section (3) of section 14, sub-section (3) of section 16, sub-section (4) of section 17, sub-section (3) of section 36 or section 66 shall not operate as a stay of the order or proceedings under the order appealed from, except so far as the appellate authority may direct.

(2) In an appeal under this ordinance the order appealed from shall not be altered or reversed merely on account of any error, omission or irregularity, not materially affecting the merits, in the procedure or order of the original authority.

119. Repeal and savings. (1) The enactments specified in the Twelfth

Schedule are hereby repealed to the extent specified against each.

(2) Notwithstanding the repeal of the enactments specified in the Twelfth Schedule, everything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, officer appointed or person authorised, jurisdiction or power conferred, licence, certificate or permit granted, rule made and order issued under any of the provisions of the said enactments shall, if not inconsistent with the provisions of this ordinance continue in force and, so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred, granted, made or issued under this ordinance.

THE SCHEDULES
THE FIRST SCHEDULE FORMS
FORM A
(See Section 7(2))
FORM OF APPLICATION FOR LICENCE TO DRIVE A MOTOR
VEHICLE

SECTION I
APPLICATION

I apply for a licence to enable me to drive as a paid employee.

*Other wise than as a paid employee vehicles of the following description:

- (a) motor cycles,
 - (b) motor cars,
 - (c) invalid carriages,
 - (d) motor cabs,
 - (e) delivery vans,
 - (f) light transport vehicles *including public service vehicle.
excluding
 - (g) heavy transport vehicles including public service Vehicle:
excluding
 - (h) tractors,
 - (i) road-rollers,
 - (j) locomotives,
 - (k) a vehicle of a special type (description attached) constructed or adapted to be driven by me.
- (*Strike out whichever inapplicable).

SECTION H
PARTICULARS TO BE FURNISHED BY THE APPLICANT.

1. Full name and name of father _____
2. Permanent address
3. Temporary address

4. Age on the date of the application
5. Particulars of any licence previously held by applicant_____
- 6.. Particulars and date of every conviction which has been ordered to be endorsed on any licence held by the applicant.
7. Have you been disqualified for obtaining a licence to drive. If so, give date, testing authority and result of test.

THE FIRST SCHEDULE FORM A
FORM A-CONTD
SECTION III
DECLARATION AS TO PHYSICAL FITNESS OF APPLICANT

The applicant is requested to answer "Yes" or "No" in the space provided opposite each question-

- (a) Do you suffer from epilepsy, or from sudden attacks of disabling giddiness or fainting?
- (b) Are you able to distinguish with each eye at a distance of twenty five yards in good daylight (with glasses, if worn) a motor-car number plate containing seven letters and figures?
- (c) Have you lost either hand or foot or are you suffering from any defect in movement, control, or muscular power of either arm or leg?
- (d) Can you readily distinguish the pigmentary colours red and green?
- (e) Do you suffer from night blindness?
- (f) Do you suffer from a defect of hearing?
- (g) Do you suffer from any other disease or disability likely to cause your driving of a motor vehicle to be source of danger to the public?

If so, give particulars.

I declare that to the best of my information and belief the particulars given in section II and, the declaration made in section III hereof are true.

Note- An applicant who answers "Yes" to questions (b) and (c) in the

declaration and "No" to the other questions may claim to be subjected to a test as to his competency to drive vehicles of a specified type or types,

Signature ,or thumb-impression of applicant.

Dated 19

CERTIFICATE OF TEST OF ABILITY TO DRIVE.

The applicant has passed/failed in the test specified in the Third Schedule to the Azad jammu and .Kashmir Motor Vehicles ordinance 1971. The test was conducted on*at_____. on.- (date)

Signature of Testing Authority.

Signature of thumb-impression of applicant.

*(Here enter description of vehicle).

THE FIRST SCHEDULE

FORM B FORM B

(See .section 4^s (2), Section 7 (3) and Section 15)

FORM OF MEDICAL CERTIFICATE IN RESPECT OF AN APPLICANT FOR A LICENCE TO DRIVE ANY TRANSPORT VEHICLE OR TO DRIVE ANY VEHICLE AS A PAID EMPLOYEE

(To be filled up by a registered medical practitioner)

1. What is the applicant's apparent age?
2. Is the applicant subject to epilepsy, vertigo or any menial ailment likely to affect his efficiency?
3. Does the applicant suffer from any heart or lung disorder which might interfere with the performance of his duties as a driver?
4. (a) Is there any defect of visions? if so, has

it been corrected by suitable spectacles?

(b) Can the applicant readily distinguish the pigimentary colours red and green?

(c) Does the applicant suffer from night blindness?

(d) Does the applicant suffer from a degree of deafness which would prevent his hearing the ordinary sound signals?

5. Has the applicant any deformity or loss of members which would interfere with the efficient performance of the duties as a driver?
- 6- Does he show any evidence of being addicted to the excessive use of alcohol, tobacco or drugs?
7. Is he generally fit as regards (a) bodily health, and (b) eyesight?
8. Marks of identification.

I certify that to the best of my knowledge and belief the applicant_____is the person herein above described and that the attached photograph is a reasonably correct likeness of the applicant.

_____ Signature_____

(Space for Photograph)

Name_____

_____ Designation_____

Note- Special attention should be directed to distant vision and to the condition of the arms and hands and the joints of both extremities.

THE FIRST SCHEDULE FORM C
FORM C
(See section 8 (1) DRIVING LICENCE

N0.____
(Name)

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son/daughter of (father's name) _____
of (permanent address) _____

Signature or thumb impression

Photograph if necessary.

