RNI No. MAHBIL /2009/31733



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार--अ

वर्ष ६, अंक ७२] गुरुवार, डिसेंबर ३, २०२०/अग्रहायण १२, शके १९४२ [पृष्ठे ५, किंमत : रुपये १५.००

असाधारण क्रमांक १११

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमांन्वये तयार केलेले

(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

गृह विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मंत्रालय, मुंबई ४०० ०३२, दिनांक ३ डिसेंबर २०२०.

अधिसूचना

मोटार वाहन अधिनियम, १९८८.

क्रमांक एमव्हीआर ०६१७/प्र.क्र.३२१/परि २.—मोटार वाहन अधिनियम, १९८८ (१९८८ चा ५९) चे कलम ६५ च्या पोट-कलम (२) चे खंड (घ) व (त) व कलम २११ याद्वारे प्रदान करण्यात आलेल्या अधिकारांचा आणि याबाबतीत त्यास समर्थ करणा-या इतर सर्व अधिकारांचा वापर करून, महाराष्ट्र शासनाने महाराष्ट्र मोटार वाहन नियम, १९८९ यात आणखी सुधारणा करण्यासाठी पुढील नियम करण्याचे योजिले आहे. याद्वारे उक्त अधिनियमाच्या कलम २१२ च्या पोट-कलम (१) अन्वये आवश्यक असल्याप्रमाणे यामुळे बाधा पोहोचण्यासाठी शक्यता असलेल्या सर्व व्यक्तींच्या माहितीसाठी याद्वारे प्रसिद्ध करण्यात येत आहे आणि याद्वारे अशी सूचना देण्यात येत आहे की, ज्या दिनांकास या अधिसूचनेचा मसुदा **शासन राजपत्रात** प्रसिद्ध करण्यात येईल त्या दिनांकापासून तीस दिवसांनंतर, प्रस्तावित प्रारुप नियम महाराष्ट्र शासनाकडून विचारात घेईल :-

२. उपरोक्त तारखेपूर्वी उक्त मसुद्याच्या संबंधात कोणत्याही व्यक्तीकडून ज्या कोणत्याही हरकती किंवा सूचना परिवहन आयुक्त, महाराष्ट्र राज्य, एमटीएनएल बिलिंडंग, फौउंटन-२, ५ वा मजला, महात्मा गांधी रोड, हुतात्मा चौक, मुंबई- ४०० ००१, यांच्याकडे प्राप्त येतील, त्यावर शासन विचार करील.

प्रारुप नियम

१. या नियमांना महाराष्ट्र मोटार वाहन (दुसरी सुधारणा) नियम, २०२० असे संबोधण्यात येईल.

२. महाराष्ट्र मोटार वाहन नियम, १९८९ मधील नियम ५४-अ मधील उप नियम (३) याकरिता खालीलप्रमाणे उप नियम प्रतिस्थापित करण्यात येईल :-

''(३) नोंदणी प्राधिकारी, खालील तक्यात विनिर्दिष्ट केल्याप्रमाणे फी प्रदान केल्यावर, नोंदणी चिन्हामधून, मोटार वाहनांच्या मालकासाठी त्यांच्या पसंतीचे नोंदणी चिन्ह राखून ठेवील :-

भाग चार-अ-१११-१

तक्ता

अ.क्र. (१)	नोंदणी क्रमांक (२)	शुल (३	
		दुचाकी व तीनचाकी आणि परिवहन वाहने यांच्या व्यतिरिक्त	दुचाकी व तीनचाकी आणि परिवहन वाहने
१	०००१	*4,00,000	१,००,०००
२	०००९, ००९९, ०७८६, ०९९९, ९९९९.	2,40,000	40,000
ş	०१११,०२२२,०३३३,०४४४,०५५५,०६६६,०७७७,०८८८,११११, २२२२,३३३३,४४४४,५५५५,६६६६,७७७७,८८८८.	१,००,०००	२५,०००
8	०००२,०००३,०००४,०००५,०००६,०००७,०००८,००१०,००११, ००२२,००३३,००४४,००५५,००६६,००७७,०१००,०१२३,०२३४, ०३४५,०४५६,०५००,०५०५,०५६७,०६७८,०७८९,०९००,१०००, १००१,१२३४,१५१५,१८१८,२३४५,२५२५,२७२७,३४५६,३६३६, ४५४५,४५६७,५०००,५४५४,५६७८,६३६३,६७८९,७००७, ७२७२, ८१८१,९०००,९००९,९०९०.	60,000	१५,०० ०
4	 aadd, aka and an and a stress and stress and a stress and a stress and a stress and a stress and	24,000	6,000

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, डिसेंबर ३, २०२०/अग्रहायण १२, शके १९४२

(१)	(२)	(३)	
Ę	मालिकेतील शेवटच्या अनुक्रमांकापासून १००० पेक्षा अधिक असलेल्या कोणत्याही क्रमांकासाठी अतिरिक्त आकारणी.	१५,०००	६,०००
9	बिगर अनुक्रमांक असलेल्या म्हणजेच १००० पर्यंतचा जंपीग क्रमांक असलेल्या कोणत्याही क्रमांकासाठी अतिरिक्त आकारणी.	१०,०००	4,000

(* मुंबई शहर, मुंबई उपनगर, ठाणे, रायगड, पुणे, औरंगाबाद, नागपूर, कोल्हापूर, नाशिक या जिल्ह्यांमधील नोंदणी प्राधिका-याच्या अधिकारीतेत – रु.६,००,०००).".

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

प्रकाश साबळे, शासनाचे उप सचिव. ş

HOME DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya, Mumbai 400 032, dated the 3rd December 2020.

NOTIFICATION

MOTOR VEHICLES ACT, 1988.

No.MVR0617/C.R.321/TR-2.—The following draft of the rules further to amend the Maharashtra Motor Vehicles Rules, 1989, which the Government of Maharashtra proposes to make in exercise of the powers conferred by clause (*d*) and (*p*) of sub-section (2) of section 65 and section 211 of the Motor Vehicles Act, 1988 (59 of 1988), and of all other powers enabling it in this behalf, is hereby published, as required by sub-section (1) of section 212 of the said Act, for the information of all persons likely to be affected thereby ; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after 30 days from the date on which the draft Notification is published in the *Official Gazette*.

2. Any objections or suggestions which may be received by the Transport Commissioner, Maharashtra State, MTNL Building, Fountain-2, 5th floor, Mahatma Gandhi Road, Hutatma Chowk Mumbai 400 001, from any person with respect of the said draft, before the aforesaid date, will be considered by the Government.

Draft Rules

1. These rules may be called the Maharashtra Motor Vehicles (Second Amendment) Rules, 2020.

2. In rule 54-A of the Maharashtra Motor Vehicles Rules, 1989, for sub-rule (3) the following sub-rule shall be substituted namely :-

"(3) The registering authority shall reserve a registration mark to the owner of a motor vehicles of his choice form amongst the registration mark on payment of fees as specified in the Table below, namely :-

Sr. No. (1)	Registration Marks (2)	Fees (3)		
		Other than two and three wheelers and transport vehicles	Two and three Wheelers and transport vehicles	
1	0001	*5,00,000	1,00,000	
2	0009,0099,0786,0999,9999.	2,50,000	50,000	
3	0111,0222,0333,0444,0555,0666,0777,0888,1111, 2222,3333,4444,5555,6666,7777,8888.	1,00,000	25,000	
4	0002,0003,0004,0005,0006,0007,0008,0010,0011, 0022,0033,0044,0055,0066,0077,0100,0123,0234, 0345,0456,0500,0505,0567,0678,0789,0900,1000, 1001,1234,1515,1818,2345,2525,2727,3456,3636, 4545,4567,5000,5454,5678,6363,6789,7007,7272, 8181,9000,9009,9090.	70,000	15,000	

Table

महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, डिसेंबर ३, २०२०/अग्रहायण १२, शके १९४२

(1)	(2)	(3	3)
5	0088,0101,0200,0202,030,0303,0400,0404,0600, 0606,0700,0707,0800,0808,0909,1010,1011,1100, 1112,1200,1212,1213,1221,1300,1313,1314,1331, 1400,1414,1415,1500,1516,1600,1616,1617,1700, 1717,1718,1800,1819,1900,1919,1920,2000,2002, 2020,2021,2100,2121,2122,2200,2223,2300,2323, 2324,2400,2424,2425,2500,2526,2600,2626,2627, 2700,2728,2800,2828,2829,2900,2929,2930,3000, 3003,303,3031,3100,3131,3132,3200,3232,3233, 3300,3334,3400,3434,3435,3500,3535,3536,3600, 3637,3700,3737,3738,3800,3838,3839,3900,3939, 3940,4000,4004,4040,4041,4100,4141,4142,4200, 4242,4243,4300,4343,4344,4400,4445,4500,4546, 4600,4646,4647,4700,4747,4748,4800,4848,4849, 4900,4949,4950,5005,5050,5051,5100,5151,5152, 5200,5252,5253,5300,5353,5400,5455,5500,5556, 5600,5656,5657,5700,5757,5758,5800,5858,5859, 5900,5959,5960,5995,6000,6060,6061,6100,6161, 6162,6200,6262,6263,6300,6364,6400,6464,6465, 6500,6565,6566,6600,6667,6700,6767,6768,6800, 6888,6869,6900,6969,6970,7000,7070,7071,7080, 7100,7171,7172,7200,7273,7300,7373,7374,7400, 7474,7475,7500,7575,7576,7600,7676,7677,7700, 7778,7800,7878,7879,7900,7979,8000,8008,8080, 8081,8100,8182,8200,8282,8283,8300,8383,8384, </th <th>25,000</th> <th>7,000</th>	25,000	7,000
6.	Additional Charge for any number, more than 1000 from the last serial number.	15,000	6,000
7.	Additional charge for any number which is a non- serial number i.e. jumping number up to 1000.	10,000	5,000

*(In case of jurisdiction of Registration Authorities in Mumbai City, Mumbai Suburban, Thane, Raigad, Pune, Aurangabad, Nagpur, Kolhapur, Nashik Districts – Rs.6,00,000).".

By order and in the name of the Governor of Maharashtra,

PRAKASH SABALE, Deputy Secretary to Government.

ON BEHALF OF GOVERNMENT PRINTING, STATIONERY AND PUBLICATION, PRINTED AND PUBLISHED BY DIRECTOR, RUPENDRA DINESH MORE, PRINTED AT GOVERNMENT CENTRAL PRESS, 21-A, NETAJI SUBHASH ROAD, CHARNI ROAD, MUMBAI 400 004 AND PUBLISHED AT DIRECTORATE OF GOVERNMENT PRINTING, STATIONERY AND PUBLICATIONS, 21-A, NETAJI SUBHASH ROAD, CHARNI ROAD, MUMBAI 400 004. EDITOR : DIRECTOR, RUPENDRA DINESH MORE.

4



महाराष्ट्र शासन

गृह (परिवहन) विभाग,

मंत्रालय, (मुख्य इमारत) 2 रा मजला, मादाम कामा मार्ग,

हतात्मा राजगुरु चौक, मंत्रालय, मुंबई 400 032.

 दूरध्वनी क्र.022-22029959
 E mail ID- home_transport2@maharashtra.gov.in

 क्र.डब्ल्यूपी-0221/प्र.क्र.11/परि-2
 दिनांक 09.03.2022

 प्रति,
 परिवहन आयुक्त,

 महाराष्ट्र राज्य, मुंबई.
 मंबई.

विषय - Motor Vehicle Aggregators Rules, 2022.

उपरोक्त विषयाच्या अनुषंगाने कळविण्यात येते की, मा.उच्च न्यायालयाने आदेशित केल्याप्रमाणे आपल्या कार्यालयाकडून Maharashtra Regulation of the Aggregators Rules, 2021 अस्तित्वात येण्यापूर्वी तात्पुरत्या स्वरुपात ॲप बेस वाहनांसाठी परवानगी देण्याच्या अनुषंगाने सक्षम प्राधिकारी व अपिलिय प्राधिकारी (Competent Authority and Appellate Authority) घोषित करावयाच्या अनुषंगाने निर्गमित करावयाच्या प्रारुप नियमाच्या अधिसूचनेचा मसुदा शासनाच्या मान्यतेस्तव सादर करण्यात आला होता.

२. सदर प्रारुप नियम अधिसूचनेच्या मसुदयास शासनाची मान्यता प्राप्त झाली असून प्रारुप नियम अधिसूचना विधी व न्याय विभागाकडून तपासून देण्यासाठी सादर करण्यात आली होती. विधी व न्याय विभागाने इंग्रजी प्रारुप नियम अधिसूचनेत सुधारणा व मराठी प्रारुप सुध्दा राजपत्रातून प्रसिध्द करण्याबाबत सूचित केले आहे.

सबब, अधिसूचनेची मराठी व इंग्रजी प्रत पुढील आवश्यक त्या कार्यवाहीस्तव सोबत पाठविण्यात येत आहे.

सोबत- अधिसूचनेची मराठी व इग्रंजीतील प्रत.

(भि.ओं.ठाकूर) कक्ष अधिकारी, गृह (परिवहन) विभाग

प्रत- अतिरिक्त आयुक्त/उप आयुक्त (अंमल-1) परिवहन आयुक्त कार्यालय यांना सदरची अधिसूचना सर्व प्रादेशिक/उप प्रादेशिक परिवहन अधिकारी यांच्या निदर्शनास आणण्याच्या निर्देशासह अग्रेषित.

F:\Backup 08.12.20\Aggregator\Aggregator Policy 2021\Note.Docx 91

E

महाराष्ट्र शासन

गृह (परिवहन) विभाग,

मंत्रालय, (मुख्य इमारत) 2 रा मजला, मादाम कामा मार्ग, ह्तात्मा राजगुरु चौक, मंत्रालय, मुंबई 400 032.

द्रध्वनी क्र.022-22029959 क्र.डब्ल्यूपी-0221/प्र.क्र.11/परि-2

दिनांक 09.03.2022

E mail ID- home_transport2@maharashtra.gov.in

प्रति.

मा.व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नी रोड, मुंबई.

विषय - Motor Vehicle Aggregators Rules, 2022. .

मा.उच्च न्यायालयाचे निर्देशास अनुसरुन तात्पुरत्या स्वरुपात ॲप बेस वाहनांसाठी परवानगी देण्याच्या अनुषंगाने सक्षम प्राधिकारी व अपिलिय प्राधिकारी (Competent Authority and Appellate Authority) घोषित करावयाच्या अनुषंगाने निर्ममित Motor Vehicle Aggregators Rules, 2022. च्या अधिसूचनेची इंग्रजी प्रत सोबत पाठवित आहे.

सदर अधिसूचना शासन राजपत्र असाधारण भाग चार-अ मध्ये प्रसिध्द करुन अधिसूचनेच्या 250 प्रती या विभागास तात्काळ छापून द्याव्यात, ही विनंती.

सहपत्र-वरीलप्रमाणे 200 00 03 8.40 pm

(राजेंद्र होळकर) शासनाचे सह सचिव सह सचिव, गृह विभाग, गंत्रालय, मुंबई-३२.

F:\Backup 08.12.20\Aggregator\Aggregator Policy 2021\Note.Docx 85

प्रमुख मुद्रितलोधक (अ) करिता शासकीय मन्मवत्ती मुद्र**कालय** चर्नारोड, मुंबई ४०० ००४

NOTIFICATION

Home Department Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya, Mumbai 400 032. Dated – 9th March, 2022.

Motor Vehicles Act, 1988 No.WP-0221/C.R.11/TR2 – Whereas, the Hon'ble High Court of Judicature at Bombay, vide its order dated the 7th March 2022, in Public Interest Litigation (L) No. 9775 of 2020, directed the State Government to issue notification to empower Regional Transport Authority in the State of Maharashtra to act as the Licencing Authority for grant of licence to aggregator under sub-section (1) of section 93 of the Motor Vehicles Act, 1988 (59 of 1988) and the State Transport Appellate Tribunal as Appellate Authority for the purposes of section 89 of the said Act;

And whereas, the Government of Maharashtra considers it expedient to empower the Regional Transport Authority as Competent Authority for grant of licence under subsection (1) of section 93 of the said Act and the State Transport Appellate Tribunal as Appellate Authority for the said purpose;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 93 of the Motor Vehicles Act, 1988, the Government of Maharashtra hereby empowers all the Regional Transport Authority in the State of Maharashtra as Competent Authority and the State Transport Appellate Tribunal as Appellate Authority for the purposes of issuing license to an aggregator under sub-section (1) of section 93 of the said Act, subject to the following conditions:

- (i) An aggregator shall apply for license on or before the 16th March 2022.
- (ii) If an aggregator does not apply for license on or before the said date or the application is rejected by the competent authority, an aggregator shall not be permitted to carry on operation in the State of Maharashtra till such time an appropriate license is obtained by the aggregator.

By order and in the name of the Governor of Maharashtra,

RMHIM

(R. M. Holkar) Joint Secretary to Government. Joint Secretary, Home Dept, FABackup Martinzery and Automatical Construction of the Construction of



अधिसूचना

गृह विभाग, मंत्रालय, २ रा मजला, मादाम कामा मार्ग, हुतात्मा राजगुरुचौक,मुंबई-४०००३२. दि. ०९ मार्च, २०२२

क्र. डब्ल्युपी-०२२१/प्र.क्र.११/परि-२- ज्याअर्थी जनहित याचिका (एल) क्र. ९७७५/२०२० मध्ये मा. उच्च न्यायालयाने दिनांक ०७.०३.२०२२ रोजी मोटार वाहन अधिनियम, १९८८ (१९८८ चा ५९) च्या कलम ९३ च्या उपकलम (१) नुसार राज्यातील प्रादेशिक परिवहन प्राधिकरण यांना समुच्चयकांना अनुज्ञप्ती जारी करण्यासाठी अनुज्ञप्ती प्राधिकारी म्हणून व कलम ८९ च्या प्रयोजनाकरीता राज्य परिवहन अपीलीय न्यायाधिकरण यांना अपिलीय प्राधिकारी म्हणून प्राधिकृत करण्याबाबत अधिसूचना जारी करावी म्हणून राज्य शासनास निर्देश दिले आहेत.

आणि ज्याअर्थी, महाराष्ट्र शासनास कलम ९३ च्या पोट कलम (१) अन्वये अनुज्ञप्ती जारी करण्यासाठी सक्षम प्राधिकारी म्हणून प्रादेशिक परिवहन प्राधिकरण यांस व राज्य परिवहन अपिलीय न्यायाधिकरण यांना अपिलीय प्राधिकारी करणे उचित वाटत आहे,

त्याअर्थी आता, मोटार वाहन अधिनियम, १९८८ च्या कलम ९३ च्या पोटकलम (१) अंतर्गत प्रदान केलेल्या अधिकारांचा वापर करुन महाराष्ट्र शासन याद्वारे राज्यातील सर्व प्रादेशिक परिवहन प्राधिकरण यांना समुच्चयकांना अनुज्ञप्ती जारी करण्यासाठी सक्षम प्राधिकारी म्हणून आणि कलम ९३ च्या पोटकलम (१) अन्वये राज्य परिवहन अपिलीय न्यायाधिकरण (The State Transport Appellate Tribunal) यांना अपिलीय प्राधिकारी म्हणून खालील शर्तींच्या अधिन राहून प्राधिकृत करण्यात येत आहे:-

- (i) समुच्चयक यांना अनुज्ञप्तीसाठी दिनांक १६ मार्च, २०२२ पर्यंत अथवा त्यापूर्वी अर्ज करणे आवश्यक असेल.
- (ii) जर समुच्चयकाने उक्त दिनांकापर्यंत अथवा त्यापूर्वी अर्ज केला नसेल किंवा अर्ज सक्षम प्राधिकाराने नाकारला असेल तर अशा समुच्चयकास महाराष्ट्र राज्यात जोपर्यंत तो उचित अनुज्ञप्ती प्राप्त करणार नाही तोपर्यंत पुढील संचलन करता येणार नाही.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(राजेंद्र होळकर) (राजेंद्र होळकर) शा**सना**चे **सहसिविय,** गृह विभाग,

मोटार वाहन नियम, १९८८



THE BOMBAY MOTOR VEHICLES **(TAXATION OF PASSENGERS) RULES, 1958**

G.N., H.D., No. TPR. 1058-XII, dated 23rd September, 1958 (B.G., Pt. IV-B, p. 986)

Amended by G.N., H.D., No. TRP. 1059-XII, dated 8th July, 1959(B.G. Pt. IV-B, p. 879)

Amended by G.N., H.D., No. TPA. 1162/87586-XII, dated 11th August, 1967 (M.G., Pt. IV-B, p. 2101).

Amended by G.N. No. MTA 1070(a) XIIC dated 27.4.1973 M.G.G. IV-B p. 726.

Amended by G.N.H.D. D.M.T.A. 3885/16/TRA 3, M.G.G. IV-B, dated 12.1.1989, p. 65.

In exercise of the powers conferred by section 22 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958), the Government of Bombay hereby makes the following rules, namely :-

1. Short title and commencement - (1) These rules may be called the Bombay Motor Vehicles (Taxation of Passengers) Rules, 1958.

(2) They shall come into force on the 15th October, 1958.

2. Definitions - In these rules, unless the context otherwise requires,-

- (a) "Act" means the Bombay Motor Vehicles (Taxation of Passengers) Act. 1958:
- (b) "agent" means a person authorised by the operator with the approval of the Tax Officer to act as his agent for all or any of the purposes of these rules;
- (c) "Form" means a Form appended to these rules:
- (d) "Government treasury" in relation to the areas where there is no treasury or sub-treasury, means the State Bank of India or the Reserve Bank of India:
- (e) "Section" means a section of the Act:
- "week" means every consecutive period of seven days commencing (f) on the first day of the month, and includes a period less than seven days ending on the last day of that month.

3. Officers to receive returns - An Inspector of Motor Vehicles and a Police Officer of or above the rank of a Sub-Inspector shall be the officers to receive returns under section 4.

4. Submission of returns - (1) Every fleet owner shall deliver or cause to be delivered to the '[Transport Commissioner], Bombay, or to such officer as he may specify in this behalf under sub-section (1) of section 4 a monthly return in Form I in respect of all the stage carriages held by him under a permit.

(2) Every other operator shall deliver or cause to be delivered to the Regional Transport Officer or the Assistant Regional Transport Officer within whose jurisdiction such operator is residing or is having his place of business or to such officer as the Regional Transport Officer or, as the case may be, the Assistant Regional Transport Officer may specify in this behalf -

1. Subs by G.N. of 27.4.1973.

1512 Bom. Motor Vehicles (Taxation of Passengers) Rules, 1958

- (a) a daily return in Form II in respect of every stage carriage authorised to be used exclusively as contract carriage under a permit;
- (b) a weekly return in Form III in respect of every other stage carriage held under a permit;
- (c) a monthly return in Form IV in respect of all the stage carriages held under a permit.

5. Manner of delivering returns - (1) Every return under rule 4 shall be delivered or cause to be delivered by registered post, by hand delivery or by posting it under certificate of posting.

(2) Every return received by the officer under sub-rule (1) or sub-rule (2) of rule 4 shall be forwarded by registered post to the '[Transport Commissioner] or, as the case may be, the Regional Transport Officer or Assistant Regional Transport Officer within forty-eight hours of its receipt.

6. Time limit for delivering returns - (1) Every monthly return in Form I shall be delivered or cause to be delivered before the end of the month immediately succeeding the month to which the return relates.

(2) Every daily return in Form II shall be delivered or cause to be delivered on the day immediately following the day to which the return relates.

(3) Every weekly return in Form III shall be delivered or cause to be delivered within two days of the expiry of the week to which the return relates.

(4) Every monthly return in Form IV shall be delivered or cause to be delivered not later than the seventh day of the month immediately following the month to which the return relates.

7. Submission of receipt evidencing payment of tax - The receipt evidencing payment of tax payable during any month in accordance with the returns submitted under Section 4 shall, in the case of a fleet owner, be forwarded to the officer authorised to receive returns under sub-rule (1) of rule 4 so as to reach him on or before the last day of the month immediately succeeding such month, and in the case of any other operator, shall be forwarded to the officer authorised to receive returns under subrule (2) of that rule on or before the 10th day of such month.

²[7A. Refund of excess payment - (1) Subject to the provision of subrule (2), a Tax Officer shall *suo motu* or on an application by an operator in Form IV-A order the refund of the amount of tax and penalty (if any) paid by, or recovered from, the operator in excess of the amount due from him

in that behalf. The refund order shall be made in Form IV-B.

(2) No refund order under sub-rule (1) shall be made unless the Tax Officer is satisfied (regard being had to the record of the case or the application) that the refund of the tax and penalty (if any) is due to the operator.]

8. Notice in cases referred to in Section 6 - Before determining the sum payable to the State Government in the cases referred to in Section 6, the Tax Officer shall serve a notice in Form V on the operator and shall fix a date (not being earlier than seven days from the date of receipt of such notice) for the production of such accounts and documents as the Tax Officer may require and for considering the objections, if any, of the operator to the demand.

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Sub. by G.N. of 27.4.1973.
 Ins. by G.N. of 11.8.1959.

Bom. Motor Vehicles (Taxation of Passengers) Rules, 1958 1513

9. Notice of demand - The notice of demand to be issued under subsection (1) of Section 9 shall be in Form VI.

10. Manner of serving notice of demand - (1) A notice of demand under the Act shall be served by any of the following methods, namely :-

- (a) by delivery or tender of a copy of the notice to the addressee or his agent or any other person duly authorised to receive notice on his behalf;
- (b) by post under a certificate of posting :

Provided that if upon an attempt having been made to serve any such notice by any of the abovementioned methods, the Tax Officer is satisfied that the addressee is keeping out of the way for the purpose of avoiding service, or that, for any other reason the notice cannot be served by any of the abovementioned methods, the Tax Officer may direct that the notice shall be served by affixing a copy thereof on some conspicuous part of the addressee's place of business or garage or of the building in which his place of business or garage is located, or where the addressee ordinarily resides, or on some conspicuous part of any place of residence or place of business or garage last notified by the addressee, and such service shall be as effective as if it had been served on the addressee personally.

(2) Where an officer serving notice (hereinafter in this rule referred to as the "serving officer") delivers or tenders a copy of the notice to the addressee personally or to his agent or any other person duly authorised to receive notice on his behalf, the serving officer shall require the addressee or any other person to whom the copy is so delivered or tendered to put his signature on an acknowledgement of service endorsed on the original notice and the addressee or such person shall comply with such requirement. When the notice is served affixing a copy thereof in accordance with the proviso to sub-rule (1), the serving officer shall return the original to the Tax Officer who issued the notice with a report endorsed thereon or annexed thereto stating that he so affixed the copy, the circumstances under which he did so and the name and address of the person, of any, by whom the place of business or garage of the addressee, or the building in which his place of business or garage is or was located, or the place where the addressee ordinarily resides or resided was identified and in whose presence the copy was affixed. The serving officer shall also require the person identifying the place of business or garage or residence of the addressee to put his signature or thumb impression on his report, and such person shall comply 10 N.C. S. Read Desidence. with such requirement. (3) When the notice is served by post, the service shall be deemed to be effected by properly addressing, pre-paying and posting under a certificate of posting, the notice, and unless the contrary is proved the service shall be deemed to have been effected at the time at which the notice would be delivered in the ordinary course of post. (4) The Tax Officer at whose instance the notice was issued shall, if he is satisfied from the report of the serving officer or the postal acknowledgement or by taking such evidence as he deems proper, that the notice has been served in accordance with the rule, record an order to that effect. If he is not satisfied that the notice has been properly served, he may, after recording an order to that effect, direct the issue of a fresh notice.

11. Use of stage carriage prohibited when returns not submitted - No stage carriage in respect of which any return other than a daily return has not been delivered within the period prescribed in Rule 6 shall be used

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on any public road in the State for more than fifteen days after the expiry of the said period until the returns are submitted.

12. Appeals - (1) An appeal against the notice of demand shall, in the case of a fleet-owner, lie to the State Government and such appeal shall be heard by the Secretary or the Deputy Secretary to the Government of Bombay in the Home Department on behalf of the State Government.

(2) An appeal against the notice of demand shall, in the case of any other operator, lie to the Commissioner within the limits of whose jurisdiction the area of jurisdiction of the Tax Officer issuing the notice lies.

(3) Every appeal against the notice of demand shall be made in the form of a memorandum in duplicate setting forth the name and address of the appellant, the grounds of objection to the notice of demand, the amount admitted by the appellant to be due, and particulars to prove payment of such amount. Every such memorandum shall be singed and verified by the appellant and shall be accompanied by a certified copy of the notice of demand appealed against.

¹[12A. Grant of stay in Appeal and Revision - (1) No appellate or revisional authority, while entertaining and disposing of the appeal or revision application, shall grant a stay against notice of demand unless the appellate or revisional authority is satisfied that there is an apparent error in interpretation and application or relevant law resulting in undue hardship to the aggrieved party.

(2) Where the stay is granted under sub-rule (1), the appellate or revisional authority shall, as far as possible, dispose of the appeal or application for revision, within a period of six months from the date of grant of such stay]

13. Accounts - (1) Where a stage carriage is used otherwise than as a contract carriage -

- a serially numbered pre-printed ticket of appropriate denomination shall be issued to every passenger;
- (ii) a Way-Bill in Form VII or in such other form as may be approved by Government shall be prepared at the end of each shift of duty by the conductor from whom it shall be obtained by the operator.

(?) Where a stage carriage, is used as a contract carriage, tickets from serially numbered books containing a hundred numbered duplicate forms each stamped with the seal of the Tax Officer, shall be issued in Form VIII in respect of each of the trips. One copy of Form VIII duly completed shall be issued to the hirer, and a carbon copy thereof retained in the book. (3) The Way-Bills mentioned in sub-rule(1) and the books mentioned in sub-rule (2) shall be available for inspection with the operator for a period of 18 months from the date on which the fare was collected.
14. Powers of certain Officers - (1) For the purpose of Section 14, any Tax Officer, any officer of the Motor Vehicles Department or any Police Officer of or above the rank of a Sub-Inspector may require any passenger travelling in a stage carriage to produce his ticket for inspection and the passenger shall comply with such requirements.

(2) Any Tax Officer, any Police Officer of or above the rank of a Sub-Inspector or any officer of the Motor Vehicles Department, in uniform may require the driver of any stage carriage in any public place to stop such stage

 Rule 12A was added by G.N.H.D. D.M.T.A. 3885/16/TRA 3, M.G.G. IV-B. dated 12.1.1989, p. 65.

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carriage and cause it to remain stationary so long as may reasonably be necessary for the purpose of checking the tickets issued to the passengers.

(3) Any Tax Officer may, for carrying out the purposes of the Act or these rules issue, from time to time, instructions to any operator for the proper maintenance of registers and accounts used or to be used in connection with the business of the operator or for the maintenance of any additional accounts that may be considered necessary by such officer and the operator shall comply with such requirements and instructions.

FORM I

[See Rule 4(1)]

Bombay Motor Vehicles (Taxation of Passengers) Rules, 1958

(For fleet-owners) Lucion for an interaction of the second

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Signature.

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Fleet-owner -

To

The '[Transport Commissioner],

- 1. Name of the holder of permit
- Address of the holder of permit 2.
- 3. Number of permit
- Total strength of fleet 4.
- Area to which the permit relates 5.

6. Permitted passenger/carrying capacity of the fleet. Seated/Standees/Total

²[7. Total route length in kilometers]

8. Month covered by the return

³[8A. Total number of passengers carried with the birth of the second

- 8B. Operated distance in kilometers]
- 9. Total collection of inclusive fares in respect of use otherwise than as contract carriage.

10. Total collection of inclusive fares in respect of use as contract carriages.

11. Total collection (add columns 9 and 10)

Seated/Standee/Total

³Foot note - For the purpose of item 8B operated distance shall be calculated by multiplying the route length in kilometers by the total number of trips made during the month.

FORM II

[See Rules 4(2)(a)]

Bombay Motor Vehicles (Taxation of Passengers) Rules, 1958

(Daily return in respect of stage carriage authorised to be used exclusively as contract carriage)

To

- Name of the holder of permit 1.
- Number of permit 2.
- Registration mark of the stage carriage 3.
- ²[3A. Seating capacity and standees, if permitted]
- Day covered by the return 4.
- Subs. by G.N. of 27.4.1973 1.
- Subs. by G.N. of 11.8.1967. 2.
- 3. Added ibid.

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5. Day for which the last daily return has been submitted.

6. Particulars of trips and fares collected -

Serial No of trip	From 7	ò		passengers	Number of receipts issued in token of payment	
1	2	3	4	carried 5	6 6	7
1.			All marks	Fallen in the	and the sum the	Bas tosta
2. 3.						
4.						
5. etc.	phart			anterar 1.		

7.	Total	fares collecte	d during the day	Rs.
8.	Total	fares collecte	d from beginning of month	Rs.

I declare that the above particulars are true. Dated.

Signature.....

FORM III

[See Rule 4(2)(b)]

Bombay Motor Vehicles (Taxation of Passengers) Rules, 1958

(Weekly return in respect of stage carriage which is not authorised to be used exclusively as contract carriage)

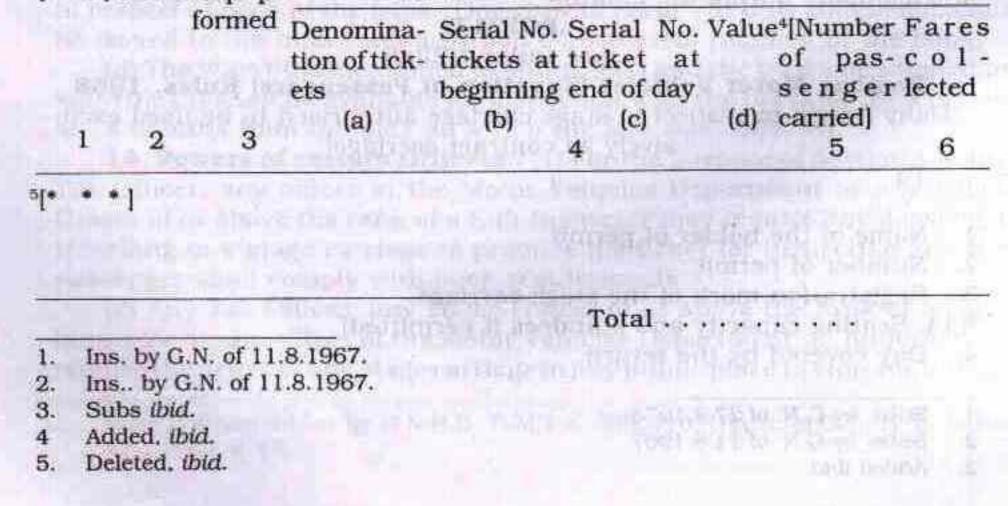
То

1. Name of the holder of permit

- 2. Number of permit
- 3. Registration mark of the stage carriage
- 4. The Route to which the permit relates
- ²[4A. Length of the route in kilometers]
- 5. Period covered by the return
- Week for which last weekly return has been submitted.
- 7. Daily data when vehicle used as stage carriage -

3[Date] RouteTrips per-

Tickets issued



Bom. Motor Vehicles (Taxation of Passengers) Rules, 1958 1517

18. Data when stage carriage used as contract carriage -

e le cente de la cente de las

Date From ToDistance in
kilometersNumber of pas-
sengers carriedNumber of receiptsis-
Fare col-
ued in token of payment lected1234567

- 9. Total fares collected during the days (Add Rs. totals of columns 7 and 8) Rs.
- 10. Total fares collected from beginning of month I declare that the above particulars are true.

Date:

Signature

in filling of the sector is a

Rs.

FORM IV

[See Rule 4(2)(c)]

Bombay Motor Vehicles (Taxation of Passengers) Rules, 1958

(Monthly return in respect of all stage carriages for which the operator holds a permit)

To

- 1. Name of the holder of permit
- Address of the holder of permit
- Number of permit
- 4. Route/Area to which the permit relates
- ¹[4A. Total route length in kilometre
- 4B. Operated distance]
- 5. Total permitted passenger-carrying capacity of all stage carriages.
- 6. Month covered by the return
- 7. Summary of collection of inclusive fares -

Sr. Regis-²[Total Totaldis-Collec- Collection ³[Total number Total num-No. tration number tance op-tion of inclu- of passengers ber of pasmark of pas- erated clusive sive fares carried on spe- sengers
o f sengers

		carried		cording	to Form III	cial hire during the month when the ve- hicle was used as a contract carriage	stage car- riages dur- ing the
1	2	2A	2B]	3	4	5	6
1			110	MAD AL	u do Johel	ntation - unit	A REAL PROPERTY.
2							
3							
4							
5					Real managers		
1.	Subs. by	y G.N. of 11	.8.1967.				
2.		G.N. of 11.8	3.1967.			· 如何是於10.363	
3.	Added, i	ibid.					64 (1.20) F

1518	Bom. Motor Vehicles (Taxation of Passengers) Rules, 1958
6 7 8	2. O stag abyministry and the merciligiest mean with boundaries with integer is set of a boundaries.
9 10	al Balladine Trester and the second second second and the second second second and the second se

Total collection by the operator during the 8. month in respect of all the stage carriages.

9. Tax payable under Section 3 of Bombay Motor Vehicles (Taxation of Passengers) Act. 1958.

I declare that the above particulars are true. Dated.

Signature. . . '[Foot-note - For the purpose of item 4B operated distance shall be calculated by multiplying the route length in kilometres by the total number of trips made during the month.]

²[FORM IV-A

\$1 M 31:27

(See Rule 7A)

Application for refund of tax and penalty

I/We residing at stage/contract carriage operator having paid the tax/penalty in respect of stage/contract carriage bearing registration mark for the month of do hereby claim a refund of tax*/penalty on the following grounds :-

(i) That I/we have paid tax*/penalty more than what was leviable.

I/We hereby declare that the refund claimed hereinabove has not been claimed by me/us so far and I/we undertake to repay the same in case it is subsequently found that I/we am/are not entitled to have the refund claimed.

DIST.COU

THE BALL MO . I. TO ST. MILLS

Date.

Strike out whichever is inapplicable.

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furses no headings and her and her and here and

findly of galaxenteen boy is what

Applicant.

Rs.

PALSING PRICE PRIME

FORM IV-B

(See Rule 7-A) **Refund** Order

To

*The Treasury Officer.

CIMIN ENGLISO, a la-

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1000-00001 -072 1200 12011年

nonices for her tell the operation

*The Secretary and Treasurer, State Bank of India. *The Manager, Reserve Bank of India, Bombay.

*The Manager Bank.

I. (Name of operator and address). Tax Officer, hereby passengers carried by stage/contract carriage/penalty for non-payment of

Added. by G.N. 11.8.1967. 1. Ins. by ibid. $\mathbf{2}$

Bom. Motor Vehicles (Taxation of Passengers) Rules, 1958 1519

tax is entitled to a refund of Rs. on account of the reasons mentioned at item No. of the following items :-

(1) That a sum of Rs. (instead of a sum of Rs. for tax due) has been recovered through mistake.

(2) That a sum of Rs.... (instead of a sum of Rs.... for penalty) has been recovered through mistake.

A note of refund has been made on the original document. Please pay to (Name of operator) Rupees (words and figures) on account of the above refund.

Dated.

Signature of Tax Officer.

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FORM V

.....

(See Rule 8)

Notice under Section 6 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958

To

(Name of operator and address)

No returns were submitted

Whereas ----- by you under section 4 of the

the returns submitted

Bombay Motor Vehicles (Taxation of Passengers) Act, 1958, in respect of
your stage carriage bearing registration mark
for the month of
appear to me to be incorrect period
of making your representation.
or incomplete, you are hereby given an opportunity
if any.

Completeness of the returns submitted by you.

In pursuance of Section 6 of the aforesaid Act, I hereby require you to attend in person, or to depute your agent on the date and at the place and time specified below, to produce or cause to be produced the documents specified below and any other evidence on which you rely for failure to submit the returns.

establishing that the returns submitted by you are correct and complete. Period under reference

Authority before whom to appear

Time Evidence required to be produced :

Strike out whichever is inapplicable.

1520 Bom. Motor Vehicles (Taxation of Passengers) Rules, 1958

... of the Bombay Motor Vehicles (Taxation of Passengers) Rules, 1958. (Here enter any other papers or documents required to be produced.

Signature

Notes inclumentation in the

(Seal)

Place Date

FORM VI

(See Rule 9)

Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 Notice of demand

To

(Name of operator and address).

You are hereby required to take notice that a sum of Rs.... as tax and a penalty of Rs. have become due and recoverable from you under section of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958, full details of which can be had from my officer and that they have remained unpaid and that unless they are paid within fifteen days from the date on which this notice is served on you. compulsory proceedings will be taken according to law for the recovery of the whole of the amounts due by you.

Dated the day of 19 . (Seal)_

Signature . . .

TANK PROPERTY AND A DESCRIPTION OF THE REAL PROPERTY AND

Place

Tax Officer.

.....

FORM VII [See Rule 13(1)] STREETATION OF A PUBLIC AND A Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 Way-Bill

- Registration mark of stage carriage 1.
- Date 2.
- Hour of shift 3.
- 4. Route
- Name of conductor in charge of stage carriage 5.
- 6. Badge No.
- 7. Name of driver
- 8. Authorisation Number
- 9. Tickets -
- ¹[10. Number of passengers carried.]

1. Ins. by G.N. dt. 11.8.1967.

Bom. Motor Vehicles (Taxation of Passengers) Rules, 1958

Denomina-	Tickets	received	Ticket re-	Number	Amount
tion fare	Opening No. (a)	Closing No. (b)	turned Lowest Number	of ticket issued	collected

The stated fire Bill Televisters

 Total amount handed over
 Rs.

 Excess/Shortage.
 Rs.

 Date.
 Signature of Conductor.

INCO OF STREET, D. BOOK

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FORM VIII [See Rule 13(2)]

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Bom. Act No. LXVII of 19581

[3rd September, 1958]

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960. Amended by Mah. of 25 of 1961

ended	Dy	man.	01 25 01 1961
¹¹	38	"	34 of 1961
n	1440	и	37 of 1962
"		19	51 of 1965
u -		194	42 of 1969
**	36	сн.	2 of 1975 ² (9.6.1975) ³
w	⁽⁴⁾ ;		15 of 1975 (9.6.1975) ³
14.	790		65 of 1975 (28.12.1975)3
**	ΥĽ	394	77 of 1975 (1.4.1976) ³
n.		(**)	21 of 1977 (1.6.1977) ³
	÷.	7 (B)	4 of 1982
<i>t</i> :	20.1	200	5 of 1988
e -	<u>10</u>	31	9 of 1989
t:	33		5 of 1993 (1.7.1993)
5.	8	10	V of 2008

*[An Act to provide for levy of a tax on passengers carried by road in stage carriages in the State]

WHEREAS it is expedient to provide for the levy of a tax on passengers, carried ⁵[in stage carriages]: It is hereby enacted in the Ninth Year of the Republic of India as follows :

NOTES

Statement of Objects and Reasons : In order to have a new source of revenue the State Government proposed to levy a tax on passengers carried by stage carriages at a rate specified in the Act as would yield an amount equal to ten per cent of the inclusive amount of fares payable to the operator of a stage carriage except where such stage carriage plies exclusively within a Municipal area and other adjacent areas. Act 27 of 1958.

