

Amendment in the Balochistan, NWFP, Punjab
and Sindh Motor Vehicles Ordinance 1965 and
Section 94 of the Motor Vehicles Act

Report No. 87

AMENDMENT IN THE BALOCHISTAN, NWFP, PUNJAB AND SINDH MOTOR VEHICLES ORDINANCE 1965 AND SECTION 94 OF THE MOTOR VEHICLES ACT 1939

The Law and Justice Commission of Pakistan in an earlier report (Report No. 2) examined certain issues relating to fatal accidents, caused by rash or negligent driving and the resulting agonies suffered by the legal heirs of the deceased victims in recovering compensation or claiming damages from driver, employer or the insurance company, etc. An extract from the Report is reproduce :

It was brought to the notice of the Pakistan Law Commission that the legal heirs of the deceased victim of the accidents were facing considerable difficulty in recovering the amounts of compensation or damages payable to them by drivers, employers or the Insurance Companies under the provisions of the Fatal Accidents Act, 1855, on account of prescription of an ad valorem court fee for such suits and proceedings on the one hand and due to the lengthy procedure followed in the Law Courts in connection with suits and appeals filed by such heirs on the other. The Pakistan Law Commission submitted its First Report to the Federal Government, on the 28th February, 1981, recommending that a uniform court fee of Rs. 15/-, or so, may be prescribed for civil suits and appeals filed for recovery of compensation or damages under the Fatal Accidents Act, 1855, irrespective of the amount of claim involved, either by making a suitable amendment in the Court Fee Act, 1870, which is now a Provincial subject, or by adding a new section to the Fatal Accidents Act, 1855, which is a Federal Statute.

The recommendation of fixing a uniform court fee of Rs. 15/- was later implemented by the Government. The Commission further recommended amendments in :-

1. The Fatal Accidents Act 1855 ;
2. The Insurance Act 1938 ;
3. The Motor Vehicles Act 1939: and
4. The Criminal Procedure Code 1898.

Summary of the recommendations contained in the report were :

1. regarding cases under the Fatal Accident Act 1855, summary procedure may be adopted as laid down in Order XXXVII of the Code of Civil Procedure 1908 in trial of actins or suits under this Act ;
2. in case of motor vehicle involved in a fatal accident the owner shall be restrained to alienate his movable or immovable property for one year to secure payment of damages/cooperation;
3. a policy of Motor Vehicle Insurance should cover liability in respect of death and in respect of bodily injury to the extent in the Schedule ;

4. sentence for driving without obtaining third party insurance risk should be raised from three months to three years rigorous imprisonment with a fine of not less than Rs. 5000.
5. the amount of compensation under section 95 (2) of the Motor Vehicles Act 1939 be raised from rupees 20,000 to 50,000 ; and
6. Schedule Thirteen of the West Pakistan Motor Vehicles Ordinance 1965 be revised and compensation of death be enhanced from rupees 16,000 to 50,000 and other amount therein in respect of injuries etc may also be increased three fold.

Alas, none of these recommendations have been given effect to, despite the lapse of more than twenty years. Therefore, there is a need to review the earlier report (Report No. 2) and suggest reform of the existing motor vehicle laws in the light of present-day requirements.

The existing West Pakistan Motor Vehicles Ordinance 1965 (adopted by the 4 provinces) was promulgated by repealing the following laws:

1. The Motor Vehicle West Pakistan (West Pakistan Amendment) Ordinance 1963;
2. The Motor Vehicles (North West Frontier Amendment) Act 1953 ;
3. The Motor Vehicles (Sindh Amendment) Act 1951 ; and
4. The Motor Vehicles Act 1939, except Chapter VII, VIII and Section 125.

According to data provided by the Pakistan Motor Transport Federation, Lahore, in the province of the Punjab alone, casualties figures caused by accidents are as under :

Year	Death	Injured
2001	411	1156
2002	446	1766
Till June 2003	224	1018

In another media survey report, one person dies every day because of over-speeding, rash/negligent driving and ignorance of traffic rules in the seemingly calm and serene city of Islamabad. The state of affairs in other cities and on the highways can be well imagined.