Licensed to drive/throughout the province of West Pakistan,
vehicle of the following description:-

- (a) Motor cycle.
- (b) Motor car.
- (c) Motor cab.
- (d) Delivery van.
- (e) Light transport vehicle.
- (f) Heavy transport vehicle.
- (g) Locomotive.
- (h) Tractor.
- (i) Invalid carriage.
- (j) Road-roller.
- (k) A motor vehicle hereunder described.

He is also authorised to drive as a paid employee. <*This
licence is valid from to . ;

(*To be struck out if inapplicable).

Signature and designation of
Licensing Authority.

Date ____ 19

Authorisation to drive public service vehicle so long as this licence is valid and is renewed from time to time, the holder is authorised to drive a public service vehicle within the State of Jammu and Kashmir.

Signature and designation of
prescribed Authority.

THE FIRST SCHEDULE. FORM C
FORM C - CONCLD.

This license is hereby renewed up to

Signature
Licencing Authority

The _____ day of _____ - 19 ____
 The _____ day of _____ - 19 ____
 The _____ day of _____ - 19 ____
 The _____ day of _____ - 19 ____
 The _____ day of _____ - 19 ____
 The _____ day of _____ - 19 ____
 The _____ day of _____ - 19 ____
 The _____ day of _____ - 19 ____
 The _____ day of _____ - 19 ____
 The _____ day of _____ - 19 ____

Endosements

Date	Section and Rule	Fine and other punishment	Signature of Endorsing Authority

THE FIRST SCHEDULE - FORM D FORM D
(See section 9)

**FORM OF APPLICATION FOR THE ADDITION OF A NEW
CLASS OF VEHICLE TO A DRIVING LICENCE**

I hereby apply for the addition of the following class/classes of motor vehicles to the attached licence :-

- (a) Motor cycle.
- (b) Motor car.
- (c) Motor cab.
- (d) Delivery van.
- (e) Light transport vehicle.
- (f) Heavy transport vehicle.
- (g) Locomotive.
- (h) Tractor.
- (i) Road-roller.
- (j) Invalid carriage.
- (k) Motor vehicle of a specified description.

* I enclose (a) a medical certificate,

(b) three copies of a recent photograph.

* Required only where the applicant is not entitled to drive as a paid employee or a transport vehicle and now wishes to do so.

Signature of applicant.

Date 19

THE FIRST SCHEDULE - FORM E
FORM E

(See Section 12 (2). FORM OR APPLICATION FOR RENEWAL OF
DRIVING LICENCE.

I hereby apply for a renewal of the licence under the Azad
Jammu and Kashmir Motor Vehicles Act, 1971, which was issued to me
on. the _____ BY _____ (state title of Licensing
Authority).

I hereby declare that I am not subject to any disease or disability likely to
cause my driving of motor vehicle to be a source of danger to the public.

Date _____ 19
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Signature of applicant.

THE FIRST SCHEDULE FORM .F
(SEE SECTION 25 (1)i).
FORM OF; APPLICATION FOR THE REGISTRATION :OF • '
MOTOR VEHICLE

1. Full name, name of father, and address , of person to be registered as registered_____
2. 'Class of vehicle _____
3. Type of body_____
4. Maker's name-_____
5. Year of, manufacture_____
6. Number of cylinders'_____
7. Horse power_____
8. Maker's classification or, if not known, wheel-base_____
- 9- Chasis number_____
10. Engine number_____
11. Sealing capacity (including driver)_____
12. Unladen weight _____
13. Particular of previous registrationand,registeredNo. (If. Any

Additional particulars to be completed only in the case of transport vehicles other than motor cabs

14. Number, description and size of tyres_____
 - (a) front axle_____
 - (b) rear axle_____
 - (c) any othe axle_____
15. Maximum laden weight _____ IDS.
16. Maximum axle weight_____ IDS
 - (a) front axle _____ IDS.
 - (b) rear axle _____ Ibs.
 - (c) any other axle _____ Ibs.

The above particulars are to be filled in for a rigid frame motor vehicle of two or of three axles, for a semi-trailer of an articulated vehicle of three axles or to the ;ex lent applicable, for a trailer (other than the trailer to be registered as part of an articulated vehicle) as the case may be. Where a second trailer or additional trailers are to be registered with an articulated motor vehicle, the following particulars are to be furnished for each

trailer;

17. Type of body_____
18. Unladen weight_____
19. Number, description and size of tyres on the axle. _____
20. Maximum axle weight_____

Explanation:- An articulated vehicle means a tractor to which a trailer is attached in such a manner that part or the trailer is superimposed on and part of the weight of the trailer is borne by the tractor.

Note:-The motor vehicle above described is held by the person to be registered as the registered owner, under a hire-purchase agreement with_____

Signature of owner

Signature of Hire-Purchase Company.

THE FIRST SCHEDULE-FORM G
FORM G
(See Section 2 (2) and 11 (2))
FORM OF- CERTIFICATE OF REGISTRATION.

Registered Number_____

Brief description of vehicle
(e.g. Ford touring car; Chevrolet 32 seater bus, Albion lorry, trailer, etc.)

Name, name of father and address of Registered owner_____

Transferred to Signature of Registering authority

Transferred to Signature of Registering authority

Signature of Registering Authority.