The proposed Fourth Five-Year Plan required a large outlay for which the internal resources of the State and the Central assistance would not have been sufficient. Hence, it was necessary to mobilise additional resources by way of increase in taxation.

M.G.G., Pt. IV, dt. 11.9.1968, p. 277 Mah. 42 of 1969.

For Statement of Objects and Reasons, see Bombay Government Gazette, 1958, Part V, Extra, p. 305.

Section 4 of Maharashtra Ordinance No. XI of 1972 was repealed by Mah. 2 of 1975, s. 3.

This indicates the date of commencement of Act.

Long title was substituted by Mah. 9 of 1989, s. 7.

These words were substituted for the words "in certain classes of motor vehicles such as public service vehicles and private service vehicles" *ibid.* s. 8.

1. Short title, extent and commencement - (1) This Act may be called the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958.

(2) It extends to the whole of the ¹[State of Maharashtra]. ²[* * *]

NOTIFICATIONS

G.N., H.D., No. TPA. 1058/62258-XII, dated 23rd September, 1958 (B.G.G., Pt., IV-B, p. 997)

In exercise of the power conferred by sub-section (3) of section 1 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958), the Government of Bombay hereby appoints the 15th day of October, 1958, to be the date on which the provision of Sections 2 to 22 (both inclusive) of, and the Schedule to, the said Act shall come into force.

G.N., H.D., No. TPA. 1064-(i)-XII, dated 26th April, 1963 (M.G.G., Pt. IV-B, p. 482)

In exercise of the powers conferred by sub-section (2) of Section 1 of the Bombay Motor Vehicles (Taxation of Passengers) (Amendment) Act, 1962 (Mah. XXXVII of 1962). the Government of Maharashtra hereby appoints the 1st day of May, 1963, as the date on which the said Act shall come into force.

G.N., H.D., No. TPA. 1069/34333-XII, dated 4th December, 1969 (M.G.G., Pt. IV-B, p. 1782)

In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Motor Vehicles (Taxation of Passengers) (Amendment) Act, 1969 (Mah. XLII of 1969), the Government of Maharashtra hereby appoint the 15th day of December, 1969 as the date on which the said Act shall come into force.

G.N., H.D., No. TPA. 1074-11(a)-XII-C,dated 9th June, 1975 (M.G.G., Pt. IV-B, p. 565)

In exercise of the powers conferred by sub-section (2) of Section 1 of the Bombay Motor Vehicles (Taxation of Passengers) (Amendment) Act, 1974 (Mah. II of 1975), the Governor of Maharashtra hereby appoints 9th day of June, 1975 to be the date on which the said Act shall come into force.

G.N., H.D., No. TPA. 1074-II(b)-XII-C, dated 9th June, 1975

(M.G.G., Pt. IV-B, p. 565)

In exercise of the powers conferred by sub-section (2) of Section 1 of the Bombay Motor Vehicles (Taxation of Passengers) (Amendment) Act, 1975 (Mah. XV of 1975) the Governor of Maharashtra hereby appoints 9th day of June, 1975 to be the date on which the said Act shall come into force.

These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Sub-section (3) was deleted by Mah. 37 of 1962, S.2; but such deletion shall not affect anything done thereunder (including the operation of any notification issued thereunder which has already brought the other provisions of the Act into force and accordingly those provisions shall continue to be in force).

G.N. H.D., No. TPA. 1075/1 (1)-XXX-TRI, dated 27th December, 1975 (M.G.G., Pt. IV-B, 1976, p. 43)

In exercise of the powers conferred by sub-section (2) of Section 1 of the Bombay Motor Vehicles (Taxation of Passengers) (Second Amendment) Act, 1975 (Mah. LXV of 1975), the Government of Maharashtra hereby appoints the 28th day of December, 1975 to be the date on which the said Act shall come into force.

G.N., R. & F.D. No. ENT-1073/5102/M-2, dated 2nd March, 1976 (M.G.G., Pt. IV-B, p. 290)

In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Entertainments Duty and Motor Vehicles (Taxation of Passengers) (Amendment) Act, 1975 (Mah. LXXVII of 1975), the Government of Maharashtra hereby appoints the 1st April, 1976 to be the date on which the said Act shall come into force.

G.N., H.D., No. TPA. 1076/3-XXXIV-TR, dated 6th May, 1977 (M.G.G., Pt. IV-B, p. 424)

In exercise of the powers conferred by sub-section (2) of Section 1 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1977 (Mah. XXI of 1977). the Government of Maharashtra hereby appoints the 1st day of June, 1977 to be the day on which the said Act shall come into force.

No. TPA. 1092/CR-1/TRA-3 - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Motor Vehicles (Taxation of Passengers) (Amendment) Act, 1993 (Mah. V of 1993) and all other powers enabling it in this behalf, the Government of Maharashtra hereby rescinds Government Notification, Home Department, No. TPA 1092/CR-1/TRA-3, dated 15th June 1993, published in the *Maharashtra Government Gazette* (Extraordinary), Part IV-B, dated 15th June 1993 at page 27.5 and appoints the 1st April 1994 to be the date on which the said Act shall come into force. M.G.G., Pt. IV-B, 1994 p. 171 dt. 1.1.1994.

2. Definitions - In this Act, unless the context otherwise requires-

 $^{1}[(A1) X X X X]$

(1) "fleet owner" means an operator holding a permit for one hundred or more stage carriages ;

(2) "month" means a calendar month;

(3) "municipal area" means an area specified in the Schedule:

(4) "operator" means any person whose name is entered in the permit as the holder thereof ²[and where a stage carriage is used or caused or allowed to be used without a permit, includes the person in whose name the stage carriage is registered under the Motor Vehicles Act, 1939, or the person having possession or control of such stage carriage];

^{1.} Clause A1 was deleted by Mah. 9 of 1989, s. 9(a).

^{2.} These words, figure and letter were added by Mah. 15 of 1975, s. 2.

NOTES

Owner and hirer are joint and serverally liable far payment of passenger tax : The petitioner and respondent No. 14 did hire-purchase agreement. The petitioner permitted the respondent No. 4 to use and operate the vehicles as hirer on certain conditions set out in the agreement. While operating vehicles passenger tax was not paid. Petitioner contended that the responsibilites goes to the hirer to pay passenger tax as he is operating vehicles, and the respondent No. 4 contended that the responsibility to pay passenger tax is of the petitioner-owner. In this dispute High Court decided that, as the petitioners had retained sufficient control over the vehicle in view of the various clauses in the hire purchase agreement, they were liable to be treated as 'operator' within the meaning of sec. 2(4) of the Act; jointly with respondent No. 4 in whose name the permit concerning the vehicle stood. Where the owner retains control of the stage carriage the owner of the vehicle is liable to be considered as an operator. In such case both are the operators. But Respondent No. 4 collected the passenger tax and failed to deposit with the Government. In this position respondent No. 4 is totally responsible to pay passenger tax, and not petitioner. Sundaram Finance v. State of Maharashtra and others, 1994 Mah. L.J. 124.

¹[4A) "passenger" means any person (other than the driver, the conductor or an employee of the permit holder while on duty in connection with the vehicle) carried in a stage carriage on payment of fares];

(5) "prescribed" means prescribed by rules made under this Act:

(6) "permit" means a permit granted or countersigned under the Motor Vehicles Act, 1939, authorising the use of a motor vehicle as a stage carriage ²[X Х X any part of the State;

³[(6A)" * * *]

(7) "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 fare paid by or for individual passengers, either for the whole journey or for stages of the journey and includes such a carriage ⁴[* * *] when used as a contract carriage within the meaning of the Motor Vehicles Act, 1939. 4[* * *]

(8) "tax" means the tax referred to in section 3; ⁵[and also the further tax referred to in section 3A];

- Clause "6A" was deleted by Mah. 9 of 1989, .s. 9(a). $\mathbf{2}$.
- The words "or other omnibus" and the words "and also includes any private service 3.

These words were added by Mah. 37 of 1962, s. 3. 5.

Clause "4A" was inserted by Mah. 4 of 1982. s. 4(b).

The words "or Contract Carriage" were deleted by Mah. 4 of 1982. s. 4(c). 1.

vehicle" were deleted by Mah. 9 of 1989, s. 9(b). 4.

(9) "Tax Officer" means such officer as the State Government may, by notification in the *Official Gazette*, appoint to be the Tax Officer for the whole State or for any area or areas for the purposes of this Act, and the State Government may appoint more than one officer as Tax Officers for the whole State or for any area;

(10) The words and expressions used for but not defined in this Act shall have the meanings assigned to them in the Motor Vehicles Act, 1939 and the rules made thereunder.

NOTIFICATION

¹In exercise of the powers conferred by sub-section (9) of section 2 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bombay Act No. LXVII of 1958), and in supersession of all the previous notifications issued in this behalf, the Government of Maharashtra hereby appoints each of the officers specified in column (2) of the Schedule hereto to be the Tax Officers for the areas specified against them in column (3) of the said Schedule.

SCHEDULE

Sr.	Officers	Areas
No.		

- 1. Transport Commissioner
- 2. Joint Transport Commissioner
- 3. Deputy Transport Commissioner.
- 4. Assistant Transport Commissioner
- Regional Transport Officer, Bombay (East) and Deputy Regional Transport Officer Assistant Regional Transport Officer and Inspector of Motor Vehicles attached to the Regional Transport Office, Bombay (East).
- Regional Transport Officer, Bombay (West) and Deputy Regional Transport Officer. Assistant Regional Transport Officer and Inspector of Motor Vehicles attached to the Regional Transport Office Bombay (West).
- Regional Transport Officer, Bombay (Central) and Deputy Regional Transport Officer, Assistant Regional Transport Officer, Assistant Regional Transport Officer and Inspector of Motor Vehicles attached to the Regional Transport Office, Bombay (Central).

Whole State Whole State Whole State Whole State

From Mulund to Kurla (both inclusive) comprising the area of Bhandup, Vikroli, Ghatkopar of Greater Bombay District.

From Dahisar to Bandra (both inclusive) comprising the areas of Borivali, Kandivali, Malad, Goregoan, Jogeshwari, Andheri, Vile-Parle, Santacruz, Khar of Greater Bombay District. From Colaba to Mahim and Sion of Greater Bombay District.

No. MTA. 1987/48/TRA-3(ii), dt. 11th Nov., 1987.

Sr. No.	Officers	Areas
8.	Regional Transport Officer, Thane and Deputy Regional Transport Officer, As- sistant Regional Transport Officer and Inspector of Motor Vehicles attached to	Thane District excluding Kal- yan, Murbad and Ulhasnagar Talukas.
9.	the Regional Transport Office, Thane. Deputy Regional Transport Officer, Kalyan and Assistant Regional Trans- port Officer and Inspector of Motor Ve- hicles attached to the Deputy Regional Transport Office, Kalyan.	Kalyan, Murbad and Ulhasnagar Talukas of Thane District.
10.	Deputy Regional Transport Officer. Pen District Raigad and Assistant Regional Transport Officer and Inspector of Mo- tor Vehicles attached to the Deputy Regional Transport Office, Pen, District	Raigad District.
11	Raigad. Assistant Regional Transport Officer, Ratnagiri and Inspector of Motor Ve- hicles attached to the Assistant Re-	Ratnagiri District.
12	gional Transport Office, Ratnagiri. Assistant Regional Transport Officer, Sindhudurga and Inspector of Motor Vehicles attached to the Assistant Re-	Sindhudurg District.
13	gional Transport Office, Sindhudurg. Regional Transport Officer, Pune and Deputy Regional Transport Officer, As- sistant Regional Transport Officer and Inspector of Motor Vehicles attached to the Regional Transport Office, Pune.	Pune District excludin Pimpri Chinchwad Munici pal area, Khed, Junnar an Ambegaon Talukas and th area between Pimpri Chinchwad to Lonavala.
	 Deputy Regional Transport Officer, Pimpri-Chinchwad and Assistant Re- gional Transport Officer and Inspector of Motor Vehicles attached to the Deputy Regional Transport Officer Pimpri- Chinchwad. Deputy Regional Transport Officer, Solapur and Assistant Regional Trans- 	Pimpri-Chinchwad Munici pal area, Khed, Junnar an Ambegaon Talukas and th area between Pimpri-Chinch wad to Lonavala of Pune Dis trict. Solapur District.
16	port Officer and Inspector of Motor Ve- hicles attached to the Deputy Regional Transport Office, Solapur. B. Regional Transport Officer, Aurangabad	Aurangabad District.
	and Deputy Regional Transport Officer, Assistant Regional Transport Officer and Inspector of Motor Vehicles attached to the Regional Transport Office,	
17	Aurangabad. 7. Assistant Regional Transport Officer, Latur and Inspector of Motor Vehicles	Latur District.

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Gr. Officers	Areas
No.	Dhule District.
29. Deputy Regional Transport Officer, Dhule	Diane
and Assistant Regional Transport Of-	
ficer and Inspector of Motor Vehicles	
attached to the Deputy Regional Trans-	
port Office, Dhule.	Jalgaon District.
30. Deputy Regional Transport Officer, Jal-	
gaon and Assistant Regional Transport	
Officer and Inspector of Motor Vehicles	
attached to the Deputy Regional Trans-	
port Office, Jalgaon.	Ahmednagar District exclud-
31. Deputy Regional Transport Officer,	ing Shrirampur, Kopergaon,
Abmodnadar and Assistant Inceronal	Rahuri, Newasa, Sangamner
Transport Officer and Inspector of Mo-	and Akola Talukas.
tor Vehicles attached to the Deputy	
Regional Transport Office, Ahmednagar.	Shrirampur, Kopergaon,
32. Deputy Regional Transport Officer,	Rahuri, Newasa, Sangamner
Shrirampur and Assistant Regional	and Akola Talukas of
Transport Officer and Inspector of Mo-	Ahmednagar District.
tor Vehicles attached to the Deputy	Timineuriagen
Regional Transport Office, Shrirampur.	Kolhapur District.
33. Regional Transport Officer, Kolhapur	Komapar Diotri
and Deputy Regional Transport Officer,	
Accietant Regional Transport Officer and	
Increator of Motor Vehicles attached to	
the Degional Transport Office, Kolnapur.	Sangli District.
Da Doputy Regional Transport Officer, Saligh	Saligi District
and Assistant Regional Transport Of	
ficer and Inspector of Motor vehicles	
attached to the Deputy Regional Trans-	
port Office Sangli.	Satara District.
25 Deputy Regional Transport Officer, Satara	Satara District
and Assistant Regional Transport OF	
ficer and Inspector of Motor venicles	
attached to the Deputy Regional Trans-	
port Office Satara.	Amravati District.
26 Regional Transport Officer, Amravau	Alliavati District.
and Deputy Regional Transport Onicer,	
Accietant Regional Transport Oncer and	
Inspector of Motor Vehicles attached to	
the Degional Transport Office, Amravati.	Akola District.
27 Deputy Regional Transport Officer, Arola	AKOIA DISTILL.
and Assistant Regional Transport Or	
ficer and Inspector of Motor vehicles	
attached to the Deputy Regional Trans-	
port Office Akola.	D. Likens District
29 Accietant Regional Transport Officer,	Buldhana District.
Buildhana and Inspector of Motor ve-	
the Accietant Re-	
hicles attached to the Assistant Re- gional transport Office, Buldhana.	

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39. Assistant Regional Transport Officer. Yavatmal District. Yavatmal and Inspector of Motor Vehicles attached to the Assistant Regional Transport Office, Yavatmal.

3. Levy of tax on passengers carried by Stage carriages - (1) ¹[* * ²[* **]*] There shall be levied and paid to the State Government a tax on all 3 [passengers carried by road in stage carriages] 4[at such rate to be fixed by the State Government from time to time by order in the Official Gazette as would yield an amount not exceeding twenty per cent] of the inclusive amount of fares payable to the operator of a stage carriage. 5[* * *]

(2) After calculating the total amount of tax payable under sub-section (1) out of the total amount received by an operator during each month on account of inclusive fares in respect of the stage carriage or stage carriages held by him ⁶[* * *] the total amount of tax shall wherever necessary be rounded off to the nearest naya paisa, fractions of half a naya paisa and over being counted as one and less than half being disregarded.

NOTES

Statement of Objects and Reasons : The passenger tax was leviable on passengers carried by road in stage carriages plying exclusively within a municipal area or exclusively on such routes serving municipal and adjacent areas as to be approved by Government. Levy of tax might be justified in some municipal and adjacent areas. It was, therefore, proposed to withdraw such exclusion.

Statement of Objects and Reasons : Powers were, however, proposed to be taken by Government for grant of exemption in suitable cases. It was also proposed to take power to Government or to a designated officer to revise the orders passed in appeal by the prescribed authorities. - M.G.G., Pt. IV-B, dt. 27.9.1962 p. 394, Mah. 37 of 1962.

Statement of Objects and Reasons : By Section 3-A inserted in the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958, by Mah. II of 1975, the increase in the tax is continued by way of a further tax, on a

- These words "On the commencement of the whole of this Act" were deleted by Mah. 1. 51 of 1965, s. 6(a).
- The words, brackets and figures "under sub-section (3) of Section 1" were deleted by 2. Mah. 37 of 1962, s. 4(a)(i).
- These words were substituted for the words "passengers carried by stage carriages." 3. ibid., s. 4(a)(ii).
- These words were substituted for the words "at such rate as would yield an amount equal to twenty per cent" by Mah. 65 of 1975, s.2.
- The words "except where such stage carriage plies exclusively within a municipal area 5. or exclusively on such routes serving municipal and adjacent areas as may be approved by the State Government" were deleted by Mah. 37 of 1962, s. 4(a)(iii).
- The words "under a permit", were deleted, ibid., s. 4(b). 6.

permanent basis by utilising the proceeds of the tax for various programmes of nutrition for children in expectant mothers. With effect from the 26th February, 1975, the Maharashtra State Road Transport Corporation has increased the fares for stage carriage plying in all the areas of the State other than areas within the limit of Municipal Corporations, Municipal Councils and Cantonment Boards the approximately 22 per centum. This is expected to result in a corresponding increase in the collection of the tax on passengers at the existing rate of 22 per centum, even assuming that the volume of passenger traffic remains constant. The said Corporation had requested the State Government for some relief in the liability to the tax on passengers and the aforesaid further tax. Taking into account the expected increase in the collection of the tax as a result of the increase in fares by the said Corporation, it was decided to lower the rate of the tax from 22 per centum to 20 per centum of the inclusive amount of fares; and abolish the further tax levied under Section 3-A in the other areas of the State and on other routes referred to in clause (b) of the said Section 3-A. M.G.G. Pt. IV, 12.1.75, p. 175 Mah. 15 of 1975.

Statement of Objects and Reasons: The rate has had to be varied by amendments to the Act on several occasion in the past, the last one being in June, 1975, when the rate was lowered from 22 per cent to 20 per cent. It was envisaged that the rate of passenger tax, particularly on the mofussil services, may have to be suitably varied from time to time in future also. As such changes cannot be made under the present scheme of the Act, without an amendment on such occasion to the Act itself, it has decided to amend sub-section (1) of Section 3 of the Act, so as to lay down a ceiling of the rate of passenger tax at the existing level of 20 per cent of the inclusive fares, and simultaneously to take power to fix, by order in the *Official Gazette*, the rate of tax actually leviable from time to time. **M.G.G., Pt. IV**, **24.12.75, p. 509, Mah. 65 of 1975.**

Tax levied is on passenger and not on income of operators. Distinction made between rates in urban and rural areas is also based on reasonable classification. Akhil Bhartiya Grahak Panchayat (Bombay Branch) v. State of Maharashtra and others, AIR 1985 Bom. 14.

Transport vehicle carrying employees of Company not a public vehicle - If a nominal charge is realised from the employees of the Company that would not make the transport a public vehicle as to attract the provision of S.3.

It cannot by any process of reasoning or stretch of imagination be deemed to include employees of a Private Company who are given facilities not as members of the public, but as holding a special status, namely, the employees of that Company.

It cannot be said that the transport vehicle provided to the employees by the Company could be a public service vehicle in any sense of the term. M/s. Engineering and Locomotive Co. Ltd. v. The Sales Tax Officer and Regional Transport Officer. Poona and another, AIR 1979 SC 343.

NOTIFICATIONS

G.N.H.D., No. TPA. 1258-XII, dated 15th October, 1958 (B.G.G. Pt. IV-B, p. 1291)

In exercise of the powers conferred by sub-section (1) of Section 3 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958) the Government of Bombay hereby approves until further orders the following routes serving the municipal and adjacent areas for the purpose of the said sub-section (1) of Section 3, namely :-

1. Cambay Station to Three Gates.

2. Mandvi-T.B. Hospital.

3. Mandvi-Mission Hospital.

4. Mandvi-Harni.

5. Station-Mandvi-Pratapnagar extended to Pratapnagar Colony.

6. Godhra Railway Station to Prabha Bridge and Dak Bungalow.

7. Ratnagiri-Mirjole.

8. Ratnagiri-Mazgaon.

9. Ratnagiri-Kajarghati.

10. Ratnagiri-Skhartar.

11. Ratnagiri-Mirya Bunder.

12. Panchavati-Karanja B.B.R.C. Camp.

13. Panchavati-Karanja Irrigation Office via Canada Hospital.

14. Bhadrakali Bus Stand to Belgaon Dhaga.

15. Deolali Bazar to Nasik.

16. Deolali Bazar to St. Philomena School.

17. Deolali Bazar to R.I.A. Centre.

18. Deolali Bazar to Bytco Talkies.

19. Dhulia Railway Station to Nehru Nagar (Dhulia City)

20. Dhulia State Transport Bus Stand to Dhulia Arts College.

21. Baroda Railway Station-Yamuna Mills.

22. Baroda Railway Station-Sarabhai Chemicals.

23. Mandvi-Railway Station -Sarabhai Chemicals.

24. Baroda Railway Station-Pratap Nagar Colony.

25. Chawk-Bazar-Maskati Bungalow.

26. Bhajiwali Pole-Kataram.

27. Navsari Railway Station to Kaliawadi via Juna Thana.

28. Surat Station Maskati Bungalow.

29. B.K. St. and B.B.R.C. Camp.

30. Shivaji Statue (Kolhapur)-Gandhi Nagar.

31. Sangli-Miraj.

32. Sadai Bazar (Satara)-Rajwada via Bus Station.

33. Jubilee Park-Haji Dam.

34. Jubilee Park-Pradumna Park.

35. Jubilee Park-Sath Hanuman.

36. Lal Darwaja to Vasna (1/E).

37. Lal Darwaja to Pravinnagar (1/E-1)

 Railway Station to Railway Station via Sarangpur, Sardar Bridge, etc (Route No. 5)

39. Lal Darwaja to Vatwa (6/E)

40. Railway Station to Railway Station via Prem Darwaja, Gandhi Bridge, Gujarat University etc. (Route No. 7)

41. Lal Darwaja to Gujarat University (Route No. 8)

42. Railway Station to Dani Limda via Khadia, Raipur, Kamnah, etc. (9/

- 1)
- 43. Railway Station to Odhav (Route No. 10)
- 44. Kalupur Bridge to Naroda (Route No. 12)
- 45. Kalupur Bridge to Kubernagar (12-C)
- 46. Kalupur Bridge to Dholinagar Railway X (12/D)
- 47. Railway Station to Sabarmati-Ramnagar (Route No. 13).
- 48. Railway Station to Sabarmati-Kabirchowk (Route No. 13/1)
- 49. Lal Darwaja to Sabarmati via Ellis Bridge (Route No. 14/C).
- 50. Kalupur Bridge to Sardar Nagar (Route No. 18)
- 51. Railway Station to Thakkar Bapa Nagar (Route No. 20).
- 52. Navsari Station to Kaliawadi.
- 53. Poolgate to Manjri Farm.
- 54. Deccan Gymkhana to Dapodi via Kirkee.
- 55. Deccan Gymkhana to Aundh Post Office.
- 56. Sudama Chowk-Rokadia.
- 57. Sudama-Tarawada
- 58. Jamnagar Railway Station to Bedi Port.

G.N.,H .D., No. TPA. 1262/3201/XII, dated 7th August, 1962 (M.G., Pt. IV-B, p. 2639)

In exercise of the powers conferred by sub-section (1) of Section 3 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958), the Government of Maharashtra hereby approves (1) the Poona Railway Station to Ramawadi (Matchwel Electricals India Limited Factory Compound) route, and (2) the Poolgate to Manjri (Budruk) route serving the Poona Municipal and adjacent areas for the purposes of the said subsection (1) of Section 3.

G.O., H.D. No. TPA. 1075/1(2)-XXXI-TR, dated 28th December, 1975 (M.G. 1976, Pt. IV-B, p. 59)

In exercise of the powers conferred by sub-section (1) of Section 3 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958), the Government of Maharashtra hereby fixes the rate of tax on all passengers carried by road in stage carriage at 17.5 per cent. of the inclusive amount of fares payable to the operator of a stage carriage.

¹[3-A. Levy of further tax on passengers carried by stage carriages - Subject to the provisions of sub-section (2) of section 3, on and from the date of the commencement of the ²[Bombay Motor Vehicles (Taxation of Passengers) (Amend-

Section 3A was inserted by Mah. 2 of 1975. s. 2. 1.

These words, brackets and figures were substituted for the words, brackets and

figures "Bombay Motor Vehicles (Taxation of Passengers) (Amendment) Act, 1977" by Mah. 5 of 1993 s. 2(d).

ment) Act, 1993] there shall be levied and paid to the State Government, in addition to the tax levied and paid to the State Government under Section 3, further tax on all passengers carried by road in stage carriages -

(a) plying exclusively within any municipal area or exclusively on routes notified by the State Government in the Official Gazette, at the rate of ¹[ten paise where the fare for the journey undertaken is upto rupees two and fifteen paise where the fair for the journey undertaken is more than rupees two] exclusive of the further tax hereby levied.

2[* * *]

Explanation - For the purposes of this section, the expression "passengers carried by road in stage carriages" does not include passengers carried by road in stage carriages free or on the authority of any concessional ticket by the operator, or passengers who are exempted under Section 21 or passengers carried in a stage carriage or inter-State routes or passengers carried in a stage carriage ³[* * *] used as contract carriage ³[* * *].

NOTES

The temporary increase of tax on all passengers carried by road in stage carriages under the provision of Section 4 of the Maharashtra Temporary Increase in Taxes on Motor Vehicles and Passengers Act, 1972, first introduced in 1972 following the events in Bangla Desh was later continued to meet the expenditure in scarcity relief. It was proposed to continue it on a permanent basis by utilising the proceeds of the tax for various programme of position for children and expectant mothers.- M.G.G., Pt. IV, dt. 16.1.75, p. 37, Mah. 2 of 1975.

A surcharge of 5 paise is levied under section 3A of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 where the fare or ticket for the journey undertaken is sixty paise or more, issued by stage carriage operators plying exclusively within a municipal area or exclusively on such routes serving municipal and adjacent areas as are notified by the State Government. The proceeds of the additional tax are transferred to the 'Health and Nutrition, Fund' for being utilised for various programmes of

^{1.} These words were substituted by Mah. 5 of 1993 s. 2(2).

^{2.} Clause (b) was deleted by Mah. 15 of 1975, s. 4.

The words "or other omnibus and "or passengers carried in a private service vehicle" were deleted by Mah. 9 of 1989, s. 10.

health and nutrition. Though expenditure on the execution of the said programmes has been progressively increasing the rate of this surcharge has not been increased so far. It is therefore, decided to increase that rate to meet the ever increasing expenditure on the said programmes. Statement of Objects and Reasons M.G.G. Pt. V 1993 p. 142.

4. Submission of returns - (1) In respect of the stage carriage or stage carriages held by him, the operator shall deliver or cause to be delivered to the Tax Officer or to such prescribed officer as the Tax Officer may specify a return in the prescribed form and manner either daily or at such intervals as may be prescribed :

Provided that different rules may be prescribed for the purpose of this sub-section in relation to fleet-owner from those in relation to other operators.

(2) When any return is received by a prescribed officer he shall forward it to the Tax Officer within the prescribed period and in the prescribed manner.

5. Tax to be paid every month '[to Tax Officer] - The tax payable during any month in accordance with the returns submitted under section 4 shall be paid 2[to the Tax Officer] by the operator 3[* * *] on or before such date or dates of the month immediately succeeding as may be prescribed in the case of fleet-owners and other operators.

⁴[Provided that the tax payable by the operator, of a stage carriage which is registered, or in respect of which a permit is issued, by any Transport Authority other than the Transport Authority in the State of Maharashtra, plying such carriage as a contract carriage in the State of Maharashtra, shall be paid by him to the nearest Tax Officer while entering such contract carriage in the State of Maharashtra and such operator shall also file with the Tax Officer the return in

4. Proviso was added by ibid, S. 2(c).

^{1.} In the marginal note the words "to Tax Officer" were substituted by Mah. 5 of 1988.

^{2.} The words "to the Tax Officer" were substituted by Mah. 5 of 1988, S. 2(a).

^{3.} The words "and the receipt evidencing such payment forwarded to the Tax Officer" were deleted by Mah. 5 of 1988, S. 2(b).

respect of such tax in the form prescribed for daily return; and if the journey by such contract carriage terminates in the State of Maharashtra and thereafter the same contract carriage commences further or return journey with passengers the tax payable in respect thereof shall be paid to the Tax Officer of the nearest area from where the journey so commences or if such journey commences on a public holiday to any other Tax Officer, before such contract carriage leaves the State, and such operator shall also file with such Tax Officer the return as aforesaid in respect of such tax].

¹[5A. Utilisation of proceeds of tax.- * * *]

6. Procedure where no returns are submitted, etc. - In the following cases, that is to say, -

- (a) where no returns have been submitted by the operator in respect of any stage carriage for any month or portion thereof, or
- (b) where the returns submitted by the operator in respect of any stage carriage for any month or portion thereof appear to the Tax Officer to be incorrect or incomplete,

²[The Tax Officer shall, at any time] after giving the operator a reasonable opportunity, in case (a) of making his representation, if any, and in case (b) of establishing the correctness and completeness of the returns submitted by him, determine the sum payable to the State Government by the operator by way of tax during such month or portion thereof:

Provided that the sum so determined shall not exceed the maximum tax which would have been payable to the State Government if the stage carriage had carried its full complement of passengers during such month or portion thereof.

NOTES

Statutory remedies - The rule of exhaustion of statutory remedies before grant of relief in a writ petition, is a rule of self-imposed limitation,

^{1.} Section 5A was deleted by Mah. V of 2008, s. 14.

These words were substituted for the words "the tax officer shall" by Mah. 37 of 1962, s. 5.

a rule of policy, and discretion rather than a rule of law and the Court may, therefore, in exceptional cases issue a writ such as a writ of certiorari, notwithstanding the fact the statutory remedies have not been exhausted. Held, that this is one of those cases where the alternative remedy by way of revision under S. 11A of the Act would not have been equally adequate and efficacious remedy.

Held, that Ss. 6 and 7 must be read together and the period of limitation provided for in S.7 must be read also in S. 6. K.Jayaraja Ballal v. The Commissioner (Bombay Division), 1976 Bom.L.R. 689.

7. Fares escaping assessment - If, for any reason, the whole or any portion of the tax leviable under this Act for any month has escaped assessment, the Tax Officer may, at any time within, but not beyond one year from the expiry of that month, assess the tax which has escaped assessment, after issuing a notice to the operator and making such inquiry as the officer may consider necessary.

1[* * *]

✓ 8. Penalty for non-payment of tax - Where the whole or any portion of the tax payable to the State Government in respect of any stage carriage for any month or portion thereof in pursuance of Sections 5, 6 and 7 has not been paid to it in time, the Tax Officer may, in his discretion, levy in addition to the tax so payable, a penalty not exceeding 25 per cent of the maximum tax which would have been payable to the State Government if the stage carriage had carried its full complement of passengers during such month or portion thereof.

9. Recovery of tax, etc. - (1) In the cases referred to in sections 6, 7 and 8 the Tax Officer shall serve the operator a notice of demand for the sums payable to the State Government and the sums specified in such notice may be recovered from the operator as arrears of land revenue.

(2) Where the sums specified in the notice of demand are not paid within fifteen days from the date on which the notice

^{1.} Proviso was deleted by Mah. 9 of 1989, s. 11.

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was served on the operator, the stage carriage in respect of which the tax is due and its accessories may be distrained and sold under the appropriate law relating to the recovery of arrears of land revenue, whether or not such vehicle or accessories are in the possession or control of the operator :

Provided that no distraint shall be made in pursuance of this sub-section except at the instance or with the consent of the State Government or such officer as may be authorised by the State Government in this behalf.

(3) Distraints under sub-section (2) may also be made by such officers or class of officers as the State Government may, by general or special order, direct and the officer making any such distraint shall forward the proceedings thereof together with the distraint articles to the Collector for further action under sub-section (2).

NOTIFICATION

G.N.,H.D., No. TPA. 2360/25899-XII, dated 10th December, 1960 (M.G.G., Pt. IV-B, p. 494)

In exercise of the powers conferred by sub-section (3) of section 9 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958), and in supersession of Government of Bombay Notification. Home Department, No. TPA. 2359/35736-XII, dated the 30th March, 1959, the Government of Maharashtra hereby directs that distraints under subsection (2) of that section may be made by the Director of Transport, State of Maharashtra, Bombay, and by a Regional Transport Officer within the area for which the Director or as the case may be, the Regional Transport Officer is appointed as the Tax Officer.

10. Restrictions on the use of stage carriages in certain cases - No stage carriage ¹[shall be used for the carriage of passengers on any road in the State]-

(a) in case any tax or penalty payable in respect thereof remains unpaid for more than fifteen days after the notice of demand referred to in Section 9 has been served on the operator, until such tax or penalty is paid, or

These words were substituted for the words "shall be used on any public road in the State" by Mah. 9 of 1989, s. 6.

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(b) in case the returns required by Section 4 have not been submitted, if daily returns are required, for more than seven days, and if returns at less frequent intervals have been prescribed, for such number of times and during such period as may be prescribed, until the returns are submitted :

Provided that the Tax Officer may, if the operator proves to his satisfaction that the failure to submit the returns referred to in clause (b) was not deliberate, exempt the stage carriage from the operation of that clause.

110A. Refund of excess payment. - The Tax Officer shall refund to an operator in such manner as may be prescribed the amount of tax and penalty (if any) paid by such operator in excess of the amount due from him. The refund may be either by cash payment or, at the option of the operator, by deduction of such excess from the amount of tax and penalty (if any) due in respect of any other period :

Provided that, the Tax Officer shall first apply such excess towards the recovery of any amount due in respect of which a notice under sub-section (1) of section 9 has been served on the operator, and shall then refund the balance (if any).]

NOTES

Statement of Objects and Reasons : The Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 did not contain any provision for the refund of any amount paid by an operator of a Motor Vehicle in excess of the amount of tax and penalty (if any) due from him. - M.G.G., Pt. IV, dt. 14.9.61, p. 357.

11. Appeal against demand - (1) Any operator objecting to a notice of demand served on him under section 9 may, within thirty days of the service thereof, appeal to the prescribed authority :

Provided that no appeal shall be entertained unless it is accompanied by satisfactory proof of the payment of the tax admitted by the appellant to be due.

^{1.} Section 10A was inserted by Mah. 34 of 1961, s. 2.

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(2) The prescribed authority may, after giving the appellant an opportunity of being heard, pass such orders on the appeal as it thinks fit.

¹**[11A. Revision** - (1) The State Government (or such officer not below the rank of a Deputy Secretary to Government designated by that Government in this behalf) may, *suo motu* or on application, call for and examine the record of any order made by any officer under this Act and pass such order thereon as it or he thinks just and proper :

Provided that no application under this section shall be entertained if it is not made within a period of four months from the date of the order :

Provided further that, before rejecting any application for the revision of any such order the State Government or the officer designated shall record reasons for such rejection.

(2) No order shall be passed under this section is likely to affect any person adversely unless such person is given a reasonable opportunity of being heard by the State Government or as the case may be, the officer designated.

(3) Where an operator could have appealed under section 11 and no appeal has been filed by him, no proceedings in revision under this section shall be entertained upon the application of such operator.

NOTIFICATION

G.N., H.D., No. TPA. 1375-XXXI-TR, dated 12th December, 1975 (M.G., 1976, Pt. IV-B, p. 19)

In exercise of the powers conferred by sub-section (1) of Section 11A of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958), the Government of Maharashtra hereby designates the Secretary (Transport) to the Government of Maharashtra in the Home Department for the purposes of the said sub-section (1).

1. Section 11A was inserted by Mah. 37 of 1962. s. 7.

12. Maintenance of accounts and registers - Every operator shall keep and maintain accounts and registers in such forms as may be prescribed in respect of stage carriages and the fares collected in respect of passengers travelling therein.

13. Power to order production of accounts - The authority prescribed under sub-section (1) of Section 11 or the Tax Officer or any officer empowered in this behalf by the State Government may, by order, require any operator to produce such accounts, registers and documents, and to furnish such information relating to the stage carriages or the fares collected in respect of passengers travelling therein, as may be specified in the order.

14. Powers of entry and inspection - (1) Any officer authorised by the State Government in this behalf may at all reasonable times enter into, inspect and search any stage carriage and any place ordinarily used by the operator for garaging such vehicle or keeping accounts of his business for the purpose of seeing or verifying whether the provisions of this Act or any rules made thereunder are being complied with.

(2) All searches made under sub-section (1) shall be made in accordance with the provisions of the ¹[Code of Criminal Procedure, 1973].

15. Offence and penalties and competent court - (1) Any person who -

- (a) being an operator, submits or allows to be submitted an incorrect or incomplete return under Section 4 or fails to submit a return as required under that section ; or
- (b) being an operator, fraudulently evades or allows to be evaded, the payment of any tax due from him ; or

^{1.} These words and figures were substituted for the words and figures "Code of Criminal Procedure 1898" by Mah. 9 of 1989, s. 12.

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- (c) being an operator, fraudulently makes or allows to make any wrong entry in, or fraudulently omits or allows to be omitted any entry from, any statement submitted, or any accounts or register maintained, by him; or
- (d) wilfully acts in contravention of any of the provisions of this Act or any rules made thereunder or any lawful orders passed in accordance therewith ;

shall, on conviction, be punished with fine which may extend to one thousand rupees and if the Magistrate so directs in his order, the person convicted shall pay in addition, as if it were a fine, such specified amount as the Magistrate may determine to be the amount which the person convicted had evaded to pay.

(2) No offence punishable under this Act shall be inquired into or tried by any court inferior to that of a Presidency Magistrate or a Magistrate of the second class.

16. Offences by companies - (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section, -

(a) "Company" means a body corporate, and includes a firm or other association of individuals; and

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(b) "director" in relation to a firm means a partner in the firm.

17. Composition of offences - (1) The Tax Officer may, either before or after the institution of proceedings for any offence punishable under Section 15, accept from any person charged with such offence by way of composition of the offence, where the offence charged consists of the evasion of the tax, a sum of money not exceeding double the amount of the tax recoverable, in addition to the amount of tax so recoverable; and in other cases, a sum of money not exceeding two hundred and fifty rupees

(2) On payment of such sum as may be determined by the Tax Officer, under sub-section (1), no further proceedings shall be taken against the accused person in respect of the same offence.

18. Officers to be public servants. - All officers acting under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

19. Bar of certain proceedings.- (1) No prosecution or other proceeding shall be instituted in a Criminal Court without the previous sanction of the State Government, against any officer or servant of the Government, for any act done or purporting to be done under this Act.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

20. Limitation for suits and prosecutions. - No suit or other proceeding shall be instituted against the State and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within one year from the date of the act complained of.

21. Power to exempt certain passengers, from payment of tax. - The State Government may, by notification in the Official Gazette, exempt totally or partially from payment of tax the passengers ¹[carried by stage carriages plying exclusively within a municipal area or exclusively on such routes serving municipal and adjacent areas as may be specified in

1. These words were inserted by Mah. 37 of 1962, s. 8.

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the notification, or passengers] carried in stage carriages on such inter-State routes as may be specified in the notification or carried by stage carriages operating in furtherance of any educational, medical, philanthropic, or other object.

NOTIFICATION

G.N., H.D., No. TPA. 1758-XII, dated 15th October, 1958 (B.G.G., Pt. IV-B, p. 1292)

In exercise of the powers conferred by Section 21 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958), the Government of Bombay hereby exempts totally from payment of tax the passenger carried in stage carriages on the following inter State routes, namely :-

Belgaum-Daddi. Hattargi-Daddi Daddi-Hukkeri Sankeshwar-Halkarni Chikodi-Ichalkaranji Bawanthadi-Katangi Amgaon-Lanji Balaghat-Amgaon via Lanji

G.N., H.D. No. TPA 1759/38089-XII, dated 15th July, 1959 (B.G.G., Pt. IV-B, p. 900)

In exercise of the powers conferred by section 21 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958), the Government of Bombay hereby pleased to exempt totally from payment of tax the passengers carried in stage-carriages on the Abu Road to Ambaji inter-State route, with effect from the 15th October, 1958.

G.N., H.D., No. MTA 1760/43396-XII, dated 12th January, 1961 (M.G.G., Pt. IV-B, p. 162)

In exercise of the powers conferred by Section 21 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958), the Government of Maharashtra hereby exempts from the liability to pay the tax under the said Act the passengers carried in the Motor Vehicles bearing U.K. registration Nos. VMK 724 and SMU 597 and belonging to the Indiaman Coaches Limited.

G.N., H.D., No. TPA 1760/30575 XII, dated 13th January, 1961 (M.G.G., Pt. IV-B, p. 162)

In exercise of the powers conferred by Section 21 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958) the Government of Maharashtra hereby exempts totally from the payment of tax the passengers carried in stage carriages on the inter-State route Afzalpur to Alland via Dudhani.

G.N., H.D., No. TPA. 1763/99056-XII, dated 14th January, 1965 (M.G.G., Pt. IV-B, p. 453)

In exercise of the powers conferred by Section 21 of the Bombay Motor Vehicles (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958), the Government of Maharashtra hereby exempts totally from payment of tax the passengers carried by stage carriages plying exclusively on the Madhavnagar-Jaisingpur route in the Sangli District, being a route serving municipal and adjacent areas. G.N. H.D., No. TPA. 1266/42532-XII, dated 17th August, 1966 (M.G.G. Pt. IV-B, p.1494)

Amended by G.N., H.D., No. TPA. 1267/66114-XII, dated 10th August, 1967 (M.G.G., Pt. IV-B, p. 2030).

Amended by G.N., H.D., No. TPA - 1266/65260-XII, dated 12th September, 1967 (M.G. Pt. IV-B, p. 2241).

Amended by G.N., H.D., No. TPA. 1267/9578 XII, dated 9th October, 1967 (M.G. Pt. IV-B, p. 2300).