Under the law, in case of death or injury sustained in accident, compensation is payable under section 67 of the Motor Vehicles Ordinance 1965 ranges from rupees 10,000 to 16000 and under section 95 of the Motor Vehicle Act 1939, this limit is from rupees 2000 to 4000 per passenger. These sections are reproduced below:

Section 67. Compensation for the 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 contract carriage constructed, adapted or used to carry out not more than six passengers including the driver, arising out of the use of such carriage, there shall be paid, if a permit has been granted in respect of that carriage, by the holder

of the permit ; and, if no permit has been so granted, by the owner of the carriage, as compensation the amount specified in the thirteenth schedule.-

(a) in the case of a passenger, to the legal representatives of the deceased passenger, and

(b) in the case of an injury to a passenger, to the injured 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 the Motor Vehicles Act 1939 (IV of 1939)

Section 95 of the Act 1939.

(1) In order to comply with the requirements of this Chapter, a policy of insurance must be a policy which :-

(a) is issued by a person who is an authorized insure or by a cooperative society allowed under section 108 to transact the business of an insurance ; and

(b) insures the person or classes of persons specified in the policy to the extent specified in sub section (2) against any liability which may be incurred by him or then in respect of death of or bodily injury to any person caused by or arising out of the use of the vehicle in a public place in Pakistan.

Provided that...

(a) where the vehicle is a goods vehicle, a limit of twenty thousand rupees in all, the liabilities, if any, arising under the workmen's compensation Act 1923, in respect of death of, or bodily injury to employees other than the driver being carried in the vehicle being limited to six such employees ;

The Schedule prescribes maximum amount of rupees 16,000 in case of death and minimum of rupees 1000 in case of the loss of one or more teeth. It may be relevance to mention that Schedule Thirteenth was revised in 1978, when the compensation amount was fixed to Rs. 16,000/- in case of death and fro injuries as per schedule. There is a need to further rationalize Schedule Thirteenth along with consequential amendment in Section 50 of the Ordinance 1965.

It may be pertinent to mention that the Government of the Punjab has also proposed to revise Schedule XII of the Motor Vehicle Ordinance 1965 to increase compensation in case of death from rupees 16,000 to 1,00,000. In the cases of injuries also, about six-fold increase in the rate of compensation is proposed (Annex 1). The Pakistan Motor Transport Federation, Lahore agreed to the revised Schedule, proposed by the Government of Punjab and asked the Government to implement it. However, they showed their concern that an insurance premium of rupees 200 to 300 can cover compensation risk only upto 2,00,000. which is not sufficient in case of a 58 seater bus or 25-30 seater wagon. The Federation suggested that no route permit be issued without a guarantee upto 1,00,000. in case of bus and 500,000 in case of a wagon. Similarly, in order to ensure prompt imbursement of compensation, a violable procedure be introduced and in this case a bank of guarantee should not be less than rupees 10,000,000.

In a recent statement (Daily Jang, Lahore dated 10 July 2003), The Prime Minister expressed concern over the increasing road accident and loss of human life and asked the Chief Minister of the Punjab to review the motor vehicle laws, being a provincial subject, in order to check road accidents and make motor vehicle owners responsible to pay compensation in cases of road accidents.

There is a dire need to revise and enhance the rates of compensation fixed some quarter of a century ago. The rates proposed by the Government of the Punjab are reasonable and should be followed by all provinces. The existing and proposed rates of compensation are given in the table below:

Comparative table of Existing and Proposed Compensation under Section 67 read with Schedule XIII of the Ordinance 1965