Detailed Description

1. Class of vehicle_____
 2. Maker's name _____
 3. Type of body_____
 4. Year of manufacture_____
 5. Number of cylinder_____
 6. Chasis Number_____
 7. Engine Number_____
- Horse power_____
- Maker's classification or, if not known, wheel base_____
- Seating capacity (including driver) _____
- Unladen weight Additional a particulars in the' case of all transport vehicles other then motor cabs_____
- Registered laden weight_____
13. Number, description and size of tyres.
- (a) front axle_____
 - (b) rear axle _____
 - (c) any other axle 14. Registered axle weight_____
- (a) front axle_____ Ibs.
 - (b) rear axle_____ Ibs.
 - (c) any other axle_____ Ibs.
- Additional particulars of alternative or additional trailer or trailers Registered with an articulated vehicle-
15. Type of body_____

- 16. Unladen weight_____
- 17. Number, description and size of tyres on the axle_____
- 18. Registered axle weight_____ lbs.

Date_____19 Signature of Registering Authority

Note:-The motor vehicle above described is held by the person registered as the registered owner under a hire-purchase agreement with .

Date_____19 Signature of Registering Authority.

THE FIRST SCHEDULE-FORM H
FORM H (See section 37)
DOCUMENT TO BE FURNISHED BY THE MAKER OR
AUTHORISED ASSEMBLER IN THE CASE OF
TRANSPORT VEHICLES OTHER THAN MOTOR CABS.

Certified that the vehicle Chasis? No. _____ and Engine No
manufactured by _____ in the year has a wheel base of _____ and
is designed for maximum weights as follows when titled with the tyre-
equipment specified below:-

Maximum Laden weight _____

Maximum weight front axle _____

Maximum weight rear axle _____

Maximum weight any other axle _____

Tyres—

Front wheels

Rear wheels

Other wheels

Date _____ 19 _____

Signature of maker or authorised
assembler.

Special certificate to be furnished by an assembler _____
Certified that I am authorised by the maker of the vehicle
described above to issue this Certificate.

Signature of authorised assembler-

THE FIRST SCHEDULE-FORM I
FORM 1

(See section 39 (1).and 40 (2))

CERTIFICATE OF FITNESS (APPLICABLE IN THE CASE OF
TRANSPORT VEHICLES ONLY)

Vehicle No_____is certified as complying with the provisions of Chapter for the Azad Jammu and Kashmir Motor Vehicle ordinance 1971, and the rules made thereunder. This certificate will expire on _____ ;

Date_____19 _____ Signature and Designation, of Inspecting Authority.

To certificate of fitness is hereby renewed:-

Upto_____19_____Signature of Inspecting Authority.

Upto_____19_____Signature of Inspecting Authority.

Upto_____19_____Signature of Inspecting Authority.

THE SECOND SCHEDULE

(See section 7 (5))

1. Diseases and disabilities absolutely disqualifying a person for obtaining a licence to drive a motor vehicle.
 1. Epilepsy.
 2. Lunacy.
 3. Heart disease likely to produce sudden attack of giddiness or fainting.
 4. Inability to distinguish with each eye at a distance of twenty-five yards in, good daylight (with the aid of glasses, if worn) a series of seven letters and figures in white on a black ground of the same size and arrangement as those of the registration mark of a motor car.
 5. A degree of deafness which prevents the applicant from hearing, without hearing aids, the ordinary sound signals.
 6. Colour blindness or inability readily to distinguish the pigmentary colours red and green.
 7. Night blindness.
- Diseases and disabilities absolutely disqualifying a person for obtaining a licence to drive a public Service vehicle.
1. Leprosy.

THE THIRD SCHEDULE
(See Section 7 (6) and 18 (5))
TEST OF COMPETENCE OF DRIVE
PART I

The candidate, shall satisfy the person conducting the test that he is able to_____

- (1) start the engine of the vehicle;
- (2) move away straight ahead or at an angle,
- (3) overtake, meet or cover the path of other vehicle and take an appropriate course; , . ' . •
- (4) turn right and left corners correctly;
- (5) stop the vehicle in an emergency and normally, and in the latter case bring to rest at an appropriate part of the road;
- (6) drive the vehicle backwards and whilst so doing enter a limited 181 opening either to the right or left;
- (7) cause the vehicle to face in the opposite direction by means of forward and reverse gears;
- (8) give by hand and by mechanical means (if fitted to the vehicle) or in the case of a disabled driver for whom it is impracticable or undesirable to give signals by hand, by mechanical means in a clear and unmistakable manner, appropriate signals at appropriate times to indicate his intended actions; . ,
- (9) act correctly and promptly on all signals given by traffic signs and traffic controllers, and take appropriate action on signs given by other road users,

- Note-
- (i) Requirements 6 and 7 are not applicable in the case of a motor cycle or tricycle not equipped with means for reversing.
 - (ii) Requirements 6,7 and 8 are not applicable in the case of invalid carriages.

A candidate shall be deemed to have failed in the test, if during a road test, he does any three or more of the following acts or any one of such acts more than once:-

A. Starting.

- (1) Fails to look around before starting.
- (2) Noisy and uncertain gear shifting.
- (3) Stays too long in low or second gear,
- (4) Unnecessary fast get away.
- (5) Stalls motor.
- (6) Fails to signal.

B. Stopping.

- (1) Fails to signal.
- (2) Slows down too suddenly.
- (3) Fails to use rear-view mirror.

C. Turning

- (1) Fails to get into proper lane in time.
- (2) Fails to signal.
- (3) Fails to check traffic.
- (4) Swings wide to the right or cuts corners to the left.
- (5) Fails to complete turn in proper lane.

D. Backing

- (1) Fails to look behind before and while backing.
- (2) Uncertain Steering when backing.