Amended by G.N., H.D., No. TPA. 1267/54733-XII, dated 12th February, 1967 (M.G. Pt. IV-B, p. 2428)

Amended by G.N., H.D., No. TPA, 1267/68423-XII, dated 9th December 1967 (M.G. Pt. IV-B, p. 313).

Amended by G.N., H.D. No. TPA. 1268-P/1533-XII, dated 9th October, 1968 (M.G. Pt. IV-B, p. 1749)

Amended by G.N., H.D., No. TPA. 1268/46259-XII,dated 21st November, 1968 (M.G. Pt. IV-B, p. 2001).

Amended by G.N., H.D., No. TPA. 1267/68567-XII, dated 2nd January, 1969 (M.G. Pt. IV-B, p. 129).

Amended by G.N., H.D., No. TPA. 1267/65163-XII, dated 2nd April, 1969 (M.G. Pt. IV-B, p. 483).

Amended by G.N., H.D., No. TPA. 1261-P/2036-XII, dated 15th February, 1969 (M.G. Pt. IV-B. p. 288).

Amended by G.N., H.D., No. TPA. 1269-P/328-XII, dated 23rd April, 1969 (M.G. Pt. IV-B, p. 595).

Amended by G.N., H.D., No. TPA. 1268-G/498-XII, dated 11th August, 1969 (M.G. Pt. IV-B, p. 1261).

Amended by G.N., H.D., No. TPA, 1269/30644-XII, dated 16th April, 1970 (M.G. Pt. IV-B, p. 609).

Amended by G.N., H.D. No. TPA 1268/63299-XII, dated 17th April, 1970 (M.G., Pt. IV-B, p. 624).

Amended by G.N., H.D., No. TPA. 1269/48945-XII, dated 20th April, 1970 (M.G. Pt. IV-B, p. 665).

In exercise of the powers conferred by Section 21 of the Bombay Motor Vehicles (Taxation of Passengers) Act. 1958 (Bom. LXVII of 1958), and in supersession of the Government Notifications, Home Department, mentioned below, the Government of Maharashtra hereby exempts the passengers carried on or after the fifteenth day of September, 1966 by stage carriages from payment of only so much of the tax as is in excess of 5 per cent. of the inclusive amount of fares payable to the operators of stage carriages plying exclusively _

(i) within the municipal areas in any part of the State of Maharashtra

1. No. TPA. 1063/72169-XII, dated the 23rd December, 1963. and

2. No. TPA. 1264/44826-XII, dated the 6th November, 1964.

No. TPA. 1264/80822-XII, dated the 4th May, 1965.

No. TPA. 1265/9759-XII, dated the 8th June, 1965.

5. No. TPA. 1265/67398-XII dated the 14th January, 1966.

6. No. TPA. 1763/99056-XII, dated the 14th January, 1966.

7. No. TPA. 1763/67558-XII, dated the 19th February, 1966.

8. No. TPA. 1265/74308-XII, dated the 23rd February, 1966.

9. No. TPA. 1265/52476-XII, dated the 21st March, 1966.

10. No. TPA. 1265/G-6547-XII. dated the 5th March, 1966.

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SCHEDULE

- 1. Hyderabad -Sholapur, (to be extended upto Pandharpur during Jatra)
- 2. Hyderabad-Osmanabad.
- 3. Hyderabad-Nanded via Nizamabad.
- 4. Hyderabad-Nagpur,
- 5. Hyderabad-Nanded via Nizamsagar.

G.N., H.D., No. TPA. 1271-XII-C, dated 15th September, 1971 (M.G., Pt. IV-B, 1455)

In exercise of the powers conferred by Section 21 of the Bombay Motor Vehicles (Taxation of Passengers) Act. 1958 (Bom. LXVII of 1958), the Government of Maharashtra, hereby with effect from the 15th day of July, 1971 exempt totally from payment of tax the passengers carried in stage carriages in the territories of the State of Maharashtra on the inter-State routes specified in the Schedule hereto appended.

SCHEDULE

Asifabad-Manikghar.

Nizamabad-Nanded via Narsi, Boath-Kinwat.

No. TPA 1289/10-TRA-3. In exercise of the powers conferred by section 21 of the Bombay Motor Vehilces (Taxation of Passengers) Act, 1958 (Bom. LXVII of 1958) and in supersession of Government Notification, Home Department, No. TPA 1276/11-XXXIV-TR, dated the 7th May 1976, as amended from time to time, the Government of Maharashtra hereby exempts the passengers carried by stage carriages from payment of only so much of the tax as is in excess of 3.5 per centum of the inclusive amount

of fares payable to the operators of stage carriages plying exclusively : (1) within the municipal areas in any part of the State of Maharashtra;

and

(2) on the routes serving municipal and adjacent rural areas;

(a) upto a radius of 10 kilometers from the municipal limits in the case of towns having population less than one lakh;

(b) upto a radius of 15 kilometers from the municipal limits in the case of towns and cities having population between one lakh and five lakhs; and

(c) upto a radius of 20 kilometers from the municipal limits in the case of cities having population five lakhs and above.

Provided that the tax exemption shall not apply if the operations undertaken are beyond the limits prescribed above and that the tax at the rate of 17.5 per cent of the inclusive of amount of fares payable to the operators shall be levied for the entire distance. M.G.G. IV-B 1992 p. 17.

G.N., H.D., No. MTA. 1774-(b)27-XII-C, dated 24th September, 1974 (M.G., Pt. IV-B, p. 1137)

In exercise of the powers conferred by Section 21 of the Bombay Motor Vehicles (Taxation of Passengers) Act. 1958 (Bom. LXVII of 1958), and in supersession of Government Notification, Home Department, No. MTA. 2668/15620 (b)-XII, dated the 27th August, 1970, the Government of Maharashtra hereby exempts passengers carried in tourist vehicles (omnibuses) registered in any other State in India, being tourist vehicles in respect of which permits have been granted under sub-section (7) of Section

RNI No. MAHBIL /2009/31733



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

वर्ष ८, अंक ७९]

गुरुवार, सप्टेंबर १५, २०२२/भाद्रपद २४, शके १९४४

[पृष्ठे ७, किंमत : रुपये १५.००

असाधारण क्रमांक १६८

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमांन्वये तयार केलेले (भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

गृह विभाग

मंत्रालय, मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मुंबई ४०० ०३२, दिनांक १५ सप्टेंबर २०२२

अधिसूचना

मोटार वाहन अधिनियम, १९८८.

क्रमांक एमव्हीआर ०६१७/प्र.क्र ३२१/परि-२.— मोटार वाहन अधिनियम, १९८८ (१९८८ चा ५९) च्या कलम ६५ च्या पोट-कलम (२) च्या खंड (घ) व (त) तसेच कलम २११ द्वारे प्रदान केलेल्या अधिकारांचा आणि त्या बाबतीत त्यास समर्थ करणाऱ्या इतर सर्व अधिकारांचा वापर करून, महाराष्ट्र शासन, महाराष्ट्र मोटार वाहन नियम, १९८९ यात आणखी सुधारणा करण्याबाबत प्रस्तावित केलेल्या नियमांचा पुढील मसुदा, त्यामुळे बाधा पोचण्याची शक्यता, असलेल्या सर्व व्यक्तींच्या माहितीकरीता, याद्वारे उक्त अधिनियमाच्या कलम २१२ च्या पोट-कलम (१) द्वारे आवश्यक असल्याप्रमाणे याद्वारे प्रसिध्द करीत आहे; आणि याद्वारे अशी सूचना देण्यात येत आहे की, ज्या दिनांकास या अधिसूचनेचा मसुदा **शासन राजपत्रात** प्रसिद्ध करण्यात येईल त्या दिनांकापासून तीस दिवसांनंतर, महाराष्ट्र शासनाकडून उक्त मसुदा विचारात घेण्यात घेईलः-

२. दिनांक १४ ऑक्टोबर २०२२ च्या आत, उक्त मसुद्याच्या बाबतीत कोणत्याही व्यक्तीकडून, ज्या कोणत्याही हरकती किंवा सूचना शासनाचे, अपर मुख्य सचिव, गृह विभाग (परिवहन), महाराष्ट्र शासन, मंत्रालय, मुंबई ४०० ०३२ यांच्याकडे प्राप्त होतील त्या हरकती किंवा सूचना शासनाकडून विचारात घेण्यात येतील.

प्रारूप नियम

- १. या नियमांना महाराष्ट्र मोटार वाहन (सुधारणा) नियम, २०२२ असे संबोधण्यात येईल.
- महाराष्ट्र मोटार वाहन नियम, १९८९ मधील, नियम ५४-अ ऐवजी पुढील नियम समाविष्ट करण्यात येईल : 2.

"**५४-अ. नोंदणी चिन्हाचे वाटप-** (१) मोटार वाहनांना नेमून द्यावयाचे नोंदणी चिन्ह अधिनियमाच्या कलम ४१ च्या पोट-नियम (६) अन्वये केंद्र सरकारने काढलेल्या अधिसूचनेनुसार असेल".

(२) केंद्रीय मोटार वाहन नियम, १९८९ मधील विहित नमुना क्रमांक २० नुसार अर्ज प्राप्त झाल्यावर, नोंदणी प्राधिकरण, नेमून दिलेल्या शेवटच्या नोंदणी चिन्हानंतर अनुक्रमांनुसार जे येते असे नोंदणी चिन्ह नेमून देईल.

(३) नोंदणी प्राधिकरण, खाली तक्त्यात विनिर्दिष्ट केल्याप्रमाणे असा नोंदणी क्रमांकामधून, मोटार वाहन मालकाला त्यांच्या पसंतीचे नोंदणी क्रमांक विहित केलेले शुल्क प्रदान केल्यावर राखून ठेवील जसे की :—

अ.क्र.	नोंदणी क्रमांक	दुचाकी व तीनचाकी आणि परिवहन वाहने यांच्या व्यतिरिक्त	दुचाकी व तीनचाकी आणि परिवहन वाहने
(१)	(?)	(३)	(४)
۶	०००१	*4,00,000	१,००,०००
2	०००९, ००९९, ०७८६, ०९९९, ९९९९.	2,40,000	40,000
Ŗ	०१११, ०२२२, ०३३३, ०४४४, ०५५५, ०६६६, ०७७७, ०८८८, ११११, २२२२, ३३३३, ४४४४, ५५५५, ६६६६, ७७७७, ८८८८.	१,००,०००	२५,०००
8	०००२,०००३,०००४,०००५,०००६,०००७,०००८,००१०,००११, ००२२,००३३,००४४,००५५,००६६,००७७,०१००,०१२३,०२३४, ०३४५,०४५६,०५००,०५०५,०५६७,०६७८,०७८९,०९००,१०००, १००१,१२३४,१५१५,१८१८,२३४५,२५२५,२७२७,३४५६,३६३६, ४५४५,४५६७,५०००,५४५४,५६७८,६३६३,६७८९,७००७,७२७२, ८१८१,९०००,९००९,९०९०.	90,000	१५,०००
ų	 oodd, oldol, oldo		9,000

परिशिष्ट- अ

अ.क्र.	नोंदणी क्रमांक	दुचाकी व तीनचाकी आणि परिवहन वाहने यांच्या व्यतिरिक्त	दुचाकी व तीनचाकी आणि परिवहन वाहने
(१)	(२)	(३)	(४)
	७४००,७४७४,७४७५,७५००,७५७५,७५७६,७६००,७६७६,७६७७, ७७००,७७७८,७८००,७८७८,७८७९,७९००,७९७९,८०००,८००८, ८०८०,८०८१,८१००,८१८२,८२००,८२८२,८२८३,८३००,८३८३, ८३८४,८४००,८४८४,८४८५,८५००,८५८५,८५८६,८६००,८६८६, ८६८७,८७००,८७८७,८७८८,८८००,८८८८९,८९००,८९८९,८९९०, ९०९१,९१००,९१९१,९१९२,९२००,९२९२,९२९३,९३००,९३९३, ९३९४,९४००,९४९४,९४९५,९५००,९५९५,९५९६,९६००,९६९६,		
Ę	९६९७,९७००,९७९७,९७९८,९८९८,९८९९,९९००. मालिकेतील शेवटच्या क्रमांकापासून १००० पेक्षा अधिक असलेल्या कोणत्याही क्रमांकासाठी देय असलेली फी.	१५,०००	६,०००
ଓ	मालिकेतील शेवटच्या क्रमांकापासून १००० पर्यंतच्या कोणत्याही क्रमांकासाठी देय असलेली फी.	१०,०००	4,000

(* मुंबई शहर, मुंबई उपनगर, ठाणे, रायगड, पुणे, औरंगाबाद, नागपूर, कोल्हापूर, नाशिक या जिल्ह्यांमधील नोंदणी प्राधिकाऱ्याच्या अधिकारीतेत -रु.६,००,०००).

(४) कोणत्याही विशिष्ट नोंदणी चिन्ह वाटप करण्याचा अर्ज, यासंबंधात अर्ज करण्याकरीता ऑनलाईन पोर्टलवर करता येईल.

(५) (एक) नोंदणी प्राधिकरण, त्यातील एखादी नोंदणी मालिका किंवा तिचा भाग, शासकीय वाहनांना वाटप करण्याकरीता राखून ठेवील ;

परंतु पोट-कलम (३) मध्ये विनिर्दिष्ट केलेले शुल्क प्रदान केल्यावर ज्या मालिकेसाठी शुल्क विहित केले आहे, त्या मालिकेमधून पोट-नियम(३) च्या तरतुदींन्वये इतर कोणत्याही व्यक्तीला नोंदणी क्रमांकाचे वाटप केले जाऊ शकते.

(दोन) पोट-नियम (३) च्या तरतुदींन्वये ज्यासाठी शुल्क विनिर्दिष्ट केलेले आहे अशा नोंदणी क्रमांकाचे शुल्काचे प्रदान न करता कोणत्याही शासकीय वाहनास वाटप केले जाणार नाही.

परंतु राज्य शासन पोट-नियम (३) मध्ये नमूद केलेल्या नोंदणी चिन्हासाठी सर्वसाधारणपणे किंवा विशेष आदेशान्वये शुल्क प्रदान करण्यातून सूट देता येईल, त्यानंतर कोणत्याही विद्यमान मालिकेमधून राज्य शासनाला नोंदणी क्रमांकाचे वाटप करता येईल.

(तीन) विद्यमान मालिका पूर्ण झाल्याखेरीज, शासकीय वाहनांसाठी कोणतीही नवीन नोंदणी मालिका किंवा तीचा भाग सुरु केला जाणार नाही.

(६) विशिष्ट वर्गाच्या किंवा प्रवर्गाच्या वाहनांची नोंदणी मालिका समाप्त झाल्याशिवाय, नोंदणी प्राधिकरणाद्वारे त्याच वर्गासाठी किंवा प्रवर्गासाठी कोणतीही नवीन मालिका सुरु केली जाणार नाही :

परंतु, परिवहन आयुक्ताला, नोंदणी प्राधिकाऱ्याच्या शिफारशीवरुन, लेखी आदेशाद्वारे, नोंदणी क्रमांक ०००१ नेमून देऊन नवीन मालिका सुरु करता येईल, त्यासाठी अर्जदाराला पोट-नियम(३) मध्ये विनिर्दिष्ट केलेल्या शुल्काच्या तीनपट शुल्क प्रदान करावे लागेल. ज्या अर्जदारास त्यानंतर ज्याला या मालिकेमधील नोंदणी क्रमांक मिळण्याची इच्छा असेल अशा अर्जदाराला, मूळ मालिका पूर्ण होईपर्यंत या नियमाच्या पोट-नियम(३) मध्ये विनिर्दिष्ट केलेल्या शुल्काच्या तीनपट दराने शुल्क प्रदान करावे लागेल. जोपर्यंत पहिली मालिका पूर्णपणे समाप्त होत नाही तोपर्यंत, दुसरी नविन मालिका एकाचवेळी सुरु केली जाणार नाही.

8

(७) नोंदणी प्राधिकरणाला पोट-नियम(३) अन्वये त्या क्रमांकासाठी विनिर्दिष्ट केलेल्या शुल्काच्या तीनपट इतके शुल्क प्रदान केल्यावर, वाहनांच्या कोणत्याही वर्गासाठी, इतर कोणत्याही चालू क्रममालिकेतून नोंदणी चिन्ह नेमून देता येईल.

(८) नव्याने सुरु केलेल्या क्रम मालिकेच्या बाबातीत, नोंदणी क्रमांकाचा लिलाव केला जाईल. लिलावाचा कालावधी परिवहन आयुक्तांनी वेळोवेळी विनिर्दिष्ट केल्यानुसार असेल. लिलावाच्या कालावधीत जर एकापेक्षा अधिक अर्जदारांनी एका विशिष्ट नोंदणी क्रमांकाची मागणी केली असेल तर, त्या नोंदणी क्रमांकाचे जाहीर लिलावाद्वारे वाटप करण्यात येईल आणि सर्वात उच्च बोली लावणाऱ्या यशस्वी अर्जदाराने विहित केल्याल्या शुल्काव्यतिरिक्त बोलीची रक्कम प्रदान करील. लिलाव प्रक्रिया, शासनाकडून **शासन राजपत्रात** अधिसूचित करण्यात येईल.

(९) लिलाव प्रक्रिया पूर्ण झाल्यानंतर, "प्रथम येणाऱ्यास प्रथम प्राधान्य" या तत्वानुसार नोंदणी क्रमांकाचे काटेकोरपणे वाटप करण्यात येईल.

(१०) एकदा राखुन ठेवलेले नोंदणी क्रमांक वाटप केलेल्या दिनांकापासून, सहा महिन्यांच्या आत केवळ नजिकच्या कुटुंबातील सदस्यांकडे (पती/पत्नी/मुलगा/मुलगी) हस्तांतरित केले जाऊ शकते.

(११) नोंदणी क्रमांक आरक्षित केल्याच्या दिनांकापासून सहा महिन्यांच्या आत, वाहन सादर केले नाही तर, नोंदणी क्रमांकाचे आरक्षण रद्द करण्यात येईल आणि पोट-नियम(३) मध्ये विनिर्दिष्ट केलेल्या शुल्कासह अर्ज करणाऱ्या इतर कोणत्याही व्यक्तीला, नोंदणी प्राधिकरणाकडून अशा प्रकारे रद्द केलेल्या नोंदणी क्रमांकाचे वाटप करण्यात येईल.

(१२) कोणत्याही विशिष्ट नोंदणी क्रमांक राखून ठेवण्याकरीता ऑनलाईन स्वरुपात प्रदान केलेले शुल्क, कोणत्याही परिस्थितीत परत केले जाणार नाही."

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

राजेंद्र होळकर, शासनाचे सहसचिव.

4

HOME DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk, Mumbai 400 032, dated the 15th September, 2022.

NOTIFICATION

MOTAR VEHICLES ACT, 1988

No. MVR 0617/C.R.321/TRA-2.— The following draft of the rules further to amend the Maharashtra Motor Vehicles Rules, 1989, which the Government of Maharashtra proposes to make in exercise of the powers conferred by clauses (d) and (p) of sub-section (2) of section 65 and section 211 of the Motor Vehicles Act, 1988 (59 of 1988), and of all other powers enabling it in this behalf is hereby published, as required by sub-section (1) of section 212 of the said Act, for information of all persons likely to be affected thereby ; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after 14th October, 2022 from the date on which the draft Notification is published in the Official Gazette.

2. Any objection or suggestion which may be received by the Additional Chief Secretary to the Government of Maharashtra, Home Department (Transport), Mantralaya, Mumbai 400 032, from any person with respect of the said draft, before the aforesaid date, will be considered by the Government.

DRAFT RULES

1. These rules may be called the Maharashtra Motor Vehicles (Amendment) Rules, 2022.

2. For the rule 54-A of the Maharashtra Motor Vehicles Rules, 1989. The following rule shall be substituted, namely :---

"54-A. Allotment of Registration Mark. (1) The Registration Mark to be assigned to the motor vehicles, shall be as per the notification issued by the Central Government under sub-section (6) of section 41 of the Act.

(2) On receipt of an application in the prescribed Form 20, of the Central Motor Vehicles Rules, 1989, the Registering Authority shall assign the registration mark which falls in serial order after the last registration mark assigned.

(3) The Registering Authority shall reserve a registration mark to the owner of a motor vehicle of his choice from amongst the following registration marks on payment of fees as specified in the Table below, namely :--

Sr.	Registration Marks	Fees	
No.		Other than two and three wheelers and transport vehicles	Two and three Wheelers and transport vehicles
(1)	(2)	(3)	(4)
1	0001	*5,00,000	1,00,000
-	0009,0099,0786,0999,9999.	2,50,000	50,000
2	0111, 0222, 0333, 0444, 0555, 0666, 0777, 0888, 1111, 2222,3333,4444, 5555,6666,7777, 8888.	1,00,000	25,000
4	0002,0003,0004,0005,0006,0007,0008,0010, 0011, 0022,0033,0044,0055,0066,0077,0100, 0123,0234, 0345, 0456, 0500,0505,0567,0678, 0789, 0900,1000, 1001,1234, 1515, 1818, 2345, 2525,2727,3456,3636, 4545,4567,5000,5454, 5678,6363,6789,7007,7272,8181,9000,9009, 9090.		15,000

TABLE

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Sr. No.	Registration Marks	Fees		
(1)		Other than two and three wheelers and transport vehicles	Two and three Wheelers and transport vehicles	
(1)	(2)	(3)	(4)	
5	0088, 0101, 0200, 0202, 0300, 0303, 0400, 0404, 0600, 0606, 0700, 0707, 0800, 0808, 0909, 1010, 1011,1100, 1112,1200,1212,1213,1221,1300, 1313, 1314, 1331, 1400,1414,1415,1500,1516, 1600,1616,1617,1700,1717,1718,1800,1819, 1900,1919,1920, 2000, 2002, 2020,2021, 2100, 2121, 2122, 2200, 2223, 2300, 2323, 2324, 2400, 2424, 2425, 2500, 2526, 2600, 2626, 2627, 2700, 2728, 2800, 2828, 2829, 2900, 2929, 2930, 3000, 3003, 3030, 3031, 3100, 3131, 3132,3200,3232, 3233,3300,3334,3400, 3434, 3435, 3500, 3535, 3536, 3600, 3637, 3700, 3737, 3738, 3800, 3838, 3839, 3900, 3939, 3940, 4000, 4004, 4040, 4041, 4100, 4141, 4142, 4200, 4242, 4243, 4300, 4343, 4344, 4400, 4445,4500,4546, 4600, 4646, 4647, 4700, 4747, 4748,4800,4848,4849, 4900,4949,4950, 5005, 5050,5051,5100,5151,5152, 5200,5252, 5253, 5300,5353,5400,5455,5500,5556, 5600, 5656, 5657,5700,5757,5758,5800,5858,5859, 5900,5959,5960,5995,6000,6060,6061,6100, 6161, 6162,6200,6262,6263,6300,6364,6400, 6464,6465, 6500,6565,6566,6600,6667,6700, 6767,6768,6800, 6868,6869,6900,6969,6970, 7000,7070,7071,7080, 7100,7171,7172,7200, 7273,7300,7373,7374,7400, 7474,7475,7500, 7575,7576,7600,7676,7677,7700, 7778,7800, 7878, 7879, 7900, 7979, 8000, 8008, 8080, 8081,8100,8182,8200,8282,8283,8300,8383, 8384, 8400,8484,8485,8500,8585,8586,8600, 8686, 8687, 8700, 8787, 8788, 8800, 8889,8900, 8989,8990,9091, 9100,9191,9192, 9200, 9292, 9293,9300,9393,9394,9400,9494,9495,9500,9595, 9596, 9600, 9696, 9697, 9700, 9797, 9798, 9898, 9899, 9900.	25,000	7,000	
6	Additional Charge for any number, more than 1000 from the last serial number.	15,000	6,000	
7	Additional charge for any number which is a non- serial number <i>i.e.</i> jumping number upto 1000.	10,000	5,000	

*(In case of jurisdiction of Registration Authorities in Mumbai City, Mumbai Suburban, Thane, Raigad, Pune, Aurangabad, Nagpur, Kolhapur, Nashik Districts – Rs. 6,00,000)".

(4) The application for allotment of any specific registration mark may be apply on online portal to be made available in this regard.

(5) (i) The registering authority shall reserve a registration series or part thereof for allotment to the Government vehicles:

Provided that, the registration mark from this series for which fee in prescribed under the provisions of sub-rule (3) can be allotted to any other person on payment of fees specified in sub-rule (3).

(ii) No Government Vehicle shall be allotted the registration mark for which fee is specified under the provisions of sub-rule (3) without payment of such fees :

Provided that, the State Government may, by general or special order exempt from payment of fees for the registration mark mentioned in sub-rule (3), after which the registration mark may be allotted to the State Government from any existing series.

(iii) No new registration series or part thereof shall be opened for Government Vehicles, unless the existing series is exhausted.

(6) Unless a registration series of a particular class or category of vehicles is exhausted, no new registration series shall be started by the Registering Authority for the same class or category:

Provided that, the Transport Commissioner may give an order in writing to start a new series by assigning registration mark 0001, on the recommendation of the Registering Authority for which the applicant will have to pay the fee which is three times the fees specified in sub-rule (3). The applicant, who desires to obtain the registration mark in this series thereafter, will have to pay the fees at the rate of three times of specified in sub-rule (3) of this rule till the exhaustion of the original series. Another new series shall not be started concurrently until the first series is completely exhausted.

(7) The Registering Authority may assign the registration mark from any other current series to any class of vehicles on payment of three times of the fee specified for that mark under sub-rule (3).

(8) Auction of registration mark will be carried out in respect of newly opened series. The duration of auction period shall be as specified by the Transport Commissioner from time to time. During the auction period, if a particular registration mark is sought by more than one applicant, the registration mark shall be allotted by way of public auction and the successful applicant offering the highest bidding amount shall pay the bidding amount in addition to the fees prescribed for allotment of the said registration mark. The procedure for the auction shall be notified by the Government in the *Official Gazette*.

(9) After the completion of auction process the registration mark shall be allotted strictly on "first come first serve" basis.

(10) The registration mark once reserved can be transferable only to immediate family member (Spouse/son/daughter) within six months of date of allotment.

(11) The reservation of the registration mark shall be cancelled if the vehicle is not produced within six month from the date of reserving the registration mark and the registration mark so cancelled may be allotted by the Registering Authority to any other person, who makes an application along with the fees specified in sub-rule (3).

(12) The fees paid online for reservation of any specific registration mark shall not be refunded under any circumstances".

By order and in the name of the Governor of Maharashtra,

R. M. HOLKAR, Joint Secretary to Government.

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सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 12 मई, 2015

सं. 25035/101/2014-आरएस. जबकि माननीय सर्वोच्च न्यायालय ने 2012 की रिट याचिका (सिविल) संख्या 235 में सेवलाईफ फाउंडेशन और अन्य बनाम यूनियन ऑफ इंडिया और अन्य के मामले में अपने आदेश दिनांक 29 अक्तूबर, 2014 के तहत अन्य बातों के साथ-साथ केन्द्रीय सरकार को केन्द्रीय विधान मंडल द्वारा उचित विधि निर्माण किए जाने तक गुड सेमेरिटन के बचाव के संबंध में आवश्यक निर्देश जारी करने का निर्देश दिया है;

और जबकि केन्द्रीय सरकार, सड़क दुर्घटना पीड़ितों की जान बचाने के लिए उनके द्वारा की जा रही कार्रवाइयों के संबंध में गुड सेमेरिटन को उत्पीड़न से बचाव के लिए इसे आवश्यक समझती है तथा, इसलिए, केन्द्रीय सरकार, एतद्वारा गुड सेमेरिटन के बचाव के लिए अस्पतालों, पुलिस और अन्य सभी प्राधिकरणों को अनुपालन किए जाने हेतु निम्नलिखित दिशानिर्देश जारी करती है, अर्थात्:-

1. (1) किसी सड़क दुर्घटना के प्रत्यक्षदर्शी सहित कोई भी बाईस्टैंडर या गुड सेमेरिटन किसी घायल व्यक्ति को निकटतम अस्पताल में लेकर जा सकता है, तथा उस बाईस्टैंडर या गुड सेमेरिटन को तुरंत जाने की अनुमति दे दी जाएगी और उस बाईस्टैंडर या गुड सेमेरिटन से कोई प्रश्न नहीं पूछा जाएगा, सिवाय सिर्फ प्रत्यक्षदर्शी के, जिसे पता बताने के बाद जाने दिया जाएगा।

(2) सड़क दुर्घटना पीड़ितों की मदद के लिए आगे आने हेतु अन्य नागरिकों को प्रोत्साहित करने के लिए राज्य सरकारों द्वारा यथा-विनिर्दिष्ट रूप में प्राधिकरणों द्वारा बाईस्टैंडर या गुड सेमेरिटन को उचित ईनाम या मुआवजा दिया जाएगा ।

(3) बाईस्टैंडर या गुड सेमेरिटन किसी सिविल तथा आपराधिक दायित्व के लिए उत्तरदायी नहीं होगा।

(4) कोई बाईस्टैंडर या गुड सेमेरिटन जो सड़क पर घायल पड़े व्यक्ति के लिए पुलिस को सूचना देने अथवा आपातकालीन सेवाओं हेतु फोन कॉल करता है, उसे फोन पर अथवा व्यक्तिगत रूप से उपस्थित होकर अपना नाम और व्यक्तिगत विवरण देने के लिए बाध्य नहीं किया जाएगा ।

2118 GI/2015

(1)

[PART I---SEC. 1]

(5) गुड सेमेरिटन का नाम और संपर्क विवरण जैसी व्यक्तिगत सूचना को बताया जाना स्वैच्छिक तथा वैकलिक बनाया आएगा । ऐसा अस्पतालों द्वारा उपलब्ध कराए गए मैडिको लीगल केस (एमएलसी) फार्म में भी किया जाएगा

जाएगा । एसा जल्पताला छारा उपलब्ध संबंधित सरकार हारा अनुशासनात्मक या विभागीय कार्रवाई की जाएगी जो किसी (6) उत्त लोक अधिकारियों के विरूद्ध संबंधित सरकार हारा अनुशासनात्मक या विभागीय कार्रवाई की जाएगी जो किसी बाईस्टेंडर या गुड सेमेरिटन की अपना नाम अथवा व्यक्तिगत विवरण देने के लिए बाध्य करेंगे अथवा धमकाएंगे ।

बाइस्टडर या गुड समारटन का अपना नाम जयवा व्याप्ताया प्रपटन का मालाट बाह के वह उस दुर्घटना का प्रत्यक्षदर्शी भी (7) यदि कोई बाईस्टेंडर या गुड सेमेरिटन जिसने स्वेच्छिक रूप से उल्लेख किया है कि वह उस दुर्घटना का प्रत्यक्षदर्शी भी बाईस्टेंडर या गुड सेमेरिटन से एक ही बार पूछताछ की जाएगी तथा राज्य सरकार द्वारा मानक संचालन प्रक्रिय किकसित की जाएंगी ताकि यह सुनिश्चित किया जा सके कि किसी बाईस्टेंडर या गुड सेमेरिटन को उत्पीड़ित अथवा धमकाया ना जाए । वार्यपती ताकि यह सुनिश्चित किया जा सके कि किसी बाईस्टेंडर या गुड सेमेरिटन को उत्पीड़ित अथवा धमकाया ना जाए ।

(8) जांच की विधियां, आपराधिक प्रक्रिया संहिता 1973 की धारा 284 के अंतर्गत किसी आयोग द्वारा, अथवा कथित संहिता की धारा 296 के अनुसार औपचारिक तौर से शपथ-पत्र के द्वारा हो सकती है तथा इस अधिसूचना के जारी होने की तिथि से 30 दिन की अवधि के भीतर मानक संचालन प्रक्रिया विकसित की जाएंगी ।

(9) गुड सेमेरिटन को उत्पीहन से बचाने अथवा असुविधा से दूर रखने के लिए, बाईस्टेंडर था गुड सेमेरिटन एवं उपर्युक्त

ा दिशा-निर्देश में संदर्भित व्यक्ति जो प्रत्यक्षदर्शी हैं, में पूछताछ के दौरान विडियो कांसेंसिंग का विस्तृत रूप में उपयोग किया (۱) जाएगा। ا

णार्या। (10) स्वास्थ्य एवं परिवार कल्याण मंत्रालग दिशा-निर्देश जारी करेगी जिसमें यह उल्लेख किया जाएगा कि कोई थी पंजीकृत सार्वजनिक और निजी अस्पताल बाईस्टेंडर या गुड सेमेरिटन की नरिवार का सदस्य अथवा मंगा-संबंधी न हो तथा पं. परमानंद कटारा वनाम यूनियन ऑफ इंडिया और अन्य [1989] 4 एससीसी 286 में माननीय सर्वोच्च न्यायालव के आदेश के अनुसरण में घायल वनाम यूनियन ऑफ इंडिया और अन्य [1989] 4 एससीसी 286 में माननीय सर्वोच्च न्यायालव के आदेश के अनुसरण में घायल वार्वा में सेनेयन आंफ इंडिया और अन्य [1989] 4 एससीसी 286 में माननीय सर्वोच्च न्यायालव के आदेश के अनुसरण में घायल

र्त1) सड़क दुर्घटनाओं से संबंधित किसी आपातकालीन परिस्थिति में, जिस समय डाक्टर से चिकित्सीय देखभाल प्रदान किये जाने की आशा की जाती है, किसी डाक्टर द्वारा प्रतिक्रिया के अभाव को भारतीय चिकित्सा परिषद (व्यवसायिक आचार, शिष्टाचार और तैतिक) विनियम, 2002 के अध्याय-7 "व्यवसायिक कदाचार" के अंतर्गत सम्मिलित किया जाएगा तथा उस डा. के विरूद्ध कथित विनियमन के अध्याय-8 के तहत अनुशासनात्मक कार्रवाई की जाएगी।

क्य में ग्राम क्षेत्र की त्र स्वाल इस आशय का अपने प्रवेश द्वार पर हिंदी, अंग्रेजी और राज्य या संघ राज्य क्षेत्र की वेशी भाषा में एक चार्टर प्रकाशित करेंगे की वाईस्टेंडर या गुड सेमेरिटन को नहीं रोकेंगे अथवा किसी पीड़ित के उपचार के लिए उनसे धन जमा कराने के लिए नहीं कहेंगे।

(13) यदि कोई बाईस्टेंडर या गुड सेमेरिटन चाहे तो अस्पताल उसे घायल व्यक्ति को अस्तपाल में लाने तथा समय और स्थान के संबंध में, उस गुड सेमेरिटन को एक पावती उपलब्ध कराएगा तथा ऐसी पावती को राज्य सरकार द्वारा एक मानक कार्मेट में तैयार किया जाएगा तथा उपयुक्त समझे जाने पर बाईस्टेंडर या गुड सेमेरिटन को प्रोत्साहन देने के लिए राज्य सरकार द्वारा एक मानक कार्मेट में तैयार किया जाएगा तथा उपयुक्त समझे जाने पर बाईस्टेंडर या गुड सेमेरिटन को प्रोत्साहन देने के लिए राज्य सरकार द्वारा एक मानक हाता के संबंध में, उस गुड सेमेरिटन को एक पावती उपयुक्त समझे जाने पर बाईस्टेंडर या गुड सेमेरिटन को प्रोत्साहन देने के लिए राज्य सरकार द्वारा स्कार सामक कार्मेट में तैयार किया जाएगा तथा उपयुक्त समझे जाने पर बाईस्टेंडर या गुड सेमेरिटन को प्रोत्साहन देने के लिए राज्य सरकार द्वारा सभार सामेट में तैयार किया जाएगा तथा उपयुक्त समझे जाने पर बाईस्टेंडर या गुड सेमेरिटन को प्रोत्साहन देने के लिए राज्य सरकार द्वारा सभार सामेट में तैयार सभी अस्पतालों में इसे वितरित किया जाएगा।

त्14) सभी सर्वजनिक और निजी अस्पतालों द्वारा इन दिशा-निर्देशों का अनुपालन तत्काल रूप से किया जाएगा तथा इन दिशा-निर्देशों का अनुपालन न किए जाने अथवा उल्लंघन किए जाने के मामले में संबंधित प्राधिकारियों द्वारा उचित कार्रवाई की जाएगी।

भारभाग भारभाग इन दिशा-निर्देशों से युक्त एक पत्र केन्द्रीय सरकार और राज्य सरकार द्वारा अपने संबंधित क्षेत्राधिकार के तहत सभी अस्पतालों और संस्थानों में जारी किया जाएगा जिसमें इस अधिसूचना की राजपत्रित प्रति भी संलग्न होगी तथा स्वास्थ्य एवं परिवार कल्याण मंत्रालय और सड़क परिवहन और राजमार्ग मंत्रालय द्वारा इन दिशा निर्देशों के बारे में आम जनता को सूचित किए जाने हेतु सभी राष्ट्रीय और एक क्षेत्रीय समाचार पत्र एवं इलेक्ट्रानिक मीडिया में विज्ञापन प्रकाशित किए जाएगे।

5. बाईस्टेंडर या गुड सेमेरिटन के बचाव के संबंध में उपर्युक्त दिशा-निर्देश, मोटर यान अधिनियम, 1988 (1988 का 2. बाईस्टेंडर या गुड सेमेरिटन के बचाव के संबंध में उपर्युक्त दिशा-निर्देश, मोटर यान अधिनियम, 1988 (1988 कारणा

हिंगि मिर्गुम, माध्यापतिह प्रसम

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MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 12th May, 2015

No. 25035/101/2014-RS.—Whereas the Hon'ble Supreme Court in the case of Savelife Foundation and another V/s. Union Of India and another in Writ Petition (Civil) No. 235 of 2012 vide its order dated 29th October, 2014, interalia, directed the Central Government to issue necessary directions with regard to the protection of Good Samaritans until appropriate legislation is made by the Union Legislature;

And whereas, the Central Government considers it necessary to protect the Good Samaritans from harassment on the actions being taken by them to save the life of the road accident victims and, therefore, the Central Government hereby issues the following guidelines to be followed by hospitals, police and all other authorities for the protection of Good Samaritans, namely:-

1. (1) A bystander or good Samaritan including an eyewitness of a road accident may take an injured person to the nearest hospital, and the bystander or good Samaritan should be allowed to leave immediately except after furnishing address by the eyewitness only and no question shall be asked to such bystander or good Samaritan.

(2) The bystander or good Samaritan shall be suitably rewarded or compensated to encourage other citizens to come forward to help the road accident victims by the authorities in the manner as may be specified by the State Governments.

(3) The bystander or good Samaritan shall not be liable for any civil and criminal liability.

(4) A bystander or good Samaritan, who makes a phone call to inform the police or emergency services for the person lying injured on the road, shall not be compelled to reveal his name and personal details on the phone or in person.

(5) The disclosure of personal information, such as name and contact details of the good Samaritan shall be made voluntary and optional including in the Medico Legal Case (MLC) Form provided by hospitals.

(6) The disciplinary or departmental action shall be initiated by the Government concerned against public officials who coerce or intimidate a bystander or good Samaritan for revealing his name or personal details.

(7) In case a bystander or good Samaritan, who has voluntarily stated that he is also an eye-witness to the accident and is required to be examined for the purposes of investigation by the police or during the trial, such bystander or good Samaritan shall be examined on a single occasion and the State Government shall develop standard operating procedures to ensure that bystander or good Samaritan is not harassed or intimidated.

(8) The methods of examination may either be by way of a commission under section 284, of the Code of Criminal Procedure 1973 or formally on affidavit as per section 296, of the said Code and Standard Operating Procedures shall be developed within a period of thirty days from the date when this notification is issued.

(9) Video conferencing may be used extensively during examination of bystander or good Samaritan including the persons referred to in guideline (1) above, who are eye witnesses in order to prevent harassment and inconvenience to good Samaritans.

(10) The Ministry of Health and Family Welfare shall issue guidelines stating that all registered public and private hospitals are not to detain bystander or good Samaritan or demand payment for registration and admission costs, unless the good Samaritan is a family member or relative of the injured and the injured is to be treated immediately in pursuance of the order of the Hon'ble Supreme Court in Pt. Parmanand Katara vs Union of India & Ors [1989] 4 SCC 286.

(11) Lack of response by a doctor in an emergency situation pertaining to road accidents, where he is expected to provide care, shall constitute "Professional Misconduct", under Chapter 7 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation, 2002 and disciplinary action shall be taken against such doctor under Chapter 8 of the said Regulations.

(12) All hospitals shall publish a charter in Hindi, English and the vernacular language of the State or Union

territory at their entrance to the effect that they shall not detain bystander or good Samaritan or ask depositing money from them for the treatment of a victim.

(13) In case a bystander or good Samaritan so desires, the hospital shall provide an acknowledgement to such good Samaritan, confirming that an injured person was brought to the hospital and the time and place of such occurrence and the acknowledgement may be prepared in a standard format by the State Government and disseminated to all hospitals in the State for incentivising the bystander or good Samaritan as deemed fit by the State Government.

(14) All public and private hospitals shall implement these guidelincs immediately and in case of noncompliance or violation of these guidelines appropriate action shall be taken by the concerned authorities.

(15) A letter containing these guidelines shall be issued by the Central Government and the State Government to all Hospitals and Institutes under their respective jurisdiction, enclosing a Gazette copy of this notification and ensure compliance and the Ministry of Health and Family Welfare and Ministry of Road Transport and Highways shall publish advertisements in all national and one regional newspaper including electronic media informing the general public of these guidelines.

2. The above guidelines in relation to protection of bystander or good Samaritan are without prejudice to the liability of the driver of a motor vehicle in the road accident, as specified undersection 134 of the Motor Vehicles Act, 1988 (59 of 1988).

SANJAY BANDOPADHYAYA, Jt. Secy.

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अधिसूचना

गृह विभाग, मंत्रालय, मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मुंबई - 400 032 दिनांक:- 4 मार्च, 2017

मोटार वाहन अधिनियम 1988 क्रमांक : एमव्हीआर 0315/प्र.क्र.109/परि-2, - ज्याअर्थी महाराष्ट्र राज्यातील विविध शहरात चालणा-या टॅक्सी मोटार वाहन कायदा 1988 च्या कलम 74 अन्वये जारी करण्यात आलेल्या परवान्यावर चालविल्या जातात, आणि या रस्त्यावरून प्रवासी घेणा-या किंवा काळया-पिवळया टॅक्सी किंवा कुलकॅब यांना रस्त्यावरून प्रवासी घेण्यास तसेच, विहित थांब्यावरून प्रवासी घेण्यास परवानगी आहे, आणि या टॅक्सींची इंजिन क्षमता किमान 980 सीसी असून त्या सीएनजी इंधनावर चालविल्या जातात, आणि या टॅक्सी निर्धारीत भाडे भाडेमीटरच्या आधारे आकारून चालविले जातात, आणि या टॅक्सींच्या परवान्याची संख्या मर्यादीत आहे.