Death or Injury	Existing Amount of Compensation fixed in 1978	Proposed Rates
Death	Rs. 16,000/-	Rs. 100,000/-
Loss of right arm above or at the elbow	Rs. 5,000/-	Rs. 30,000/-
Loss of left arm above or at the elbow	Rs. 4,000/-	Rs. 25,000/-
Loss of right arm below the elbow	Rs. 4,000/-	Rs. 25,000/-
Loss of leg at or above the knee	Rs. 5,000/-	Rs. 25,000/-
Loss of left arm below the elbow	Rs. 3,600/-	Rs. 20,000/-
Loss of leg below the knee	Rs. 5,000/-	Rs. 30,000/-
Loss of both legs	Rs. 10,000/-	Rs. 60,000/-
Permanent loss of hearing	Rs. 5,000/-	Rs. 30,000/-
Loss of one eye	Rs. 6,000/-	Rs. 36,000/-
Loss of both eyes	Rs. 10,000/-	Rs. 60,000/-
Loss of thumb	Rs. 3,200/-	Rs. 20,000/-
Loss of all toes of one foot	Rs. 4,000/-	Rs. 25,000/-
Loss of index finger	Rs. 3,200/-	Rs. 20,000/-
Loss of great toe	Rs. 3,000/-	Rs. 20,000/-
Loss of any finger other than index finger	Rs. 3,000/-	Rs. 20,000/-
Permanent disfiguration of the face or head	Rs. 4,000/-	Rs. 25,000/-
Fracture or dislocation of bone	Rs. 3,000/-	Rs. 20,000/-

Emasculation	Rs. 4,000/-	Rs. 25,000/-
Loss of one or more teeth	Rs. 1,000/-	Rs. 6,000/-
Any injury which endangers life or which causes the sufferer to be, during the space of twenty days, severe bodily pains or to renders him unable to follow his ordinary pursuits.	Rs. 2,000/-	Rs. 12,000/-
Medical expenses for an injury not specified in this schedule actual expenses, certified by medical officer N.B Maximum compensation payable for more than one injury shall be limited to. or	Rs. 10,000/-	Rs. 60,000/-
Note. May be revised according to scale prescribed in Islam ref Qisas and Diyat Ordinance		

As compared to section 67 of the Ordinance 1965 which provides a simple and inexpensive remedy to receive compensation, section 94 and 95 of the Act 1939 provide a different, and to some extent, technical procedure, involving civil litigation. The relevant provisions are as under:-

Section 94

No person shall use except as a passenger cause or allow any other person to use a motor in a public place, unless there is in force in relation to the vehicle by that person or that other person, as the case may be, a policy of insurance complying with requirements of this chapter.

Section 95

(1)...

(a) where the vehicle is a goods vehicle, a limit of twenty thousand rupees in all, the liabilities, if any, arising under the Workmen's Compensation Act 1923, in respect of death of, or bodily injury to employees other than the driver being carried in the vehicle being limited to six such employees;

(b) where the vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment, in respect of persons other than passengers carried for hire or reward, a limit of twenty thousand rupees ; and in respect of passengers a limit of twenty thousand rupees in all, and four thousand rupees in respect of an individual passenger, if the vehicle is registered to carry not more than six passengers excluding the driver or tow thousand rupees in respect of an individual

passenger, if the vehicle is registered to carry more than six passengers excluding the driver ;

(c) where the vehicle is a vehicle of any other class the amount of the liability incurred.

The scale of compensation of rupees twenty thousand in aggregate an rupees four thousand, two thousand in individual cases as prescribed in clauses (a) and (b) of section 95 was fixed in the year 1939 which are highly insufficient today and needs to be revised. It is, therefore, suggested that:-

1. aggregate amount of rupees twenty thousands in clauses (a) and (b) of section 95 may be enhanced to rupees six hundred thousand if the vehicles is registered to carry not more than six passengers, and a vehicle which is registered to carry more than six passengers insurance shall not be less than one hundred thousand rupees per passenger; and sub clauses (a) and (b) of section 95 of the Act 1939 may be amended accordingly.

A driving licence is essential to rive a vehicle. It is issued to eligible and trained persons who are physically/mentally fit and familiar with traffic rules and symbols. Unfortunately, numerous vehicles are being driven either without licence or by the juveniles. It happens because he punishment prescribed for driving without licence or by juvenile is inadequate. Sections 3, 4 & 5 of he Ordinance 1965 prohibit driving without licence and by juveniles as follows:

Section 3.

Prohibition on driving without licence:- (1) No person shall drive a motor vehicle in any public place unless he holds an effective licence authorizing him to drive the vehicle; and no person shall so drive a motor vehicle a paid employee or shall so drive a public service vehicle unless his licence specifically entitles him so to do.

