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strictly confined within the four corners of the power conferred by it and if section 14(1) does not in terms, whether express or by necessary intendment, justify a notification for reserving land for common purposes without consolidating holdings, this Court, in my opinion; is competent and, indeed under a duty, to strike down a notification which seeks to reserve land for common purposes under this section. Such a notification would obviously be outside the statute and, therefore, ineffective.

For the foregoing reasons, this petition succeeds and allowing the same, we set aside and quash the impugned notification. In the circumstances of the case, there would be no order as to costs.

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B. R. T.

CIVIL MISCELLANEOUS

*Before Inder Dev Dua and R. S. Narula, JJ.*

OM PARKASH,—*Petitioner*  
*versus*

THE STATE OF PUNJAB AND ANOTHER,—*Respondents*

Civil Writ No. 1317 of 1965.

March 10th, 1966

*Motor Vehicles Act (IV of 1939)—S. 21-F(1)—Words “previous conduct”—Whether relate to the conduct prior to the conduct in respect of which action is taken—S. 21-G—When applicable—Interpretation of Statutes—Dictionary Meaning—Whether must be adhered to.*

*Held*, that the words “previous conduct” in section 21-F(1) of the Motor Vehicles Act, 1939 refer to the conduct previous to the opinion which culminates in the order of the licensing authority or the Regional Transport Authority under section 21-F(1) disqualifying the holder of a conductor’s licence for holding or obtaining such a licence. It is difficult to postulate the position that the first instance of improper conduct or misconduct should be outside the jurisdiction of the departmental authority and should be punishable only by the Court. Under section 21-G the court has merely been given the additional power of disqualifying the person convicted by it for an offence under the Act and not for merely disqualifying such a person for an improper conduct or a misconduct as contemplated by section 21-F(1). The less serious lapses on the part of a

holder of a conductor's licence have been appropriately left to the departmental authorities and it is only the more serious conduct amounting to an offence under the Act which is to be tried by the Court. The analogy of first conviction and second conviction known to criminal jurisprudence is also inapt.

*Held*, that it is an important index of a mature and developed jurisprudence not to make a fortress out of the dictionary, though, of course, normally, the words in their ordinary meaning convey *prima facie* legislative intent. Statutes, it may be kept in view, always have some purpose or object to accomplish, whose sympathetic discovery is largely a safer guide to their meaning.

*Case referred by the Hon'ble Mr. Justice Dua to a larger Bench on 13th August, 1965, for decision of the important questions of law involved in the case and the case was finally decided by a division Bench consisting of the Hon'ble Mr. Justice Dua and the Hon'ble Mr. Justice R. S. Narula on 10th March, 1966.*

*Petition under Articles 226 and 227 of the Constitution of India, praying that a writ of certiorari, mandamus or any other appropriate writ, order or direction be issued quashing the order of the Regional Transport Authority.*

L. K. SUD, ADVOCATE, for the Petitioner.

M. R. SHARMA, ADVOCATE, FOR THE ADVOCATE-GENERAL, for the Respondents.

DUA, J.—We are called upon in this writ petition to construe section 21-F(1) of the Motor Vehicles Act, IV of 1939 (hereinafter called the Act) which reads as under:—

“21-F. Power of licensing authority and Regional Transport Authority to disqualify—(1) If any licensing authority or any Regional Transport Authority constituted under Chapter IV is of opinion that it is necessary to disqualify the holder of a conductor's licence of holding or obtaining such a licence on account of his previous conduct as a conductor, it may for reasons to be recorded, make an order disqualifying that person for a specified period, not exceeding one year, for holding or obtaining a conductor's licence.”

In the case in hand, the allegations against the petitioner Om Parkash were that Shri Lachhman Singh Lambardar had boarded

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bus No. PNJ-5146 along with his niece at Nawanshahr for Longroya on 24th October, 1963 and paid 0.40 nP., by way of fare against 0.36 nP. due from both the passengers. The conductor returned to Lachhman Singh 0.05 nP., and demanded 0.01 nP., in return. The complainant went away to get the change to meet this demand but the bus started and Lachhman Singh was left behind. Though two tickets had been purchased by Lachhman Singh, one for him and the other for his niece, the conductor charged a second time fare from the lady. It was this conduct of the conductor on the basis of which action was taken against him. Om Parkash was present before the Regional Transport Authority when the enquiry was held and he explained that Lachhman Singh was a man of quarrelsome habits and indeed, he denied any discussion in regard to the return of 0.01 nP. The M. M. P. S. I., who enquired into the allegation had reported the same to be established. On this material, holding that the conductor had acted in a most irresponsible manner and his action was most unreasonable when a lady passenger was involved, it was decided to disqualify him for a period of two months for holding a conductor's licence. Challenging this order in the present proceedings, it has been argued before us by the petitioner's learned counsel that the words "his previous conduct as a conductor" in section 21-F(1) mean that there should be an improper conduct or a misconduct, as the petitioner's counsel puts it, prior to the conduct for which action is taken in section 21-F(1). He has sought some support from the language used in section 15 of the Act in clause (c) of sub-section (1) of which the expression "his previous conduct as driver" has been used. Section 15, so far as relevant for understanding the argument of the learned counsel for the petitioner, reads thus:—

"15. *Power of licensing authority to disqualify for holding a driving licence.*—(1) If a licensing authority is satisfied after giving him an opportunity of being heard that any person—

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(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 driving licence."