आणि ज्याअर्थी फ्लीट टॅक्सी योजना 2006 मधील टॅक्सी आलिशान (इंजिन क्षमता 1400 सीसी पेक्षा जास्त व वातानुकुलीत) असून मुलत: काळया-पिवळया टॅक्सींना दिलेल्या परवान्यावर चालविल्या जातात, आणि फोन फ्लीट टॅक्सी योजना 2010 मधील टॅक्सी आलिशान (इंजिन क्षमता 1400 सीसी पेक्षा जास्त व वातानुकुलीत) असून जाहीर लिलावादवारे प्राप्त किंसत रू.2.61 लक्ष प्रति परवाना प्रमाणे विक्री केलेल्या परवान्यावर चालविले जातात, आणि दोन्ही योजनेमधील टॅक्सी ह्रया मीटरप्रमाणे व सीएनजी इंधनावर व आधी आरक्षीत करुन चालविल्या जातात.

आणि ज्याअर्थी मोटार वाहन कायदा 1988 च्या कलम 88(9) अन्वये जारी करण्यात आलेल्या अखिल भारतीय पर्यटक परवान्यावरील वाहने राज्यांतर्गत किंवा राज्यबाहेरील प्रवासासाठी केवळ पर्यटकांना कालमापन पध्दतीने किंवा दोन ठिकाणामधील प्रवासासाठी भाडे ठरवून चालविले जातात, आणि सदर टॅक्सींचे केंद्र शासनाने विहित केलेल्या केंद्रीय मोटार वाहन नियमन केले जाते, आणि त्यांच्या भाडयावर अथवा इंधन प्रकारावर कोणतेही नियमन नाही.

आणि ज्याअर्थी ॲप आधारीत सेवा देणा-या समुच्चयकांनी या क्षेत्रात नव्याने प्रवेश केला आहे, आणि ॲप आधारीत सेवा देणा-या समुच्चयक टॅक्सी व प्रवासी यांना जोडण्यासाठी शक्यतो स्मार्ट फोनचा वापर करतात. सदर ॲप अशाप्रकारे तयार केले आहेत की, टॅक्सीच्या चालकास प्रवाश्याचे गंतव्यस्थान माहित नसते तसेच, तो भाडेसुध्दा निर्धारीत करित नाही. सदर भाडे समुच्चयकाच्या संगणक प्रणालीदवारे निर्धारीत केले जाते. त्यामुळे वस्तुस्थिती अशी आहे की, प्रवाश्यांनी समुच्चयकाकडून टॅक्सी भाडयांनी घेतली आहे, आणि समुच्चयकांनी अशाप्रकारची सेवा देऊ केली आहे आणि म्हणून त्यांचे इतर टॅक्सी सेंवा सारखे नियमन करणे आवश्यक आहे हे मान्य करण्याजोगे व गरजेचे आहे.

आणि, ज्याअर्थी ॲप आधारीत टॅक्सी अशाप्रकारे सेवा देत आहेत ज्यामुळे रस्त्यावरून प्रवासी घेणा-या टॅक्सी व आधी आरक्षीत करून भाडयाने देण्या-या टॅक्सी यांच्यामधील फरक धुसर होत आहे. सध्या प्रामुख्याने ॲपवर चालणा-या मोठया संख्येतील टॅक्सी ऑल इंडिया पर्यटक परवान्यावर स्थानिक शहर टॅक्सी सारखी सेवा देत आहेत आणि टॅक्सींच्या नियमनांमध्ये फरक असल्याने, मागणीप्रमाणे पुरवठा केल्यामुळे होणारे फायदे, बदलते मुल्य निर्धारण (dynamic price discovery) आणि प्रवांशाना मिळणारा चांगला अनुभव याचे फायदे कायम ठेवून टॅक्सी सेवेचे आधुनिकीकरण / उन्नतीकरण यासाठी नियमनांचे एकत्रिकरण करणे आवश्यक आहे.

त्या अर्थी अशा टॅक्सी परवान्याचे नियमन करुन त्यांना अनुज्ञण्ती देण्यासाठी नियम करणे योग्य असल्याबाबत शासन विचार करत आहे.

त्या अर्थी मोटार वाहन अधिनियम, 1988 (1988 चा 59) याच्या कलम 74, कलम 89 च्या पोटकलम (1), कलम 93, कलम 95 च्या पोटकलम (1) व कलम 96 च्या पोटकलम (2) चे खंड (अठ्ठावीस) व्दारे प्रदान करण्यात आलेल्या अधिकारांचा आणि त्या बाबतीत त्यास समर्थ करणाऱ्या इतर सर्व अधिकारांचा वापर करुन, महाराष्ट्र शासनाने प्रस्तावित केलेल्या पुढील नियमांचा मसुदा उक्त अधिनियमाच्या कलम 212 च्या पोट कलम (1) व्दारे आवश्यक असल्याप्रमाणे, यापूर्वी प्रसिध्द करण्यात आलेले पुढील नियम करीत आहे.

1. संक्षिप्त नाव व व्याप्ती :-

(1) या नियमांना महाराष्ट्र सिटी टॅक्सी नियम, 2017 असे संबोधण्यात येईल.

(2) सदर नियम मुंबई महानगर क्षेत्रासाठी लागू असतील व शासन वेळोवेळी अधिसूचित करेल अशा क्षेत्रांसाठी विस्तारीत करण्यात येतील.

2. व्याख्या :-

(1) या नियमामध्ये, संदर्भानुसार दुसरा अर्थ अपेक्षित नसेल तर,-

(i) "अधिनियम" याचा अर्थ म्हणजे मोटार वाहन अधिनियम, 1988

(1988 चा 59);

(ii) "'समुच्चयक'' याचा अर्थ फोन, इंटरनेट, वेब आधारित सेवा किंवा जीपीएस/जीपीआरएस आधारित सेवांव्दारे प्रवाशांना/ इच्छुक प्रवाशांना टॅक्सी किंवा इतर कोणत्याही सार्वजनिक प्रवाशी वाहनाच्या चालकाशी जोडण्याकरिता प्रचार करणारा किंवा पाठपुरावा करणारा किंवा सुविधा देणारा संचालक किंवा मध्यस्थ/ व्यापारस्थळ मग त्याने तो काही भाडे, शुल्क, दलाली किंवा अशा सेवा देण्यासाठी कोणतेही शुल्क आकारले असो अथवा नसो ;

(iii) "अनुज्ञप्ती" याचा अर्थ या नियमाखाली समुच्चयकास दिलेली अनुज्ञप्ती;

(iv) "अनुज्ञप्तीधारक" याचा अर्थ समुच्चयक जो या नियमाखालील अनुज्ञप्ती धारण करतो;

(v) "अन्जप्ती प्राधिकारी" याचा अर्थ प्रादेशिक परिवहन प्राधिकरण;

(vi) "टॅक्सी" म्हणजे अधिनियमाच्या कलम 74 प्रमाणे परवाना असलेले मोटार कॅब वाहन.

(2) या नियमामध्ये वापरलेले परंतु व्याख्या न केलेले इतर शब्द आणि वाक्यप्रयोग यांना अधिनियमात आणि त्याखालील नियमात अनुक्रमे नेमून दिल्याप्रमाणेच अर्थ असेल.

3. अन्ज्ञप्तीधारकाचा तपशिल:-

(1) कोणीही व्यक्ती या नियमाखाली अनुज्ञप्ती प्राप्त केल्याखेरीज समुच्चयक म्हणून काम करणार नाही.

(2) भारतीय भागिदारी कायदा १९३२ (१९३२ चा नववा) खालील नोंदणीकृत संस्था किंवा कंपनी कायदा, २०१३ (२०१३ चा अठरावा) खाली नोंदणी केलेल्या कंपनी अथवा संस्थांना अन्ज्ञप्ती देण्यात येईल.

(3) अनुज्ञप्तीधारक मोटार वाहन कायदा, 1988 व माहिती तंत्रज्ञान कायदा, 2000 (वेळोवेळी सुधारणा केल्याप्रमाणे) व त्याखालील नियमांमधील आवश्यक तरतुदींचे पालन करेल.

4. कार्यान्वयनासाठी पायाभूत स्विधा :-

(1) अनुज्ञप्तीधारकाचे त्याच्या व्यवसायाच्या क्षेत्रात नोंदणीकृत कार्यालय असणे आवश्यक आहे. तसेच त्याच्या मुख्य कार्यालयाचा तपशिल जसे की, दूरध्वनी क्रमांक, ईमेल पत्ता आणि कार्यालय प्रमुखाची माहिती इत्यादी संबधित अनुज्ञप्ती प्राधिका-यास तसेच अधिसूचित करण्यात येईल अशा प्राधिकरणास अर्जासोबत सादर करणे आवश्यक राहील.

(2) अनुज्ञप्तीधारक स्वतः कॉल सेंटर सुरु करेल अथवा एखादया अधिकृत कॉल सेंटरव्दारे किंवा वेब पोर्टलव्दारे किंवा संगणकीय प्रणालीद्वारे समुच्चयक म्हणून कार्य करेल हा सर्व तपशिल संबधित अनुज्ञप्ती प्राधिका-यास तसेच अधिसूचित करण्यात येईल अशा प्राधिकरणास सादर करणे आवश्यक राहील.

(3) अनुज्ञप्तीधारकाने पुढील सर्व तपशिल जसे की, त्याचे स्वामित्व, नोंदणीकृत पत्ता, देऊ केलेल्या सेवा, भाडेपत्रक, विम्या बद्दल तपशिल, नियंत्रण कक्षाचा दूरध्वनी क्रमांक व तक्रार निराकरण अधिकाऱ्यांचे नाव, पत्ता, दूरध्वनी क्रमांक इत्यादी वेब पोर्टलवर प्रदर्शित करणे आवश्यक राहील.

(4) अनुज्ञप्तीधारक ग्राहकांकडून प्राप्त तक्रारी तथा सूचनांचे योग्य निराकारण करण्यासाठी आवश्यक यंत्रणा उभारील.

(5) अनुज्ञप्तीधारक महिला कर्मचाऱ्यांच्या हिताच्या रक्षणाकरीता व सुरक्षिततेकरीता महिलांचे कामाच्या ठिकाणी उत्पीडन (निवारण, प्रतिबंधन आणि प्रतितोष) अधिनियम 2013 मध्ये निर्धारीत केल्याप्रमाणे यथोचित उपाययोजना करील.

(6) अनुज्ञप्तीधारकाने अहोरात्र चालणारा (24 x 7) नियंत्रण कक्ष पुरेशा मनुष्यबळासह कार्यरत ठेवला पाहिजे.

5. वाहनासंबंधी तपशिल :-

- (1) या नियमाखाली विधिवत नोंदणी न झालेल्या समुच्चयकामार्फत कोणतेही टॅक्सी भाइयाने देता येणार नाही.
- (2) अनुज्ञप्तीधारकाने प्रत्येक टॅक्सीकडे उक्त अधिनियमान्वये जारी केलेले वैध योग्यता प्रमाणपत्र असल्याची खात्री करेल, अनुज्ञप्तीधारक स्वतःच्या मालकीच्या अथवा टॅक्सी परवाना धारकाशी करार करुन घेतलेल्या विविध प्रकारच्या टॅक्सींचा ताफा जवळ बाळगेल. प्रत्येक टॅक्सींची इंजिन क्षमता 980 CC पेक्षा कमी नसेल तसेच आसन क्षमता 7 पेक्षा जास्त (चालकासहीत) नसेल; परंतु कोणत्याही समुच्चयकाकडे संलग्न असलेल्या एकूण टॅक्सी पैकी कमीत कमी <u>30</u>टक्के टॅक्सी 1400 सीसी किंवा त्यापेक्षा जास्त इंजिन क्षमता असणाऱ्या असतील. खुली वाहने अथवा टणक/पक्के छत नसणारी किंवा फायबरचे छत असलेली वाहने चालणार नाहीत.
- (3) समुच्च्यकाकडे संलग्न असलेली वाहने "अँप आधारित सिटी टॅक्सी परवाना" या परवान्यावर चालविण्यात येतील;

परंतु उक्त अधिनियमाच्या कलम ७४ खालील परवान्यावर चालविण्यात येणारे सध्याचे वाहन जर समुच्चयकाशी संलग्न करण्यात आले तर असे वाहन या परवान्यावर चालविण्यात येत असल्याचे गृहीत धरण्यात येईल.

(4) ॲप आधारित सिटी टॅक्सी परवाना प्राप्त करण्यास इच्छुक असणारी व्यक्ती संबंधित प्रादशिक परिवहन प्राधिकरणाकडे विहित नमुन्यात अर्ज करेल.

परंतु अशी व्यक्ती त्याच्या वतीने अर्ज करण्यासाठी अशा परवान्यावर नोंदणी असलेल्या वाहनाची सेवा ज्या समुच्चयकामार्फत देण्यास इच्छुक आहे त्या समुच्चयकास प्राधिकृत करु शकेल.

- (5) प्रत्येक वाहनात सुस्थितील तापमान नियंत्रक उपकरण बसविल्याची खात्री करेल. परंतु उपनियम 5 मधील तरतुद वेब प्रणालीद्वारे सेवा देणाऱ्या काळया पिवळया टॅक्सींना लागू असणार नाही.
 - (6) या नियमाखाली चालणारे कोणतेही वाहन स्वच्छ इंधनावर (Petrol, CNG, LPG, वा हायब्रीड / विदयुत उर्जेवर) चालणाऱ्या असाव्यात. विदयुत उर्जेवर चालणाऱ्या वाहनांबद्दलचे अधिक तपशिल राज्य परिवहन प्राधिकरणाकडून निर्धारित करण्यात येईल. परिवहन विभागाव्दारे वेळोवेळी निर्धारित करण्यात येणारे प्रदूषणविषयक मापदंड वाहनास लागू राहतील. जर सध्या कोणत्याही वैध परवान्यावर वापरण्यात येणारे वाहन समुच्चयकामार्फत वापरण्यात येणार असेल तर ते सदर नियम अंमलात आल्या दिनांकापासून 1 वर्षाच्या आत वर नमूद केल्याप्रमाणे स्वच्छ इंधनावर परावर्तीत करण्यात येईल, आणि समुच्चयक नोंदणीच्यावेळी याबाबतचे प्रमाणपत्र / हमीपत्र दाखल करतील.

- (7) या नियमाखाली चालणा-या प्रत्येक वाहनामध्ये अथवा वाहन चालकाच्या मोबाईलमध्ये GPS / GPRS यंत्रणेवर चालणारी मार्गनिरिक्षण यंत्रणा उपलब्ध असावी. तसेच मार्गक्रमण केलेले अंतर व मार्ग दर्शविणारा निदर्शक (Display) देखील वाहनात बसविलेला असावा. सदरची यंत्रणा ही जेव्हाजेव्हा वाहन भाडयावर चालत असेल तेव्हा परवानाधारकाने स्थापन केलेल्या नियंत्रण कक्षाशी कायम संपर्कात असणे आवश्यक राहील. सदर यंत्रणा बंद असल्यास त्याच्या कारणासहीत व बंद असल्याच्या वेळेसहीत त्याची नोंद परवानाधारकाकडे असणे आवश्यक आहे. वेळोवेळी करण्यात येणाऱ्या सुधारणांसहीत सदर यंत्रणेचा किमान आवश्यक तपशिल परिवहन आयुक्तांतर्फे निर्धारीत केला जाईल.
- (8) भारतातील लागू असणाऱ्या व वेळोवेळी सुधारणा झालेल्या संबंधित कायद्यातील तरतूदींप्रमाणे वाहनाचा सुयोग्य वापराकरीता वाणिज्यीक विमा उतरविलेला असावा.
- (9) प्रत्येक वाहनास परिवहन प्राधिकरणाने जारी केलेला परवाना वाहनात योग्य ठिकाणी ठळकपणे प्रदर्शित केला असला पाहिजे.
- (10) अँप आधारित सिटी टॅक्सी परवान्यावर चालणा-या सर्व टॅक्सींना खालीलप्रमाणे रंगाने रंगविण्यात येईल -
 - (अ) वाहनाचा वरील भाग ----- पांढरा रंग
 - (आ) वाहनाचा पुढील व मागील भागाचा खालचा पट्टा ---- पांढरा रंग
 - (इ) वाहनाचा खालील भाग ------डफोडील पिवळा (RAL 1007)

परंतु काळी पिवळी टॅक्सी, कुलकॅब व सध्याच्या विविध योजनांतील टॅक्सी त्यांच्या मान्यताप्राप्त रंगसंगतीप्रमाणेच राहतील.

- (11) या नियमांन्वये चालणा-या कोणत्याही वाहनांवर राज्य परिवहन प्राधिकरणाने वेळोवेळी निर्धारीत केलेल्या तरतूदींच्या अधिन राहून जाहिरात प्रदर्शित करता येवू शकेल.
- (12) या नियमांन्वये चालणारे कोणतेही वाहन मोबाईल रेडीओ अथवा वेब अथवा अंपलीकेशन प्लॅटफॉर्म आधारित दुतर्फा संभाषण करता येईल अशा यंत्रणेने सुसज्ज असावे.
- (13) या नियमांन्वये चालणा-या कोणत्याही वाहनात महाराष्ट्र मोटार वाहन नियम 1989 मधील नियम क्र. 192 मध्ये निर्धारीत केल्यानुसार सुसज्ज प्रथमोपचार पेटी असावी.
- (14) या नियमांन्वये चालणारे कोणतेही वाहन त्याच्या नोंदणी दिनांकापासून 20 वर्षे पूर्ण झाल्यावर किंवा राज्य परिवहन प्राधिकरणाने वेळोवेळी ठरविल्यानुसार नविन वाहनाने बदली करण्यात येईल.
- (15) वाहनात प्रवास करणाऱ्या प्रवाशांना स्पष्टपणे दिसेल व वाचता येईल अशा प्रकारे पुढील तपशिल प्रदर्शित करण्यात यावा :- वाहन चालकाचा फोटो, अनुज्ञप्ती क्रमांक, बॅज क्रमांक, तसेच वाहनाचा नोंदणी क्रमांक इत्यादी. सदर तपशिल मोबाईल ॲप मध्ये तसेच ग्राहकास देण्यात येणाऱ्या बिजकामध्ये समाविष्ट करावा.

- (16) वाहनाच्या आतील बाजूस RTO मदत क्रमांक, पोलीस मदत क्रमांक आणि महिलांसाठी मदत क्रमांक ठळकपणे प्रदर्शित करावेत.
- (17) वाहनाच्या कोणत्याही काचेवर पडदा अथवा फिल्म लावू नये तसेच रंगीत काच वापरण्यात येवू नये.
- (18) वाहनांमध्ये प्रवाशांसाठी सहज उपलब्ध होईल अशा पध्दतीने तक्रार/सुचना नोंदवही ठेवलेली असावी.
- (19) मोटार वाहन कायदा 1988 च्या कलम 82 व त्या अंतर्गत बनविण्यात आलेल्या अधिनियमातील तरतुदींच्या अधीन राहून वाहन परवाना हस्तांतरण करता येईल.
- (20) मोटार वाहन कायदा, 1988 च्या कलम 88(9) खालील ऑल इंडिया टुरीस्ट परवान्यावर चालणाऱ्या वाहनांना या योजनेअंतर्गत चालविता येणार नाही. तथापि उपरोक्त उपनियम 4 मध्ये नमूद केल्याप्रमाणे सदर नियम लागू झाल्यापासून 3 महिन्याच्या आत अर्ज केल्यास अशा परवान्यावर चालणाऱ्या वाहनांना या नियमाखालील परवान्यावर परावर्तीत करण्यास परवानगी देण्यात येईल.
- (21) फ्लिट टॅक्सी योजना, 2006, फोन फ्लिट टॅक्सी योजना, 2010 व कॉल टॅक्सी योजना, 2010 अंतर्गत टॅक्सी सेवा देणाऱ्या अनुजप्तीधारकास समुच्चयक समजण्यात येईल. आणि फ्लिट टॅक्सी योजना, 2006, फोन फ्लिट टॅक्सी योजना, 2010 व कॉल टॅक्सी योजना, 2010 खाली चालणा-या कोणत्याही वाहनास दिलेला परवाना, निर्धारित शुल्क भरणा केल्यास, या नियमाखाली जारी केला आहे असे गृहीत धरण्यात येईल.
- (22) या नियमाखाली जारी करण्यात आलेल्या परवान्यावर चालणारे कोणतेही वाहन उक्त कायदा व नियम यातील तरतूदीस अधिन राहून वाहन मालकास वाहन खाजगी संवर्गात अथवा उक्त अधिनियमाच्या कलम 88 (9) खाली जारी केलेल्या परवान्यावर परावर्तीत करता येवू शकेल.
- (23) सध्याच्या काळयापिवळया टॅक्सी संबंधीत प्रादेशिक परिवहन प्राधिकरणास सूचना देवून व परिवहन प्राधिकरणाने निर्धारित केलेला रुफ लाईट बसविल्यानंतर या नियमाखालील अनुज्ञप्तीधारकांशी संलग्न करण्यास मुक्तपणे परवानगी देण्यात येईल. ज्या परवान्यावर सदर वाहन चालविले जाते तो परवाना या नियमाखाली जारी केला आहे असे गृहीत धरण्यात येईल. अशी काळी पिवळी टॅक्सी जिचा परवाना या नियमाखाली जारी करण्यात आला आहे असे गृहीत धरण्यात आले आहे, तिला संबधित प्राधिकरणास सुचित करुन पुन्हा मूळ परवान्याप्रमाणे रस्त्यावर प्रवासी घेण्यास परवानगी असणारी टॅक्सी म्हणून वापर करण्यास परवानगी देण्यात येईल. परंतु अशी सूचना कोणत्याही अनुज्ञप्ती धारकांकडे 1 महिना सेवा दिल्यानंतर करता येईल.

(24) या नियमाखाली नोंदणीकृत अनुज्ञप्तीधारकांकडे संलग्न असणाऱ्या परवाना आणि वाहनांना कमीत कमी एक महिना पूर्ण झाल्यावर अन्य अनुज्ञप्तीधारकांकडे संलग्न होण्यास मुक्तपुणे परवानगी देण्यात येईल.

6. सेवा प्रदान करण्यासाठीची व्यवस्था.-

- (1) मोटार वाहन कायदा 1988 आणि त्याअंर्तगत विविध अधिनियम/नियम तसेच परिवहन विभागाने वेळोवेळी निर्धारित केलेल्या अटी व शर्तींचे पालन करणे परवानाधारकावर बंधनकारक राहील.
- (2) वाहनचालकांच्या कामाच्या वेळा Motor Transport Workers Act 1961 (1961 चा 27 वा) मध्ये नमूद केल्याप्रमाणे असतील.
- (3) अन्ज्ञप्तीधारक टॅक्सी सेवा अहोरात्र पुरवेल.
- (4) अन्जप्ती प्राधिका-याच्या क्षेत्रात टॅक्सी चालविण्याची परवानगी राहील.
- (5) अनुज्ञप्तीधारकाने प्रवाशांसाठी उपलब्ध असणाऱ्या इंटरनेटव्दारा संचालित Application Platform किंवा Digital Application Platform वर खालील माहिती प्रदर्शित केली पाहिजे.
 - अ) टॅक्सी चालकाचे छायाचित्र.
 - ब) टॅक्सी चालकाचे नाव, अनुज़प्ती क्रमांक, बॅज क्रमांक आणि भ्रमणध्वनी क्रमांक
 - क) टॅक्सीचे नोंदणीक्रमांकासहीत छायाचित्र.
 - ड) लागू असणारे भाडे.
- (6) प्रत्येक फेरी नंतर प्रवासाचे देयक मुद्रीत होऊन ते प्रवाशाला दिले जाईल याची अनुज्ञप्ती धारकाने खात्री करायची आहे. सदरच्या देयकात मार्गक्रमण केलेले अंतर व सर्व करासहीत भाडयाचा दर याचा तपशिल असावा. परंतु प्रवाशास ई-मेलव्दारे अथवा अन्य ईलेक्ट्रॉनिक पध्दतीने देयक देता येईल. सदर देयकाची एक स्थळप्रत इलेक्ट्रॉनिक अथवा इतर स्वरुपात किमान 3 महिन्यापर्यंत किंवा विहिीत केलेल्या दिर्घकालावधीसाठी अनुज्ञप्तीधारकाने जतन करुन ठेवावीत.
- (7) अनुज्ञप्तीधारक मोबाईल अप्लीकेशनमध्ये अशी सुविधा निर्माण करेल ज्याव्दारे प्रवासी त्याच्या परिचयातील 5 व्यक्तींना त्याच्या प्रत्यक्ष कालनिहाय ठिकाणाची (realtime location) माहिती पूरवु शकेल व आणिबाणीच्या प्रसंगी नजीकच्या पोलीस ठाण्याशी संपर्क करता येईल.
- (8) प्रवाशाला प्रवासादरम्यान आलेल्या अडचणी अथवा तक्रार वेबसाईट अथवा मोबाईल अप्लीकेशन अथवा दुरध्वनीव्दारे नोंद करण्यासाठी सुविधा असली पाहीजे. अनुजप्तीधारकाने सदर तक्रारीचे 15 दिवसात निराकरण करुन प्रवाशास पोच दयावी.
- 7. वाहन चालकाबद्दलचा तपशिल.-
- (1) वाहनचालकाकडे परिवहन विभागाव्दारे जारी करण्यात आलेली परिवहन वाहनाची वैध अन्जप्ती व वैध बॅज असणे आवश्यक आहे.

- (2) प्रवाशांची गैरसोय होऊ नये याकरीता चालकास त्याच्या कार्यक्षेत्रातील मार्गाची व ठिकाणांची पुरेशी माहिती असावी.
- (3) अनुज्ञपती प्राधिकरणाने विहित केल्यानुसार अथवा संबंधित कंपनीने ठरविल्यानुसार चालकाने कार्यरत असताना गणवेश घालणे आवश्यक आहे.
- (4) वाहनचालकाचे चारित्र्य चांगले असावे व त्याच्या विरुध्द कोणताही गुन्हेगारी अभिलेख नसावा. कोणतीही व्यक्ती जिच्यावर कोणत्याही प्रकारच्या नशेच्या अंमलाखाली वाहन चालविण्याचा गुन्हा मागील सात वर्षात शाबीत झाला असेल अथवा Criminal Code of Procedure 1973 च्या अंतर्गत फसवेगिरी, लैंगिक अपराध, दखलपात्र गुन्हयात वाहनाचा वापर, मालमत्तेचे नुकसान अथवा चोरी, हिंसक अथवा दहशतवादी कृत्य तसेच कोणत्याही दखलपात्र गुन्हयांसाठी कधीही दोषी ठरली असेल तर अशी व्यक्ती परवानाधारकाने चालक म्हणून नियुक्त करु नये.
- (5) चालकांच्या गुणवत्तेबद्दल त्यांच्या पोलीस पडताळणीसाठी तसेच त्यांच्या प्रवाशांशी वर्तवणूकी बद्दल अनुज्ञप्तीधारक जबाबदार राहील. त्याचबरोबर चालक विश्वासू व सुरक्षित सेवा प्रदान करण्यासाठी सक्षम असल्याची अनुज्ञप्तीधारकांनी खात्री करुन घ्यावी. चालकांची पोलीस पडताळणी प्रथम नियुक्तीच्या वेळेस व त्यानंतर अनुज्ञप्ती नूतनीकरणाच्या वेळेस करावी.
- (6) अनुज्ञप्तीधारकाने वाहनाच्या मालकीबद्दलचा तपशिल तसेच चालकांच्या पोलीस पडताळणीसहीत इतर सर्व तपशिल खात्री करुन घ्यावा आणि तो अनुज्ञप्ती प्राधिकारी व वाहतूक पोलीसांकडे सादर करावा.
- (7) अनुज्ञप्तीधारकाने परवाना अटी व शर्ती मध्ये प्राधिकृत केलेल्या शिवाय इतर कोणत्याही कारणांसाठी अटी व शर्तीचे पालन न करता वाहन वापरल्यास त्याच्या या कृत्यामुळे कोणासही होणाऱ्या ईजा, दुखापत, हानि अथवा होणारा अपराध किंवा गुन्हयांसाठी तो स्वत: चालकासहीत स्वतंत्र व संयुक्तपणे (Jointly & Severely) जबादार राहील.
- (8) चालक प्रवाशांसोबत नेहमी सौजन्याने व नम्रतेने आचरण करील.
- (9) अनुज्ञप्तीधारक शक्य तितक्या जास्त महिला चालकांना नियुक्ती देण्याचे प्रयत्न करील.
- (10) अनुज्ञप्तीधारक चालकांसाठी सुरक्षित वाहन चालन कौशल्य, प्रवाशांशी सौजन्यपूर्ण वागणूकीच्या शिकवण तसेच लैगिंक संवेदीकरण (Gender Sensitization) इत्यादी बाबींचा समावेश असलेले प्रशिक्षण आयोजित करील.
- (11) अनुज्ञप्तीधारक वरीलप्रमाणे वर्षातून किमान एकदा चालकांसाठी उजळणी प्रशिक्षण शिबीर आयोजित करील व अशा शिबीरांचा व्यवस्थित अभिलेख ठेवील.
- (12) चालकांच्या शारीरीक तंदुरुस्तीकरीता अनुज्ञप्तीधारक सर्व चालकांची वार्षिक आरोग्य तपासणी करुन घेईल.

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(13) वाहन चालक रस्त्यावरील प्रवाशांस थेट सेवा देणार नाही.

8. परवाना प्रदान करणे, कालावधी व त्याचे नूतनीकरण.-

- कोणतीही संस्था अथवा कंपनी परवान्याकरीताचा अर्ज, प्रादेशिक परिवहन अधिकारी / उप प्रादेशिक परिवहन अधिकारी यांचे नावे असलेल्या व त्यांचे मुख्यालयाच्या ठिकाणी देय असलेल्या रुपये 1,00,000/- (एक लाख) धनाकर्ष (Demand Draft) अथवा ऑनलाईन पेमेंट स्वरुपात प्रकिया शुल्कासह सादर करेल.
- या नियमाखाली जारी करण्यात आलेला अनुज्ञप्ती जारी केल्याच्या दिनांकापासून 5 वर्ष वैध असेल.
- 3) अनुज्ञप्तीधारकाने या नियमाखालील अटी व शर्तींचे समाधानकारक पालन केल्याचे दिसून आल्यास या नियमाखाली जारी करण्यात आलेला अनुज्ञप्ती पुढील पाच वर्षांकरीता नूतनीकरण केला जाईल. अनुज्ञप्तीचे नूतनीकरण करुन घेण्यास इच्छ्रक असलेल्या अनुज्ञप्तीधारकांनी मूळ अनुज्ञप्तीचा कालावधी साडेचार वर्ष पूर्ण झाल्यावर परंतु अनुज्ञप्तीचा कालावधी संपण्याच्या आधी तीन महिन्यापर्यंत अर्ज सादर करावा.

4) या नियमाखाली अनुज़प्ती जारी करण्यासाठी अथवा त्याचे नुतनीकरण करण्यासाठी विहित करण्यात आलेल्या कोणत्याही तरतूदीचे अर्जदारांकडून पालन झाले नाही तर त्यास सुनावणीचे संधी देऊन अनुज़प्ती प्राधिकारी असा अर्ज नाकारु शकेल.

5) या नियमाखाली अनुज़प्ती जारी करण्यासाठी अथवा त्याचे नुतनीकरण करण्यासाठी विहित करण्यात आलेल्या सर्व तरतूदीचे पालन होत असल्याबाबत अनुज़प्ती प्राधिका-यांचे समाधान झाल्यास अनुज़प्ती प्राधिकारी अनुज़प्ती जारी करेल अथवा तिचे नुतनीकरण करण्यात येईल.

9. शुल्क.-

(1) मोटार वाहन कायदा 1988 च्या कलम 74 नुसार जारी करण्यात आलेल्या प्रत्येक परवान्याकरीता खालीलप्रमाणे शुल्क आकारण्यात येईल.

8	टॅक्सीचा प्रकार	परवाना शुल्क रु.
1	1400 सीसी पेक्षा कमी इंजिन क्षमता असणाऱ्या टॅक्सी	25,000/-
2	1400 सीसी किंवा त्यापेक्षा जास्त सीसी इंजिनक्षमता असणाऱ्या टॅक्सी	2,61,000/-

(2) फिलट टॅक्सी योजना, 2006, फोन फिलट टॅक्सी योजना, 2010 व कॉल टॅक्सी योजना, 2010 अंतर्गत परवाना प्राप्त करण्यासाठी अदा केलेले परवाना शुल्क उपरोक्त प्रमाणे विहित केलेल्या परवाना शुल्कातुन वजा करण्यात येईल. तसेच नियम 5(23) प्रमाणे परवाना दिल्याचे गृहीत धरण्यात आलेल्या काळी पिवळी टॅक्सी व कुल कॅब यांना कोणतेही शुल्क देय राहणार नाही.

10. स्रक्षा अनामत.-

या नियमाखाली अनुज्ञप्तीसाठी अर्ज करणारा अर्जदार सदर अनुज्ञप्तीसोबत संलग्न करण्यासाठी साडेपाच वर्षाकरिता वैध असणारी रु. 5000/- (रु. पाच हजार) ची बँक हमी संबंधित प्रादेशिक परिवहन अधिकारी किंवा उप प्रादेशिक परिवहन अधिकारी यांचे नावे सादर करेल.

11. भाडे. -

या नियमाखाली जारी करण्यात आलेल्या परवान्यावरील वाहनांच्या बाबतीत अनुज़प्ती प्राधिकारी भाडेदराची कमाल व किमान मर्यादा वाहन प्रकारानुसार विहित करेल, परंतु 2000 सीसीपेक्षा जास्त इंजिन क्षमता असणाऱ्या वाहनाकरिता अशी मर्यादा विहित करण्यात येणार नाही.

12. अन्ज्ञप्ती निलंबन/रद्द करणे.-

(1) अनुज्ञप्ती जारी करणाऱ्या प्राधिकरणाची जर, अनुज्ञप्तीधारकास समक्ष सुनावणीची संधी दिल्यानंतर, अनुज्ञप्ती निलंबीत अथवा रद्द करु शकेल जर,

(अ) अनुज्ञप्तीधारक वर नमूद केलेल्या कोणत्याही अटी/शर्तींचे पालन करण्यास असमर्थ ठरला आहे.

(ब) अनुज्ञप्तीधारकाचा एखादा कर्मचारी किंवा चालक कोणत्याही ग्राहकाशी गैरवर्तणूक किंवा असभ्य वर्तवण्कीचा दोषी ठरला आहे.

(क) अनुजप्तीधारकाविरुध्दची एखादी तक्रार निःशंकपणे सिध्द झाल्याचे आढळले आहे.

(2) जेव्हा अनुज्ञप्ती निलंबित अथवा रद्द करण्यात येईल तेव्हा अनुज्ञप्तीधारक सदर अनुजप्ती अनुजप्ती प्राधिकाऱ्याकडे जमा करेल.

13. **अपील**.-

- (1) अनुज़प्ती प्राधिकरणाच्या एखादया कोणत्याही आदेशाने व्यथित झालेली व्यक्ती असा आदेश प्राप्त झाल्यापासून 30 दिवसांच्या आत राज्य परिवहन अपिल प्राधिकरण (State Transport Appellate Tribunal) यांचेकडे अपील करु शकेल.
- (2) असे अपील अनुज्ञप्ती प्राधिकरणाच्या आदेशातील हरकतींच्या नेमक्या मुद्दयासहीत दोन प्रतीत सादर केले जाईल.

14. संकिर्ण. -

- 1) अनुज्ञप्तीधारक -
 - अ) कार्यालयाची जागा बदलल्यास अनुज्ञप्ती प्राधिका-यास सूचित करेल.

ब) अनुज्ञप्ती प्राधिकारी अथवा त्यांनी प्राधिकृत केलेल्या अधिका-यांना नोंदवहया व अभिलेख तपासण्यासाठी सुयोग्यवेळी उपलब्ध ठेवील.

- क) विभागाने वेळोवेळी मागविलेली माहिती/अहवाल वेळेत सादर करील.
- ड) आपल्या कार्यालयात अनुज्ञप्ती ठळकपणे प्रदर्शित करील.
- इ) सर्व टॅक्सींमध्ये अनुक्रमांकानुसार प्राप्त प्रतिसादांचा (Feedback) अभिलेख तयार ठेवील.

(2) अन्ज्ञप्ती प्राधिकरणाच्या लिखीत परवानगी शिवाय परवान्याचे हस्तांतरण होणार नाही.

(3) फिलट टॅक्सी योजना, 2006, फोन फिलट टॅक्सी योजना, 2010 व कॉल टॅक्सी योजना, 2010, अंतर्गत जारी करण्यात आलेली अनुजप्ती चालू ठेवण्यासाठी वर नमूद केलेल्या अटी व शर्ती लागू राहतील.

(4) अनुज्ञप्तीधारक कोणत्याही वेळी तीन महिन्यांची पूर्व सूचना देऊन आपला अनुज्ञप्ती परत (Surrender) करु शकेल. अशावेळी अनुज्ञप्ती प्राधिकरण सदर अनुज्ञप्ती रद्द करील. अनुज्ञप्तीधारकाने अनुज्ञप्ती परत करण्याआधी देय असणारी सर्व रक्कम भरली पाहिजे. अन्यथा वाहनाची नोंदणी रद्द समजण्यात येईल व बँक हमी जप्त करण्यात येईल.

(5) अनुज्ञप्तीधारकाने त्याची अनुज्ञप्ती परत केल्यानंतर अथवा रद्द केल्यानंतर त्याच्याकडे संलग्न असणाऱ्या परवाना धारकांना ॲपआधारित सिटी टॅक्सी परवाना असणा-या टॅक्सी अन्य अनुज्ञप्तीधारकाकडे संलग्न करता येतील अथवा संबधित नियमाप्रमाणे इतर परवान्यामध्ये परावर्तीत करता येतील.

(6) अनुज्ञप्तीधारक कायदयाअंतर्गत वेळोवेळी लागू असणाऱ्या विम्याविषयक सर्व तरतुदींचे पालन करील.

(7) अनुज्ञप्तीधारक त्याच्या अनुज्ञप्तीची मुदत वैध असेपर्यंत अशा सर्व कृती, दावे, नुकसान, खर्च, हानि, शुल्क, खटले तसेच कुठल्याही प्रकारच्या आणि पध्दतीच्या अनुज्ञप्ती प्राधिकारी अथवा शासना विरुध्द मागण्या ज्या की, अनुज्ञप्तीधारकाच्या अथवा त्याच्या प्रतिनिधींच्या किंवा कर्मचाऱ्यांच्या कोणत्याही कृतीतून अथवा सेवेतील त्रुटीतून उद्भवले असतील त्यासाठी अनुज्ञप्ती प्राधिकारी अथवा शासनास कोणत्याही प्रकारच्या नुकसान भरपाई पासून मुक्त ठेवील आणि कुठल्याही प्रकारची झळ लागू देणार नाही.

(8) समुच्चयक व राज्य शासन यांच्यामधील कुठल्याही प्रकारच्या वादांचे न्यायालयाव्दारे निराकरण करुन घेण्यासाठी कार्यक्षेत्र अनुज्ञप्ती प्राधिका-याचे मुख्यालयाचे ठिकाणी असेल.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने

4424 413/17 (UBIRI HIGH) 413/17

शासनाचे उप सचिव

अर्ज- P.F.A.A. समुच्चयकाची अनुज्ञप्ती / नुतनीकरण करण्यासाठी अर्ज

(महाराष्ट्र शहर टॅक्सी नियम, २०१७ चा नियम-८)

प्रति,

सचिव, प्रादेशिक परिवहन प्राधिकरण,

आम्ही, खाली स्वाक्षरी करणार कंपनी महाराष्ट्र सिटी टॅक्सी नियम २०१७ मधील नियम ३(१) प्रमाणे समुच्चयकाच्या अनुज्ञप्तीसाठी / नुतनीकरणासाठी अर्ज दाखल करत आहे.

9)	कंपनी / संस्थेचे पूर्ण नाव :
२)	कार्यालयाचा पत्ता :
3)	कंपनी / संस्थेचा नोंदणी क्रमांक :
8)	माहिती तंत्रज्ञान कायदा, २००० खालील नोंदणीचा तपशील :
4)	दूरध्वनी क्रमांक :
દ્દ)	ई-मेल आयडी :
(9)	कार्यालय प्रमुखाचे नाव आणि पत्ता :
(٢	वेब पोर्टल तपशील :
९)	नियंत्रण कक्ष क्रमांक व नियुक्त मनुष्यबळाचा तपशील :
90) तक्रार निवारण अधिकाऱ्याचे नाव आणि पत्ता व संपर्क क्रमांक :
99	a)अनुज्ञप्तीसाठी आवश्यक क्षेत्र :

१३)मोबाईल ॲप तयार आहे की नाही : होय / नाही
१४)फ्लीट टॅक्सी सेवा योजना २००६, फोन/फ्लीट टॅक्सी योजना २०१० किंवा कॉल टॅक्सी योजना
२०१०, खाली जर अर्जदार अनुज्ञप्ती धारण करत असेल तर, त्याबाबतचा तपशील :
१५)मोटार वाहन चालकांसाठी उजळणी पाठ्यक्रमाचा तपशील :
१६) १,००,००० अर्ज प्रक्रिया शुल्क भरल्याचा तपशील :
१७)बँक गॅरंटी सुरक्षा ठेवीचा तपशील :
१८)परिशिष्ट "A" मधील संलग्न टॅक्सींची यादी :
१९)परिशिष्ट "B" मधील संलग्न चालकांची यादी :

मी, याद्वारे अशी हमी देतो की, महाराष्ट्र सिटी टॅक्सी नियम २०१७ मधील सर्व तरतूदींचे काटेकोर पालन करेल. मला हे माहित आहे की, मोटार वाहन कायदा, १९८८ अथवा त्याखालील नियमांमधील कोणत्याही तरतूदींचा भंग झाल्यास मी कायदेशीर कारवाईसाठी पात्र असून माझी अनुज्ञप्ती निलंबित अथवा रद्द होऊ शकते. मी असे जाहीर करतो की, माझ्या माहितीप्रमाणे वरील तपशील योग्य व खरा आहे.

स्थळ :

दिनांक :

अर्जदाराची स्वाक्षरी

परिशिष्ट-अ

विमा	वैधता		
कर	वैधता		
योग्यतेची	वैधता		
पनवान्याची	वैधता		
परवाना	क्रमांक		
परवान्याचा	प्रकार		
आसन	क्षमता		
इंजिन	क्षमता	(सी.सी.)	
इंधन			
उत्पादनाचा	महिना व	वर्ष	
कंपनी	आणि	बांधणी	
नोदणीकृत	मालकाचे	नाव	
मोटार	वाहनांचा	क्रमांक	
अ.क.			