(2)...

Section 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) ...
- (iv) ...

Section 5.

Owners of Motor Vehicles not to permit contravention of sections 3 or section 4. No owner or person incharge of a Moor Vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or Section 4 to drive the vehicle.

Contraventions of the above provisions are subject to the following fines/penalties.

Nature of Offence	Under Ordinance 1965					Under Ordinance 2000
	Balochistan	NWFP	Sindh	Punjab	Federal Capital	National Highway
Driving without licence	100	300	300	300	500	750
Juvenile	100	150	350	300	500	300

As is obvious, the fines prescribed are inadequate to serve as deterrent. It is therefore proposed that the above mentioned amount of fines be increased to rupees 1000 for all provinces.

Similarly, provisions relating to driving without insurance coverage needs to be reviewed. The Third Party insurance certificate required under section 94 of the Act 1939 is very important document which gives valuable rights of compensation. A person driving vehicle without insurance coverage is subject to payment of a negligible fine shown as under:-

Nature of Offence	Under Ordinance 1965					Under Ordinance 2000
	Balochistan	NWFP	Sindh	Punjab	Federal Capital	National Highway
Driving without licence	-	50	50	-	100	1000

It is, therefore, proposed that amounts of fine under Ordinance 1965 be increased to rupees 500 and made applicable to all provinces and the Federal Capital.

It is further proposed that the fines prescribed in sections 97, 99, 101, 106, 112 were fixed in 1965, which need to be rationalized as proposed in column 4 of the table below:

1	2	3	4
Nature of Offence	Imprisonment	Fine	Proposed Increase
97. Driving Being disqualified, obtaining new licence without disclosing disqualification	6 months	500	1000

if vehicle is transport vehicle	2 years	1000	2000
97-A [in Sindh] Fabricating registration plate	2 years	Fine	This provision may also be made applicable in
under section 25	2 years		Balochistan, NWFP, Punjab and Federal Capital
98. to excessive speed 98(1) (2)	- -	100-500 200-500	
99. Driving recklessly or dangerously if transport vehicle	6 months 1 year	500 1000	1000 2000
99 (2) Subsequent offence Transport vehicle	2 years 4 years	1000 1000	5000
100 Driving under influence of drug Subsequent offence	6 months 2 years	1000 1000	2000 5000
101 Mentally or physically unfit Subsequent offence	- -	200 500	1000 5000
103 Racing or trial speed	6 months	1000	2000
104 using vehicle in unsafe condition Subsequent offence	1 month 6 month	500 1000	1000 5000
106 using vehicle without permit Subsequent offence	6 month 2 years	500 1000	1000 5000
112 General Provision where no fine penalty is		100	500

prescribed			
Subsequent offence		500	2000
115 using vehicle without registration	Detention of vehicle		

Rule 99 and 101 of the Motor Vehicle Rules 1969 provide the duties of drivers and conductor of public service vehicle and conduct/responsibilities of passengers in stage carriage as under:

Rule 99. Duties of drivers and conductors of public service vehicles.

--The driver and the conductor of a public service vehicle: -

- i) shall, as far as may be reasonably possible having regard to his duties, be responsible for the due observance of the provisions of the Ordinance and of these rules and of any conditions of the permit relation to the vehicle;
- ii) shall not smoke in or on a vehicle during a journey or when it has passengers on boards;
- iii) shall behave in a civil and orderly manner to passengers and intending passengers;
- iv) shall be cleanly dressed in such a manner as the Regional Transport Authority may specify;
- v) shall maintain the vehicle in a clean and sanitary condition;
- vi) shall not interfere with person mounting or preparing to mount upon any other vehicle;
- vii) shall not allow any person to be carried in any public service vehicle in excess of the seating capacity specified in the certificate, of registration of the vehicle, and any additional number permitted under the terms of the permit to be carried standing in the vehicle;
- viii) shall not solicit customer save in a civil or quiet manner;
- ix) shall not willfully deceive or refuse to inform any passenger or intending passenger as to the destination or route of the vehicle or as to the fare for any journey;
- x) shall not, save for good and sufficient reason, refuse to carry any person tendering the legal fare;
- xi) shall, where goods are carried on the vehicle in addition to passengers take all reasonable precautions to ensure that passengers are not endangered or unduly inconvenienced by the presence of the goods;
- xii) shall not, save for good and sufficient reasons, require any person who has paid the legal fare to alight from the vehicle before the conclusion of the journey;