E. Parking.

- (1) Hits with a jolt other cars to parking
- (2) Climbs curb in parking.
- (3) Parks too far from curb.
- (4) Forgets to set emergency brake.
- (5) Parks too fast for proper control.

Traffic Signals.

- (1) Fails to notice signals.
- (2) Runs through stop signal.

G. Signs.

- (1) Does not come to a stop on a signal or at a sign requiring, him to do so.
- (2) Does not notice caution or warning signs.
- (3) Fails to observe direction signs Passing.

H. Passing

- (1) Does not await clear distance ahead.
- (2) Passes a vehicle in intersection when unlawful or dangerous to do so
- (3) Passes vehicle on right where unlawful.
- (4) Fails to use horn when necessary.
- (5) Too little speed in overtaking,
- (6) Cuts in too quickly ahead.

I. Hills.

- (1) Cannot shift gears on an upgrade or when going down.
- (2) Cannot stop and start on hill without rolling backward.
- (3) Descends in neutral.

J. Speed.

- (1) Drives at speeds greater than ability warrants.
- (2) Too fast over rough roads, around corners, through blind intersections and in business districts.
- (3) Tendency to lay and catch up.
- (4) Slows down while passing through an intersection or around a curve, rather than before reaching.
- (5) Hinders traffic by driving slowly in centre of street.

K. Attention.

- (1) Looks down when shifting gears.
- (2) Turns hi^ head when talking.
- (3) Fails to notice dangerous stops.
- (4) Does not give complete attention to all intersection.

L. Attitude towards others.

- (1) Depends on others for safety.
- (2) Takes right of way at intersection when not entitled thereto.
- (3) Inconsiderate to pedestrians.
- (4) Fails to anticipate what others may do.

M. Miscellaneous.

- (1) Stalls at intersections.
- (2) Fails to keep in correct lane.
- (3) Follows too closely other vehicles.
- (4) Uses horn too much.
- (5) Shifts into wrong gear, such as reverse instead of second.
- (6) Passes standing street cars where unlawful.
- (7) Speeds up when being overtaken.

- (8) Reacts slowly in emergency.
- (9) Careless about using proper hand signals or does not make signal clearly.
- (10) Unduly nervous.
- (11) Over-cautious.
- (12) Reckless or careless.
- (13) General in experience.

PART II

(TEST OF TRAFFIC LAWS CORRECT ROAD
BEHAVIOUR OF APPLICANT)

The candidate shall satisfy the Examiner that he is cognizant of the provisions of sections 82, 83, 84, 85, and of the Tenth Schedule, that he knows the meaning of the traffic signs specified in the Ninth Schedule and the general provisions of the Highway Code.

PART III

(TEST OF PHYSICAL FITNESS)

The candidate shall satisfy the Examiner that he is not subject to any disease or disability likely to cause his driving of a motor vehicle to be a source of danger to the public and particularly that-

- (a) he can read from a distance of twenty-five yards a registration plate bearing letters and figures three inches high or decipher other similar letters or figures of the same size from a distance of twenty-five yards with or without spectacles;
- (b) his field of vision is not less than 130 degree,
- (c) he can readily distinguish pigmentary colours, red and green,
- (d) he can hear ordinary sound signals with the help of hearing aid;
- (e) he is not suffering from epilepsy, paralysis, Serious heart disorders or menial disorders.

THE FOURTH SCHEDULE

(See Section 15 (1) and 400 (1) and (3))

AUTHORITIES ENTITLED TO GRANT LICENCE TO DRIVE AND TO REGISTER MOTOR VEHICLES, THE PROPERTY OR FOR THE TIME BEING UNDER THE EXCLUSIVE CONTROL OF THE CENTRAL GOVERNMENT, & REGISTRATION MARKS FOR SUCH VEHICLES.

PART A

The authorities specified in the second-column may grant licences in respect of vehicles, the property or for the time being under the exclusive control of the Department of the Central Government specified in the first column.

Defence Department of the Central

1. District Commanders, Government.
- 2- Commanders of Independent brigades.
- (3) Officers commanding units having mechanically propelled vehicles in their charge.
- (4) Commanders, Pakistan Engineers.

PART B

The authorities specified in the second column may register motor vehicle the property or for the time being under the exclusive control of the Department of the Central Government specified in the first column and may grant, certificates of fitness in respect of such vehicles.

Defence Department of the Central Government.

The Master-General of the Act "in Pakistan or any person authorized, by him, in this behalf-.

PART C

Registration marks for vehicles registered under section 40.

A broad arrow followed by not more than six figures, or a broad arrow followed by a single letter and, not more than five figures.

THE FIFTH SCHEDULE (See sections 20 (2) and (3) and (153)
OFFENCES ON CONVICTION OF WHICH AN ENDORSEMENT
SHALL BE MADE ON THE LICENCE OF THE PERSON
AFFECTED.

PART A

1. Driving when disqualified (section 19)
2. Failing to stop on the occurrence of an accident (section 89)
3. Obtaining or applying for a licence without giving particulars of endorsement (section 94)
4. Driving recklessly or dangerously (section 96).
5. Driving while drunk or under the influence of any drug (section 97).
6. Abetment of an offence under section 96 or section 97).
7. Taking part in unauthorized race or trial of speed (section 100).
8. Altering a licence or using an altered licence.
9. Any offence punishable with imprisonment in the commission of which a motor vehicle was used.
 1. Driving without a licence, or without a licence which is effective, or without a licence applicable to the vehicle driven (section 3).
 2. Allowing a licence to be used by another person (section 6).
 3. Driving at excessive speed (section 95).
 4. Driving when mentally or physically unfit to drive (section 98).
 5. Abetment of an offence punishable under section 95 or 98).
 6. Refusing or failing within specified time to produce licence (section 87).
 7. Failing to stop when required (section 89).
 8. Driving an unregistered vehicle (section 23).
 9. Driving a transport vehicle not covered by a certificate of fitness (section 39).