परिशिष्ट-ब

	अ.क.	चालकाचे नाव व पत्ता	परवाना क्रमांक	परवाना देणारे प्राधिकरण	वैधता	वाहनाचा वर्ग	पीएसव्ही बिल्ला होय / नाही	

नमूना- P.F.A.L. समुच्चयकाच्या अनुज्ञप्तीचा नमूना

(महाराष्ट्र शहर टॅक्सी नियम, २०१७ मधील नियम-८ प्रमाणे)

खाली नमूद केलेल्या तपशीलवार सूचीतील अटींच्या अधिन राहून समुच्चयक अनुज्ञप्ती मान्यता / नूतनीकरण देण्यात येत आहे.

अनुज्ञप्ती क्रमांक :	
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9)	कंपनी / संस्थेचे पूर्ण नाव :
ર)	कामकाजाचे ठिकाण पुर्ण पत्त्यासह :

- ३) दूरध्वनी क्रमांक : i) कार्यालय
 iii) फ्रॅक्स :
- ४) ई-मेल आयडी :

५) ताब्यात / संलग्न असलेल्या सिटी टॅक्सींची संख्या (वाहनांचे तपशील सोबत जोडल्याप्रमाणे)

६) वाहन तळाचा तपशील गॅरेज सुविधा

(ठिकाणाचा तपशील) सोबत जोडल्याप्रमाणे.

- ७) ज्या ठिकाणासाठी अनुज्ञप्ती दिली आहे ते ठिकाण
- ८) अनुज्ञप्तीची वैधता मुदत :

९) अर्ज प्रक्रिया शुल्क रुपये १,००,०००/– भरल्याचा तपशील : १०)सुरक्षा अनामत रक्कम भरल्याचा तपशील :

स्थळ :

दिनांक :

सचिव प्रादेशिक परिवहन प्राधिकरण

NOTIFICATION

Home Department, Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk, Mumbai-400032. Dated the 4th March, 2017.

Motor Vehicles Act, 1988. No. MVR 0315/CR109/TRA-2.- Whereas, the taxis operating in the cities of Maharashtra operate under permits issued under section 74 of the Motor Vehicle Act, 1988 and these Street Hail or Black and Yellow Taxis or Cool Cabs are allowed to pick up passengers from streets and also from designated stands and these taxis are required to be of a minimum engine capacity of 980 CC operate on CNG, and these taxis operate on regulated fare with meter and the number of permits of these taxis has been restricted;

And whereas, the taxis under Fleet Taxi Scheme of 2006 are high end (more than 1400 CC engine capacity and air conditioned) operating on existing permits issued originally for Black and Yellow taxis. Taxis under Phone Fleet Taxi Scheme, 2010 are also high end (more than 1400 CC engine capacity and air-conditioned) operating on permits, a limited number of which were auctioned and sold at then discovered price of Rs. 2.61 lakh per permit and Taxis under both schemes offer almost exclusively pre-booked rides and the taxis are metered and use CNG as fuel;

And whereas, the vehicles operating under All India Tourist Permits issued under section 88 (9) of the Motor Vehicle Act, 1988 can be offered only to tourists for hire on time basis or on point to point basis within and outside the State and these taxis are regulated by the Central Motor Vehicle Rules, which are framed by the Central Government and have no regulation on fare or type of fuel;

And whereas, the App based aggregators are a recent entrant into this field. App based aggregators mostly use smart phones to connect a taxi and a commuter. The application is so designed that the driver of the taxi does not know the destination of the customer nor does he determine the fare to be charged. These are determined by the aggregator software. For all practical purposes, the commuter has hired a taxi from such aggregator and the aggregator has offered such a service, and is,

therefore, amenable to and required to be regulated like any other taxi service provider;

And whereas, the App based taxis are operating in a manner which blurs the distinction between street hail taxi and pre-booked (for hire) taxis. Presently, a predominantly large number of taxies operating under such apps have All India Tourist Permits, but are essentially operating as city taxis and as there is difference in regulation and a regulatory convergence has to be brought about while retaining the advantages of efficient demand / supply matching, dynamic price discovery and better commuter experience and up-gradation / modernization of taxi services;

And whereas, the Government considers it expedient to make rules for regulating the licensing of such taxi permits;

Now, therefore, in exercise of the powers conferred by Section 74, sub-section (1) of section 89, section 93, sub-section (1) of section 95 and clause (*xxviii*) of sub-section (2) of section 96 of the Motor Vehicles Act, 1988 (59 of 1988), in its application to the State of Maharashtra and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes for the following rules, the same having been previously published as required by sub-section (1) of section 212 of the said Act, namely:-

1. *Short Title and Application.- (1)* These rules may be called the Maharashtra City Taxi Rules, 2017.

(2) These rules shall be applicable in the Mumbai Metropolitan Region and may be extended to such other areas as notified by the Government, from time to time.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(i) "Act" means the Motor Vehicles Act, 1988 (59 of 1988);

(ii) "Aggregator" means a person who is an operator or an intermediary / market place who canvasses or solicits or facilitates passengers for travel by a taxi or any other public service vehicle and who connects the passenger / intending passenger to a driver of a taxi or any other public service vehicle through phone calls, internet, web-based services or GPS/GPRS based services whether or not any fare, fee, commission, brokerage or other charges are collected for providing such

services;

(iii) "Licence" means a Licence issued to an aggregator under these Rules;

(iv) "Licencee" means an aggregator who holds licence issued under these Rules;

(v) "Licensing Authority" means the Regional Transport Authority;

(vi) "Taxi" means a motor cab vehicle having valid permit under section 74 of the Act.

(2) Words and expressions used in these Rules and not defined herein shall have the same meanings respectively assigned to them in the Act and the rules made thereunder.

3. *Licensee's Profile.*- (1) No person shall act as an aggregator unless he holds a license issued under these Rules.

(2) The licence shall be granted to a firm registered under the Indian Partnership Act, 1932 (9 of 1932) or a company registered under the Companies Act, 2013 (18 of 2013).

(3) The licensee shall abide by all relevant statutes as may be applicable including the Motor Vehicles Act, 1988 and the Information Technology Act, 2000 and the rules made thereunder.

4. *Operational Infrastructure.*- (1) The Licensee shall have a registered office in the area of its operation and details of its headquarter including telephone number, e-mail ID and details of office in-charge shall be provided at the time of application by the licensee to the concerned licensing authority and such other authorities as may be notified.

(2) The Licensee shall either maintain a call centre or operate as an aggregator through an authorized call centre or web portal or App, details of which shall be provided to the concerned licensing authority and such other authorities as may be notified.

(3) The licensee shall maintain a web portal containing all details of its ownership, registered address, services offered, fare structure, insurance liabilities, control room number, name and contact details of a duly appointed grievance redressal officer.

(4) The licensee shall ensure adequate mechanism for receiving customers' feedback and grievances.

(5) The licensee shall ensure mechanism for protecting the rights of women employees as stipulated under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013).

(6) The licensee shall maintain a 24 X 7 control room with adequate manpower.

5. *Vehicle Profile.-* (1) No Taxi shall be offered for hire through an aggregator who is not registered under these rules.

(2) The Licensee shall ensure that every Taxi has a valid fitness certificate issued under the Act. The licensee shall maintain a fleet of various types of taxis either owned or taken through an agreement with taxi permit holders. Each taxi shall have engine capacity of not less than 980 CC with seating capacity not exceeding seven including driver; provided that at least 30 percent of the total taxis attached to any aggregator shall have engine capacity of 1400 CC or more. Open type or non-hard top or fiber top vehicles are not allowed.

(3) The vehicles attached to any aggregator, shall be operated under a permit to be called the "App Based City Taxi Permit":

Provided that, if any existing vehicle operating under permit granted under section 74 of the Act is attached to any aggregator, then such vehicle shall be deemed to be operating under this permit.

(4) Any person desirous of having City App Based Taxi Permit shall apply in the prescribed manner to the concerned Regional Transport Authority:

Provided that, it shall be open for such person to authorize any aggregator, through whom he intends to offer the services of the vehicle registered on such permit, to make an application on his behalf.

(5) The licensee shall ensure that each vehicle is equipped with temperature control device in proper working order:

Provided that, nothing in this sub-rule shall apply to Black and Yellow Taxi whose services are offered on web application.

(6) Any vehicle operating under these Rules should be driven on clean fuel *i.e.* unleaded Petrol or CNG or LPG or Hybrid or Electrical (power rating of electric vehicle will be specified by the State Transport Authority). Such vehicle should meet emission standards as prescribed

from time to time by the Transport Authority. If the services of any existing working vehicle operating under some valid permit are intended to be offered through any aggregator, then the said vehicle shall be converted to be driven on clean fuel as mentioned above, with in a period of one year from the date of commencement of these rules and the aggregator shall submit certificate / Undertaking in that behalf, at the time of registration.

(7) Each vehicle operating under this rules shall have either fitted in vehicle or separately in mobile application of the driver of the vehicle, GPS/GPRS based tracking device showing the path travelled and total distance covered. The device shall be in constant communication with the control room of the licensee while the taxi is on hire. In case of non-functioning of the said GPS/GPRS, the reason thereof shall be recorded by the licensee along with the duration during which the device was not functioning. The minimum specification of the devices shall be prescribed by the Transport Commissioner and may be changed from time to time.

(8) Such vehicle shall be suitably insured commercially as prescribed, from time to time under the various laws applicable in India.

(9) The permit issued by the licensing authority shall be displayed at a prominent place in the vehicle.

(10) All the taxis operating under App Based City Taxi Permit of the licensees under these rules shall be painted as specified below:-

(a) Top side of Vehicle ------ White colour ;

(b) Front and rear bumper assembly of vehicle ----- White colour ;

(c) Lower side of Vehicle ----- Daffodil Yellow (RAL 1007) colour ;

Provided that black and yellow taxis, cool cabs and taxis under previous schemes may continue with their present colours.

(11) Any vehicle operating under these Rules is allowed to carry advertisement in accordance with the guidelines issued by the Licensing Authority, from time to time.

(12) Any vehicle operating under these Rules may be equipped with a mobile radio, Web or application platform based two way communication system of the licensee.

(13) Any vehicle operating under these Rules shall be equipped with a first aid box containing the articles specified in rule 192 of Maharashtra

Motor Vehicle Rules, 1989.

(14) Any vehicle operating under these Rules should be replaced by a new vehicle on completion of twenty years or any period as may be specified by the State Transport Authority, from time to time.

(15) The details containing the photograph of the driver, license number, Public Service Vehicle (PSV) Badge number and registration mark of the vehicle etc. shall be displayed prominently inside the vehicle, so that the same is directly visible to the passenger. These details shall also be made visible on the App and on the invoices issued to the customer.

(16) Helpline numbers of RTO, Police and women Help line shall be prominently displayed inside the vehicle.

(17) No tinted glass or curtains or films shall be affixed on the vehicle.

(18) A feedback register easily accessible to the passenger shall be kept in the vehicle.

(19) The permit of the vehicle can be transferred in accordance with section 82 of the Act and Rules made there under.

(20) Vehicles operating under All India Tourist Permits issued under sub-section (9) of section 88 of the Act shall not be allowed to operate under these rules. However, such permit holders shall be allowed to convert the said permit to a permit under these Rules, provided that an application as provided in sub-rule (4) is made within three months from the date of commencement of these Rules.

(21) Operators of the Fleet Taxi Service Scheme 2006, Phone/Fleet Taxi Scheme 2010 and Call Taxi Scheme 2010 shall be deemed to be aggregators under this scheme and also any permit granted/ used for vehicle operating under the Fleet Taxi Service Scheme 2006, Phone/Fleet Taxi Scheme 2010 and Call Taxi Scheme 2010, subject to payment of fees as prescribed, shall be deemed to be a permit granted under these Rules.

(22) The owner shall be free to convert, as per provisions of the Act or Rules governing the same from time to time, any vehicle operating under a permit granted under these Rules to a private category vehicle or a vehicle operating under section 88 (9) of the Act.

(23) Any black and yellow taxi shall be freely allowed to get attached to any licensee under these Rules by informing the concerned Regional

Transport Authority and by affixing such roof light on the vehicle as may be specified by such Authority. The permit under which such vehicle operates shall be deemed to be a permit granted under these Rules. Such black and yellow taxi which is so deemed to be operating under these Rules shall be allowed to revert to operate under their original permit as regular hail taxi by intimating the concerned authority in that behalf, provided that such an intimation may be made only after at least one month of operation attached to any licensee.

(24) The permit and the vehicle thereon attached to any licensee under these rules shall be freely allowed to be transferred to any other licensee under these rules, but only after at least one month of operation attached to the earlier licensee has elapsed.

6. Arrangements For Services.- (1) The licensee shall adhere to the provisions of the Act and the Rules framed thereunder and the terms and conditions as may be specified by the Authorities from time to time for operations under these Rules.

(2) Working hours of drivers are to be limited in accordance to the Motor Transport Workers Act, 1961 (27 of 1961).

(3) The licensee shall provide 24x7 services.

(4) The vehicles will be permitted to ply within the geographical limits of the licensing authority.

(5) The licensee's internet enabled application platform or digital based application platform, to be accessed by the passenger, shall display the following information for the passenger:

(a) the photo of the driver;

(b) name, badge number, license number and mobile number of the driver;

(c) a photo of the vehicle with registration number;

(d) the applicable fare.

(6) The licensee shall ensure that at the end of every journey, a bill is generated and handed over to the passenger showing the distance travelled, unit rate, along with taxes. However, such bills may also be sent through email or any other electronic means. Copy of the bills should also be maintained either electronically or in physical form by the licensee for a period of three months or such longer period as may be prescribed.

(7) The licensee shall develop and include a feature in its mobile application that provides the passenger a facility to share their real-time location with upto 5 people within their safety network and to contact local police in case of an emergency.

(8) The passenger must have the option to submit their grievances on difficulties faced during the travel via the web or through the Mobile App or service telephone number. The licensee is liable to resolve the grievance and inform the passenger within fifteen days.

7. *Driver's Profile.*- (1) The driver shall have a valid commercial driving license to drive a Taxi and a valid Public Service Vehicle Badge issued by the Licensing Authority.

(2) The driver shall have adequate knowledge of the roads and routes of the area of operation so that the passengers are not inconvenienced.

(3) The driver on duty shall be in uniform as approved by the Licensing Authority or as per company's design.

(4) The driver shall be of good moral character without any criminal record. Any person who has been convicted within the past seven years of driving under the influence of drugs or alcohol, or has been convicted at any time for any cognizable offence under the Code of Criminal Procedure 1973, including fraud, sexual offences, use of a motor vehicle to commit a cognizable offence, a crime involving property dispute and/or theft, acts of violence or acts of terror shall not be engaged by the licensee.

(5) The Licensee shall be responsible for quality of drivers, their police verification, and their conduct with passengers. The Licensee shall also ensure that the drivers are safe, reliable and trustworthy. Police verification shall be done at the time of induction and at the time of renewal of driving licence.

(6) Information regarding ownership of vehicles and the profile of drivers including their verification by the Police shall be ensured by the licensee and shall be provided to the Licensing Authority as well as Traffic Police.(7) If the Licensee uses or causes or allows a vehicle to be used in any manner not authorized by the permit or provisions mentioned herein, the Licensee and the driver shall be jointly and severally responsible for any injury, harm, offence or crime committed by any person, including the

driver.

(8) The driver shall always behave in a polite and courteous manner with the passenger.

(9) The licensee shall endeavour to hire as many women drivers as may be feasible.

(10) The licensee shall conduct structured refresher training programmes for its drivers including but not limited to safe driving skills, gender sensitization, passenger etiquette, etc.

(11) The licensee shall ensure that the driver shall undertake such refresher trainings at least once in a calendar year. Such training programmes should be duly documented by the licensee.

(12) The licensee shall ensure that the driver undergoes an annual health checkup for ensuring his fitness to drive the vehicle.

(13) The driver will not pickup passenger by street hailing.

8. Application for grant or renewal of licence.- (1) Any firm or companies may make an application for grant of license accompanied by processing fee of Rupees One lakh in the form of Demand Draft/Online payment in favour of Regional Transport Officer/ Dy. Regional Transport Officer (RTO/DyRTO) and payable at the headquarters of the RTO/DyRTO.

(2) Any licence granted under these rules shall be valid for a period of five years from the date of grant.

(3) The licence granted under these rules may be renewed for a period of five years subject to the satisfactory performance of the Licensee as per terms and conditions of these rules on an application at any time after completion of four and half years but not less than three months before the expiry of the license.

(4) If any of the conditions prescribed under these rules for grant or renewal of licence are not complied with by the applicant, the licencing authority may reject such application after giving the applicant a reasonable opportunity of being heard.

(5) On being satisfied that the applicant had complied with all the conditions prescribed for grant or renewal of the licence under these rules, the licencing authority shall issue a licence to the applicant or renew the same, as the case may be.

9. *Fees.- (1)* The Fee in respect of a licence shall be as mentioned in the Table below for each permit granted under section 74 of the Act.

Sr. No.	Type of Vehicle	Permit fees in rupees
1	Motor Cab having engine capacity less than 1400 cc.	25,000
2	Motor Cab having engine capacity 1400 cc or more.	2,61,000

(2) The permit fees paid in respect of permits under the Fleet Taxi Service Scheme 2006, Phone/Fleet Taxi Scheme 2010 and Call Taxi Scheme 2010, shall be set off from the permit fees prescribed and payable as above. Further, no fees shall be payable in respect of permits deemed to have been granted under sub-rule (23) of 5 for operation of Black and Yellow taxis or cool cabs.

10. Security Deposits.- Applicant for a licence under these rules shall furnish security by way of a Bank Guarantee of rupees Five thousand to be attached to the said licensee, with validity period of five and half years, drawn in favour of the concerned Regional Transport Officer or Deputy Regional Transport Officer.

11. *Fare.*- The licensing authority shall prescribe the minimum and maximum limit for rates of fare, with respect to vehicles operating under permits granted under these Rules, which will be decided as per type of vehicle; provided that no such limits may be prescribed for vehicles with engine capacity of 2000 cc or more.

12. Power of licensing authority to suspend or cancel the license.- (1) The licensing authority may, after giving an opportunity of being heard to the licencee, suspend or cancel the licence, if,-

(a) the licensee has failed to comply with any of the terms and conditions of these rules; or,

(b) an employee of licensee or driver of vehicle attached to the licensee is guilty of any misbehavior or misconduct with any passenger; or,

(c) a complaint against the licensee by any passenger has been

proved beyond reasonable doubt.

(2) When the license is suspended or cancelled, the holder of the license shall surrender the license to the Licensing Authority.

13. *Appeal.- (1)* The licencee aggrieved by any order of the Licensing Authority may within thirty days of the receipt of the order, make an appeal to the Maharashtra State Transport Appellate Tribunal.

(2) An appeal shall be in the form of a memorandum in duplicate setting forth the grounds of for the appeal.

14. Miscellaneous. - (1) The holder of a license shall -

(a) Intimate any shifting of his office to the Licensing Authority.

(b) Keep the premises and all the records and registers maintained open for inspection at all reasonable times by the Licensing Authority or officers authorized by them.

(c) Submit from time to time to the department such information and return as may be called for.

(d) Display the License at a prominent place in its office.

(e) Maintain a serially numbered feedback register in all vehicles attached to it.

(2) The license shall not be transferred without prior written permission of the Licensing Authority.

(3) Any further continuation of permit/license of the existing licensees under the Fleet Taxi Service Scheme 2006, Phone/Fleet Taxi Scheme 2010 and Call Taxi Scheme 2010 shall be governed by the terms and conditions contained herein above.

(4) The Licensee may at any time surrender the license by prior intimation of three months and on such surrender the Licensing Authority shall cancel the license. The holder of the license shall clear all dues before surrendering the license, failing which the license shall be deemed to be cancelled and the bank guarantee shall be forfeited.

(5) On such surrendering or cancellation of the licence, the permit holders attached to such licensee will be permitted to operate the taxi under "App Based City Taxi Permit" attached to another licensee or convert it to other permits as per the relevant rules.

(6) The licensee shall comply with all applicable insurance requirements

as may be applicable under the law.

(7) The licensee shall undertake to indemnify and protect the Licensing Authority and the Government from and against all actions, suites, proceedings losses, costs, damages, charges, claims and demands of any nature and description brought against the Licensing Authority and Government by reason of any act or omission of the licensee, his agents or employees or, during the validity of the license or in the guarding of the same.

(8) The jurisdiction for settlement of any disputes between the Aggregator and the State Government through Courts under this scheme shall be at the headquarters of the Licensing Authority.

By order and in the name of the Governor of Maharashtra,

Prakash Sabale)

Deputy Secretary to Government.

FORM – P.F.A.A.

Application for issue/renewal of Aggregator Licence

(Under Rule 8 of Maharashtra City Taxi Rules, 2017)

To

Secretary,

Regional Transport Authority,

.....

We, the undersigned company hereby apply for issue/duplicate Aggregator licence Under Rule 8 of Maharashtra City Taxi Rules, 2017.

- 1. Full Name of Firm/Company
 -
- 2. Office address :
- 3. Registration No of firm/Company .
-
- 4. Registration details under I.T. Act, 2000
- 5. Telephone No. & Fax No.
- 6. Email id
- 7. Name & contact details of the office In-charge
- 8. Web portal details
- 9. Control room no. & manpower details.
- 10. Name & contact details of grievance redressal officer.
- 11. Area for which license is required
- 12. Number of Taxis intended to be attached and parking facility details-
- 13. Whether the mobile app is ready Yes/No.
- 14. Whether applicant is holding a license under fleet taxi service scheme 2006, Phone/Fleet Taxi Scheme 2010 or Call Taxi Scheme 2010 if yes, give details.
- 15. Details of structured refresher training program for drivers
- 16. Details of payment of application processing fee of Rs 1,00,000/-
- 17. Details of security deposit by way of bank guarantee.
- 18. List of Taxis attached as Annexure A
- 19. List of drivers attached as Annexure B

I hereby undertake that all the provisions prescribed in the Maharashtra City Taxi Rules, 2017 shall be strictly followed. I am aware that on breach of any provision made under the Motor Vehicles Act, 1988 or Rules made there under, I am liable for penal action and/or my license may be suspended/revoked. We hereby declare that to the best of our knowledge and belief, the particulars given above are correct and true.

Place :

Date

Signature of the Applicant

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Register&Year ofCapacityCapacityPermitNo.OwnerModelManufacture(CC)(CC)(CC)(CC)(CC)	Sr.	MV No.	Name of	Make	Month &	Fuel	Engine	Seating	Type of	Permit	Permit	Fitness	Тах	Insurance
Model Manufacture	No.		Register	ø	Year of		Capacity	Capacity	permit	No.	Validity	validity	Validity	validity
			Owner	Model	Manufacture		(cc)							

Annexure B

Licensing Authority Validity Class of Vehicle	ty Validity C
Licensing Authority Validity	License No. Licensing Authority Validity
Licensing Authority	License No. Licensing Authority
	License No.

FORM - P.F.A.L

Form of Aggregator Licence

(Rule 8 of Maharashtra City Taxi Rules, 2017)

Aggregator Licence is granted/renewed to the company containing the details listed below subject to the conditions attached.

Licence Number :-..... 1. Name of the Company..... 2. Place of the Business with full postal address..... 3. Telephone Numbers : 1)Office..... 2)Mobile..... 3)Fax..... 4. Email id..... 5. Number of City Taxi held/attached (Details of vehicles are enclosed.) 6. Particulars of Parking Places......Garage facilities (particulars ofLocations/areas are enclosed..... 7. Area for which licence is granted. 8. Validity of the licence. 9. Details of payment of application processing fee of Rs 1,00,000/-

10. Details of security deposit by way of bank guarantee.

Place :

Date

Secretary,

Regional Transport Authority,

.....

F. No. 16011/9/2019-T Government of India Ministry of Road Transport & Highways (Transport Section)

> Transport Bhawan, New Delhi Dated : 27th of November, 2020

To,

The Chief Secretaries of all State Governments / Union Territories

Subject: Motor Vehicle Aggregators Guidelines-2020

Sir/Madam,

Your kind attention is invited to the provision of Section 36 of the Motor Vehicles (Amendment) Act, 2019 which provides for the amendment of section 93 of the Motor Vehicles Act, 1988 relating to the Motor Vehicle Aggregator Guidelines. The amended provision provides that- "while issuing the license to an aggregator the State Government may follow such guidelines as may be issued by the Central Government".

2. The Ministry through the notification S.O. 4251 (E) dated 26th of November, 2020 has enforced the Section 36 of the Motor Vehicles (Amendment) Act 2019. In pursuance of the provision under Section 93 of Motor Vehicles Act, 1988, this Ministry has issued the Motor Vehicle Aggregator Guidelines, 2020. A copy of the same is enclosed with this letter for perusal and further appropriate action. These guidelines will provide a guiding framework to the State Governments / UTs to consider for issuance of licenses as well as regulating the business being conducted by such Aggregators.

Yours faithfully,

(Priyank Bharti) Joint Secretary (Transport) Ph. No:011-23717294 Email ID: jspb-morth@gov.in

Encl. : As above

Copy to:

- 1. Principal Secretary/Secretary (Transport) of all State Governments and UTs for information and necessary action
- 2. Technical Director, NIC, MORTH for uploading on the website of the Ministry

REGD. No. D. L.-33004/99

रजिस्ट्री सं. डी.एल.- 33004/99



सी.जी.-डी.एल.-अ.-26112020-223348 CG-DL-E-26112020-223348

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

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No. 3746]	NEW DELHI, THURSDAY, NOVEMBER 26, 2020/AGRAHAYANA 5, 1942

सडक परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 26 नवम्बर, 2020

का.आ. 4251(अ).— केंद्रीय सरकार, मोटर यान (संशोधन) अधिनियम, 2019 (2019 का 32) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 27 नवम्बर, 2020 को उस तारीख के रूप में नियुक्त करती है जिस तारीख को उक्त अधिनियम की धारा 36 प्रवृत्त होगी।

[सं. आरटी-16011/09/2019-टी (भाग)]

प्रियांक भारती, संयुक्त सचिव

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS NOTIFICATION

New Delhi, the 26th November, 2020

S.O. 4251(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Motor Vehicles (Amendment) Act, 2019 (32 of 2019), the Central Government hereby appoints the 27th day of November,2020 as the date on which the section 36 of the said Act shall come into force.

[No. RT-16011/09/2019-T (Part)] PRIYANK BHARTI, Jt. Secy.

5785 GI/2020

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MOTOR VEHICLE AGGREGATOR GUIDELINES- 2020



GOVERNMENT OF INDIA

MINISTRY OF ROAD TRANSPORT & HIGHWAYS

Issued on

27th of November, 2020 (New Delhi)

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Motor Vehicle Aggregator Guidelines, 2020

These are issued as guiding framework for State Governments, to consider for issuance of licenses to transport aggregators and for the purposes of regulating the business conducted by such aggregators, as per the Motor Vehicles (Amendment) Act, 2019 and its provision under the section 93 of the Motor Vehicles Act, 1988 which stipulates that "while issuing the license to an aggregate the State Government may follow such guidelines as may be issued by the Central Government".

1. Definitions:

- "Aggregator", as defined in Section 1A of the Act, refers to a digital intermediary or market place for a passenger to connect with a driver for the purpose of transportation.
- (2) "App" means an electronic interface operated by the Aggregator or any third party on behalf of the Aggregator, which may be accessed either through a computer resource or a communication device.
- (3) "Area of Operation" shall have the meaning ascribed to 'area' under the Act.
- (4) **"Computer resource"** shall have the meaning ascribed to it under the Information Technology Act, 2000.
- (5) "Communication device" shall have the meaning ascribed to it under the Information Technology Act, 2000.
- (6) "Fare" means the total charges debited by the Aggregator to the Rider pursuant to the latter booking a ride through the Aggregator's App and completion of such ride.
- (7) "Fee" means the charges in respect of a license as prescribed under Clause 20 of these Guidelines.
- (8) "Form" means the form appended to these Guidelines.
- (9) "Licence" means the licence issued to an Aggregator by the State Government under Section 93 of the Act.
- (10) "Licensee" means an Aggregator who holds Licence issued by the State Government.
- (11) "Competent Authority" means the State Government or any other authority empowered by the State Government to issue Licence under Section 93 of the Act.
- (12) **"On-Boarding"** means the integration of a vehicle and Driver with the Aggregator and operating such vehicle with the Aggregator.
- (13) "Off-Boarding" means the segregation of an integrated vehicle from the Aggregator.
- (14) "Rating" means an assessment of the quality of a trip availed by a Rider, on the successful completion of the trip.
- (15) "Refresher Training Programme" means an annual training session for Drivers integrated with the Aggregator, for a period of atleast two days for cumulated

10 hours, delivered physically or virtually. The session shall include but not be limited to the course mentioned under the Induction Training Programme.

- (16) "Remedial Training Programme" means training course required to be compulsorily undertaken by Drivers whose Rating is below 2 percentiles from amongst all Drivers who are placed similarly in terms of the minimum duration of engagement with the Aggregator. Such duration shall be determined by the Aggregator.
- (17) "Rider" means a person who books a journey through the Aggregator App for availing the transportation provided by a Driver who is integrated with the Aggregator.
- (18) "Security Deposit" means the amount that shall be payable by an Aggregator applying for a License furnished as bank guarantee, unless provided otherwise.
- (19) "Service Provider Contract" means the agreed and executed between the Aggregator and the Driver specifying the contractual rights and obligations of both parties.
- (20) "State" includes a Union Territory.
- (21) **"Surge pricing"** means the output of an algorithm of an Aggregator, which automatically raises the price of a trip when demand outstrips supply within a fixed geographic area.
- (22) **"Induction Training Programme"** shall have the meaning ascribed under Clause 5(2).

2. Applicability:

The Guidelines may be applicable to Aggregators On boarding transport vehicles in the Area of Operation. The vehicles that may be integrated by the Aggregator shall include all motor vehicles under the Act and e-rickshaw.

3. Application for grant or renewal of License and matters connected therewith:

- (1) Any person may make an application for grant of License in Form I appended to these Guidelines, accompanied by proof of payment of appropriate fee and Security Deposit.
- (2)A License granted shall be valid for a period of five (5) years from the date of its issuance, subsequent to which it shall be renewed by the Competent Authority on an application for renewal made by the Aggregator in Form II appended to these Guidelines. However, it may be cancelled by the Competent Authority in accordance with Clause 16. For the purposes of such renewal, the Competent Authority shall examine the Aggregator's records of compliance with these Guidelines and the suspensions against such Aggregator.
- (3) The list of licenses issued by the Competent Authority under these Guidelines shall be uploaded and updated by the Competent Authority on the state transport portal of the state government.
- (4) If any of the conditions for grant of License specified under these Guidelines are not complied with by the applicant, the Competent Authority may reject such application after giving an opportunity of being heard.

- (5) On being satisfied that the applicant has complied with all the conditions specified for grant/ renewal of a license under these Guidelines, the Competent Authority shall issue a License to the applicant in Form III appended to these Guidelines.
- (6) A License issued under these Guidelines may be transferred on a joint application being made by the transferor and transferee subject to compliance with these Guidelines.
- (7) Where the License is lost or destroyed, an application for issue of a duplicate shall be made in Form IV appended to these Guidelines along with the prescribed fee. A duplicate License so issued shall be marked "Duplicate" in red ink.

4. Eligibility of an Aggregator:

- (1) The applicant shall be a company registered under the Companies Act 1956 or 2013 or a co-operative society registered under the Co-operative Societies Act, 1912 formed by an association of drivers or motor vehicle owners or such other association or a limited liability partnership under the Limited Liability Partnership Act, 2008.
- (2) The applicant shall have a registered office in India.
- (3) The applicant shall comply with all the applicable provisions prescribed under the Act and the Information Technology Act, 2000, including intermediary guidelines.
- (4) The applicant shall not integrate any driver or represent himself as an Aggregator unless he holds a valid License issued by the State Government.

5. Conditions for grant of License for Aggregator:

An applicant desirous of securing a License shall demonstrate compliance with the following:

- (1) Compliance with Clause 6, 7, 8 and 9 of these Guidelines;
- (2) Arrangement of a driving test facility with a simulator to test the driving ability of the concerned Driver with respect to the vehicle to be on boarded or outsource it to an authorized third party, and a set-up for conducting Induction Training Programme.

Explanation: Induction Training Programme refers to a compulsory (5) five-day training programme for cumulated thirty (30) hours conducted by the Aggregator prior to the commencement of on-boarding of vehicle, either independently or by liasoning with a professional institution for providing course compliant with National Skills Qualifications Framework (NSFQ). The broad details of the course shall be made available online for information of citizens. The course shall include but not be limited to apprising, educating and training the Drivers:

- (a) to efficiently use the Aggregator app;
- (b) on the provisions under the Motor Vehicles Act, 1988 and rules thereunder;

(c) on road safety and first responder training for six (6) hours out of the total thirty (30) hours mentioned above;

(d) on careful driving;

(e) on motor vehicle maintenance;

- (f) on maintenance of health and hygiene;
- (g) on fuel efficient driving;
- (h) on familiarization with the routes in the Area of Operation;

(i) on the terms and conditions of the contract between the driver and the aggregator;

- (j) on gender sensitization and safety of women and girl child.
- (3) The Aggregator shall be responsible to ensure that drivers who have been integrated with the Aggregator prior to the implementation of these Guidelines undergo the Induction Training Programme as mentioned above.
- (4) The Aggregator shall be required to commence its business operations 6 months from the grant of the Licence, in the absence of which the Licence shall be cancelled.
- (5) The Guidelines issued by the Ministry of Health / World Health Organization / or any concerned authority / organization in the interest of public health and safety especially in regard to COVID-19 or other such pandemic for precautionary steps like sanitization of motor vehicles and appropriate social distancing etc. are to be complied with. Further that this clause is to be adhered in cases of ridepooling in taxis also.

6. State Governments to facilitate Implementation of Electric/Alternative fuel (such as bio-ethanol) two-wheeler taxis:

This Ministry vide notification dated S.O. No. 5333(E) dated 18th October, 2018 has exempted the electric vehicles and vehicles running on Ethanol or Methanol from the requirements of Permit. The State Governments to facilitate operations of such vehicles.

7. Compliances with regard to Drivers:

- (1) The Aggregator shall ensure compliance with the following conditions, relevant to Drivers, prior to On-boarding of such Drivers:
 - (a) The Driver should hold a valid proof of identity being an EIC card or Aadhaar card or PAN card.
 - (b) The Driver shall be holder of a driving licence to drive the relevant vehicle (as applicable) and a badge (as may be applicable).
 - (c) The Driver shall have a minimum driving experience of 2 years. In case of the driving experience being less than 2 years, the Driver shall undertake a driver training facilitated by the Aggregator for a period of 15 days prior to On-boarding. This shall be in addition to the Induction Training Programme.
 - (d) The Driver shall be a holder of KYC compliant bank account or holder of Jan-Dhan account under the Pradhan Mantri Jan-Dhan Yojana, in accordance with the norms prescribed by Reserve Bank of India.
 - (e) The Driver of the vehicle shall not have been convicted within the past 3 years, for the offence of driving under the influence of drugs or alcohol, or

any cognizable offence under the Code of Criminal Procedure, 1973 or the Indian Penal Code, 1860 (as may be applicable) including fraud, sexual offences, use of a motor vehicle to commit a cognizable offence, a crime involving property damage or theft, acts of violence, or acts of terror.

- (f) The Driver shall undergo a complete medical examination, including eye check-up, by a hospital or medical institution prescribed by the Aggregator. Costs for such medical check-up shall be borne by the Aggregator.
- (g) Complete police verification of the identity of the Driver and his antecedents with a written record of such verification prior to fifteen days of on boarding. For facilitation of the same, the police authorities shall be provided access to the Aggregator's Application Programming Interface (API) by the Aggregator. Subsequent to such verification, the police authorities shall grant certificate of good moral character without any criminal record, to the Driver.
- (h) Execution of a valid enforceable Service Provider Contract with the relevant Driver in English and the language understood by the Driver, specifying all necessary terms and conditions applicable for On-boarding of vehicle and operating vehicles therein.
- (2) The Aggregator shall ensure compliance with the following conditions, relevant to Drivers, during operations:
 - (a)Ensuring a health insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 5 Lakhs with base year 2020-21 and increased by 5% each year.
 - (b) Ensuring a term insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 10 lakhs with base year 2020-21 and increase by 5% each year.
 - (c) Conducting Refresher Training Programme once a year. Record of such training sessions shall be documented and preserved for at least one year. The Aggregator may be permitted to collaborate and partner with any specialized institution, as deemed fit by the Aggregator, for providing such training.
 - (d) Ensuring that the Driver shall not be logged in for an aggregate of twelve (12) hours on a calendar day. A mandatory break of ten (10) hours for the Driver shall be imposed subsequent to a login extending twelve (12) hours
 - (e) The Aggregators to develop a mechanism on their respective App to ensure that Drivers engaged with more than one Aggregator do not drive beyond a cumulative period of 12 hours either on their or another Aggregators App so as to safeguard the Driver, passenger as well as road users.
 - (f) Maintaining and examining updated copies of the following records pertaining to the Drivers of vehicles (pursuant to due verification with the originals), regularly on the portal of SARATHI;
 - (g) a photograph of the Driver;
 - (h) driving licence;

- (i) present residential address alongwith proof;
- (j) RBI compliant KYC bank account details;
- (k) self-attested copies of EIC card or Aadhaar card or PAN card.
- (l) contact details and addresses of two members from the Driver's family.
- (m) Enabling the Drivers to operate with multiple Aggregators, provided each of them comply with the requirements and Driver training programmes relevant to each Aggregator.
- (n) Ensuring that on termination or end of the Service Provider Contract with a Driver, all equipment or brand stickers belonging to the Aggregator is removed and identity card or authorization issued to the Driver by the Aggregator is confiscated.
- (o) Implementing a mechanism in the App for rating of Driver by corresponding Rider with respect to a ride availed on the App, indicative of the Rider's experience of the ride and Driver's etiquette. The same shall be applicable to the Driver's rating for a Rider.
- (p) Further, Drivers with ratings below two (2) percentiles shall be required mandatorily to undertake the Remedial Training Programme until the completion of which such Driver shall be Off-boarded.

8. Compliances with regard to vehicles:

The following compliances with regard to a vehicle shall be ensured by an Aggregator as a pre-requisite for the purposes of integration with Aggregator:

- Valid registration of the vehicle;
- Valid permit, as may be applicable;
- (3) Valid fitness certificate as obtained under the Act;
- (4) Requisite placement of the registration mark displayed in English and the figures in Arabic numerals displayed in such form and manner as specified in the Rules;
- (5) Valid third-party insurance;
- (6) Valid Pollution Under Control (PUC) certificate;
- (7) Compliance with emission norms of BS IV or above for motor cab and BS III or above for other vehicles;
- (8) Compliance with city specific fuel norms;
- (9) Updated payment of applicable taxes and other dues;
- (10) Clearance of pending e-challans applicable to the vehicle prior to integration of such vehicle;
- (11) Fitment of a AIS 140 Certified Vehicle Tracking and Monitoring System with panic buttons relevant for a Public Service vehicle, as specified by the Ministry of Road Transport & Highways, which shall be connected to the control room of the Aggregator;

- (13) Placement of a fire extinguisher;
- (14) Disabled child lock mechanism;
- (15) Enabled manual override for the central locking system;
- (16) Display inside the vehicle, except motor cycles, containing vehicle permit (as applicable) and copy of the Driver's driving license. The display shall be placed on the side of the passenger seat next to the Driver in such manner as shall be clearly visible to the passengers in the concerned vehicle.
- (17) Fitment of 'TAXI' roof sign visible from the front and rear on LMV, in compliance with Automotive Industry Standards (AIS) or any such standard specified.
- (18) During operations, the Aggregator shall maintain and examine digital records of all vehicles integrated with the Aggregator that shall be updated on a realtime basis by the Aggregator on https://vahan.nic.in/nrservices/. Maintaining updated copies of the following records pertaining to the Driver's vehicle (pursuant to due verification with the originals), regularly:
 - (a) Certificate of Registration;
 - (b) Certificate of Fitness;
 - (c) Permit of the vehicle;
 - (d) Chassis and engine numbers; and
 - (e) Commercial insurance policy covering third party risks as prescribed in the Act.
 - (f) Pollution under control certificate.
 - (g) Clearance of pending e-challans within a period of 2 months from the issuance of such e-challans.

9. Compliances with regard to the Aggregator's App and Website:

- (1)The App shall be formulated in a manner that is compliant with the applicable law.
- (2)The App shall be accessible in English and Hindi as the primary languages, for the Rider alongwith one official language of the relevant state where the official language is not Hindi. Additionally, the App shall be accessible in such language that is understandable by the Driver.
- (3) Ensuring that the in-app vulnerabilities are revealed to Indian Computer Emergency Response Team formed under the aegis of the Ministry of Electronics and Information Technology. Safety of the App shall be certified by a recognized cyber security firm.
- (4) Ensuring that the data generated on the App is stored on a server in India and that such stored data shall be for a minimum of 3 months and maximum of 24 months from the date on which such data is generated. This data shall be made available to the State Government as per due process of law. Any data related to customers shall not be disclosed without the written consent of the customer.

- (5) Ensuring that the details of daily trips operated by each vehicle, details of passengers commuting in each vehicle, origin and destination of each journey undertaken and the fare collected, shall be undertaken by a Driver and Rider shall be accessible on the App for a period of three (3) months from the date of such trip.
- (6) Ensuring transparency in its operations, including but not limited to, functioning of the App algorithm, proportion of fare payable to the Driver, incentives given to the Drivers, charges received from the Driver and such other information as may be notified by the State Government, by making disclosures on the Aggregator's Website and App and updating such disclosures, as per requirement.
- (7) Inclusion of a feature enabling the Rider to share the live location and status of his/ her ride after the ride booked through the App has commenced.
- (8) Ensuring that the picture of each Driver integrated with the Aggregator is clearly visible on the App.
- (9) Presence of the Website comprising details of the ownership, registered address, fare structure, services offered, consumer services telephone number and email address and such other details as may be needed.
- (10) Implementing a zero-tolerance policy on the use of drugs or alcohol applicable to any Driver, provide notice of the zero-tolerance policy on its website, as well as the procedure to report a complaint about a Driver when a passenger reasonably suspects that the Driver is under the influence of drugs or alcohol during the course of the ride. The Aggregator shall immediately Off board such Driver upon receipt of a passenger's complaint alleging violation of the zero-tolerance policy. The suspension shall last or continue during the period of investigation by the Aggregator.
- (11) Establishing a control room with 24x7 operations and ensuring that all the vehicles, on direction of the Aggregator, maintain uninterrupted contact with the control room. The control room shall be in a position to monitor the movements of all the vehicles on the directions of the Aggregator.
- (12) Establishing call centres with valid telephone number and operational email address displayed clearly on the App with 24x7 operations wherein assistance shall be provided to the Rider and/or the Driver in English and Hindi as the primary languages, for both the Driver and the Rider along with the option of an official language of the relevant state. These call centres shall be responsible for the following:
 - (a) To enable the Rider and/or Driver to contact the Aggregator's call centre in relation to issues concerning the ride, while the ride is in progress or after the completion of the ride for a period of 3 months as specified under sub-clause 4 above, by inclusion of a call feature on the App. The Aggregator shall also provide for the assigned Driver's direct contact number, to be available to the Rider and accessible for a period of 24 hours from when the ride was availed.