I am unable to understand how this provision helps the petitioner's learned counsel in his argument that in section 21-F(1) the previous conduct must be prior to the conduct on the basis of which action has been taken. Reference has also been made to section 21-G of the Act which provides that where any person holding a conductor's licence is convicted of an offence under this Act, the Court by which such person is convicted may, in addition to imposing any other punishment authorised by law, declare the person so convicted to be disqualified for such period as the Court may specify for holding a conductor's licence. According to the learned counsel, the first instance of improper conduct or misconduct must be dealt with by the Court under section 21-G and the Regional Transport Authority has no jurisdiction to deal with it. It is the second instance of such improper conduct or misconduct which the Regional Transport Authority is empowered to deal with. I must again confess my inability to agree with this contention. Section 21-G does not by any stretch support this submission. The counsel has then drawn our attention to section 112 which contains general provision for punishment of offences and provides that whoever contravenes any provision of this Act or of any rule made thereunder shall, if no other penalty is provided for the offence, be punishable with fine which may extend to Rs. 100, or, if having been previously convicted of any offence under this Act he is again convicted of an offence under the same, with fine which may extend to Rs. 300. This section too seems to me wholly irrelevant for the purpose of throwing any light on the meaning of the expression "his previous conduct as a conductor" as used in section 21-F(1).

So far I have been able to understand the argument of the learned counsel, it is that the conduct on account of which action can be taken under section 21-F(1), must be prior in time to the conduct which provides an occasion for the Regional Transport Authority to take action against the conductor concerned. It is argued that if this were not the position, then it was unnecessary to qualify the conduct with the word "previous" and it would serve the purpose by providing improper conduct or misconduct to be the basis for action by way of disqualification under section 21-F(1). The learned counsel, however, does not go to the length of submitting that the first instance of improper conduct or misconduct must always be excused or ignored, but he certainly urges that the first instance of improper conduct or misconduct can be taken cognizance

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of only by the Court and not by the licensing authority or the Regional Transport Authority under section 21-F(1). As at present advised, I have not been able to persuade myself to uphold this contention.

In my opinion, the words "previous conduct" seem to refer to the conduct previous to the opinion which culminates in the order of the licensing authority or the Regional Transport Authority under section 21-F(1) disqualifying the holder of a conductor's licence for holding or obtaining such a licence. This seems to me to be the plain meaning of the language used in section 21-F(1) and also seems to me to be supported by commonsense. It is difficult to postulate the position that the first instance of improper conduct or misconduct should be outside the jurisdiction of the departmental authority and should be punishable only by the Court. It is extremely doubtful if all types of improper conduct, particularly like the conduct which concerns us in this case, would be punishable by the Court. In any case under section 21-G, the Court has merely been given the additional power of disqualifying the person convicted by it for an offence under the Act and not for merely disqualifying such a person for an improper conduct or a misconduct as contemplated by section 21-F(1). The less serious lapses on the part of a holder of a conductor's licence have, in my opinion, been appropriately left to the departmental authorities and it is only the more serious conduct amounting to an offence under the Act which is to be tried by the Court. The analogy of first conviction and second conviction known to criminal jurisprudence is also inapt. I am, therefore, inclined, as at present advised, to repel the petitioner's contention. Even if the language used were in its literal import also capable of the meaning urged by the petitioner's counsel, I would have felt hesitant to adopt it for the reasons already stated. It is an important index of a mature and developed jurisprudence not to make a fortress out of the dictionary, though, of course, normally, the words, in their ordinary meaning convey *prima facie* legislative intent. Statutes, it may be kept in view, always have some purpose, or object to accomplish, whose sympathetic discovery is largely a safer guide to their meaning.

I may before concluding appropriately point out that in this case the petitioner had actually preferred an appeal from the impugned order under section 21-F(4) of the Act, but it was pleaded in the writ petition that the Appellate Authority had relinquished

his charge about six weeks prior to the date when the petitioner approached this Court, and no one had, during this period, been functioning as the Appellate Authority. On the petitioner having approached the revisional authority, the said authority declined to entertain the revision on the ground that nothing could be done till the Appellate Authority was reconstituted. The petitioner's licence having been suspended for two months, the petitioner complained that unless this Court granted him the requisite relief by staying the operation of the order till his appeal could be heard, he would be seriously prejudiced in his prosecution of the appeal. The petitioner's appeal is accordingly still lying undisposed of. This situation, I cannot help observing is destructive of the Rule of law and the citizens who are denied justice as a result of absence of Appellate Authority are likely to lose faith in the sense of justice in our democratic set-up. This lapse on the part of those whose duty it is to make the appointment, smacks of irresponsible despotism, scarcely consistent with a rational, developed and civilised democracy with justice, fairplay and equality as its watchwords. I am impelled by the circumstances of this case to repeat what I have said in another case, that high-sounding principles and guarantees enshrined in a Constitution do not by themselves make the administrative set-up or the people democratic. It is the manner in which those principles and guarantees are worked in day-to-day life which matters, and, to this end, what is needed is essentially the democratic temper and the democratic way of life. To promote the democratic way of life as also the democratic temper, is the bounden duty and the sacred privilege of every citizen; whatever his station in life, but at this stage of our development by far the greater responsibility is that of the State officials, and ideally, of the State organs to imbibe the democratic temper, which pervades our Constitution, in discharging their duties towards the people. It is indeed a duty we all owe to our republican constitution, to ourselves and to our progeny.

In the result and as a result of the above discussion, this writ petition fails and is dismissed with costs. The petitioners appeal, if lying undisposed of, will have to be disposed of on its own merits.

R. S. NARULA, J.—I agree.

B.R.T.