- xiii) shall not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be in accordance with the time-table pertaining to the vehicle or where there is no such time-table, with all reasonable dispatch;
- xiv) shall, in the event of a stage carriage being unable to proceed to its destination on account of mechanical breakdown or other cause beyond the control of the driver or the conductor, arranger to convey the passengers to their destination in some other similar vehicle, or, if unable so to arrange within a period of half an hour after the failure of the vehicle, shall on demand refund to each passenger a proper proportion of the fare relation to the completion of the journey for which the passenger has paid the fare;
- xv) shall not , in the case of a stage carriage, cause or allow anything to be placed in the vehicle in such a manner as to obstruct the entry or exit of passengers;
- xvi) shall when using a stand, pay the fees fixed under sub-rule (5) of Rule 253 and comply with any relevant condition subject to which the place is authorized as a stand; and
- xvii) shall take due care for the safe carriage of luggage belonging to the passengers,

101. Conduct of passenger in stage carriages. – if at any time a passenger in a stage carriage: -

- i) behaves in a disorderly manner; or
- ii) behaves in a manner likely to cause annoyance of any female passenger; or
- iii) uses abusive language; or
- iv) molests any other passenger; or
- v) smokes, when smoking is prohibited, or when the vehicle is being re-fuelled; or
- vi) spits; or
- vii) obstructs the conductor in the execution of his duties; or
- viii) is unable to pay the fare; or
- ix) refuses to pay the fare or travels without a valid ticket; or
- x) interferes without due cause with the conductor or driver of the vehicle; or
- xi) refuses to show any ticket on demand by any authorized person, or surrender any ticket held by him in completing of the journey or which it was issued; or
- xii) uses or attempts to use any ticket which has been altered or defaced or (in the case of ticket bearing an indication that it is not transferable) issued to an other person; or
- xiii) is reasonably suspected to be suffering from any contagious or infectious disease; or

- xiv) commits or abets any offence under the Ordinance, the driver and conductor, if any, may require such passenger to alight from vehicle forthwith and may stop the vehicle and keep it standing until the passenger has alighted. Such passenger shall not be entitled the refund of any fare which he may have paid, and any passenger failing to comply forthwith with such a requirement may be forcibly removed by the conductor or the driver and shall be guilty of an offence.

It has often been observed that these rules are not strictly followed by the vehicles plying on local route. Misbehaviour with passenger over loading, over charging, etc are common complaints. Generally passengers do not file complaints and those who do hardly get redress. For violation of these rules, section 112 of the Ordinance 1965 prescribed penalty of rupee 100 and rupee 500 in case of subsequent violation.

The violation of rule 99 of the Motor Vehicles Rules 1969 may be made punishable offences specially mentioned at S.No. (iii) (ix) (x) of Rule 98.

Administrative measures:

Road Safety the main object of Motor Vehicle gas generally been ignored which can also be ensure by implementing the following administrative measures: -

1. in view of increasing load on the roads, roads may be windend and properly maintained;
2. in places of congestion overhead bridges be constructed;
3. for pedestrians proper foot paths with safety grills be provided;
4. an ancillary supporting force under the local authority to be known as "Traffic Wardens" be appointed to discharge in aid of police certain functions normally undertaken by the police in connection with the control of offence i.e. lifting of vehicles left haphazardly on road or other public place, to act as parking attendants at street parking place, school crossing patrols and to help in control of traffic connected with adjacent localities;
5. computerized system of traffic signals and detection of over speeding be introduced;
6. introduction of "ticket system" presently introduced in certain notified areas be made applicable throughout the country to minimize burden on court
7. Traffic Safety Rules may be given wide publicity to make people law conscious in national language.