(b) To ensure timely and effective redressal of the Riders' grievances on receipt of any complaint concerning the ride/ the Driver/ the condition of the vehicle. Rider concerns pertaining to a ride and the Driver may be reported not beyond a period of 24 hours from when the ride was availed.

Provided that the complaint registered with the grievance redressal centre is criminal in nature, then the limitation period for filing such complaint shall be extended beyond the specified limit of 24 hours upto a maximum of 72 hours. In such scenario, the concerned Driver shall be Off-boarded from the Aggregator till such issue is not resolved.

Provided further that, in case of complaints against the Driver concerning violation of the provisions under the Act, the Driver shall be Off-boarded for a period of 2 days, from the day on which the complaint has been made.

- (13) Extending utmost cooperation with investigating authorities in relation to any untoward accident or incident involving jeopardizing a Rider's safety, which may have arisen due to action or inaction of the Driver on an assigned trip.
- (14) Ensure that city taxis, if seeking to integrate with the Aggregator, are permitted such integration. Provided these taxis are compliant to be integrated with the Aggregator as specified under Clause 7 above.

10. Compliances to Ensure Safety:

- Ensuring appropriate functioning of the GPS installed in the vehicle and provide efficient resolution for any issues that may develop in its functioning;
- (2) Ensuring that the Driver plies the vehicle on the route assigned on the App and in non-compliance of the same, developing a mechanism wherein the app device indicates the fault to the Driver and the control room of the Aggregator immediately communicates with the Driver with regard to the same;
- (3) Ensuring safety of women employees and Drivers by introducing mechanisms to protect their rights, in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- (4) Enforcing a mechanism on the App to ensure that the identity of the Driver undertaking a trip is same as the one enlisted with the Aggregator requiring verification every time a trip is accepted.
- (5) Ensuring regular spot checks of vehicles integrated with the Aggregator by personnel authorized by such Aggregator.

11. Ride Pooling:

- Aggregators may provide pooling facilities to Riders whose details and KYC are available who shall be travelling along the same route but with varied stoppages from one point to another under a virtual contract through the App.
- (2) Female passengers seeking to avail ride pooling shall also be provided the option to pool only with other female passengers.

- (3) The pooling facilities shall be available within certain kms of detour from the route assigned to be undertaken for a destination specified by the first Rider in such vehicle.
- (4) State Governments may, by way of notification, relax the abovementioned detour specifications in order to provide accessibility in urban agglomerations and areas beyond the limits of municipal corporations.

12. Non-discrimination policy to be followed by the Aggregator:

The Aggregator shall ensure that vehicles actually owned by the Aggregator are treated at parity with those vehicles which are not Aggregator owned, once such vehicles are integrated with the Aggregator.

13. Regulation of fares:

- (1) The city taxi fare indexed by WPI for the current year shall be the base fare chargeable to customers availing Aggregator service.
- (2) The base minimum fare chargeable to customers availing Aggregator services shall be, for a minimum of 3 kilometers to compensate for dead mileage and distance travelled and fuel utilized for picking up the customers.
- (3) The Aggregator shall be permitted to charge a fare 50% lower than the base fare and a maximum Surge Pricing of 1.5 times the base fare specified under Clause 13(1) hereinabove. This will enable and promote asset utilization which has been the fundamental concept of transport aggregation and also substantiate the dynamic pricing principle, which is pertinent in ensuring asset utilization in accordance with the market forces of demand and supply.
- (4) The Driver of a vehicle integrated with the Aggregator shall receive at least 80% of the fare applicable on each ride and the remaining charges for each ride shall be received by the Aggregator. The State Government may by way of a notification direct 2% over and above the fare towards the state exchequer for amenities and programmes related for Aggregator operated vehicles, which have been helpful in reducing traffic congestion to a great extent and subsequently reducing pollution. These amenities and programmes may include but not be limited to, state sponsored driver welfare programmes, road safety awareness workshops and activities, pollution control programmes, allotment of parking spaces in certain proportion of large parking areas for vehicles integrated with an Aggregator, electric charging infrastructure for electric vehicles and related matters.
- (5) In states where the city taxi fare has not been determined by the State Government, an amount of Rs. 25/30 shall be the base fare for the purposes of fare regulation under this Clause 12. Similar fare fixation shall be done by the State Government of other vehicles integrated by Aggregators within the relevant State.
- (6) For the purposes of motor cabs, fare regulation under this Clause 12 shall only be applicable for motor cabs not exceeding 4 meters of length of below engine

capacity of 1500cc diesel or petrol. Fare regulation provided under this Clause 12 shall not be applicable to electric vehicles.

(7) No passenger shall be charged for dead mileage (except when the distance for availing the ride is less than 3 kms as mentioned under Clause 13(2) hereinabove) and the fare shall be charged only from the point of boarding to the point of alighting.

14. Cancellation of Rides:

- (1) On cancellation of a booking by a Driver, subsequent to accepting a ride on the App, a penalty of 10% of the total fare not exceeding Rs. 100, shall be imposed, when such cancellation is made without such valid reason that shall be stipulated by the Aggregator on its Website and on the App.
- (2) On cancellation of a booking by a Rider, subsequent to booking a ride on the App, a penalty of 10% of the total fare not exceeding Rs. 100, shall be imposed, when such cancellation is made without such valid reason that shall be stipulated by the Aggregator on its Website and on the App. The said amount shall be divided between the Driver and the Aggregator in the same proportion as Clause 13(4) hereinabove.

15. Aggregation of non-transport vehicles by Aggregators:

- (1) In furtherance of the Central and State Government's objective of reduction in traffic congestion and automobile pollution, and effective asset utilizations, non-transport vehicle pooling may be provided by Aggregator unless prohibited by the State Government. Rationale for such prohibition shall be specified in writing and accessible on the transport portal of the State Government.
- (2) In addition to the compliances mentioned above in these Guidelines, as may be applicable, the following shall be complied with by the Aggregator seeking to aggregate non-transport vehicles:
 - (a) A maximum of four ride-sharing intra-city trips on a calendar day and a maximum of 2 ride-sharing inter-city trips per week shall be permitted for each vehicle with the driver, integrated with the Aggregator.
 - (b) The vehicle integrated under this Clause 15 shall obtain an insurance of at least Rs. 5 lakhs for the ride-sharers in the vehicle, other than the owner or driver integrated with the Aggregator.

16. Suspension of Aggregator License:

- (1) Suo moto or on a complaint made to the Competent Authority, subsequent to providing the Aggregator with an opportunity of being heard within fifteen (15) days from date of such complaint or Suo moto action, suspend the license for a period, by way of a reasoned order in writing, which shall not be less than 10 days and which shall not exceed 6 months at a time ("Suspension Order") if,-
 - (a) there exists a systemic failure by the Aggregator to ensure safety of the Rider and/or the Driver and the same may be evidenced by an analysis of quarterly Ratings with regard to the relevant parameter;

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- (b) there exists repetitive instances of financial inconsistencies with regard to the fares charged to Riders, unjustified imposition of Surge Pricing, non-compliance with the proportionate division of fares between the Drivers and the Aggregator, unsubstantiated imposition of charges on the Drivers, all of which may be determined by Ratings and/or examination of the financial records pertaining to the Aggregator's operations, in compliance with powers granted to the State Government under Clause 18(1);
- (c) the Aggregator fails to comply with the contractual obligations towards the Drivers;
- (d) the Aggregator fails to comply with any of the requirements or conditions of these Guidelines amounting to minor, moderate or gross offences, as may be determined by the State Government. The following parameters may be considered by the State Government while categorising the offences of non-compliance with these Guidelines:
- (e) effect on health and safety of Riders and/or Drivers which may have been averted by complying with these Guidelines;
- (f) number of deaths or sever injuries to Riders and/or Drivers caused due to violation of safety standards by the Aggregator;
- (g) effect on Driver welfare and livelihood due to violation of contractual obligations;
- (h) severity of financial swindling;
- (i) and such other parameters as the State Governments may deem fit and appropriate.

PROVIDED that where the Aggregator is liable to be suspended and the Competent Authority is of the opinion that having regard to the circumstances of the case it would not be necessary or expedient to suspend the License, the Aggregator may pay a sum as decided by the States. This is notwithstanding the fine imposed against the Aggregator under Section 193 (2).

- (2) On completion of period specified in the Suspension Order the Aggregator shall by way of an undertaking in writing acknowledge the reasons for suspension as specified in the Suspension Order and undertake that the same stands rectified and will be therefrom complied with. Subsequent to this, the Competent Authority shall pass an order acknowledging the satisfaction of the Suspension Order and receipt of the undertaking and grant the Aggregator temporary permission to continue operations for a period which shall not be less than 2 months but not more than 6 months ("Probationary Period") while still withholding the Aggregator's License.
- (3) During the Probationary Period, the Aggregator shall continue operations and rectify the reasons causing the former suspension while ensuring compliance with these Guidelines in its entirety. Subsequent to the expiry of the Probationary Period the Competent Authority shall examine the

operations of the Aggregator to ensure compliance with these Guidelines and rectification of the issues causing the former suspension.

- (4) If the Competent Authority stands satisfied pursuant to the examination at the end of the Probationary Period, the Competent Authority shall issue a no objection certificate (NOC) to the Aggregator and return the License, subsequent to which the Aggregator shall continue operations. If unsatisfied, a second Probationary Period of seven (7) days shall be granted for implementing the requisite rectifications.
- (5) If satisfied, a NOC shall be granted to the Aggregator subsequent to investigation after the expiry of seven (7) days and the License shall be returned. If the requisite rectifications remain unsatisfied, the Competent Authority may within fifteen (15) days, after giving an opportunity of being heard to the Aggregator, suspend the License for a period which shall not be less than forty-five days and not more than three months, specifying the reasons for continued suspension by way of a written order ("Continuing Suspension Order"). On receipt of a Continuing Suspension Order, the same procedure shall be followed as specified in this Clause 16(2), 16(3) and 16(4) above.
- (6) Without prejudice to an order of suspension passed by the Competent Authority, the security provided by way of bank guarantee may also be forfeited in part, depending upon the extent of the violation. It may be noted that if the security is forfeited, the same shall only be returned on the Aggregator receiving the License again and not during either of the Probationary Period.
- (7) Where a License is suspended, the Aggregator shall immediately stop all operations under the License till the time such suspension is revoked.

17. Cancellation of Aggregator License:

- (1) A showcause notice shall be issued to the Aggregator for cancellation of the Aggregator's License, if the Aggregator:
 - (a) has received more than three (3) suspensions within one financial year; or
 - (b) has failed to receive its License and NOC pursuant to a second examination of the Continuing Suspension Order; or
 - (c) is responsible for the commission of a gross offence as categorized by the State Government under Clause 16(1)(d) above.
- (2) The Competent Authority may within two (2) days of issuing the showcause notice provide an opportunity of hearing to the Aggregator and thereafter cancel the license.
- (3) Where a license is cancelled, the Aggregator shall immediately stop all operations under the license.

- (4) Without prejudice to an order of cancellation passed by the Competent Authority, the security provided by way of bank guarantee shall be forfeited in full.
- (5) The Aggregator may, at any time, voluntarily surrender the license for cancellation. On such surrender of the license, the security by way of bank guarantee if any shall be returned to the Aggregator after the payment of outstanding dues if any.
- 18. Appeal:
 - (1) The Aggregator aggrieved by any order passed by the Competent Authority may, within 30 days of receipt of the order, appeal to the State Government or such other agency as may be notified by the State Government.
 - (2) An appeal shall be in the form of a memorandum in duplicate setting forth the grounds for the appeal and shall be accompanied by the requisite fee and the certified copy of the order passed by the Competent Authority.

19. Powers and Responsibilities of the State Government:

- (1) The State Government shall be empowered to call for such information and documents from the Aggregator, as deemed fit to ensure compliance by the Aggregator with these Guidelines pursuant to prior written notice. This shall also include the power to investigate about the Drivers who have been Off boarded at more than one instance;
- (2) The State Government shall have the power to conduct search and investigation of the Aggregator's premises, as specified in Form I of these Guidelines, for the effective implementation of these Guidelines;
- (3) The State Government shall provide access to the VAHAN and SARATHI portal operated by the Ministry of Road Transport and Highways, Government of India to enable the Aggregator to update the details of vehicles and Drivers integrated with the App.
- (4) The State Government shall ensure complete confidentiality and secrecy of the documents and information obtained from the Aggregator under Clause 19(1) above and any such other information which it may call for.

20. Fee for Aggregator:

S. No.	Particulars	Amount in Rupees
1.	Grant of license	5,00,000
2.	Renewal of license	2,500
3.	Issue of duplicate license	2,500
4.	For noting change of address of the Licensee	2,500

21. Security Deposit for Aggregator:

S. No.	Particulars	Amount in Rupees
1.	Upto 100 buses or 1000 other motor vehicles	1,00,000
2.	Upto 1000 buses or 10000 other motor vehicles	2,50,000
3.	More than 1000 buses or 10000 other motor vehicles	5,00,000

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FORMI

[See Clause 3(1)]

Application for the Grant of License for Aggregator under the Central Aggregator Guidelines, 2020

To,

The [Designation], [Name of State] Competent Authority, [Name of City]

I, the undersigned hereby apply for grant of a License for operation as an Aggregator under the Central Aggregator Guidelines, 2020.

1.	Name in full	
2.	Address of the main office	
3.	Number of branches and addresses, if any	
4.	 a. If a registered company, enclose a cop of certificate of incorporation registration along with a copy o memorandum of association. b. If a firm, enclose a copy of certificate of registration of the firm. 	/ f
5.	Name and contact details of Key Manageria Personnel or Authorized Signatory	l 1. 2. 3.
6.	Telephone number, website address and Email ID	5.
7.	Number of (type of vehicle) proposed to be operated. (Enclose a separate list containing vehicle numbers and permit particulars of each vehicle)	
8.	Details of GPS/ GPRS facility	
9.	Details of other infrastructure	
10.	Details of returns filed in the last three years. Enclose copies of financial statements of last three years	
11.	Details of fee paid	Rs. 10,00,000
12.	Details of Security Deposit by way of Bank Guarantee in favour of Competent Authority	

I hereby declare that the information given above and other documents enclosed herewith are true to the best of my knowledge. I understand that if any information is found to be incorrect at any point of time, the Licence granted to me is liable to be cancelled,

Motor Vehicle Aggregator Guidelines-2020

besides initiating other legal action/actions against me. I have gone through the provisions of the Central Aggregator Guidelines, 2019, I accept and agree to abide by the same and the reference statues and rules mentioned herein.

Place:

Date:

Signature of the Applicant/ Authorized Signatory (along with company seal, as applicable)

Motor Vehicle Aggregator Guidelines-2020

FORM II

[See Clause 3(2)]

Application for the Renewal of License for Aggregator under the Central Aggregator Guidelines, 2020

To,

The [Designation], [Name of State] Competent Authority, [Name of City]

I, the undersigned hereby apply for grant of a License for operation as an Aggregator under the Central Aggregator Guidelines, 2020.

1.	Name in full	
2.	Address of the main office	
3.	Number of branches and addresses, if any	
4.	 a. If a registered company, enclose a copy of certificate of incorporation / registration along with a copy of memorandum of association. 	n
	 b. If a firm, enclose a copy of certificate of registration of the firm. 	
5.	Name and contact details of Key Manageria Personnel or Authorized Signatory	l 1. 2. 3.
6.	Telephone number, website address and email id	5.
7.	Number of (type of vehicle) proposed to be operated. (Enclose a separate list containing vehicle numbers and permit particulars of each vehicle)	
8.	Details of GPS/ GPRS facility	
9.	Details of other infrastructure	
	Details of returns filed in the last three years. Enclose copies of financial statements of last three years	
11.	Details of Licence: a. Licence Number b. No. of suspensions, if any, and details thereof	
12.	Dataila offer it	Rs. 2,500
3.	Details of Security Deposit by way of Bank Guarantee in favour of Competent Authority	

Motor Vehicle Aggregator Guidelines-2020

I hereby declare that the information given above and other documents enclosed herewith are true to the best of my knowledge. I understand that if any information is found to be incorrect at any point of time, the Licence granted to me is liable to be cancelled, besides initiating other legal action/actions against me. I have gone through the provisions of the Central Aggregator Guidelines, 2019, I accept and agree to abide by the same and the reference statues and rules mentioned herein.

Place:

Date:

Signature of the Applicant/ Authorized Signatory (along with company seal, as applicable)

F. No. 16011/9/2019-T : 27th November, 2020

Ministry of Road Transport and Highways

Motor Vehicle Aggregator Guidelines-2020

FORM III [See Clause 3(5)] Licence for an Aggregator

Mr./Mrs./M/s [_____] is hereby licensed to operate as an Aggregator under the Motor Vehicles Act, 1988 in compliance with directions stipulated under the Central Aggregator Guidelines.

1.	Name of the Aggregator (in full)	
2.	Address of the main office	
3.	Addresses of the branches	
4.	Telephone number, website address and email id	
5.	Number of auto rickshaw/ e- rickshaw/ motor cab/ motor cycle or bus (as per the list enclosed by the Aggregator in Form I/II, as may be applicable)	
6.	Particulars of the manner in which the Aggregator shall function	
7.	Details of fee paid	
8.	Details of bank guarantee	

The Licensee shall observe all the conditions contained in the Central Aggregator Guidelines, 2020.

Place:

Date:

Signature of the Competent Authority

F. No. 16011/9/2019-T : 27th November, 2020

Ministry of Road Transport and Highways

Motor Vehicle Aggregator Guidelines-2020

Form IV [See Clause 3(7)] Application for the issue of Duplicate Licence

To, The [Designation], [Name of State] Competent Authority, [Name of City]

Sir/Madam,

The Licence issued to [Name of the Licensee] under Clause 3(5) of the Motor Vehicle Aggregator Guidelines, 2019 bearing No. [_____] has been lost/destroyed/completely written off/soiled/torn/mutilated in the following circumstances.

[____]

I/We hereby declare that to the best of my/our knowledge the Licence has not been suspended or cancelled under the provisions of the Act or rules made thereunder and the circumstances explained above are true.

I/We do hereby apply for the issue of a duplicate Licence.

The written off/soiled/torn/mutilated Certificate of registration is enclosed/ Copy of the FIR filed against the loss of the Licence is enclosed.

Place:

Date:

Signature of the Applicant/ Authorized Signatory (alongwith company seal, as applicable)



Date: 31/03/2021

To The Transport Commissioner Maharashtra State 5th Floor , Fountain Telecom Building No 2 Mahatma Gandhi Road , Fort Mumbai – 400001 Email ID – dytcenf1,tpt-mh@gov.in Avery Dennison (India) Pvt. Ltd.

Narsinghpur Industrial Area, Six Kilometer Stone, Delhi Jaipur Highway, District Gurgaon – 122001, Haryana Tel:0-124-2215581 / 582 / 583 Fax: 91-124-2215591 / 592

Subject: Registration for Fitment of Reflectors , Reflective Tapes and Rear Marking Tapes on the vehicles as per provisions of Rules 104 to 104-E of CMVR in the state of Maharashtra

Ref : Circular Letter No MVR-0710/CR-1011/K.2(4)/Outward N0 3236 dt 5 March 2021

Dear Sir/ Madam,

ale.

222

We Avery Dennison India Private Limited having registered office at Narsinghpur Industrial Area, Six Kilometer Stone, Delhi Jaipur Highway, District Gurgaon – 122001, Haryana, INDIA, hereby declare and certify that as per the requirement of above notification the pricing of our related products ie Reflective Tape, Rear Marking Plates & Reflectors will be as below

- Avery Dennison Reflective Tapes V 6700 series 50 mm X 50 mtrs (White/Yellow/Red) Rs. 5500 per roll.
- Avery Dennison Reflective Tapes V 6300 series 50 mm X 50 mtrs (White/Yellow/Red) Rs. 4800 per roll.
- 3) Avery Dennison Rear Marking Plates C3 V6700 (565 mm X 140 mm) Rs. 2600 per set.
- 4) Avery Dennison Rear Marking Plates C4 V6700 (565 mm X 200 mm) Rs. 2900 per set
- 5) Avery Dennison Reflectors T6500 (White/Red) 80 mm Dia Rs. 50 / piece

All the above prices are inclusive GST .

Yours Sincerely , M/s. Avery Dennison (India) Pvt. Ltd

y Dennison (India) Pvt. Ltd. Stone Narsinghpur Indl. Area. **Delhi-Jaipur Highway**, Gurgaon-122 001 (Authorized Signatory) Nikhil Talwar 1.41 Print: Regional Sales Manager – Central **Reflectives** Division Narsinghpur Industrial Area Six Kilometer Stone Delhi Jaipur Highway District Gurgaon - 122001. Haryana, India Mobile - 9694083196 Email averydennison.com



DAOMING Reflective Material India PVT LTD

Unit No.435 Udyog Vihar Phase 4, Gurgaon Haryana. 122022 Tel:+91 124 454 9949 Email:market@dmreflective.in

R/4/3

Dated - 05 March 2021

To Whom It May Concern

Notification Ref. No. MVR-0710/CR-1011/0.2 (4)/D.N.3236 Dated 05/03/2021

Dear Sir,

This is to declare that as per the requirement of above notification the pricing of related products ie, Reflective Tape, Rear Marking Tape, Reflectors will be as follow :

- 1. DM9600, Conspicuity Tape, 50mm x50Mtr (Red/White/Yellow) Rs 5250/Roll
- 2. DM 9670, Rear Marking Tape Class 3/C3(140mmx565mm) Rs 2500 per set
- 3. DM 9670, Rear marking Tape Class 4/C4 (200mmx565mm) Rs 2900 per set

All the above prices are inclusive GST

This is for your information & consideration please.

Thanking you

Regards,

For Daoming Reflective Material India Pvt. Ltd.



<u>A</u>G

Authorized Signatory Mukesh Giri (Sales Manager) Unit No.: 435, Udyog Vihar, Phase IV, Gurgaon (Haryana), INDIA Email: <u>mukesh@dmreflective.in</u> Mb No.: 9319257282/8108871214 www.dmreflective.in ORAFOL India Private Limited Office 1 & 2 UG Floor Kanchenjunga Building 18 Barakhamba Road Connaught Place New Delhi 110 001 India **Reflective Solutions**



Date - 05/03/2021

To Whom it may concern

Notification Ref. No. MVR-0710/CR-1011/0.2(4)/D.N.3236 Dated 05/03/2021

Dear Sir,

This is to declare that as per the requirement of above notification the pricing of all the related products i.e. Reflective Tape, Rear Marking Tape & Reflectors will be as below:

- ORALITE VC 104+ Rigid Grade reflective tapes 50 mm x 50 m.(White/Yellow/Red) Rs. 5500
- 2. ORALITE VC 70-01+ Rear Marking Tape -Class 3 /C3 (565mm x130 mm) Rs. 2500/set
- 3. ORALITE VC 70-01+ Rear Marking Tape -Class 4/C4 (565mm x 195 mm) Rs. 2900/set
- 4. ORALITE 5910 Reflectors (80 mm. Dia.) RED/ WHITE Rs. 50/pc

All the above prices are inclusive GST.

This is for your kind information & consideration please.

Thanking you.

Regards,

For, ORAFOL INDIA PVT LTD.



Gaurav Bhawsar Sr. Manager Mob- 7506661004 Email – gaurav.bhawsar@orafol.com





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3M India Limited

WeWork Prestige Central 3rd floor, 36 Infantry Road, Tasker Town, Bangalore 560001, India Office: +91 80 22231414

Registered Office and Factory

Plot Nos.48-51 Electronics City, Hosur Road Bangalore 560 100, India Office: +91 80 45594300 www.3m.com/in CIN No.: L31300KA1987PLC013543

Sr. No.	Product Description	Unit of Measurement UOM	Maximum Retail Price MRP (In INR)
1	983-72 Red Consp 50.8MMX50M	50MTR	7,334
2		50MTR	7,334
The subscription of the second	983-71 Ylw Consp 50.8MMX50M	50MTR	7,334
3	983-10 Wht Consp 50.8MMX50M	50MTR	3,892
4	983-72 Red Consp 20MMX50M	50MTR	3,892
5	983-10 Wht Consp 20MMX50M	1 NOS	600
6	983 RMT C3-130x565mm-RH	1 NOS	600
7	983 RMT C3-130x565mm-LH	1 NOS	700
8	983 RMT C3-150x565mm-LH	1 NOS	700
9	983 RMT C3-150x565mm-RH	1 NOS	800
10	983 RMT C4-195x565mm	50MTR	7,422
11	ALD TOIND WHTCONSP 50.8mmx50m	50MTR	7,422
12	THIND YEL CONSP 50.8mmx50m		7,422
No. of Cold State State of the State of State St	TOTALD DED CONSP 50.8mmx50m	50MTR	3,970
13	WHTCONSP 25mmx50m	50MTR	3,970
14	943-72IND RED CONSP 25mmx50m	50MTR	0,01V
15	943-72IND NED CD		



Sincerely,

For 3M India Limited



AND ALIMAN POR



IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION (L) NO. 9775 OF 2020

Savina R. Crasto

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

Ms. Savina R. Crasto, petitioner-in-person, present.
Mr. Rajshekar V. Govilkar for respondent no.1.
Ms. Jyoti Chavan, AGP for respondent-State.
Mr. Janak Dwarkadas, Senior Advocate a/w Mr. Ankit Lohia,
Ms. Sita Kapadia, Mr. Shashwat Rai, Mr. Akash Loya and Ms.
Tvishi Pant i/by Keystone Partners for respondent nos.3 and 4.

CORAM: DIPANKAR DATTA, CJ & VINAY JOSHI, J.

DATE: MARCH 7, 2022

PC:

1. In terms of the order dated 20th December, 2021 passed on this Public Interest Litigation, separate affidavits have been filed.

2. One of the prayers in this Public Interest Litigation is for a direction on the respondents 1 and 2 (the Union of India and the State of Maharashtra, respectively) to ensure implementation of the Motor Vehicle Aggregator Guidelines-2020 (hereafter "the 2020 Guidelines", for short).

3. Respondent 3 is described by the petitioner as a 'Transportation Aggregator' launched in 2013 under the name Uber Technologies, Inc., popularly known as UBER. Respondent no.4 has been included in the arrav of respondents by the petitioner, upon obtaining leave from the Court, after noticing the contents of an affidavit filed by the respondent no.3. We shall refer to the respondents 3 and 4 hereafter as "UBER".

4. Sub-section (1) of section 93 of the Motor Vehicles Act, 1988 (hereafter "the Act", for short), which is part of Chapter V titled "Control of Transport Vehicles" requires, *inter alia*, an aggregator to obtain a license from such authority and subject to such conditions as may be prescribed by the State Government. The first proviso to sub-section (1) of section 93 provides that while issuing license to an aggregator, the State Government may follow such guidelines as may be issued by the Central Government. Sub-section (2) of section 93 refers to the matters which could be included as conditions of such license.

5. There is no dispute that UBER is an aggregator within the meaning of section 2(1-A) of the Act. It is further not in dispute that the Central Government, in exercise of the power conferred on it, has framed the 2020 Guidelines. Also not in dispute is the fact that in a meeting held on 5th March, 2021, chaired by the Joint Secretary (Transport), Ministry of Road Transport & Highways, UBER raised certain objections to the 2020 Guidelines. It is reported that since no final decision has been taken on such objections, UBER has not yet applied for license under the 2020 Guidelines.

6. On behalf of the respondent no.2, an affidavit has been filed. It has been pleaded therein that draft rules have been framed in exercise of power conferred by section 96 of the Act and on the basis of the 2020 Guidelines, titled "the Maharashtra Regulation of Aggregators Rules 2021" and that the same are pending consideration and approval of the concerned authority. It is, however, the stand of the respondent no.2 that until the rules framed by it are put into operation, the aggregators like UBER would be governed by the 2020 Guidelines in terms of the first proviso to subsection (1) of section 93 of the Act and that such aggregators are required to act in accordance with the 2020 Guidelines which have been put in place by the Central Government.

7. Appearing on behalf of UBER, Mr. Dwarkadas, learned senior advocate, has contended that so long the Ministry of Road Transport & Highways takes a decision on the objections raised in the meeting held on 5th March, 2021, there could be no compulsion for UBER to obtain a license of the nature referred to in sub-section (1) of section 93 of the Act, more particularly when sub-section (1) refers to conditions that could be prescribed by the State Government under the Rules which are yet to be finalized. It is also his submission that UBER is not required to obtain a license since by an order dated 30th June, 2017 of a coordinate bench of this Court, the effect of the Maharashtra City Taxi Rules, 2017 cannot be given.

8. We are not impressed by such submission advanced on behalf of UBER. Sub-section (1) of section 93 is couched in

negative language. Once it is the statutory mandate that no person shall engage himself as an aggregator unless a license is obtained, it is absolutely inappropriate for the respondent no.2 to allow such person to continue as an aggregator without he/it obtaining such a license. No doubt, the rules framed are still at the draft stage but till such time the said draft rules are finalized for being complied with, the 2020 Guidelines framed by the Central Government would hold the field and any person willing to operate as an aggregator, must follow the regulatory framework brought about by such guidelines. Also, nothing turns on the order dated 30th June, 2017 referred to by Mr. Dwarkadas. Section 93 of the Act has been amended in 2019 by the Parliament whereby any person proposing to carry on operations as an aggregator has been mandated to obtain a license. Also, the 2020 Guidelines are subsequent to the order dated 30^{th} June, 2017 and such order, which records only a statement of the Additional Government Pleader, cannot have the effect of stultifying the operation of statutory guidelines framed by the Central Government.

9. We are pained to observe that despite new statutory provisions having been brought into force in 2019 by amending section 93 and the guidelines having been framed in November 2020, the respondent no.2 has permitted an aggregator like UBER to operate in Maharashtra without insisting for compliance of the statutory requisite. At the same time, we are conscious that making an order restraining UBER, which has not yet obtained the statutory license, to

operate would work to the immense prejudice and detriment of the passengers who avail of the services provided by it. In such view of the matter and for the present, instead of restraining UBER from operating in the State of Maharashtra, we are inclined to grant an opportunity to it as well as other unlicensed aggregators to apply for licence as required by sub-section (1) of section 93 of the Act before the competent authority to be empowered by the State Government to issue license under sub-section (1) of section 93 of the Act.

For such purpose, we direct the Transport Department of 10. the State Government to issue appropriate notification in the Official Gazette forthwith and not later than 9th March, 2022 empowering each and every Regional Transport Authority in the State of Maharashtra to act as the Licencing Authority for grant of license under sub-section (1) of section 93 of the Act. Since the 2020 Guidelines also refer to an Appellate Authority in paragraph 18, it would be prudent for us to direct that the provisions of section 89 of the Act, which is also part of Chapter V, may be followed in such a case. The State Transport Appellate Tribunal or similar such authority, by whatever name called, shall be the Appellate Authority. We are informed that the Chairman of the Motor Accident Claims Tribunal, Maharashtra, functions in the State as the State Transport Appellate Tribunal and, therefore, such Tribunal shall also be notified to be the Appellate Authority for the purposes of the 2020 Guidelines. In the notification to be published in terms of this order, the Transport Department shall indicate that all the aggregators operating in the State of Maharashtra may apply for license by 16th March, 2022. If any application is received by any Regional Transport Authority from the prospective licensees, earnest endeavour shall be made to convene urgent meeting of such Transport Authority to consider such application, as early as possible but not later than a fortnight from date of receipt thereof. In the event the concerned aggregator/prospective licensee agrees to comply with the conditions laid down in the 2020 Guidelines, issuance of license in its favour shall not be unnecessarily delayed. In the event any application is rejected, the concerned aggregator shall be at liberty to file an appeal under section 89 of the Act read with paragraph 18 of the 2020 Guidelines before the empowered Appellate Authority.

11. It is made clear that if no application is made before 16th March, 2022 by any aggregator or an application for license is rejected by the Licensing Authority, such unlicensed aggregator shall not be permitted to carry on further operations in the State of Maharashtra till such time an appropriate license is obtained by him/it. This condition should also form a part of the notification to be issued in terms of this order.

12. List this PIL petition on **4th April, 2022** for reporting developments.

(VINAY JOSHI, J.)

(CHIEF JUSTICE)



स्कूल बस म्हणून वाहनांच्या प्रतिमानांना मान्यता देणेबाबत तपासणी अहवाल

तपासणी दिनांक -

वाहन उत्पादकाचे नाव -

वाहनाचा प्रकार -

मॉडेल -

वाहनाचे मूळ प्रारूप मान्य करणाऱ्या संस्थेचे नाव -

प्रमाणपत्र क्रमांक व दिनांक -

वायू प्रदूषण विषयक मानक -

आसनक्षमता -

महाराष्ट्र मोटार वाहन (स्कूलबस करिता विनियम) नियम, २०११ नुसार विहित केलेल्या तरतूर्दीनूसार वाहनाची तपासणी केली असून त्याबाबतचा अहवाल पुढील प्रमाणे आहे.

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	आसनाजवळू त	ठेवलेली अ	हेत.		
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	उंचीवर अर्धा इंच व्यासाचा आडवा रॉड बसविला आहे.	E F .
	(आसनांखाली दप्तरे ठेवण्यासाठी रॅक्स बसविलेल्या असल्यास आडव्या	
	रॉडची तरतूद आवश्यक रहाणार नाही)	
	२) वरच्या बाजूस दप्तरे ठेवण्यासाठी रॅक्स बसविल्या	
	आहेत (आसन क्षमता १२ पेक्षा जास्त असल्यास).	· · · · · · · · · · · · · · · · · · ·
१०(१६)	धोक्याचे इशारे देणारी प्रकाशयोजना (लाईट) बसविली	
	आहे.	
१०(१७)	दोन दांडयांमधील अंतर पाच सेंटीमीटर पेक्षा अधिक	दोन दांडयांमधील्यांतर सेमी
	नसलेले, ४ आडवे स्टीलचे दांडे खिडकीच्या बाहेरील	दांड्यांची संख्या
	बाजूने जोडलेले आहेत.	
१०(१८)	वाहनाचा वेग ४० किलोमीटर प्रति तास पेक्षा अधिक	वेगनियंत्रक उत्पादकाचे नाव
	असणार नाही, अशा पध्दतीने वाहनाला वेग नियंत्रक	
	बसविला आहे व सिल केला आहे.	मॉडेल नंबर
		कमाल वेग मर्यादा-
		किमी/तास
१०(१९)	अ) बसच्या मागे व पुढे शालेय मुलगा व मुलीचे चित्र	१) स्टीकरची मोजमापे
	असलेले ३५० x ३५० मिलीमीटर आकाराचे	x मिलीमीटर
	स्टीकर/फलक लावण्यात आले आहेत.	A
	ब) त्यातील मुलांच्या चित्रांची उंची २५० मिलीमीटर पेक्षा	२) मुलांच्या चित्रांची उंची
	कमी नाही.	मिलीमीटर
	क) चित्रांच्या खाली काळया रंगांमध्ये "स्कूल बस"	३) स्कूल बस अक्षरांची उंची
	लिहिले आहे व त्या अक्षरांची उंची १०० मिलीमीटर आहे.	२) स्फूल बस अक्साचा उचा मिलीमीटर
	(तथापि, बसच्या बांधणीमुळे वरील आकाराचे स्टीकर/ फलक	मिलामाटर
	लावणे शक्य नसल्यास २०० x २०० मिलीमीटर आकाराचे	
	स्टीकर मुलांच्या चित्रांच्या व अक्षरांच्य आकारात योग्य बदलासह	
	प्रदर्शित करणे पुरेसे असेल)	
१०(२०)	१) बारा आसनक्षमतेपर्यंतच्या स्कूल बस व्यतिरिक्त	१) दर्शनी फलकाचे माप
	प्रत्येक स्कूल बसवर शाळेची ओळख दर्शविणारा ३० इंच	
	x ८ इंच आकाराचा फलक पुढे आणि मागे वरच्या	
	बाजूस दिसेल असा लावला आहे.	
	२) प्रवेशद्वारावरील फलक १८ इंच x ८ इंच आकाराचा	२) प्रवेशव्दारावरील फलकाचे माप
	असावा.	इंच x रैंडंच
	१) बारा आसनक्षमतेपर्यंतच्या स्कूल बसवर शाळेची	
80(28)	1) all aldered and and simili	
१०(२१)	ओळख दर्शविणारा १८ इंच x ८ इंच आकाराचा फलक	<) फलफाय माप इंच x इंच

10		
'नियम	विविध तरतूदी	शेरा
ক্র.		पूर्तता करीत असल्यास 🗹 अशी खूण
0 (00)		करावी. नसल्यास 🛛 अशी खूण करावी.
80(53)	१) बसची संपूर्ण बॉडी स्टील बॉडीसह बंद स्वरूपाची	<u> </u>
	आहे.	
	२) वाहनामध्ये मुलांसाठी लॉक यंत्रणा जोडलेली आहे.	
१०(२७)	१) राज्य परिवहन प्राधिकारण ठराव ३७/२००९ नसार	
	बसच्या उजव्या बाजूस मागील अर्ध्या भागात, बसच्या	
	तळपृष्ठापासून खिडकीच्या वरच्या कडेच्या उंचीपर्यंत एक	
	आपत्कालिन दरवाजा आहे. (*)	
	२) दरवाज़ा आतून व बाहेरुन दोन्ही बाजूंनी	
	उघडण्यासंधि त्याला हँडल आहे.	
	३) विद्यार्थ्यांना सहजासहजी न उघडता येण्यासाठी हँडल	
	प्लॅस्टीक/ काचेने आच्छादित आहे.	
	४) नवीन बसमध्ये आपत्कालिन दरवाजा उघडला	
	गेल्याम् भाषा वात्रम् आपत्फालिनं दरवाजा उघडला	
	गेल्यास घटा वाजून अथवा दिव्यांची उघडझाप होऊन	
	चालकास सूचना मिळण्याची सोय आहे.	आपात्कालिन खिडकीची मापे
	५) या दरवाजाशिवाय मागील बाजूस ३९ इंच x २३	(x इंच)
	३/८ इंच या मापाची आपत्कालिन खिडकी आहे.	
	६) सदर खिडकीस वरच्या बाजूस बिजागऱ्या असून,	
	आतून वा बाहेरुन दोन्ही बाजूंनी उघडण्यासाठी त्याला	
	हँडल आहू.	
	(* तथापि, उत्पादकाने मागील बाजूस वाहनाच्या पूर्ण रुंदीइतका आ ति १९ २ २ २ २ ४ ४ ४ ४ ४ ४ ४ ४ ४ ४ ४ ४ ४ ४ ४	 पत्कालिन दरवाजा केला असल्याम अश्रता
	19.33.03.2008 पूर्वा राज्य परिवहन प्राधिकरण ठराव ३६/२००९ प्रमाणे बस	या मागील ताज्य ५४० पिटियमेन ४ ००-
	मिलीमीटर आकाराचा दरवाजा केला असल्यास त्याला वरील तरतूद लागू रहाणा	र नाही.)

(दिनांक १०.०८.२०१८ रोजीझालेल्या रा.प.प्रा. च्या २६३ च्या बैठकीचे इतिवृत्त)

<u>राज्य परिवहन प्राधिकरण, महाराष्ट्र राज्य, मुंबई.</u>

प्रधान सचिव (परिवहन) तथा अध्यक्ष, राज्य परिवहन प्राधिकरण, महाराष्ट्र राज्य यांच्या अध्यक्षतेखाली त्यांचे मंत्रालयातील कार्यालयीन दालनात दिनांक १०.०८.२०१८ रोजी सकाळी १०.०० वाजता घेण्यात आलेल्या राज्य परिवहन प्राधिकरण, महाराष्ट्र राज्य, यांच्या २६३ व्या बैठकीचे इतिवृत्त पुढे नमुद केल्याप्रमाणे आहे :

सदर बैठकीस राज्य परिवहन प्राधिकरणाचे पुढे नमुद केल्याप्रमाणे अध्यक्ष व सदस्य उपस्थित होते.

 श्री. आशिष कुमार सिंह, भा.प्र.से. प्रधान सचिव (परिवहन), महाराष्ट्र राज्य, मुंबई

- २. श्री. शेखर चन्ने, भा.प्र.से. परिवहन आयुक्त, महाराष्ट्र राज्य, मुंबई.
- श्री. विजय पाटील,
 अपर पोलिस महासंचालक (वाहतुक),(अतिरिक्त कार्यभार)
 महाराष्ट्र राज्य, मुंबई.
- ४. श्री. स. बा. सहस्त्रबुध्दे अपर परिवहन आयुक्त, महाराष्ट्र राज्य, मुंबई.

अध्यक्ष, राज्य परिवहन प्राधिकरण

सदस्य, राज्य परिवहन प्राधिकरण

सदस्य, राज्य परिवहन प्राधिकरण

सचिव, राज्य परिवहन प्राधिकरण

बाब क्रमांक :- १

विषय :-दिनांक १५.०६.२०१८ रोजी संपन्न झालेल्या राज्य परिवहन प्राधिकरण, महाराष्ट्र राज्य, मुंबई यांच्या २६२ व्या बैठकीच्या इतिवृत्तास मान्यता देण्याबाबत.

दिनांक १५.०६.२०१८ रोजी घेण्यात आलेल्या राज्य परिवहन प्राधिकरणाच्या २६२ व्या बैठकीचे इतिवृत्तास मान्यता देऊन सदर इतिवृत्त प्राधिकरणाने कायम केले.

बाब क्रमांकः - २ 🤉

विषय :- दिनांक १५.०६.२०१८ रोजी घेण्यात आलेल्या राज्य परिवहन प्राधिकरण, महाराष्ट्र राज्य यांच्या २६२ व्या बैठकीतील निर्णयांवर करण्यात आलेल्या कार्यवाहीच्या प्रगतीचा आढावा घेणे.

राज्य परिवहन प्राधिकरणाने दिनांक १५.०६.२०१८ रोजी घेण्यात आलेल्या राज्य परिवहन प्राधिकरण यांच्या २६२ व्या बैठकीतील निर्णयांवर करण्यात आलेल्या कार्यवाहीच्या प्रगतीचा आढावा घेतला. (दिनांक १०.०८.२०१८ रोजीझालेल्या रा.प.प्रा. च्या २६३ च्या बैठकीचे इतिवृत्त)

बाब क्रमांक :- ०३

विषयः- महाराष्ट्र राज्य मार्ग परिवहन महामंडळाच्या एम.एस. धातुमध्ये बांधलेल्या बसच्या रंगसंगतीस मान्यता मिळणेबाबत केलेल्या कार्यवाहीचे अवलोकन करणेबाबत

राज्य परिवहन प्राधिकरण, महाराष्ट्र राज्य यांनी त्यांच्या दिनांक ११.०५.२०१५ रोजीच्या २५४ व्या बैठकित ठराव क्र. १०/२०१५ अन्वये दिलेल्या निर्देशानुसार परिवहन उपक्रमाच्या बसेसच्या रंगसंगती बाबत परिवहन आयुक्त कार्यालयाने केलेल्या कार्यवाहीचे अवलोकन केले व केलेल्या कार्यवाहीस मंजुरी दिली.