10. Driving in contravention of any rule made under section 73 (2) relating to speed governors.
11. Driving a vehicle exceeding the permissible limit of weight (section 104).
12. Failure to comply with a requisition made under (section 74). ..
13. Using a vehicle in unsafe condition(section 101).
14. Driving a transport vehicle in contravention of section

THE SIXTH SCHEDULE (See sections 25 (3) and 30 (2).
REGISTRATION MARKS.

The letters A.J.K. shall be used as registration mark for registration of vehicle in Azad Kashmir by Registering Authorities.

THE SEVENTH SCHEDULE (See section 72). .
LIMITS OF SPEED FOR MOTOR VEHICLES
CLASS OF VEHICLES.

Maximum speed per hour.

1. Passenger vehicles, that is to say, vehicles constructed solely for the carriage of passengers and their effects-
 - (a) if all the wheels are fitted with pneumatic tyres and the vehicle is not drawing a trailer-
 - (i) if the vehicle is a motor cycle, motor car or motor cab.....No limit.
 - (ii) if the vehicle is a public service vehicle other than a motor cab capable of carrying not more than 14 passengers excluding driver 45
 - (iii) if the vehicle is a public service vehicle capable of carrying more than 14 passengers excluding driver. 40;
 - (b) if the vehicle, being a motor car or motor cab, is drawing a two wheeled trailer of a laden weight not exceeding 1700 pounds avoirdupois, and if all the wheels of the vehicles and trailer are fitted with pneumatic tyres.....30
 - (c) any other vehicle, including an invalid carriage.....20
 2. Goods vehicle, that is to say, vehicles constructed or adapted for use or used for the conveyance of goods-
 - (a) if all the wheels are fitted with pneumatic tyres and the vehicle is a delivery van and is not drawing a trailer....No limit.....
 - (b) if all the wheels are fitted with pneumatic tyres and the registered laden weight of the vehicle does not exceed 22,400 pounds avoirdupois and the vehicle is not drawing a trailer....30.....
 - (c) in any other case....15.....
- Tractors-
- (a) if drawing not more than one trailer and all the wheels of the tractor and trailer are fitted with pneumatic tyres....5.....
 - (b) in any other case....6
- Locomotives, whether drawing a trailer or not....6.....

THE EIGHTH SCHEDULE
(See section 76, 78 and 79)
TRAFFIC SIGNS PART A- MANDATORY SIGNS



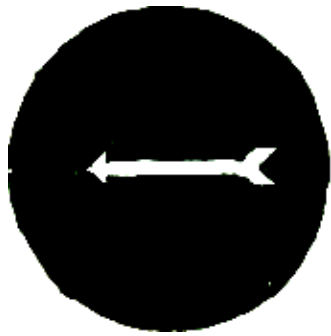
Notes. (1) The figure 20 given merely as an example. The actual figures will be prescribed in each case where this sign is used.
(2) The general design of the Post is given for guidance
(3) Where the speed limit is, or is to be, imposed only on a certain class or classes of motor vehicles the class or classes will be specified on the "definition plate". Where in addition to a general speed limit applicable to other motor vehicles a special speed limit is to be, imposed on vehicles of a certain class or classes the general speed limit will be specified on the disc and the special speed limit together with the class or classes of vehicles to which it applies will be specified on the "definition plate".

THE EIGHTH SCHEDULE CONTD
No. 32 WEIGHT LIMIT



1 AXI&SOVER TO/VS
20fNcH- o 4 Direction Sign

No 3 Total Prohibition
No. 3 A STS



THE EIGHTH SCHEDULE-CONTD.

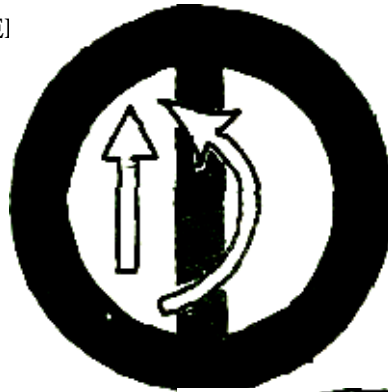
No. 5

No. PARKING

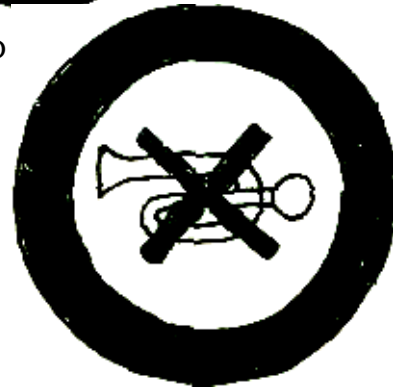


Note,.....Sign No. 5 as here set forth may be amplified by instructions inscribed upon a definition plate placed below it as in the general arrangement set forth in Sign No I of this Part. Upon the definition plate may be set forth the times during which parking is prohibited. In like manner an arrow and inscribed on the difinition plate will indicate that parking is prohibited on that part of the street or road lying to the side of the sign to which the arrow-head points.

