



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. I st Semester

SUBJECT: LAW OF TORTS

SUBJECT CODE: BAL 106

Name of Faculty: Dr. Aijaj Ahmed Raj

LECTURE 36

TOPIC: MOTOR VEHICLE ACT, 1988- INSURANCE OF MOTOR VEHICLE AGAINST THIRD PARTY RISK, CLAIM TRIBUNALS, OFFENCES, PENALTIES AND PROCEDURE.

SECTIONS

1. Short title, extent and commencement- — (1) This Act may be called the Motor Vehicles Act, 1988. (2) It extends to the whole of India. (3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different State and any reference in this Act to the commencement of this Act shall, in relation to a State, be construed as a reference to the coming into force of this Act in that State.
2. Definitions- In this Act, unless the context otherwise requires, —
 - (1) “area”, in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette;
 - (2) “articulated vehicle” means a motor vehicle to which a semitrailer is attached;
 - (3) “axle weight” means in relation to an axle of a vehicle the total weight transmitted by the several wheels attached to that axle to the surface on which the vehicle rests;

(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 IV.

(9) “driver” includes, in relation to a motor vehicle which is drawn by another motor vehicle, the person who acts as a steersman of the drawn vehicle;

(10) “driving licence” means the licence issued by a competent authority under Chapter II authorising the person specified therein to drive, otherwise than as a learner, a motor vehicle or a motor vehicle of any specified class or description;

(13) “goods” includes live-stock, and anything (other than equipment ordinarily used with the vehicle) carried by a vehicle except living persons, but does not include luggage or personal effects carried in a motor car or in a trailer attached to a motor car or the personal luggage of passengers travelling in the vehicle; road-roller the unladen weight of either of which, exceeds 12,000 kilograms;

(17) “heavy passenger motor vehicle” means any public service vehicle or private service vehicle or educational institution bus or omnibus the gross vehicle weight of any of which, or a motor car the unladen weight of which, exceeds 12,000 kilograms

(28) “motor vehicle” or “vehicle” means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine capacity of not exceeding 1 [twenty-five cubic centimeters];

(30) “owner” means a person in whose name a motor vehicle stands registered, and where such person is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire-purchase, agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;

Exercise:

1. When was Motor Vehicle Act launched?
 - a) 1970
 - b) 1988
 - c) 1978
 - d) 1970

2. What is Motor Vehicle Act concerned with?
 - a) Road safety
 - b) Air safety
 - c) Water safety
 - d) Consumer safety

3. Motor Vehicle Act, 1988 makes the of the motor vehicle compulsory.
 - a) polishing
 - b) insurance
 - c) care taking
 - d) damage

4. What does the insurance company cover?
 - a) Section 146
 - b) Section 147
 - c) Section 148
 - d) Section 149

5. What does Section 95 (1939) cover?
 - a) Insurer's liability
 - b) Third Party Risk

- c) Driver's Fault
- d) Fault Vehicle Parts