(रा.प.प्रा.म.रा.मुंबई, बैठक दिनांक १०.०८.२०१८ ठराव क्र.१०/२०१८)

बाब क्र. : ४

विषय :-

मोटार वाहन अधिनियम, १९८८ च्या कलम ७५ व रेंट-ए-कॅब स्किम १९८९ अंतर्गत मोटार कॅब्स भाडयाने देण्यासाठी मुख्य कार्यालयाचे लायसन्स देणेबाबत - मे. वायुदुत मल्टीसर्व्हिसेस प्रा.लि. यांचा दिनांक ०५.०३.२०१८ रोजीचा अर्ज.

राज्य परिवहन प्राधिकरणाने विषयसूचीचे अवलोकन केले.

उप प्रादेशिक परिवहन अधिकारी, बोरीवली यांच्या दिनांक १३.०३.२०१८ रोजीच्या अहवालानुसार अर्जदार रेंट-ए-कॅब स्किम, १९८९ च्या परिच्छेद क्र. ५ मधील बाबींची पुर्तता करीत असल्याने अर्जदारास सदर योजनेअंतर्गत लायसन्स् देणेबाबत शिफारसीची तसेच राज्य परिवहन प्राधिकरणाने ठराव क्र.११/२०१६ अन्वये दिलेल्या निर्देशांची अर्जदार कंपनीकडून पूर्तता झाल्याची प्राधिकरणाने नोंद घेतली.

राज्य परिवहन प्राधिकरणाने अर्जदार मे. वायुदुत मल्टीसर्विहसेस प्रा.लि. ४०६, डि ईल्मास, सोनावाला क्रॉस लेन नं.०२, अटलांटा सेंटरजवळ, गोरेगाव (पूर्व), मुंबई-४०० ०६३ यांना वाहन भाडयाने घेणाऱ्या व्यक्तीची ओळख तपासण्याची पुर्ण जबाबदारी रेंट-ए-कॅब योंजनेअंतर्गत मंजुर लायसन्स धारकाची राहिल या अटीवर पाच वर्षाकरिता मोटार वाहन अधिनियम, १९८८ च्या कलम ७५ व रेंट-ए-कॅब स्किम १९८९ अंतर्गत मुख्य कार्यालयाचे नवीन लायसन्स मंजूर करण्यास मान्यता दिली.

(रा.प.प्रा.म.रा.मुंबई, बैठक दिनांक १०.०८.२०१८ ठराव क्र.११/२०१८)

बाब क्र. : ५ विषय :-

मोटार वाहन अधिनियम, १९८८ च्या कलम ७५ व रेंट-ए-कॅब स्किम १९८९ अंतर्गत मोटार कॅब्स भाडयाने देण्यासाठी मुख्य कार्यालयाचे लायसन्स देणेबाबत - मे. युरो कार्स इंडिया प्रा.लि. यांचा दिनांक ०५.०३.२०१८ रोजीचा अर्ज.

राज्य परिवहन प्राधिकरणाने विषयसूचीचे अवलोकन केले.

प्रादेशिक परिवहन अधिकारी, मुंबई (पश्चिम) यांच्या दिनांक १२.०६.२०१८ रोजीच्या अहवालानुसार अर्जदार रेंट-ए-कॅब योजना, १९८९ च्या परिच्छेद क्र. ५ मधील बाबींची पुर्तता करीत असल्याने अर्जदारास सदर योजनेअंतर्गत लायसन्स्

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देणेबाबत शिफारसीची तसेच राज्य परिवहन प्राधिकरणाने ठराव क्र. ११/२०१६ अन्वये दिलेल्या निर्देशांची अर्जदार कंपनीकडून पुर्तता झाल्याची प्राधिकरणाने नोंद घेतली.

राज्य परिवहन प्राधिकरणाने अर्जदार मे. युरो कार्स इंडिया प्रा.लि. १०५ माधव कर्मांशयल प्रिमायसेस, फॅमिली कोर्टच्या जवळ, बांद्रा कुर्ला कॉम्पलेक्स, बांद्रा (पूर्व), मुंबई- ५१ यांना वाहन भाडयाने घेणाऱ्या व्यक्तीची ओळख तपासण्याची पुर्ण जबाबदारी रेंट-ए-कॅब योंजनेअंतर्गत मंजुर लायसन्स धारकाची राहिल या अटीवर पाच वर्षाकरिता मोटार वाहन अधिनियम, १९८८ च्या कलम ७५ व रेंट-ए-कॅब स्किम १९८९ अंतर्गत मुख्य कार्यालयाचे नवीन लायसन्स मंजूर करण्यास मान्यता दिली. (रा.प.प्रा.म.रा.मुंबई, बैठक दिनांक १०.०८.२०१८ ठराव क्र.१२/२०१८)

बाब क्रमांक : ६

मोटार वाहन अधिनियम, १९८८ च्या कलम ७५ व रेंट-ए-कॅबस्किम १९८९ अंतर्गत मोटार विषय :-कॅब्स भाडयाने देण्यासाठी शाखा कार्यालयाचे नवीन लायसन्स देणेबाबत- मे. सी.क्वीन टुर्स ॲन्ड ट्रॅव्हल्स यांचा दिनांक १८.०१.२०१७ रोजीचा अर्ज

राज्य परिवहन प्राधिकरणाने विषयसूचीचे अवलोकन केले.

प्रादेशिक परिवहन अधिकारी, मुंबई (पश्चिम) यांच्या दिनांक ०८.०९.२०१७ रोजीच्या अहवालानुसार अर्जदार रेंट-ए-कॅब स्किम, १९८९ च्या परिच्छेद क्र. ५ मधील बाबींची पुर्तता करीत असल्याने अर्जदारास सदर योजनेअंतर्गत लायसन्स् देणेबाबत शिफारसीची तसेच राज्य परिवहन प्राधिकरणाने ठराव क्र.११/२०१६ अन्वये दिलेल्या निर्देशांची अर्जदार कंपनीकडून पुर्तता झाल्याची प्राधिकरणाने नोंद घेतली.

राज्य परिवहन प्राधिकरणाने अर्जदार मे.सी. क्वीन टुर्स ॲन्ड ट्रॅव्हल्स, शॉप नं. १६, जनकदिप अपार्टमेंट, सात बंगला, अंधेरी (पश्चिम), मुंबई- ४०० ०५८ यांना वाहन भाडयाने घेणाऱ्या व्यक्तीची ओळख तपासण्याची पुर्ण जबाबदारी रेंट-ए-कॅब योंजनेअंतर्गत मंजुर लायसन्स धारकाची राहिल या अटीवर पाच वर्षाकरिता मोटार वाहन अधिनियम, १९८८ च्या कलम ७५ व रेंट-ए-कॅब स्किम १९८९ अंतर्गत शाखा कार्यालयाचे नवीन लायसन्स (मुख्य लायसन्सच्या वैधतेपर्यंत) मंजूर करण्यास मान्यता दिली.

(रा.प.प्रा.म.रा.मुंबई, बैठक दिनांक १०.०८.२०१८ ठराव क्र.१३/२०१८)

मोटार वाहन अधिनियम, १९८८ च्या कलम ७५ व रेंट-ए-कॅबस्किम १९८९ अंतर्गत मोटार कॅब्स भाडयाने वाब : ७ देण्यासाठी शाखा कार्यालयाचे लायसन्स नुतनिकरण व पत्त्यात बदल करणेबाबत- मे. कार्झ्रोनरेंट इंडिया प्रा.लि. विषय :-यांचा दि. ०३.०४.२०१८ रोजीचा अर्ज

राज्य परिवहन प्राधिकरणाने विषयसूचीचे अवलोकन केले.

प्रादेशिक परिवहन अधिकारी, मुंबई (पश्चिम) यांच्या दिनांक १२.०६.२०१८ रोजीच्या अहवालानुसार अर्जदार रेंट-ए-कॅब योजना, १९८९ च्या परिच्छेद क्र. ५ मधील बाबींची पुर्तता करीत असल्याने अर्जदारास सदर योजनेअंतर्गत शाखा

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कार्यालयाचे लायसन्स नुतनीकरण करुन देण्याच्या शिफारसीची तसेच राज्य परिवहन प्राधिकरणाने ठराव क्र.११/२०१६ अन्वये दिलेल्या निर्देशांची अर्जदार कंपनीकडून पुर्तता झाल्याची प्राधिकरणाने नोंद घेतली.

अर्जदार कंपनीचे मुख्य कार्यालय दिल्ली येथे असून त्यांच्या मुख्य कार्यालयाचे लायसन्स दिनांक २०.०४.२०२२ पर्यंत वैध आहे.

राज्य परिवहन प्राधिकरणाने सर्व मुद्यांची नोंद घेऊन मे. कार्झ्रोनरेंट इंडिया प्रा.लि.अंधेरी, मुंबई यांना वाहन भाडयाने घेणाऱ्या व्यक्तीची ओळख तपासण्याची पूर्ण जबाबदारी रेंट-ए-कॅब योंजनेअंतर्गत मंजुर लायसन्स धारकाची राहिल या अटीवर शाखा कार्यालयाचे लायसन्स क्र.03/Rent-A-Cab/STA/Licence/2006 मध्ये बुध्द मंदिर जवळ, महाकालीगुंफा रोड, बि.एम.सी.शाळेजवळ, अंधेरी (पूर्व), मुंबई-४०० ०९६ ऐवजी नवीन शाखा कार्यालयाचा पत्ता क्र.३०(२९), २रा मजला, एक्रझिम चेंबर, बिल्डींग क्र. १८, समिता इंटरनॅशनल सोसायटी, टेलिफोन एक्सचेंज लेन, साकिनाका, अंधेरी (पूर्व), मुंबई-४०० ०७२ असा बदल करण्यास व शाखा कार्यालयाचे लायसन्स् क्र.क्र.03/Rent-A-Cab/STA/Licence/2006 ची वैधता पुढील पाच वर्षाकरिता (मुख्य लायसन्सच्या वैधतेपर्यंत) नुतनीकरण करण्यास मान्यता दिली.

(रा.प.प्रा.म.रा.मुंबई, बैठक दिनांक १०.०८.२०१८ ठराव क्र.१४/२०१८)

बाब क्रमांकः- ८ विषय मोटार वाहन अधिनियम, १९८८ चेकलम ७५ व रेंट-ए-मोटार सायकल स्किम, १९९७ अंतर्गत मोटारसायकल भाडयाने देण्यासाठी लायसन्स देणेबाबत

राज्य परिवहन प्राधिकरणाने विषयसूचीचे अवलोकन केले.

उक्त विषयांकित प्रकरणी मा.अपर पोलीस महासंचालक (वाहतूक), महाराष्ट्र राज्य, यांना कायदा व सुरक्षिततेच्या दृष्टीने त्यांचे अभिप्राय सादर करण्यास दि. १३.०५.२०१६ व दि. २०.०६.२०१६ चे पत्रान्वये कळविण्यात आले आहे. तथापी, या विषयी त्यांचेकडून अद्याप अहवाल प्राप्त झालेला नाही. तसेच, राज्य परिवहन प्राधिकरणाने दिलेल्या निर्देशानुसार उक्त प्रकरणी अपर मुख्य सचिव, (गृह विभाग) यांचे अभिप्राय घेण्यास शासनास दिनांक १८.११.२०१६ चे पत्रान्वये विनंती करण्यात आली. तथापी, त्याबाबत शासनाकडूनही कोणतेही मार्गदर्शन प्राप्त झाले नाही या बाबीची राज्य परिवहन प्राधिकरणाने नोंद घेतली.

सह पोलीस आयुक्त, वाहतुक विभाग, वरळी, मुंबई यांनी रेंट-ए-मोटार सायकल स्किम, १९९७ या योजनेचा अभ्यास करुन सदर योजनेची अंमलबजावणी करण्याचे अनुषंगाने कायदा व सुरक्षिततेच्या दृष्टीने उद्भवणाऱ्या बार्बीची तपासणी करुन त्यांचे अभिप्राय देण्याविषयी कळवावे असे राज्य परिवहन प्राधिकरणाने निर्देश दिले.

(रा.प.प्रा.म.रा.मुंबई, बैठक दिनांक १०.०८.२०१८ ठराव क्र.१५/२०१८)

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(दिनांक १०.०८.२०१८ रोजीझालेल्या रा,प.प्रा. च्या २६३ च्या बैठकीचे इतिवृत्त)

बाब क्र.: - ९

विषय :-

:- महाराष्ट्र मोटार वाहन नियम, १९८९ चे नियम १३४(१) मधील तरतूदीनुसार महाराष्ट्र राज्यात मोटार केंब संवर्गातील काळी-पिवळी टॅक्सी वाहनांवर जाहीरात प्रदर्शित करणेबाबत

राज्य परिवहन प्राधिकरणाने विषयसूचीचे अवलोकन केले.

वाहनांवर जाहिरात प्रदर्शित करणेबाबत वाहतुक पोलीस विभागाकडून व बृहन्मुंबई महानगरपालिकेच्या संबंधित विभागाकडुन अटी व शर्तीबाबत माहिती मागवून सदर विषयांकित बाब राज्य परिवहन प्राधिकरणाच्या आगामी बैठकित ठेवण्याचे निर्देश प्राधिकरणाने दिले.

(रा.प.प्रा.म.रा.मुंबई, बैठक दिनांक १०.०८.२०१८ ठराव क्र.१६/२०१८)

बाब क्र. : १० विषय :- पर्यटक कॅब परवाना देण्यासाठी प्रवासी वाहतुक कंपनीच्या दुकाने व आस्थापना अधिनियमांतर्गत नोंदणीबाबत ग्रामीण भागासाठी धोरणात बदल करणेबाबत

या बाबीवर सविस्तर चर्चा होणे आवश्यक असल्याने राज्य परिवहन प्राधिकरण, महाराष्ट्र राज्य यांनी

उपरोक्त बाब प्राधिकरणाच्या आगामी बैठकीत सादर करण्याचे निर्देश दिले.

(रा.प.प्रा.म.रा.मुंबई, बैठक दिनांक १०.०८.२०१८ ठराव क्र.१७/२०१८)

<u>बाब क्र.</u>: - ११ विषय:- स्थानिक पातळीवर मोटार वाहन कायद्याची अंमलबजावणी करण्यासाठी परिवहन व वाहतुक पोलीस विभागामध्ये समन्वय असणेबाबत

राज्य परिवहन प्राधिकरणाने विषयसूचीचे अवलोकन केले.

राज्य परिवहन प्राधिकरण व प्रादेशिक परिवहन प्राधिकरण तसेच, रस्ता सुरक्षा समिती द्वारे घेतलेल्या निर्णयाची अंमलबजावणी मोटार वाहन विभाग व वाहतुक विभागाकडून एकत्रितपणे होण्यासाठी दोन्ही विभागात समन्वय असणे आवश्यक आहे. त्यासाठी दोन्ही विभागातील समन्वयाच्या दृष्टिने दर तिन महिन्यातून किमान एक बैठक घेण्यास राज्य परिवहन प्राधिकरणाने मंजुरी दिली.

(रा.प.प्रा.म.रा.मुंबई, बैठक दिनांक १०.०८.२०१८ ठराव क्र.१८/२०१८)

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अतिरिक्त बाब क्रमांक - १

विषय:- ई-रिक्षा वाहनांना जिल्ह्यातील राष्ट्रीय/राज्य महामार्ग व नगर पालिका हद्द वगळून भाडे आकारणी मिटरसहित मंजुरी देणेबाबत

या बाबीवर सविस्तर चर्चा होणे आवश्यक असल्याने राज्य परिवहन प्राधिकरण, महाराष्ट्र राज्य यांनी उपरोक्त बाब प्राधिकरणाच्या आगामी बैठकीत सादर करण्याचे निर्देश दिले.

(रा.प.प्रा.म.रा.मुंबई, बैठक दिनांक १०.०८.२०१८ ठराव क्र.१९/२०१८)

अतिरिक्त बाब क्रमांक - २

विषय:- महाराष्ट्र मोटार वाहन नियम, १९८९ चे नियम १३४(१) मधील तरतूदीनुसार महाराष्ट्र राज्यात मोटार केंब संवर्गातील वाहनांवर जाहिरात प्रदर्शित करणेबाबत घेतलेल्या निर्णयात बदल करणेबाबत

या बाबीवर सविस्तर चर्चा होणे आवश्यक असल्याने व हि बाब वरील बाब क्र.९ शी निगडीत असल्याने राज्य परिवहन प्राधिकरण, महाराष्ट्र राज्य यांनी उपरोक्त बाब प्राधिकरणाच्या आगामी बैठकीत सादर करण्याचे निर्देश दिले.

(रा.प.प्रा.म.रा.मुंबई, बैठक दिनांक १०.०८.२०१८ठराव क्र.२०/२०१८)

41.05-45 स.बा.सहस्त्रव

सचिव, राज्य परिवहन प्राधिकरण तथा अपर परिवहन आयुक्त, महाराष्ट्र राज्य, मुंबई.

(भा.प्र.से)

सदस्य, राज्य परिवहन प्राधिकरण, तथा परिवहन आयुक्त, महाराष्ट्र राज्य, मुंबई. whatil

श्री. विजय पाटील सदस्य, राज्य परिवहन प्राधिकरण तथा अपर पोलीस महासंचालक(वाहतूक), अतिरिक्त कार्यभार महाराष्ट्र राज्य, मुंबई.

श्री. आशिष कुर्मार सिंह,(भा.प्र.से) अध्यक्ष, राज्य परिवहन प्राधिकरण, तथा प्रधान सचिव, गृह विभाग (परिवहन), महाराष्ट्र राज्य, मुंबई.

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अधिसूचना

गृह विभाग, मादाम कामा मार्ग, ह्तात्मा राजगुरु चौक, मंत्रालय, मुंबई- 400 032. दिनांक:- 15 सप्टेंबर, 2020.

महाराष्ट्र मोटार वाहन कर अधिनियम

0

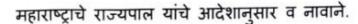
3a) - 3a

क्रमांक - एमव्हीडी 0620/प्र.क्र.72/परि-3 :-

ज्याअर्थी, कोविड-19 विषाणू प्रादुर्भावामुळे केंद्र शासनाने दि. 25 मार्च, 2020 पासून संपूर्ण देशभर टाळेबंदी लागू केली आणि महाराष्ट्र राज्यात नोंदणीकृत झालेल्या आणि वार्षिक कर भरणा करणाऱ्या परिवहन वाहनांना, ज्यांनी 31 मार्च, 2020 पर्यंतचा कर भरणे आवश्यक होते, अशा परिवहन संवर्गातील वाहन मालकांना दिलासा देणे आवश्यक होते;

त्या अर्थी, महाराष्ट्र मोटार वाहन कर अधिनियमाच्या (1958 चा 65) कलम 13 चे उपकलम (2) मधील तरतूदीन्वये दिलेल्या अधिकाराचा वापर करुन महाराष्ट्र शासन, खालील तक्त्यातील स्तंभ (2) मधील नमूद वाहनांना दि. 1 एप्रिल, 2020 ते 31 मार्च, 2021 या कालावधीत स्तंभ (4) मधील अटींच्या अधिन स्तंभ (3) मधील नमूद मर्यादेच्या प्रमाणात करामध्ये सूट देत आहे.

अ.क्र.	वाहनांचे प्रकार	वार्षिक करातील सूटीची मर्यादा	ਤਟ
(1)	(2)	(3)	(4)
1.	वार्षिक कर भरणा करणारी मालवाहतूक वाहने	50%	जर वाहन मालकाने मागील वर्षाचा वार्षिक
2.	वार्षिक कर भरणारी पर्यटक वाहने	50%	कर दि. 31 मार्च, 2020 रोजी किंवा पूर्वी भरणा
3.	खनित्रे	50%	केला असेल तर.
4.	खाजगी सेवा वाहने	50%	
5.	व्यावसायिक कॅपर्स वाहने	50%	
6.	शालेय विद्यार्थी वाहतूक बस / वाहने	50%	



- ज्य सचिव शासनाचे उप सचिव

गह विभाग, महाराष्ट्र र

कोविड–१९ या विषाणूमुळे उद्भवलेल्या आपत्कालीन परिस्थितीमुळे वार्षिक कर भरणाऱ्या कंत्राटी वाहनांना करमाफी देण्याबाबत.

महाराष्ट्र शासन गृह विभाग शासन परिपत्रक क्र.एमव्हीडी-०६२०/प्र.क्र.७२/परि-३ २ रा मजला, मंत्रालय, मुंबई -४०० ०३२. दिनांक :- ०४ नोव्हेंबर, २०२०.

संदर्भः १) शासन अधिसूचना दि.१५/९/२०२०.

- २) शासनाचे समक्रमांकाचे दि.२१/९/२०२० चे पत्र.
- ३)परिवहन आयुक्त कार्यालयाचे क्र.पआका/का.३/कोविड-१९/करमाफी (कंत्राटीवाहने)/ ६६/२०२०/जा.क्र.७६१५,दि.२१/९/२०२० चे पत्र.
- ४)परिवहन आयुक्त कार्यालयाचे क्र.पआका/का.३/कोविड-१९/करमाफी (कंत्राटीवाहने)/ ६६/२०२०/जा.क्र.७६१५,दि.२५/९/२०२०चेपत्र.
- ५) शासन अधिसूचना दि.३०/९/२०२०.
- ६) शासन समक्रमांकाचे दि.३०/९/२०२० चे पत्र.
- ७) शासनाचे समक्रमांकाचे दि.५/१०/२०२० चे पत्र.
- ८) परिवहन आयुक्त कार्यालयाचे क्र.पआका/का.३/कोविड-१९/करमाफी(कंत्राटी वाहने)/ ६६/२०२०/जा.क्र.८१००, दि.७/१०/२०२० चे पत्र. ९)परिवहन आयुक्त कार्यालयाचे क्र.पआका/का.३/कोविड-१९/करमाफी(कंत्राटी
 - वाहने)/ ६६/२०२०/जा.क्र.८१००, दि.१४/१०/२०२० चे पत्र.

शासन परिपत्रक:-

कोविड-१९ आजारमुळे राज्यात उद्भवलेल्या परिस्थितीमध्ये वार्षिक कर भरणाऱ्या कंत्राटी वाहनांना करमाफी देण्याबाबत मंत्रिमंडळाने **"राज्यामध्ये वार्षिक कर भरणाऱ्या वाहनांना** दि.१/४/२०२० ते दि.३०/९/२०२० या सहा महिन्यांच्या कालावधीत कर भरण्यापासून १००% करमाफी म्हणजे सन २०२०-२१ या वर्षासाठी एकूण वार्षिक कराच्या ५०% करमाफी देण्यास मान्यता देण्यात यावी." असा निर्णय घेतलेला आहे. त्यानुसार शासनाने दि.१५/९/२०२० व दि.३०/९/२०२० रोजी अधिसूचना निर्गमित केली आहे. शासन परिपत्रक क्रमांकः एमव्हीडी-०६२०/प्र.क्र.७२/परि-३

२. यानुषंगाने कळविण्यात येते की, जर वाहन धारकाने एप्रिल २०२० ते सप्टेंबर २०२० या कालावधीचा कर भरला असल्यास तो पुढील कालावधीकरीता म्हणजे ऑक्टोबर २०२० ते मार्च २०२१ या कालावधीसाठी देय करात समायोजित करण्यास मान्यता देण्यात येत आहे. तसेच, जे वाहन मालक दि.३१/३/२०२० पर्यंतचा थकित कर दि.३१/१२/२०२० पर्यंत दंड व्याजासह भरतील त्यांनासुध्दा करमाफीची सवलत अनुज्ञेय राहील.

३. सदर शासन परिपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेताक २०२०११०४१४२१७८८२९ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.



(दिपक पोकळे) अवर सचिव, महाराष्ट्र शासन

प्रति,

परिवहन आयुक्त, महाराष्ट्र राज्य, मुंबई.

प्रत माहितीस्तव,

- मा.मुख्यमंत्री महोदयांचे अपर मुख्य सचिव,मंत्रालय,मुंबई.
- २. मा.उप मुख्यमंत्री महोदयांचे सचिव,मंत्रालय,मुंबई.
- ३. मा.मंत्री (परिवहन) यांचे खाजगी सचिव,मंत्रालय,मुंबई.
- ४. मा.राज्यमंत्री (परिवहन) यांचे खाजगी सचिव,मंत्रालय,मुंबई.
- ५. अपर मुख्य सचिव (परिवहन), यांचे स्वीय सहायक,मंत्रालय,मुंबई.
- सर्व प्रादेशिक / उप प्रादेशिक परिवहन कार्यालये.
- ७. निवड नस्ती (परिवहन-३).

पृष्ठ २ पैकी २

THE CENTRAL MOTOR VEHICLES RULES, 1989¹

CHAPTER I PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the Central Motor Vehicle Rules, 1989.

(2) Save as otherwise provided in sub-rule (3) ²[and sub-rule (2) of rule 103,] these rules shall come into force on the 1st day of July, 1989.

(3) The provisions of 2 [rule 9,] sub-rule (3) of rule 16, sub-rule (4) of rule 96, 3 [* * *] subrule (3) of rule 105, rule 113, sub-rules (2), (3), (4) or (5) of rule 115, rules 118,122,124,125,126 and 127 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In these rules, unless the context otherwise requires—

(a) "Act" means the Motor Vehicles Act, 1988 (59 of 1988);

⁴[*(b)* "agricultural tractor" means any mechanically propelled 4-wheel vehicle designed to work with suitable implements for various field operations and/or trailers to transport agricultural materials. Agricultural tractor is a non-transport vehicle;

(c) "agricultural trailer" means a trailer generally left uncovered with single/double axle construction which is coupled to an agricultural tractor by means of two hooks and predominantly used for transporting agricultural materials;]

⁵[(*ca*) "construction equipment vehicle" means rubber tyred (including pneumatic tyred), rubber padded or steel drum wheel mounted, self-propelled, excavator, loader, backhoe, compactor roller, dumper, motor grader, mobile crane, dozer, fork lift truck, self-loading concrete mixer or any other construction equipment vehicle or combination thereof designed for off-highway operations in mining, industrial undertaking, irrigation and general construction but modified and manufactured with "on or off" or "on and off" highway capabilities.

Explanation.—A construction equipment vehicle shall be a non-transport vehicle the driving on the road of which is incidental to the main off-highway function and for a short

¹ Vide G.S.R. 590 (E), dated 2-6-1989, published in the Gazelle of India, Ext., Pi. II, S. 3, dated 2-6-1989.

² Inserted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

³ The words and figures "sub-rule (3) of rule 103" omitted by G.S.R 221(E), daled 28-3-2001 (w.e.f. 28-3-2001).

⁴ Inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

⁵ Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

duration at a speed not exceeding 50 kms per hour, but such vehicle does not include other purely off-highway construction equipment vehicle designed and adopted for use in any enclosed premises, factory or mine other than road network, not equipped to travel on public roads on their own power;]

 ${}^{6}[{}^{7}(d)]$ "financier" means a person or a title holder-cum-dealer who lets a motor vehicle on hire under an agreement of hire purchase or lease or hypothecation to the operator with a permission to get it registered in operator's name as registered owner;]

⁸[(e)] "Form" means a Form appended to these rules;

⁸[(f)] "section" means a section of the Act;

⁹[(g)] "trade certificate" means a certificate issued by the registering authority under rule 35;

⁹[(h)] "non-transport vehicle" means a motor vehicle which is not a transport vehicle.

¹⁰[(i) "Category L-I" means a motorcycle as defined in sub-section (27) of section 2 of the Act, with maximum design speed not exceeding 45 km/hour and engine capacity not exceeding 50 cc, if fitted with a thermic engine;

(j) "Category L-2" means a motor cycle as defined in sub-section (27) of section 2 of the Act, with maximum design speed exceeding 45 km/hour and engine capacity exceeding 50 cc, if fitted with a thermic engine;

(*k*) "Category M" means a motor vehicle with at least four wheels used for the carriage of passengers and their luggage;

(/) "Category M-I" means a motor vehicle used for the carriage of passengers and their luggage and comprising no more than eight seats in addition to the driver's seat;

(*m*) "Category M-2" means a motor vehicle used for the carriage of passengers and their luggage and comprising more than eight seats in addition to the driver's seat and having a maximum mass not exceeding 5 tonnes;

(n) "Category M-3" means a motor vehicle used for the carriage of passengers and their luggage and comprising more than eight seats in addition to the driver's seat and having a maximum mass exceeding 5 tonnes;

⁶ Cl. *{aa)* inserted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989), relattered as Cl. *(d)* by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

⁷ Substituted by G.S.R. 111(E), dated 10-2-2004, for Cl. (*d*) (w.e.f. 10-2-2004).

⁸ Cls. (b) and (c) relettered as Cls. (e) and (/), respectively by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

⁹ Cls. (*d*) and (e) relettered as Cls. (*g*) and (*h*), respectively by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹⁰ Inserted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31-5-2002).

(o) "Category N" means a motor vehicle with at least four wheels used for the carriage of goods;

(p) "Category N-I" means a motor vehicle used for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes;

(q) "Category N-2" means a motor vehicle used for the carriage of goods and having a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes;

(r) "Category N-3" means a motor vehicle used for the carriage of goods and having a maximum mass exceeding 12 tonnes;

¹¹[(s) "Smart Card" means a device capable of storing data and executing commands which is a microprocessor chip mounted on a plastic card and the dimensions of the card and chip are specified in the International Organization for Standardization (ISO)/International Electro Technical Commission (IEC) 7816 specifications, as may be amended from time to time, and shall be as per the specifications specified in Annexure XI.

Explanation.—For the purposes of this clause, microprocessor chip shall have non-volatile rewritable memory capacity of minimum 4 Kilo Byte consisting of application data, file headers, security definitions, and a maximum of 350 bytes for Operating System Interfacing, as specified by the Ministry of Road Transport and Highways from time to time for Driving Licence and Registration Certificate applications:

¹²[(r) "International Driving Permit" means the licence issued by a licensing authority in India under Chapter II of the Act to an Indian National authorising the person specified therein to drive any categories of motor vehicles as specified in Form 6-A in the areas or territories of countries other than India but excluding the countries with whom there are no diplomatic relations:]

¹³[(u) "Battery Operated Vehicle" means a vehicle adapted for use upon roads and powered exclusively by an electric motor whose traction energy is supplied exclusively by traction battery installed in the vehicle:

Provided that if the following conditions are verified and authorised by any testing agency specified in rule 126, the battery operated vehicle shall not be deemed to be a motor vehicle.

(i) the thirty minutes power of the motor is less than 0.25 kW.;

(ii) the maximum speed of the vehicle is less than 25 km/h;

 $^{^{11}}$ Substituted by G.S.R. 513(E), dated 10-8-2004 (w.e.f. 10-9-2004). 12 Inserted by G.S.R. 720(E), dated 10-9-2003 (w.e.f. 10-10-2003). 13 Inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

(iii) bi-cycles with pedal assistance which are—(a) equipped with an auxiliary electric motor having a thirty minute power less than 0.25 kW, whose output is progressively reduced and finally cut off as the vehicle reaches a speed of 25 km/h, or sooner, if the cyclist stops pedaling; and *(b)* fitted with suitable brakes and retro-reflective devices, *i.e.*, one white reflector in the front and one red reflector at the rear.

Explanation.—The thirty minute power of the motor is defined in AIS: 049:2003 and method of verification is prescribed in AIS: 041:2003, till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986);

(*v*) "Power tiller" means an agricultural machinery used for soil preparation having a single axle in which the direction of travel and its control for field operation is performed by the operator walking behind it. This equipment may or may not have a riding attachment and when coupled to a trailer can be used for the transportation of goods. The maximum speed of the power tiller when coupled to a trailer, shall not exceed 22 km/h. The maximum haulage capacity of the Power tiller coupled to a trailer shall not exceed 1.5 tons.]

CHAPTER II

LICENSING OF DRIVERS OF MOTOR VEHICLES

General

3. General.—The provisions of sub-section (1) of section 3 shall not apply to a person while receiving instructions or gaining experience in driving with the object of presenting himself for a test of competence to drive, so long as—

(a) such person is the holder of an effective learner's licence issued to him in Form 3 to drive the vehicle;

(b) such person is accompanied by an instructor holding an effective driving License to drive the vehicle and such instructor is sitting in such a position to control or stop the vehicle; and

(c) there is painted, in the front and the rear or the vehicle or on a plate or card affixed to the front and the rear, the letter "L" in red on a white background as under:—



Note.—The painting on the vehicle or on the plate or card shall not be less than 18 centimeters square and the letter "L" shall not be less than 10 centimeters high, 2 centimeters thick and 9 centimeters wide at the bottom:

Provided that a person, while receiving instructions or gaining experience in driving a motor cycle (with or without a side-car attached), shall not carry any other person on the motor cycle except for the purpose and in the manner referred to in clause (*b*).

¹⁴[4. Evidence as to the correctness of address and age.—Every applicant for the issue of a licence under this Chapter shall produce as evidence of his address and age, any one or more of the following documents in original or relevant extracts thereof duly attested by a Gazette Officer of the Central Government or of a State Government or an officer of a local body who is equivalent in rank of a Gazette Officer of the Government or Village Administration Officer or Municipal Corporation Councillor or Panchayat President, namely:—

¹⁵["* * *]

2. Electoral Roll,

3. Life insurance Policy,

¹⁶[* * *]

4. Passport,

17[* * *]

6. Pay slip issued by any office of the Central Government or a State Government or a local body,

¹⁷[* * *]

8. School certificate,

9. Birth certificate,

10. Certificate granted by a registered medical practitioner not below the rank of a Civil Surgeon, as to the age of the applicant,

¹⁸[11. Any other document or documents as may be prescribed by the State Government under clause (*k*) of section 28:]

Provided that where the applicant is not able to produce any of the above-mentioned documents for sufficient reason, the licensing authority may accept any affidavit sworn

¹⁴ R. 4 substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹⁵ Item No. 1 "1. Ration Card" omitted by G.S.R.589(E),dated I6-9-2005 (vv.e.f.I6-9-2005).

¹⁶ Item No. 3-A "3-A. Janta Insurance Policy" omitted by G.S.R. 76(E), dated 31-1-2000 (w.e.f. 31-1-2000). Earlier it was inserted by G.S.R. 684(E), dated 15-10-1999 (w.e.f 22-10-1999).

¹⁷ Item No. 5 "5. Electricity or Telephone Bill" and Item No. 7 *"7.* Mouse Tax Receipt" omitted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001). Before that Item Nos. 5,6 and 7 were inserted by G.S.R. 76(E), dated 31-1-2000 (w.e.f. 31-1-2000).

¹⁸ Item 11 inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

by the applicant before an Executive Magistrate, or a First Class Judicial Magistrate or a Notary Public as evidence of age and address.]

5. Medical certificate.—¹⁹[(1) Every application for the issue of a learner's licence or a driving licence or for making addition of another class or description of a motor vehicle to a driving licence or for renewal of a driving licence to drive a vehicle other than a transport vehicle shall be accompanied by a self-declaration as to the physical fitness as in Form 1 and every such application for a licence to drive a transport vehicle shall be accompanied by a self-declaration as to the physical fitness as in Form 1 and every such application for a licence to drive a transport vehicle shall be accompanied by a medical certificate in Form 1-A issued by a registered medical practitioner referred to in sub-section (3) of section 8.]

²⁰[(2) An application for a medical certificate shall contain a declaration in Form 1.

(3) A medical certificate issued in Form 1-A shall be valid for a period of one year from the date of its issue. It shall be accompanied by a passport size copy of the photograph of the applicant.]

6. Exemption from production of medical certificate.—Any person who has, after the date of commencement of these rules, produced a medical certificate in connection with the obtaining of a learner's licence or a driving licence, whether for initial issuance or for renewal thereof, or for addition of another class of motor vehicles to his driving licence, shall not be required to produce a medical certificate, except where the application is made for the renewal of a driving licence.

7. Affixing of photograph to medical certificate.—A photograph of the applicant shall be affixed at the appropriate place shown in ²¹[Form 1-A] and the registered medical practitioner shall affix his signature and seal to the said photograph in such a manner that the signature and the seal appear partly on the photograph and partly on the form of the medical certificate:

²²[* * *]

8. Minimum educational qualification for driving transport vehicles.—[O*mitted by G.S.R.* 933(E). *dated* 28-10-1989 (*w.e.f.* 28-10-1989).]

²³[9. Educational qualifications for drivers of goods carriages carrying dangerous or hazardous goods.—²⁴[(1) One year from the date of commencement of Central Motor

¹⁹ Sub-R. (1) substituted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001). Before thai sub-R (1) substituted by G.S.R. 684(E), dated 5-10-1999 (w.e.f. 5-10-1999).

²⁰ Inserted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

²¹ Substituted by G.S.R. 933(E), dated 28-10-1989, for "Form 1" (w.e.f. 28-10-1989).

²² Proviso omitted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

²³ R. 9 substituted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

Vehicles (Amendment) Rules, 1993, any person driving a goods carriage carrying goods of dangerous or hazardous nature to human life shall, in addition to being the holder of a driving licence to drive a transport vehicle, also has the ability to read and write at least one Indian language out of those ²⁵[specified in the VIII Schedule of the Constitution] and English and also possess a certificate of having successfully passed a course consisting of following syllabus and periodicity connected with the transport of such goods.

-		
_	Period of training Place of training Syllabus	3 days At any institute recognised by the State Government
А.	Defensive driving Questionnaire Cause of accidents Accidents' statistics	Duration of training for A & B—1st and 2nd day
	Driver's personal fitness	
	Car condition	
	Braking distance	
	Highway driving	
	Road/ Pedestrian crossing	
	Railway crossing	
	Adapting to weather	
	1 lead on collision	
	Rear end collision	
	Night driving	
	Films and discussion	
	<i>B.</i> Advanced driving skills and	
	training	
	(/) Discussion	
	Before starting	 — Checklist — outside/below/near vehicle
		— product side
		— inside vehicle
	During driving	— correct speed/gear — signalling
		— lane control
		— overtaking/giving side
		— speed limit/safe distance
		— driving on slopes
	Before stopping	— sale stopping place, signalling, road width, condition
	After stopping	 preventing vehicle movement wheel clocks

²⁴ Sub-R. (1) substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).
 ²⁵ Substituted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001).

²⁶ [Night driving	 vehicle attendance mandatory lighting requirements headlamp alignment use of dipped beam] 	
(ii') Field test/trainingC. Product safetyUN Panel	 — 1 driver at a lime — UN classification — Hazchem Code — Toxicity, 	Dura tion of training for (C)
	flammability, other definitions	Third day.
Product information	- Tremcards 	
	— Importance of temperature pressure,	, level
	— Explosive limits	
	— Knowledge about equipment	
Emergency procedure	 Communication Spillage handling 	
	— Use of PPE	
	— Fire fighting	
	— First Aid	
	— Toxic release control	
	- Protection of wells, rivers, lakes, etc	2.
	— Use of protective equipment	
	 — Knowledge about valves, etc.] 	

(2) The holder of a driving licence possessing the minimum educational qualification or the certificate referred to in sub-rule (1), shall make an application in writing on a plain paper alongwith his driving licence and the relevant certificate to the licensing authority hi whose jurisdiction he resides for making necessary entries in Ms driving licence and if the driving licence is in Form *I* the application shall be accompanied by the fee as is referred to in Serial No. 8 of the Table to rule 32.

(3) The licensing authority, on receipt of the application referred to in sub-rule (2), shall make an endorsement in the driving licence of the applicant to the effect that he is authorised to drive a goods carriage carrying goods of dangerous or hazardous nature to human life.

(4) A licensing authority other than the original licensing authority making any such endorsement shall communicate the fact to the original licensing authority.]

Learner's licence

10. Application for learner's licence.—An application for the grant or renewal of a learner's licence shall be made in Form 2 and shall be accompanied by,—

(a) save as otherwise provided in rule 6, a medical certificate in $-^{27}$ [Form 1-A].

²⁶ Substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

(b) three copies of the applicant's recent ²⁸[passport size photograph],

(c) appropriate fee as specified in rule 32,

(d) the case of an application for ²⁹[transport vehicle], the driving licence held by the applicant.

11. Preliminary test.-(1) Save as otherwise provided in sub-rule (2), every applicant for a learner's licence shall present himself before the licensing authority on such date, place and time, as the licensing authority may appoint, for a test and satisfy such authority that the applicant possesses adequate knowledge and understanding of the following matters, namely:----

(a) the traffic signs, traffic signals and the rules of the road regulations made under section 118;

(b) the duties of a driver when his vehicle is involved in an accident resulting in the death or bodily injury to a person or damage to property of a third party;

(c) the precautions to be taken while passing an unmanned railway crossing; and

(d) the documents he should carry with him while driving a motor vehicle.

³⁰[(1-A) In determining as to whether an applicant possesses adequate knowledge and understanding of the matters referred to in sub-rule (1), the licensing authority shall put to the applicant questions of objective type such as specified in Annexure VI.

Explanation.—For the purpose of this sub-rule, "adequate knowledge" means answering correctly at least 60 per cent of the questions put to him.]

(2) Nothing contained in sub-rule (1) shall apply to the following class of applicants, namely:-

(a) the holder of an effective driving licence,

(b) the holder of a driving licence which has expired but five years have not elapsed,

(c) the holder of a learner's licence issued or renewed after the commencement of these rules,

³¹[(d) the holder of a certificate to the effect of the possession of adequate knowledge and understanding of the matters referred to in sub-rule (1), issued by any institution recognized and notified in this regard by the State Government.]

²⁷ Substituted by G.S.R. 933(E), dated 28-10-1989, for "Form 1" (w.e.f. 28-10-1989).

²⁸ Substituted by G.S.R. 933(E), dated 28-10-1989, for "photograph of the size *o*\ live centimeters" (w.e.f. 28-10-1989). ²⁹ Substituted by G.S.R. 400(E), dated 31-5-2002, for "medium goods vehicle, a medium

passenger motor vehicle, a heavy goods vehicle, or a heavy passenger motor vehicle" (w.e.f. 31-5-2002). ³⁰ Inserted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

12. Consent of parent or guardian, in the case of application by minor.—In the case of an application for a learner's licence to drive a ³²[motor cycle without gear] by an applicant under the proviso to sub-section (1) of section 4, the application shall be signed by the parent or guardian of the applicant.

13. Form of learner's licence.—Every learner's licence issued by the licensing authority shall be in Form 3.

Driving licence

14. Application for a driving licence.— $^{33}[(1)]$ An application for a driving licence shall be made in Form 4 and shall be accompanied by,—

(a) an effective learner's licence to drive the vehicle of the type to which the application relates;

(b) appropriate fee as specified in rule 32, for the test of competence to drive and issue of licence;

(c) three copies of the applicant's recent ³⁴[passport size photograph];

(*d*) save as otherwise provided in rule6, a medical certificate in ³⁵[Form 1-A];

(e) a driving certificate in Form 5 issued by the school or establishment from where the applicant received instruction, if any.