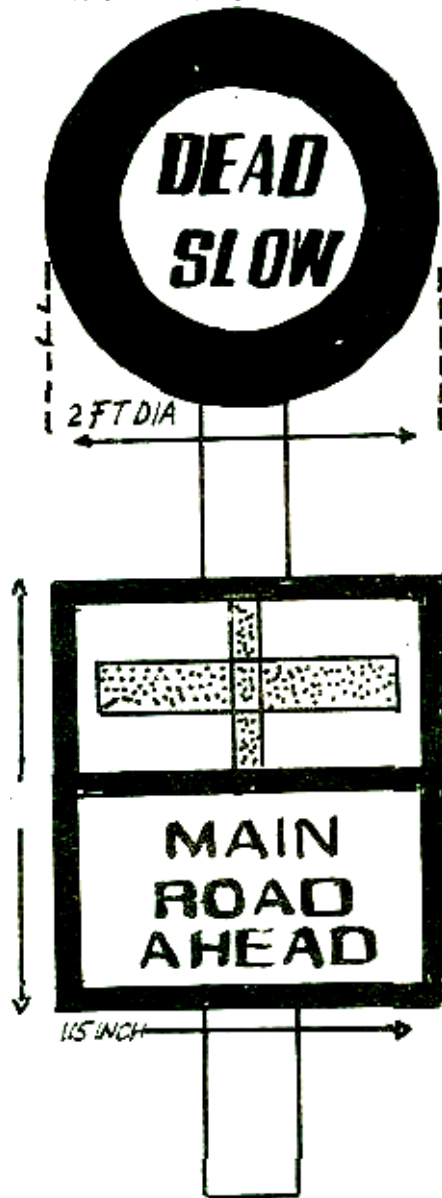
No. 6 OVERTAKING^ PROHIBITE]



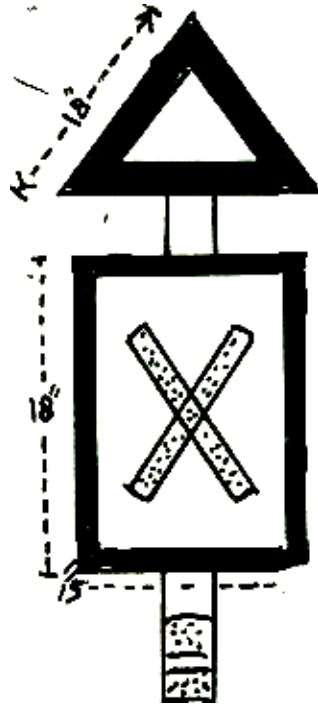
No. 7 USE OF SOUND SIGNAL PROHIBITED



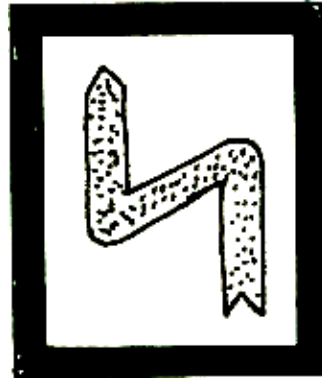
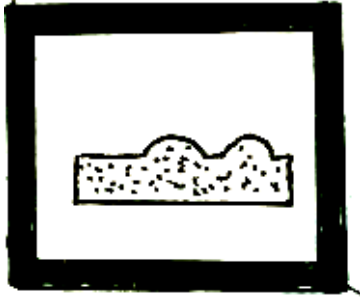
THE EIGHTH SCHEDULE-CONTD.
No 8 MAIN ROAD AHEAD



THE EIGHTH SCHEDULE-CONTD
PART B-CAUTIONARY SIGNS.
GENERAL DESIGN

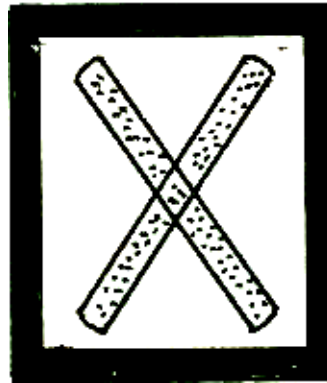


THE EIGHTH SCHEDULE Contd.
No. 1 ROUGH ROAD



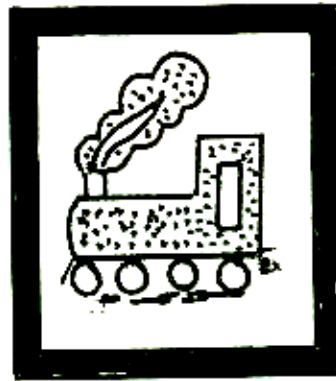
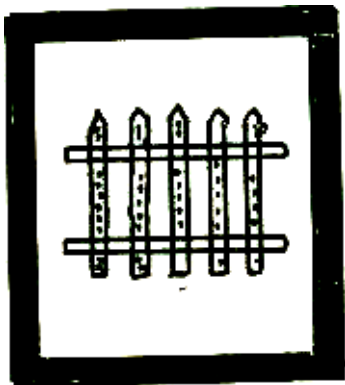
No. 2 ZIG ZAG (LEFT)