A

Bill

to amend the Punjab Motor Vehicles Ordinance, 1965

WHEREAS it is expedient further to amend the Punjab Motor Vehicles Ordinance, 1965 (West Pakistan Ordinance, XIX of 1965) for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. **Short title and commencement:** _ (1) This Act may be called the Punjab Motor Vehicles (Amendment) Act 2003.
(2) It shall come into force at once.
2. **Amendment of Section 50, Ordinance XIX of 1965.** - In the Punjab Motor Vehicle Ordinance, 1965 (W.P. Ordinance XIX of 1965) hereinafter referred to the said Ordinance, in section 50, in sub section (1), in clause (a) for the word "eight" the word "thirty" shall be substituted.
3. **Amendment of Section 97, Ordinance XIX of 1965.** - In the aforesaid Ordinance, in section 97, for the words "five hundred" the words "one thousand" and for the words "one thousand" the words "two thousand" shall be substituted.
4. **Insertion of Section 97 A, Ordinance XIX of 1965.** - In the said Ordinance, after section 97 the following new section shall be inserted, namely;
"97A Penalty for fabrication of registration plate. - Whoever, fabricates or counterfeits a registration plate in contravention of Section-25 shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both."
5. **Amendment of Section 99, Ordinance XIX of 1965.** - In the said Ordinance, in section 99. -
 - i. in sub section (1), for the words "five hundred" the words "one thousand" and for the words "one thousand" the words "two thousand" shall be substituted.
 - ii. In sub section for the words "one thousand" occurring twice the words "five thousand" shall be substituted.
6. **Amendment of Section 100, Ordinance XIX of 1965.** - In the said Ordinance, in section 100 for the words "one thousand" occurring for the first time the words "two thousand" and for the words "one thousand" occurring second time the words "five thousand" shall be substituted.
7. **Amendment of Section 101, Ordinance XIX of 1965.** - In the said Ordinance, in section 101 for the words "two hundred" the words "one thousand" and for the word "five hundred" the words "five thousand" shall be substituted.
8. **Amendment of Section 103, Ordinance XIX of 1965.** - In the said Ordinance, in section 103 for the words "one thousand" the words "two thousand" shall be substituted.

9. **Amendment of Section 104, Ordinance XIX 1965.** - In the said Ordinance, in section 104 for the words “five hundred” the words “one thousand” and for the words “one thousand” the words “five thousand” shall be substituted.
10. **Amendment of Section 106, Ordinance XIX of 1965.** - In the said Ordinance, in section 106 for the words “five hundred” the words “one thousand” and for the words “one thousand” the word “five thousand” shall be substituted.
11. **Amendment of Section 112, Ordinance XIX of 1965.** - In the said Ordinance, in section 112 for the words “one hundred” the words “five hundred” and for the words “five hundred” the word “two thousand” shall be substituted
12. **Amendment of the twelfth Schedule, Ordinance XIX of 1965.** - In the said Ordinance, in twelfth Schedule: -
 - a. Against Code No.12, in column (3) for the figure “100” the figure “500” and in column (4) for the figure “300” the figure “1000” shall be substituted.
 - b. Against Code No. 15, in column (3), for the figure “200” the figure “500” and in column (4), for the figure “300” the figure “1000” shall be substituted.
13. **Substitution of the thirteenth Schedule, Ordinance XIX of 1965.** – In the aforesaid Ordinance, for the thirteenth Schedule, the following shall be substituted, namely:

The Thirteenth Schedule

Scale of Compensation Payable on Injury to a Passenger in a Stage carriage or contract carriage

S.NO	Death or Injury	Proposed Rates
1.	Death	Rs. 100,000
2.	Loss of right arm above or at the elbow	Rs. 30,000
3.	Loss of left arm above or at the elbow	Rs. 25,000
4.	Loss of right arm below the elbow	Rs. 25,000
5.	Loss of leg at or above the knee	Rs. 25,000
6.	Loss of left arm below the elbow	Rs. 20,000
7.	Loss of leg below the knee	Rs. 30,000
8.	Loss of both less	Rs. 60,000
9.	Permanent loss of hearing	Rs. 30,000
10.	Loss of one eye	Rs. 36,000
11.	Loss of both eyes	Rs. 60,000
12.	Loss of thumb	Rs. 20,000

