

ASSAM ACT III OF 1948.

THE ASSAM NEW MOTOR CARS (CONTROL OF COMMERCIAL SALES) ACT, 1948.

(Passed by the Assembly)

[Received the assent of the Governor on the 29th March, 1948.]

[Published in the Assam Gazette, Extraordinary of the 31st March, 1948.]

An

Act to provide for control of commercial sales of new motor Cars imported into Assam.

Preamble. WHEREAS it is expedient to provide for control of commercial sales of new motor cars imported into Assam :

It is hereby enacted as follows :—

Short title, extent, commencement and duration.

- 1. (1) This Act may be called the Assam New Motor Cars (Control of Commercial Sales) Act, 1948.
- (2) It extends to the whole of Assam.
- (3) It shall come into force with effect from 1st April 1948 and shall continue in force until the 31st day of March, 1949.

Definitions.

- 2. In this Act, unless there is anything repugnant in the subject or context—
 - (a) "dealer" means any person whose business includes the sale of new motor cars imported into Assam ;
 - (b) "new motor car" includes every unused motor car as defined in the Motor Vehicles Act, 1939, which is in the possession or under the control of a dealer for the purposes of sale in the ordinary course of trade to the members of the public ;

Act IV of 1939.

Provided that a motor car imported by a dealer for the purposes of commercial sale shall be deemed to be new notwithstanding that it has been used by the dealer for the purposes of demonstration to intending purchasers ;

(c) "Provincial Motor Transport Controller" means the Officer for the time being holding the post of the Provincial Motor Transport Controller and includes any other officer authorised by the Provincial Government to perform any of the functions of the Provincial Motor Transport Controller under this Act ; and

Price 1 anna or 1 d.

(d) Reference to sale and purchase and expressions cognate thereto shall be deemed to include references—

- (i) to agreements to sell or purchase a new motor car; and
- (ii) to every obligation or act relating to any contract or sale which is undertaken or performed by either party to the transaction.

Restriction on sale and purchase.

3. (1) No dealer shall sell or otherwise dispose of, and no person shall purchase or otherwise acquire, a new motor car except under and in accordance with a sale order and any directions and conditions therein contained, issued in respect thereof by the Provincial Motor Transport Controller.

(2) A sale order issued under sub-section (1) shall specify the name of the person to whom the sale is permitted:

Provided that when it is found to the satisfaction of the Provincial Motor Transport Controller that the motor car in question has remained unsold after having been displayed in the dealer's show room or otherwise offered for sale for a continuous period of not less than five weeks the Provincial Motor Transport Controller may issue a sale order without specifying the name of any purchaser.

Restriction on registration.

4. A new motor car shall not be registered by any Registering Authority acting under the Motor Vehicles Act, 1939, in respect of which no Sale Order has been issued by the Provincial Motor Transport Controller and a new motor car sold under a Sale Order issued in favour of a particular person shall not be registered in the name of any person other than the person specified as the purchaser in the Sale Order. Act IV of 1939.

Control over prices.

5. The Provincial Government may, by notification in the official Gazette, fix the maximum retail price of every new motor car to which this Act relates, and no dealer shall sell or offer for sale and no person shall purchase or offer to purchase any new motor car at a price exceeding the price fixed in relation thereto under the provisions of this section.

Accessories and fittings to accompany cars.

6. A new motor car shall be sold with all accessories and fittings included in the specifications provided by the manufacturers or agents by whom it was supplied as well as such other accessories and fittings as are ordinarily supplied with new cars in accordance with the custom of the trade.

Control over resale price.

7. No person who has acquired a new motor car from a dealer under a Sale Order issued under section 3 shall transfer and move such motor car from this province within a period of one year from the date of acquisition without written permission from the Provincial Motor Transport Controller or sell at a price exceeding that fixed in respect of such motor car under the provisions of section 5. Every person who has acquired a new motor car under

a Sale Order shall comply with any instruction that the Provincial Motor Transport Controller may from time to time issue and furnish all information relating to the car as may be required by the Provincial Motor Transport Controller.

Dealers or sub-dealers to furnish particulars of place of business.

8. No dealer who has not intimated the Provincial Motor Transport Controller full particulars of his place or places of business and the makes and types of new motor cars in which he deals as well as the business territory assigned to him in respect of each such make or type on or before the 30th April 1947 shall be allowed to sell new motor cars without approval of their appointment as such by the Provincial Motor Transport Controller.

Information relating to availability of motor cars for sale.

9. (1) Every dealer to whom new motor cars have been made available by an importer or otherwise for the purposes of sale shall immediately inform the Provincial Motor Transport Controller of the fact, and shall furnish full particulars of the make and type of such motor cars, their approximate date of delivery, and all other information relevant to such new motor cars as may be required by the Provincial Motor Transport Controller.

(2) Every dealer shall furnish by the 7th day of each month to the Provincial Motor Transport Controller an account of the sales by him of new motor cars during the previous month.

(3) Every dealer shall keep such other records and furnish such other returns in relation to new motor cars as the Provincial Motor Transport Controller may from time to time by general or special order require.

Display of list of cars for sale and their prices.

10. Every dealer shall exhibit prominently at his business premises a list showing particulars (including the retail price fixed under section 5) of every new motor car available for sale and such list shall be corrected from time to time to bring it in accord with existing conditions.

Power to inspect records.

11. The Provincial Motor Transport Controller or an officer duly authorised by him may enter the business premises of any dealer and require such dealer or sub-dealer to produce for inspection all records relating to new motor cars maintained by him, and to submit for inspection all new motor cars in his possession.

Refusal to sell.

12. No dealer shall refuse to sell or deliver on tender of the proper price a new car to any person holding a Sale Order from the Provincial Motor Transport Controller specifying such person as the purchaser of such motor car.

Power to frame rules.

13. The Provincial Government may make rules for the purpose of carrying out all or any of the provisions of this Act.

Validity of sale orders already issued.

14. All Sale Orders issued by an appropriate authority under the Assam New Motor Cars (Control of Commercial Sales) Act, 1947, shall be deemed to have been issued by an appropriate authority under the relevant provisions of this Act. Assam Act IV of 1947.

Penalties.

15. (1) Any person who contravenes any provision of this Act shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) An attempt to commit a breach of any provision of this Act and any abetment of such breach shall be punishable as if such act were a contravention of the provisions of this Act.