No. 2 ZIG-ZAG



No. 3 CROSS ROAD

No 4 LEVEL CROSS GUARDED
No 5 LEVEL CROSS UNGUARDED

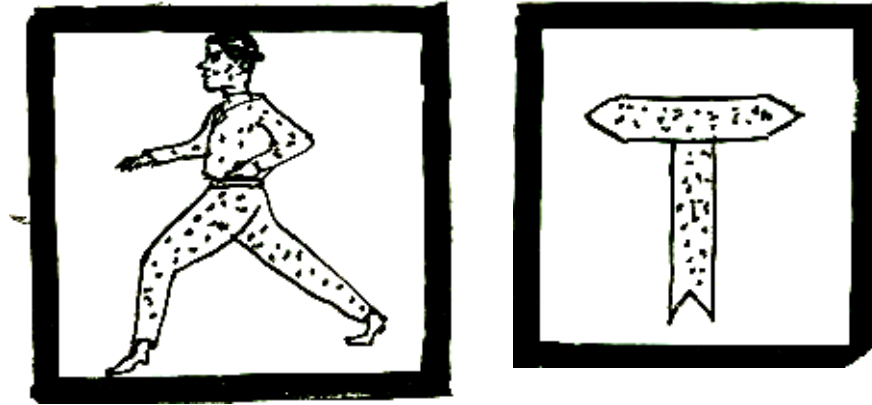


THE EIGHTH SCHEDULE

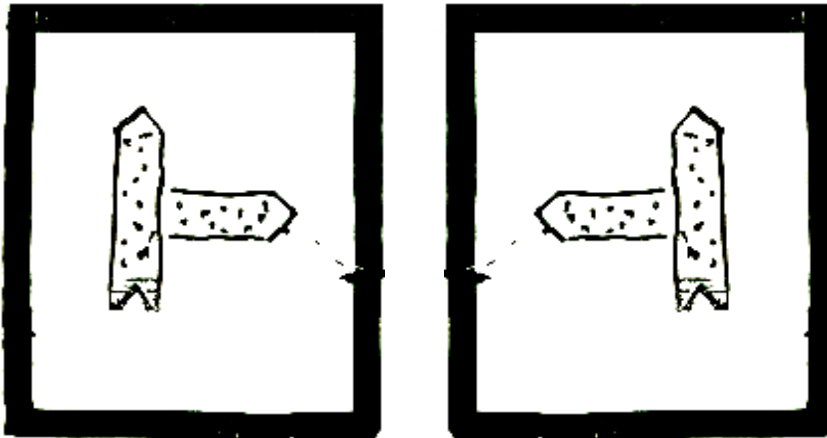
No.6 Contd. No. 6
RIGHT ROAD LEFT TURN
No. y
DEAD END CROSS
ROAD

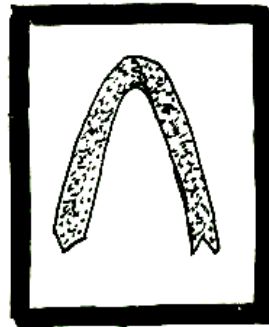
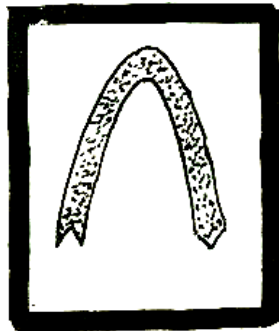
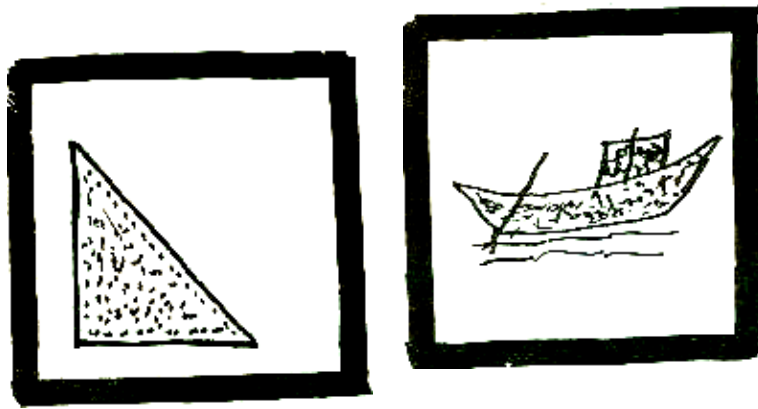
No. 7 SCHOOL

NO 9 SIDE ROAD(RIGHT)

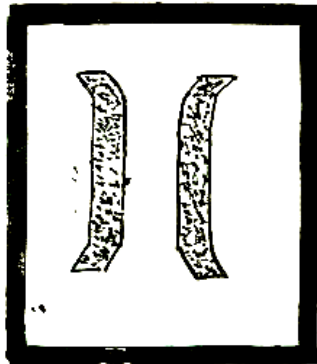


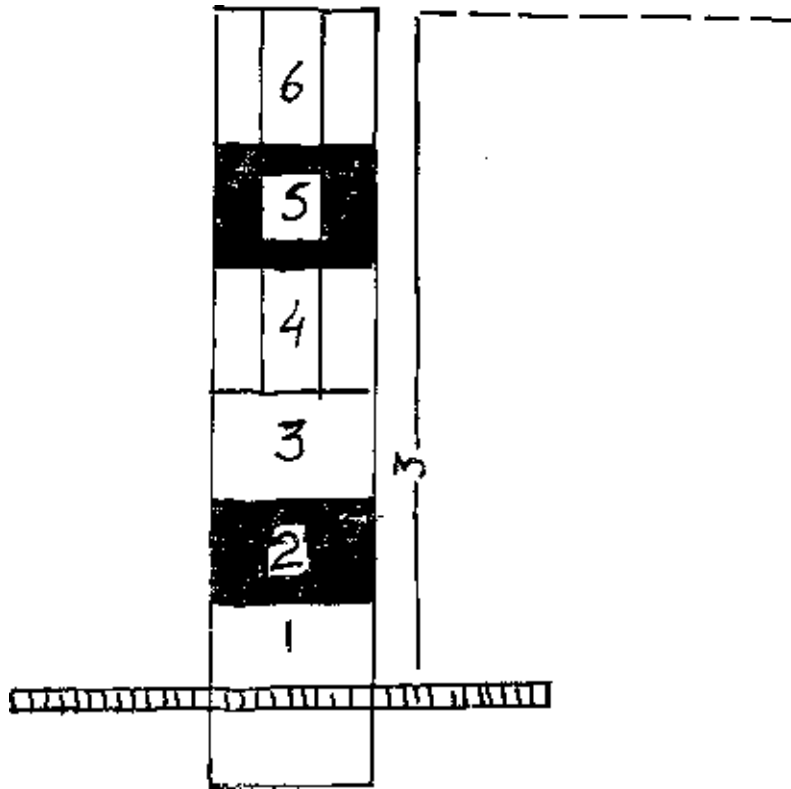
196
THE EIGHTH SCHEDULE Conrd.
No. 1
FLOOD GAUGE
THE EIGHTH SCHEDULE Contd.