13.	Loss of all toes of one foot	Rs. 25,000
14.	Loss of index finger	Rs. 20,000
15.	Loss of great toe	Rs. 20,000
16.	Loss of any finger other than index finger	Rs. 20,000
17.	Permanent disfiguration of the face or head	Rs. 25,000
18.	Fracture or dislocation of bone	Rs. 20,000
19.	Emasculatation	Rs. 25,000
20.	Loss of one or more teeth	Rs. 6,000
21.	Any injury which endangers life or which causes the sufferer to be, during the space of twenty days, severe bodily pains or to render him unable to follow his ordinary pursuits	Rs. 12,000
22.	Medical expenses for an injury not specified in this schedule actual expenses certified by Medical Officer N.B. Maximum compensation payable for more than one injury shall be limited to	Rs. 60,000

A
Bill

to amend the Motor Vehicles Act, 1939

WHEREAS It is expedient further to amend the Motor Vehicles Act, 1939 for the purpose hereinafter appearing: -

It is hereby enacted as follows;

1. **Short title and commencement.** – (1) This Act may be called the Motor Vehicles Act, 1939.

(2) It shall come into force at once.

2. **Amendment of Section 95 Act, IV of 1939.** – In the Motor Vehicle Act 1939 (Act IV of 1939) in Section 95, in Sub-section (2),-

- a) in clause (a) for the words “twenty thousand” the words “six hundred thousand” shall be substituted.
- b) In clause (b) for the words “twenty thousand” occurring twice the words “six thousand” and for the words “four thousand” and “two thousand “ the words “one hundred thousand“ shall be substituted.

Commission’s deliberation on 10.06.2006

The working paper was considered by the Commission in its meeting held on 10.6.2006 and the following are the deliberations:-

The Commission considered the Provincial Motor Vehicles Act and the amount of compensation prescribed therein for the death or hurt caused by an accident. The Chairman expressed that existing amount of compensation for the loss of life in accident as Rupees ten thousand is a meager amount which may be as nearly as possible to the amount of Diyat according to circumstance of the case. Mr. Justice Qazi Muhammad Farooq expressed that the compensation under Section 67 of the Ordinance for the loss of limb or hurt in accident under the Act may also be as nearly as the amount of Arsh prescribed for hurt in the PPC. The Commission observed that most of the accidents on the roads happen because of attending mobile phone calls or watching T.V etc by the drivers which diverts their attention from the safe driving therefore, the Commission resolved that these may be made an offence under the Act punishable with the fine of Rs. Two Thousands. For driving of vehicle without insurance the present fine of rupees two thousands may be enhanced to Rupees Five Thousands. Fine for driving without licence and by the juvenile differently prescribed in four provinces may be enhanced to Rupees one thousand.

After thorough deliberations, the Commission approved the working paper and in particular the following enhancement of fine to various offences under the Act.

1	2	3	4
Nature of offence	Imprisonment	Fine existing	Proposed Increase
97 Driving being disqualified, obtaining new licence without disclosing disqualification	6 month	500	1000
If vehicle is a transport vehicle	2 years	1000	2000
97-A [in Sindh] Fabricating registration plate Under Section 25	2 years or 2 years	Fine	This provision may also be made applicable in Balochistan, NWFP, Punjab and Federal Capital
98. to excessive speed 98(1) (2)	- -	100-500 200-500	
9. driving recklessly or dangerously if transport vehicle	6 months 1 year	500 1000	1000 2000
99(2) Subsequent offence Transport Vehicle	2 years 4 years	1000 1000	5000
100 Driving under influence of drug subsequent offence	6 months 2 years	1000 1000	2000 5000
101 Mentally or physically unfit subsequent offence	- -	200 500	1000 5000
103 racing or trial speed	6 months	1000	1000
104 Using vehicle in unsafe condition	1 month 6 months	500 1000	1000 5000
106 using vehicle without permit subsequent offence	6 months 2 years	500 1000	1000 5000
112 General Provision where no fine penalty is prescribed subsequent offence		100 500	500 2000