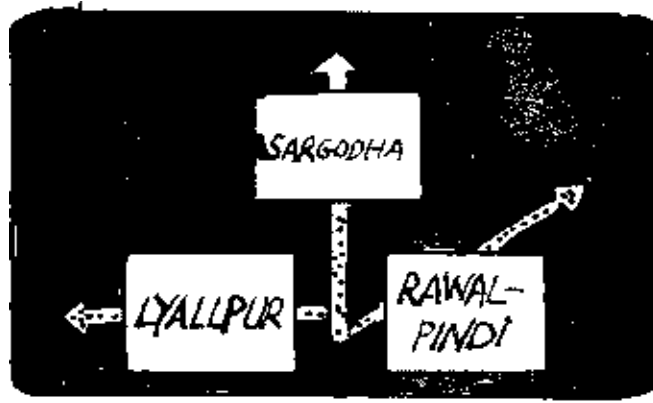
No. 13
NARROW BRIDGE





No. 2 " ROAD JUNCTION APPROACH
No. 4 PARKING SIGN





THE NINTH SCHEDULE
(SEE SECTION 78 AND 79)
DRIVING REGULATIONS

1. The driver of a motor Vehicle shall drive the vehicle as close to the left hand side of the road as may be expedient, and shall allow all traffic which is proceeding in the opposite direction to pass him on his right hand side.

2. Except as provided in regulation 3, the driver of a motor vehicle shall pass to the right of all traffic proceeding in the same direction as himself,

3. The driver of a motor vehicle may pass to the left of a vehicle the driver of which having indicated an intention to turn to the right has drawn to the centre of the road and may pass a tram-car or other vehicle running on fixed rails, whether travelling in the same direction as himself or otherwise, on either side:-

Provided that in no case shall he pass a tram-car, at a time or in the manner likely to cause danger or inconvenience to other users of the road or pass on the left hand side of a tram-car, which, when in motion would be travelling in the same direction as himself, while the tram-car is at rest for the purpose of setting down or taking up passengers.

4. The driver of a motor vehicle shall not pass a vehicle travelling in the same direction as himself-

(a) if his passing is likely to cause inconvenience or danger to other traffic proceeding in any direction; or

(b) where a point or corner or a hill or an obstruction of any kind renders the road ahead not clearly visible.

(5) The driver of a motor- vehicle shall not, when being overtaken or being passed by another vehicle, increase speed or do anything in any way to prevent the other vehicle from passing him.

6. The Driver of a motor vehicle shall slow down when approaching a road intersection, a road corner, and shall not enter any such intersection or Junction until he has become aware that he may do so without endangering the safety of persons

- thereon.
7. The driver of a motor vehicle shall on entering a road intersection if the road entered is a main road, designated as such, given away to the vehicles proceeding along that road and in any other ' case given way to all Traffic approaching the intersection on his right hand.
 8. The driver of a motor vehicle shall, when passing or meeting a Procession or a body of troops or police on the march or when passing workmen engaged or road repair drive at a speed not greater than fifteen miles an hour.
 9. The driver of a motor vehicle shall-
 - (a) when turning to the left, drive as close as may be to the left hand side of the road from which he is making the turn and of the road which he is entering;.
 - (b) when turning to the right, draw as near as may be to the centre of the road along which he is travelling, and cause the vehicle to move in such a manner that-
 - (i) for as may be practicable, if passess beyond, and so as to leave on driver's right hand, a point formed by the intersection of the centre lines of the intersection roads, and
 - (ii) it arrives as near as may be at the left hand side on the road which the driver is entering.

THE TENTH SCHEDULE (See Section 80).

SIGNALS

1. When about to turn to the right or to drive to the right hand side of the road in order to pass another vehicle or for any other purpose, a driver shall extend his right arm in a horizontal position outside of and to the right of his vehicle with the palm of the hand turned to the front ^
2. When about to turn to the left: or to drive to the left hand side of the road, a driver shall extend his right arm and rotate it in an anti-clockwise direction.
3. When about to slow down, a driver shall extend his right arm with the palm downward and to the right of the vehicle and shall move the arm so extended up and down several times in such a manner that the signals can be seen by the driver of any vehicle which may be behind him.
4. When about to stop, a driver shall raise his right forearm vertically out side of and to the right of the vehicle, palm to the front.
5. When a driver wishes to indicate to the driver of a vehicle behind him that he desires that driver to overtake him, he shall extend his right arm and hand horizontally outside of and to the right of the vehicle and shall swing the arm back-wards and forwards in a semi-circular motion.