³⁶[(2) An application for an International Driving Permit shall be made in Fonn 4-A and shall be accompanied by—

(a) valid driving licence issued by the licensing authority und er these rules;

(b) appropriate fee as specified in rule 32;

(c) three copies of the applicant's recent passport photograph;

(d) a medical certificate in Form 1-A;

(e) valid proof of Indian Nationals; if valid proof of passport; and

(g) valid proof of visa, wherever applicable.]

³¹ Inserted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001). Earlier Cl. *(d)* was omitted by G.S.R. 76(E), dated 31-1-2000 (w.e.f. 31-1-2000). Before that it was inserted by G .S. R. 684(E), da ted 5-10-1999 (w.e. f. 22-10-1999).

³² Substituted by G.S.R. 76(E), dated 31-1-2000, for "motor cycle with engine capacity not exceeding 50cc" (w.e.f. 31-1-2000). Earlier these words were substituted by G.S.R. 684(E), dated 5-10-1999 (w.e.f. 22-10-1999)

³³ R. 14 renumbered as sub-R. (1) thereof by G.S.R 720(E), dated 10-9-2003 (w.e.f. 10-10-2003).

³⁴ Substituted by G.S.R. 933(E), dated 28-10-1989, for "photograph of the size of five centimetres by six centimetres" (w.e.f. 28-10-1989).

³⁵ Substituted by G.S.R. 933(E), dated 28-10-1989, for "Form 1" (w.e.f. 28-10-1989).

³⁶ Inserted by G.S.R. 720(E), dated 10-9-2003 (w.e.f. 10-10-2003).

15. Driving test.—(1) No person shall appear for the test of competence to drive unless he has held a learner's licence for a period of at least ³⁷[thirty days].

(2) The test of competence to drive referred to in sub-section (3) of section 9 shall be conducted by the licensing authority or such other person as may be authorised in this behalf by the State Government in a vehicle of the type to which the application relates.

(3) The applicant shall satisfy the person conducting the test that he is able to—

(a) adjust rear-view mirror;

(b) take suitable precautions before starting the engine;

(c) move away safely and smoothly straight ahead at an angle, while at the same time engaging all gears until the top gear is reached;

(d) to change to the lower gears quickly from the top gear when the traffic conditions warrant such change;

(e) change quickly to lower gears when driving downhill;

if stop and re-start the vehicle on a steep upward incline making proper use of the hand-brake or of the throttle and the foot-brake without any rolling back, turn right and left corners correctly and make proper use of the rear-view mirror before signalling;

(g) overtake, allow to be overtaken, meet or cover the path of other vehicles safely and take an appropriate course of the road with proper caution giving appropriate signals;

(*h*) give appropriate traffic signals at the appropriate time, in clear and unmistakable manner by hand or by electrical indicators fitted to the vehicle;

(i) change the lanes with proper signals and with due care;

(j) stop the vehicle in an emergency or otherwise, and in the latter case, bring it to rest at an appropriate course on the road safely, giving appropriate signals;

(*k*) m the case of vehicle having a reverse gear, driving the vehicle backwards, reverse it into a limited opening either to the right or left under control and with reasonable accuracy;

(/) cause the vehicle to face in the opposite direction by means of forward and reverse gears;

(m) take correct and prompt action on the signals given by traffic signs, traffic lights, traffic controllers, policemen and take appropriate action on signs given by other road users;

³⁷ Substituted by G.S.R. 933(E), dated 28-10-1989, for "six weeks" (w.e.f. 28-10-1989).

(n) act correctly at pedestrian crossings, which is not regulated by traffic lights or traffic police, by giving preference to persons crossing the roads;

(o) keep well to the left in normal driving;

(p) regulate speed to suit varying road and traffic conditions;

(q) demonstrate general control of the vehicle by confident steering and smooth gear changing and braking as and when necessary;

(r) make proper use of the rear-view mirror before signalling, beginning manoeuvring, moving away, altering the course to overtake, turning right or stopping;

(s) use proper side when driving straight, turning right, turning left and at junction of the road;

(t) make proper use of accelerator, clutch, gears, brakes (hand and foot) steering and horn;

(U) anticipate the actions of pedestrians, drivers of other vehicles and cyclists;

(v) take precautions at cross roads and on road junctions with regard to:---

(i) adjustment of speed on approach,

(ii) proper use of rear-view mirror,

(iii) correct positioning of the vehicle before and after turning to the right or left,

(iv) avoidance of cutting right hand corners,

(v) looking right, left and right again before crossing or emerging;

(w) concentrate in driving without his attention being distracted and to demonstrate the presence of mind;

(*x*) show courtesy and consideration for the safety and convenience of other road users, such as pedestrians, drivers of other motor vehicles or cyclists.

16. Form of driving licence.—(1) Every driving licence issued or renewed by a licensing authority shall be in Form 6.

(2) Where the licensing authority has the necessary apparatus, ³⁸[for the issue of a laminated card type or Smart Card type driving licence, such card type or Smart Card type driving licence, as may be specified in the Notification issued by the concerned State Government or Union Territory Administration,] shall be in Form 7.

(3) On and from the date of commencement of this sub-rule, every driving licence issued or renewed by the licensing authority shall be in Form 7.

³⁸. Substituted by G.S.R. 400(E), dated 31-5-2002, for "for the issue of a laminated card type driving licence, such card type driving licence" (w.e.f. 31-5-2002).

³⁹[(4) Every International Driving Pemit issued by a licensing authority shall be in Form 6-A and shall be valid for a period of not more than one year from the date of issue, as the case may be, or till the validity of the driving licence, whichever is earlier.

(5) The automobile associations authorised by the State Government/ Union Territory Administration shall be allowed to issue International Driving Permit to their own members as also others subject to counter-signature by competent authority.]

17. Addition to driving licence.—(1) An application for addition of another class or description of motor vehicle to the driving licence shall be made in Form 8 to the licensing authority and shall be accompanied by—

(r) make proper use of the rear-view mirror before signaling, beginning maneuvering, moving away, altering the course to overtake, turning right or stopping;

(s) use proper side when driving straight, turning right, turning left and at junction of the road;

(t) make proper use of accelerator, clutch, gears, brakes (hand and foot) steering and horn;

(U) anticipate the actions of pedestrians, drivers of other vehicles and cyclists;

(v) take precautions at cross roads and on road junctions with regard to:-

(i) adjustment of speed on approach,

(ii) proper use of rear-view mirror,

(iii) correct positioning of the vehicle before and after turning to the right or left,

(iv) avoidance of cutting right hand corners,

(v) looking right, left and right again before crossing or emerging;

(w) concentrate in driving without his attention being distracted and to demonstrate the presence of mind;

(*x*) show courtesy and consideration for the safety and convenience of other road users, such as pedestrians, drivers of other motor vehicles or cyclists.

16. Form of driving licence.—(1) Every driving license issued or renewed by a licensing authority shall be in Form 6.

(2) Where the licensing authority has the necessary apparatus, ⁴⁰[for the issue of a laminated card type or Smart Card type driving licence, such card type or Smart Card

³⁹ Inserted by G.S.R. 720(E), dated 10-9-2003 (w.e.f. 10-10-2003).

⁴⁰ Substituted by G.S.R. 400(E), dated 31-5-2002, for "for the issue of a laminated card type driving licence, such card type driving licence" (w.e.f. 31-5-2002).

type driving licence, as may be specified in the Notification issued by the concerned State Government or Union Territory Administration,] shall be in Form 7.

(3) On and from the date of commencement of this sub-rule, every driving licence issued or renewed by the licensing authority shall be in Form 7.

⁴¹[(4) Every International Driving Pennit issued by a licensing authority shall be in Form 6-A and shall be valid for a period of not more than one year from the date of issue, as the case may be, or till the validity of the driving licence, whichever is earlier.

(5) The automobile associations authorised by the State Government/ Union Territory Administration shall be allowed to issue International Driving Permit to their own members as also others subject to counter-signature by competent authority.]

17. Addition to driving licence.—(1) An application for addition of another class or description of motor vehicle to the driving licence shall be made in Form 8 to the licensing authority and shall be accompanied by—

(a) an effective learner's licence and driving licence held by applicant;

(b) in the case of an application for addition of a transport vehicle, the driving certificate in Form 5;

⁴²[* * *]

(*d*) appropriate fee as specified in rule 32. (2) The provisions of sub-section (1), subsection (3) and sub-section (4) of section 9 shall, insofar as may be, apply in relation to an application under subsection (1) as they apply in relation to an application for the grant of a driving licence.

18. Renewal of driving licence.—(1) An application for the renewal of a driving licence shall be made in Form 9 to the licensing authority having jurisdiction over the area in which the applicant ordinarily resides or carries on business and shall be accompanied by—

(a) appropriate fee as specified in rule 32;

(b) three copies of the applicant's recent ⁴¹,[passport size photograph], if renewal is to be made in Form 6,

(c) the driving licence,

(d) the medical certificate in 43 [Form 1-A].

⁴¹ Inserted by G.S.R. 720(E), dated 10-9-2003 (w.e.f. 10-10-2003).

⁴² Cl. (c) omitted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

⁴³ Substituted by G.S.R. 933(E), dated 28-10-1989, for "photograph of the size of five centimetres by six centimetres" (w.e.f. 28-10-1989).

(2) Where the driving licence authorises the holder of such licence to drive a transport vehicle as well as any other vehicle, then the licensing authority shall, subject to the production of medical certificate, renew such licence for the appropriate period as specified in sub-section (2) of section 14.

19. Refund of fee.—Where the licensing authority rejects an application for the renewal of a driving licence under sub-section (5) of section 15, it shall refund half of the fee paid for such renewal to the applicant, on an application made by him in that behalf not later than thirty days from the date of receipt of the order rejecting the application.

20. Driving licence to drive motor vehicle belonging to the Defence Department.—The authorities for the purpose of sub-section (1) of section 18 shall be—

(i) all the officers-commanding of Units of Army of and above the rank of Major;

(ii) all the officers-commanding of Units of Navy of and above the rank of Lieutenant Commander;

(iii) all the officers-commanding of Units of Air Force of and above the rank of Squadron Leader.

Disqualification

21. Powers of licensing authority to disqualify.—For the purpose of clause (J) of subsection (1) of section 19, the commission of the following acts by holder of a driving licence shall constitute nuisance or danger to the public, namely:—

(1) Theft of motor vehicle.

(2) Assault on passengers.

(3) Theft of personal effects of passengers.

(4) Theft of goods carried in goods carriages.

(5) Transport of goods prohibited under any law.

⁴⁴[(6) Driver, while driving a transport vehicle, engages himself in activity which is likely to disturb his concentration.]

(7) Abduction of passengers.

(8) Carrying overload in goods carriages.

(9) Driving at speed exceeding the specified limit.

(10) Carrying persons in goods carriage, either inside the driver's cabin in excess of its capacity or on the vehicle, whether for hire or not.

(11) Failing to comply with the provisions of section 134.

(12) Failure to stop when signaled to do so by any person authorised to do so.

⁴⁴ Cl. (6) substituted by G.S.R. 933(E), dated 28-10-1989(w.e.f. 28-10-1989).

(13) Misbehaviour with and showing discourtesy to passengers, intending passengers or consignors and consignees of goods.

(14) Smoking while driving public service vehicles.

(15) Abandoning vehicle in a public place causing inconvenience to other road users or to passengers in the vehicle.

(16) Driving vehicle while under the influence of drink or drugs.

(17) Interfering with any person mounting or preparing to mount upon any other vehicle.

(18) Allowing any person to sit or placing things in such a way as to impede the driver from having a clear vision of the road or proper control of the vehicle.

(19) Not stopping a stage carriage at approved stopping places for a sufficient period of time in a safe and convenient position upon demand or signal of the conductor or any passenger desiring to alight from the vehicle and unless there is no room in the vehicle, upon demand or signal of any person desiring to becoming a passenger.

(20) Loitering or unduly delaying any journey and not proceeding to the 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 despatch.

(21) Not driving a contract carriage, in the absence of a reasonable cause, to the destination named by the hirer by the shortest route.

(22) The driver of a motor cab not accepting the first offer of hire which may be made to him irrespective of the length of the journey for which such offer is made.

(23) The driver of a motor cab demanding or extracting any fare in excess to that to which he is legally entitled or refusing to ply motor cab.

⁴⁵[(24) Abandoning a transport vehicle as a mark of protest or agitation of any kind or strike in a public place or in any other place in a manner causing obstructions and inconvenience to the public or passengers or other users of such places.]

⁴⁶[(25) Using mobile phone while driving a vehicle.]

Endorsement in driving licence

22. Endorsement by Courts.—A Court convicting a holder of a licence, for any one of the offences specified hereunder, shall endorse or cause to be endorsed in the driving licence, the particulars of such conviction, namely:—

(*a*) Driving without a licence, or without a licence which is effective, or without a licence applicable to the vehicle driven (section 3).

⁴⁵ CI. (24) substituted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

⁴⁶ Inserted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001).

(b) Allowing a licence to be used by another person (section 6(2)).

(c) Driving when disqualified (section 23).

(d) Driving an unregistered vehicle (section 39).

(e) Driving a transport vehicle not covered by a certificate of fitness (section 56).

(f) Driving a transport vehicle in contravention of section 66.

(g) Driving in contravention of rule 118.

(h) Failure to comply with provisions of section 114.

(i) Refusing or failing within specified time to produce licence or certificate of registration (section 130).

(j) Failing to stop vehicle as required under section 132.

(k) Obtaining or applying for a licence without giving particulars of endorsement (section 182).

(I) Driving at excessive speed (section 183).

(m) Driving dangerously (section 184).

(n) Driving while under the influence of drink or drugs (section 185).

(o) Driving when mentally or physically unfit to drive (section 186).

(p) Abetment of an offence punishable under section 183 or 186.

(q) Abetment of offence specified in section 188.

(r) Taking part in an unauthorised race or trial of speed, (section 189).

(s) Using vehicle in unsafe condition (section 190).

(t) Driving vehicle exceeding punishable limit or weight (section 194).

(u) Altering a licence or using an altered licence.

(v) An offence punishable with imprisonment in the commission of which a motor vehicle was used.

State Register

23. State Register of driving licences.—(1) Each State Government shall maintain a State Register of driving licences in respect of driving licences issued and renewed by the licensing authorities in the State in Form 10.

(2) Each State Government shall send to the Director (Transport Research), Ministry of Surface Transport, New Delhi, a printed copy of the register referred to in sub-rule (1).

Driving Schools and Establishments

24. Driving schools and establishments.—(1) No person shall establish or maintain any driving school or establishment for imparting instructions for hire or reward in driving motor vehicles without a licence in Form 11 granted by the licensing authority.

(2) An application for the grant or renewal of a licence under sub-rule (1) shall be made in Form 12 or Form 13, as the case may be, to the licensing authority having jurisdiction in the area in which the school or establishment is situated and shall be accompanied by appropriate fee as specified in rule 32.

Explanation.—For the purposes of this rule and rules 25 to 28 "licensing authority" means an officer not below the rank of the Regional Transport Officer of the Motor Vehicles Department established under section 213.

(3) The licensing authority shall, when considering an application for the grant or renewal of a licence under this rule, have regard to the following matters, namely:—

(i) the applicant and the staff working under him are of good moral character and are qualified to give driving instructions;

(ii) the premises where the school or establishment is proposed to be conducted is either owned by the applicant or is taken on lease by him or is hired in his name and it has adequate provision for ⁴⁷[conducting lecture and demonstration of models] besides adequate parking area for the vehicles meant to be used for imparting instructions in driving:

Provided that in respect of schools or establishments imparting instructions in driving of motor vehicles or matters connected therewith immediately before the commencement of these rules, the licensing authority may permit the conducting of instruction facilities in the same premises where the school or establishment is housed for a period of six months, notwithstanding the fact that the premises do not satisfy the conditions laid down in this clause;

(iii) the financial resources of the proposed school or establishment are sufficient to provide for its continued maintenance;

(iv) the applicant owns and maintains a minimum of one motor vehicle each of the type in which instruction is imparted in the school or establishment;

(v) the vehicles are available exclusively for purposes of imparting instruction and all such vehicles, except motor cycles, are fitted with dual control facility to enable the instructor to control or stop the vehicle;

(vi) the applicant maintains the following apparatus, equipment and other requirements, namely:—

⁴⁷ Substituted by G.S.R. 933(E), coated 28-10-1989, for "a lecture hail, room for demonstration of models, administrative section, reception room and sanitary block" (w.e.f. 28-10-1989).

(a) a blackboard.

(b) a road plan board with necessary model signals and charts,

(c) traffic signs chart,

(d) chart on automatic signals and signals given by traffic controllers where there are no automatic signals,

(e) a service chart depicting a detailed view of all the components of a motor vehicle.

(f) engine gear box, ⁴⁸[brake shoe and drums] (except where the applicant desires to impart instruction in the driving of motor cycles only),

(g) puncture kit with tyre lever, wheel brace, jack and tyre pressure gauge,

(h) spanners (a set each of fix spanners, box spanners, pliers, screw drivers, screw spanners, and hammer),

(i) driving instructions manual,

(j) benches and tables for trainees and work bench,

⁴⁹[* * *]

⁴⁹[* * *]

(m) a ⁵⁰[collection] of books on automobile mechanism, driving, road safety, traffic regulations, laws relating to motor vehicles and related subjects ⁵¹[***]

(n) a fully equipped first-aid box for use in emergency at the

premises;

⁵²[* * *]

(viii) The applicant or any member of the staff employed by him for imparting instructions possesses the following gualifications, namely:-

(a) a minimum educational gualification of a pass in the 10th standard,

(b) a minimum driving experience of five years in addition to a certificate in a course in motor mechanics or any other higher qualification in mechanical engineering from an institution established by the Central or a State Government or from an institution recognised by the Board of Technical Education of a State Government.

 ⁴⁸ Substituted by G.S.R. 933(E), dated 28-10-1989, for certain words (w.e.f. 28-10-1989).
 ⁴⁹ Cls. (k) and (Z) omitted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

⁵⁰ Substituted by G.S.R. 933(E), dated 28-10-1989, for "library consisting" (w.e.f. 28-10-1989).

⁵¹. The words "both in English and the regional languages" omitted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

⁵² Cl. *(vii)* omitted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

(c) thorough knowledge of traffic signs specified in the Schedule to the Act and the regulations made under section 118,

(*d*) ability to demonstrate and to explain the functions of different components, parts of the vehicles,

(e) adequate knowledge of English or the regional language of the region in which the school or establishment is situated:

Provided that any person who has served as an instructor for a period of not less than five years immediately before the commencement of these rules, is exempted from the requirements of this sub-clause.

(2) Each State Government shall send to the Director (Transport Research), Ministry of Surface Transport, New Delhi, a printed copy of the register referred to in sub-rule (1).

Driving Schools and Establishments

24. Driving schools and establishments.—(1) No person shall establish or maintain any driving school or establishment for imparting instructions for hire or reward in driving motor vehicles without a licence in Form 11 granted by the licensing authority.

(2) An application for the grant or renewal of a licence under sub-rule (1) shall be made in Form 12 or Form 13, as the case may be, to the licensing authority having jurisdiction in the area in which the school or establishment is situated and shall be accompanied by appropriate fee as specified in rule 32.

Explanation.—For the purposes of this rule and rules 25 to 28 "licensing authority" means an officer not below the rank of the Regional Transport Officer of the Motor Vehicles Department established under section 213.

(3) The licensing authority shall, when considering an application for the grant or renewal of a licence under this rule, have regard to the following matters, namely:—

(i) the applicant and the staff working under him are of good moral character and are qualified to give driving instructions;

(ii) the premises where the school or establishment is proposed to be conducted is either owned by the applicant or is taken on lease by him or is hired in his name and it has adequate provision for ⁵³[conducting lecture and demonstration of models] besides adequate parking area for the vehicles meant to be used for imparting instructions in driving:

⁵³ Substituted by G.S.R. 933(E), coated 28-10-1989, for "a lecture hall, room for demonstration of models, administrative section, reception room and sanitary block" (w.e.f. 18-10-1989).

Provided that in respect of schools or establishments imparting instructions in driving of motor vehicles or matters connected therewith immediately before the commencement of these rules, the licensing authority may permit the conducting of instruction facilities in the same premises where the school or establishment is housed for a period of six months, notwithstanding the fact that the premises do not satisfy the conditions laid down in this clause;

(iii) the financial resources of the proposed school or establishment are sufficient to provide for its continued maintenance;

(iv) the applicant owns and maintains a minimum of one motor vehicle each of the type in which instruction is imparted in the school or establishment;

(v) the vehicles are available exclusively for purposes of imparting instruction and all such vehicles, except motor cycles, are fitted with dual zontrol facility to enable the instructor to control or stop the vehicle;

(vi) the applicant maintains the following apparatus, equipment and Dther requirements, namely:—

(a) a blackboard,

(b) a road plan board with necessary model signals and charts,

(c) traffic signs chart,

(d) chart on automatic signals and signals given by traffic controllers where there are no automatic signals,

(e) a service chart depicting a detailed view of all the components of a motor vehicle,

(f) engine gear box, ⁵⁴[brake shoe and drums] (except where the applicant desires to impart instruction in the driving of motor cycles only),

(g) puncture kit with tyre lever, wheel brace, jack and tyre pressure gauge,

(*h*) spanners (a set each of fix spanners, box spanners, pliers, screw drivers, screw spanners, and hammer),

(i) driving instructions manual,

(j) benches and tables for trainees and work bench,

⁵⁵[* * *] ⁵⁵ [* * *]

(m) a ⁵⁶[collection] of books on automobile mechanism, driving, road safety, traffic regulations, laws relating to motor vehicles and related subjects ⁵⁷[***]

⁵⁴ Substituted by G.S.R. 933(E), dated 28-10-1989, for certain words (w.e.f. 28-10-1989).

⁵⁵ Cls. (*k*) and (Z) omitted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

⁵⁶ Substituted by G.S.R. 933(E), dated 28-10-1989, for "library consisting" (w.e.f. 28-10-1989).

(n) a fully equipped first-aid box for use in emergency at the premises;

⁵⁸[* * *]

(viii) The applicant or any member of the staff employed by him for imparting instructions possesses the following qualifications, namely:—

(a) a minimum educational qualification of a pass in the 10th standard,

(b) a minimum driving experience of five years in addition to a certificate in a course in motor mechanics or any other higher qualification in mechanical engineering from an institution established by the Central or a State Government or from an institution recognised by the Board of Technical Education of a State Government,

(c) thorough knowledge of traffic signs specified in the Schedule to the Act and the regulations made under section 118,

(d) ability to demonstrate and to explain the functions of different components, parts of the vehicles,

(e) adequate knowledge of English or the regional language of the region in which the school or establishment is situated:

Provided that any person who has served as an instructor for a period of not less than five years immediately before the commencement of these rules, is exempted from the requirements of this sub-clause.

(4) The licensing authority may, on receipt of an application under sub-rule (2) and after satisfying that the applicant has complied with the requirements of sub-rule (3), grant or renew a licence in Form 11 ⁵⁹[within a period of ninety days from receipt of such an application],

(5) No application for licence shall be refused by the licensing authority unless the applicant is given an opportunity of being heard and reasons for such refusal are given in writing by the licensing authority.

25. Duration of a licence and renewal thereof.—A licence granted in Form 11 shall be in force for a period of five years and may be renewed on an application in Form 13 made to the licensing authority which granted the licence not less than sixty days before the date of its expiry:

⁵⁷ The words "both in English and the regional languages" omitted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

⁵⁸ CI. *(vii)* omitted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

⁵⁹ Inserted byG.S.R. 589(E),dated 16-9-2005 (vv.e.f. 16-10-2005).

⁶⁰[Provided that the validity of the said licence shall be subject to fulfilling the criteria as prescribed by the State Government, which shall be certified by the licensing authority or any other authority as may be prescribed for the purpose by the State Government on an annual basis.]

26. Issue of duplicate licence.—(1) If at any time a licence granted under sub-rule (4) of rule 24 is lost or destroyed, the holder of the licence shall forthwith intimate the loss to the licensing authority which granted the licence and shall apply in writing to the said authority, for a duplicate.

(2) On receipt of an application along with the appropriate fee as specified in rule 32, the licensing authority shall issue a duplicate licence clearly marked "Duplicate".

(3) If after the issue of a duplicate licence, the original is found, the same shall be surrendered forthwith to the licensing authority by which it was issued.

27. General conditions to be observed by the holder of a licence.—The holder of a licence granted under rule 24 shall,—

(a) maintain on an annual basis, a register in Form 14 and an alphabetical list of the names of the students admitted during the year;

(b) conduct the training course according to the syllabus specified in rule 31; 61 (c) [* * *]

(*d*) issue to every student who has completed the course a certificate in Form 5; (*e*) submit to the licensing authority which granted the licence such information or return as may be called for by it from time to time for the purposes of this Chapter;

(f) not shift the school or establishment from the premises mentioned in the licence without the prior approval in writing of the licensing authority, which granted the licence;

(g) keep the premises of the school or establishment and the record and registers maintained by it at all reasonable times open for inspection by the licensing authority or by any person authorised in this behalf by the licensing authority;

(h) exhibit in a conspicuous manner on all the motor vehicles used for imparting instructions the name, full address of the school or establishment and the telephone number, if any, in bold letters;

⁶⁰ Proviso added by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

⁶¹ CI. (c) omitted by G.S.R. 933(E), dated 28-10-1989 (vv.e.f. 28-10-1989).

(i) maintain a record separately for each trainee showing the number of driving hours spent every day in Form 15;

(j) display at a prominent place in its office the following:----

(i) the licence in original issued to the school or establishment by the licensing authority, and

(*ii*) the names and addresses of instructors employed by the school or establishment;

(*k*) not act in a manner calculated to mislead any person making an application to receive instructions from the school or establishment as to his ability to procure a licence for such person other than in accordance with these rules or to connive with any person in acts of commission or omission with a view to circumventing the provisions of this Chapter.

28. Power of the licensing authority to suspend or revoke licence.—(1) If the licensing authority which granted the licence is satisfied, after giving the holder of the licence an opportunity of being heard, that he has—

(a) failed to comply with the requirements specified in sub-rule (3) of rule 24; or

(b) failed to maintain the vehicles in which instructions are being imparted in good condition; or

(c) failed to adhere to the syllabus specified in rule 31 in imparting instruction; or
(d) violated any other provision of rule 27, it may, for reasons to be recorded in writing, make an order,—

(i) suspending the licence for a specified period; or

(ii) revoking the licence.

(2) Where the licence is suspended or revoked under sub-rule (1), the licence shall be surrendered to the licensing authority by the holder thereof.

29. Appeal.—Any person aggrieved by any order of the licensing authority under subrule (5) of rule 24, rule 25 or rule 28 may, within thirty days of the date of receipt of such order, appeal to the Head of the Motor Vehicles Department established under section 213.

30. Procedure for appeal.—(1) An appeal under rule 29 shall be preferred in duplicate in the form of a memorandum, setting forth the grounds of objections to the order of the licensing authority and shall be accompanied by a certified copy of the order appealed against and appropriate fee as specified in rule 32.

(2) The appellate authority, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, pass appropriate orders ⁶²[within a period of forty five days from the date of receipt of such an appeal].

31. Syllabus for imparting instructions in driving of motor vehicles.—(1) The syllabus for imparting instructions in driving of motor vehicles of the schools or establishments shall be as follows (see tables below):—

Α.		DRIVING THEORY—I
1.	Know your vehicle control:	Simple introduction to automobile engines and their working.
2.	Foot controls	Foot brake, accelerator, clutch-dipper (not in present models).
	Hand controls	Steering wheel, hand brake, horn, light, wipers, ignition switch, starter, dipper and indicators.
	Other controls	Rear-view mirror (right and left side), instrument cluster, gauges, dials, windscreen—their
3.	Pre-driving checks	purpose. (i) Before sitting on driver's seat and <i>(ii)</i> After sitting on driver's seat.
4.	Beginning to drive	Precautions just before moving, While moving Bitting point, Moving, Steering control, Changing of gear, Stopping, Braking, Accelerator (gradual, sudden) Traffic sense, road sense, judgment, parking and positioning according to road users, Reversing.
5.	Driving on the road	Anticipation, judgment and road positioning according to other road users.
6.	Driving at inter-sections	Mirror Signal and Maneuver (MSM) and Position Speed and Look (PSL). Zone of vision:
7.	Maneuvers	Merging and diverging maneuvers—turning maneuvers to left, right, about, 3-point turn, 5-point turn and U-turn, overtaking stationary vehicle, moving vehicle in left side and right side.
8.	Reversing	Locating reverse gear in sitting position, speed control, steering in reverse gear, weaving the 'S' bend and common errors.
9.	Parking	Parallel, angular, perpendicular, parking facing uphill, parking facing downhill, common errors.
11.	Priority for certain vehicles	Emergency vehicles Fire engines, and Ambulance.

⁶² Inserted by G.S.R. 589(E),dated 16-9-2005 (w.e.f. 16-10-2005).

B. TRAFFIC EDUCATION—I

Road use regulations made under section 118 of the Motor Vehicles Act. 1988.

- 2. Hand signals Traffic signs 3. Schedule to the Motor Vehicles Act, 1988. 4. Hand signals of Traffic constables/Traffic warden. 5. Introduction to automatic light signals. 6. Introduction to road markings. Speed regulations on highways and city 7. roads. Parking at objectionable places. 8. 9. Some important provisions of the Motor Vehicles Act, 1988—Sections 122, 123, 125, 126 and 128 of the Motor Vehicles Act, 1988. 10. Test of competence to drive Sub-rule (3) of rule 15 of the Central Motor Vehicles Rules, 1989. C. LIGHT VEHICLES DRIVING PRACTICE 1. Identification of various parts of the vehicles. 2. Pre-driving checks (i) Before sitting on driver's seat, and (ii) After sitting on driver's seal. 6. Steering practice -Push and pull method. 4. Bitting point 5. Moving and gear changing 6. Stopping: -Normal stopping ---Emergency stopping. 7. Developing judgment and anticipation to drive on road. 8. Reversina -In straight —in S bends. 9. Turning about and parking.
- 10. Licensing.

1.

Driving regulations

D. VEHICLE MECHANISM AND REPAIRS

- 1. Layout of vehicle.
- 2. Function of diesel and petrol engine.
- 3. Fuel system
- 4. Cooling system

- —Fuel lines
- —Fuel injection pump
- —Automiser
- —Airlock —Oil block.
- -Purpose -Radiator
- —Water pump
- —Fan leaf/fan belt
- -Radiator water boiling
- -Rectification.

5.	Lubrication system	 —Purpose —Engine lubrication —Chassis lubrication —Oil grade numbers unilwise.
6.	Transmission system	 (a) Clutch: —Function —Slip —Rising —Linkages (b) Gearbox: —Function —Purpose —Parts (c) Propeller shaft: —Function / purpose —Yoke joint —C.J. bearing slip —"U" joint —Lubrication (d) Differential: —Purpose
7.	Suspension system	 —Function/Noise. —Purpose —Springs —Shackle, shackle pinbushes —Shock absorber and its bushes.
8.	Steering system	 Purpose Steering geometry Steering linkages Steering box
9.	Brake system	 —Purpose —Hydraulic brake andits know-how —Air assisted hydraulic brake and its know-how
10.	Electrical system	 —Air brake and its know-how —Brake adjustment of the entire system. —Battery and its condition —Dynamo/Alternator —Self motor—Starter motor regulators —Lights—Knowledge to read the charging rate in the Ampere meter.
11.	Tyres	-Study of tyres -Maintenance -Effect of defective tyres and wheel alignment.
12.	Instruments cluster, dash board meters and their purposes and functions.	

E. MEDIUM AND HEAVY VEHICLE DRIVING: DRIVING THEORY—II

	DRI	VING THEORY—II
1.	Qualities of a good driver	—Patience, responsibility, self-confidence, anticipation, concentration, courtesy, defensive driving, knowledge of road rules/regulations, knowledge of vehicle controls, maintenance and simple mechanism.
2.	Knowledge of vehicle controls	-Major controls -Minor controls.
3.	Response to controls	—Accelerator —Brake—Gradual /Sudden /Sudden tierce —Clutch —Steering.
4.	Pre-driving checks	(i) Before sitting on driver's seat, and (//) after sitting on driver's seat.
5.	Holding steering wheel	 —Push and pull method practice —on the move —while gear changing —while turning —while sounding horn —while operating dash board switches —while signalling —on emergency.
6.	Gear changing	 —Double de-clutching, importance and procedure single clutching —Gear up procedure, shifting to lower gears —Gear down procedure, shifting to higher gears.
7.	Beginning to drive	 —I gear —II gear —III gear —IV gear —V gear —Reverse gear —Over drive/optional.
8.	M.S.M. and P.S.L. Routines.	
9.	Manoeuvres	 Passing Merging Diverging Overtaking Crossing Turning Cornering Reversing Parking.
10.	Slopping	—Normal stopping —Emergency stopping —Use of engine brake/ exhaust brake.
11.	Stopping distance	-Reaction distance Braking distance.
12.	Following distance	 Meaning Distance method Car length method 2seconds time rule method.
13.	Identification, prediction, decision and execution (IPDE) principle.	
14.	Defensive driving techniques	Judgment Anticipation Escape route.

15.	Night driving	Location of head light switch Procedure
16.	Hill driving	Obligation to light the lamps, restriction on lighting the lamps.
10.	Hill driving	Starling in hill using the parking brake method Slipping the clutch method Driving uphill Driving downhill.
17.	Emergency manoeuvres	Prevention is better than cure in case of skidding, horn stuck Fire, wheels coming out Brake failure Broken stub axle Burst of front tyre Steering wobbling Snapping of steering linkages Jamming of accelerator pedal Snapping of clutch rod Under special circumstances like chances of collision with a disabled vehicle. Brake failure during downhill Sudden obstruction in front of the vehicle
18.	Driving under special	In dawn, dusk and misty roads In dense traffic.
19.	conditions In wet weather Towing (trailer driving)	Procedure On tow board Speed of towing Reversing and positioning the vehicle with trailers.
20. 21.	Fuel saving methods Reports—discussions	
21.		AFFIC EDUCATION—II
1.	Know your road	Functional classification Design speeds Road geometries Surface types and characteristics Slopes and elevation.
2.	Slight distance	At bends At intersections.
3.	Road junctions	Principles and types I junctions Y junctions 4-Arm junctions Staggered junctions Controlled junctions Uncontrolled junctions.
4. 5.	Traffic islands Bye-pass, subway, over-bridge and flyovers	Types of round about Channelisers, median. Purpose Driving procedures.

G. PUBLIC RELATIONS FOR DRIVERS

Some basic aspects about ethical and courteous behaviour with other road users H. HEAVY VEHICLE DRIVING PRACTICE

- 1. Introduction of various instruments
- 2. Pre-driving checks
- 3. Beginning to drive
- 4. Rural road driving
- 5. Development of judgment:
- 6. Development of anticipation:

Dial gauges and controls. (i) Before sitting on driver's seat, and (ii) After sitting on driver's seat. Bitting point, moving, changing gear including double de-clutch steering, stopping, hand signals. Application of IBDE—principle.

Passing, overtaking, merging, diverging, M.S.M. and P.S.L. routine method of practice, defensive driving technique, proper following. Turning, meeting, entering and emerging in junctions, lane selection and lane discipline, intersection, observa Hon.

- 7. Developing skill to drive in crowded streets.
- 8. Nigh I driving.
- 9. Cross country practice and hill driving.
- 10. Internal-trade test.
- 11. Reversing and parking practice.
- 12. Licensing.

I. FIRE HAZARDS

Fire-fighting and prevention methods on vehicle.

J. VEHICLE MAINTENANCE

- 1. Factors affecting the vehicle parts due to bad and negligent driving.
- 2. General day-to-day maintenance and periodical maintenance.
- 3. Battery maintenance.
- 4. Tyre maintenance and tube vulcanizing.
- 5. Engine tune up.
- 6. Checking wheel alignment.
- 7. Brake adjustment.
- 8. Accelerator, brake, clutch-pedal adjustment.
- 9. Fan belt adjustments.
- 10. Observation of dash-board meters.
- 11. Lubrication.
- 12. Removal of air lock and oil block.

K. FIRST-AID

- 1. Introduction to first-aid.
- 2. Outline of first-aid.
- 3. Structure and functions of the body.
- 4. Dressings and bandages.
- 5. The circulation of the blood.
- 6. Wounds and haemorrhage.
- 7. Haemorrhage from special regions.
- 8. Shock.

9. Respiration.

- 10. Injuries to bones.
- 11. Burning scales.

12. Unconsciousness (insensibility).

13. Poisons.

[(2) The lessons for training drivers of non-transport vehicles shall cover Parts A, B, C, F,

G and K of the syllabus referred to in sub-rule (1) and the training period shall not be less than twenty-one days:

Provided that in case of motor cycles, it shall be sufficient compliance with the provisions, if portion of Part C of syllabus as applicable to such vehicles are covered.

(3) The lessons for training drivers of transport vehicles shall cover Parts E, F, G, H, I, J and K of the syllabus referred to in sub-rule (1) and the training period shall not be less than thirty days:

Provided that this sub-rule shall not apply in respect of drivers holding driving licence to drive medium goods vehicle or medium passenger motor vehicle who had undergone the lessons after the commencement of tins rule, and desiring to obtain a driving licence to drive heavy goods vehicle or heavy passenger motor vehicle.

(4) The actual driving hours for trainees in driving non-transport vehicles shall not be less than ten hours and actual driving hours for trainees in driving transport vehicles shall not be less than fifteen hours:

Provided that in the case of drivers holding driving licence to drive medium goods vehicle or medium passenger motor vehicles undergoing training for heavy motor vehicles, it shall be sufficient if they undergo training in driving for a period of not less than five hours.

⁶³[(5) Nothing in this rule shall apply in the case of an applicant whose driving licence authorises him to drive a motor cycle or a three-wheeler non-transport vehicle or a motor car, applying for a licence to drive a motor cab of the respective type, or in the case of an applicant holding a driving licence to drive a tractor, applying for a licence to drive a tractor.

(6) Where any trainee possesses first-aid certificate issued by St. John Ambulance Association, he need not undergo Part K of the syllabus referred to in sub-rule (1).]

⁶⁴[**31-A. Temporary licence.—(**1) Where there is no school or establishment as is referred to in sub-section (4) of section 12 or granted a licence under sub-rule (4) of rule 24, in any Taluk within the jurisdiction of the licensing authority, the licensing authority

⁶³ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

⁶⁴ Inserted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

may, notwithstanding any tiling contained in sub-rules (3) and (4) of rule 24 or rule 25, grant a temporary licence to any establishment or any person for imparting instructions in the driving of a transport vehicle, subject to the following conditions, namely:—

(a) the temporary licence shall be valid for a period of one year from the date of its issue: Provided that as long as the Taluk does not have any school or establishment, the licensing authority may renew a temporary licence granted under this sub-rule for a further period not exceeding one year at a time;

(b) the person imparting instructions in the driving of a transport vehicle shall possess the following qualifications, namely:—

(i) a minimum driving experience of five years in the class of vehicles in which instructions are proposed to be imparted;

(ii) adequate knowledge of the regional language of the region in which the school or establishment is situated;

(iii) thorough knowledge of traffic signs specified in the Schedule to the Act and the Regulations made under section 118;

(iv) ability to demonstrate and explain the functions of different components and parts of a vehicle;

(c) the applicant shall maintain a motor vehicle each of the type in which the instruction is imparted and also the following apparatus, namely:—

(i) a blackboard;

(ii) traffic sign chart;

(iii) a service chart depicting a detailed view of all the components of a motor vehicle;

(iv) puncture kit with tyre lever, wheel brace, jack;

(v) spanners (a set each of fixed spanners, box spanners, screw driver, screw spanners and hammer).

(2) The driving schools run by a State Transport Undertaking or an Industrial Training Institute set up by the Central Government or any State Government and other establishments run by the Central Government or a State Government which have facilities for imparting training for drivers, shall be authorised to issue driving certificates in Form 5, subject to the condition that the training imparted in these schools shall be in accordance with the syllabus referred to in rule 31.]

32. Fees.—The fees which shall be charged under the provisions of this Chapter shall be as specified in the Table below:—

⁶⁵[TABLE

Serial	Purpose	Amount	Rule	Section
No.				
(1)	(2)	(3)	(4)	(5)
1.	In respect of issue or renewal of learner's licence for each class of vehicle.	Thirty rupees	10	8
2.	In respect of issue of a driving licence in Form 6.	Forty rupees	140)	9
⁶⁶ [2-A.	In respect of issue of International Driving Permit in Form6-A	Five hundred rupees	14(2)(b)	9]
3.	In respect of issue of a d riving licence in Form 7.	⁶⁷ [Two hundred rupees] including the cost of computerized chip		9
4.	For test of competence to drive.	Fifty rupees	14(b)	9
5.	In respect of addition of another class of vehicle to driving licence in Form 6.	Thirty rupees	17(1)(d)	11
6.	In respect of renewal of driving licence in Form 6.	⁶⁸ [Fifty rupees]	18(1)(a)	15
7.	In respect of renewal of a driving licence in Form 6 to drive a motor vehicle for which application is made after the grace period	⁶⁹ [Hundred rupees and an additional fee at the rate of fifty rupees for a period of delay of one year or part thereof reckoned from the date of expiry of the grace period]		15
	In respect of addition of another class of motor vehicle to the driving licence in Form 7 and renewal of driving licence in Form 7.	⁷⁰ [Two hundred rupees] including	17(1)(d) 18(1 <i>){a)</i>	11
	In respect of issue and renewal of licence to a school or establishment for imparting instructions in driving.	Two thousand and five hundred rupees	24(2)	12
	In respect of issue of duplicate licence to the school or establishment imparting instructions in driving.	Two thousand and five hundred rupees	26(2)	12
11.	In respect of an appeal against the orders of licensing authority referred to in rule 30.	One hundred rupees	30(1)	17]

⁶⁵ Substituted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001). Earlier the Table was substituted by G.S.R. 76(E), dated 31-1-2000 (w.e.f. 31-T2000). Before that the Table was substituted by G.S.R. 684 (E), dated 5-10-1999 (w.e.f. 22-10-1999). 66 Inserted by G.S.R. 720(E), dated 10-9-2003 (w.e.f. 10-10-2003). 67 Substituted by G.S.R 400(E), dated 31-5-2002, for "One hundred and fifty rupees" (w.e.f. 31-5-

^{2002).}

 ⁶⁸ Substituted by G.S.R. 400(E), dated 31-5-2002, for "Thirty rupees" (w.e.f. 31 -5-2002),
 ⁶⁹ Substituted by G.S.R. 720(E), dated 10-9-2003, for "Thirty rupees" (w.e.f. 10-10-2003).
 ⁷⁰ Substituted by G.S.R. 400(E), dated 31-5-2002, for "One hundred and fifty rupees" (w.e.f. 31-5-2002).

CHAPTER III REGISTRATION OF MOTOR VEHICLES Trade certificate

33. Condition for exemption from registration.—For the purpose of the proviso to section 39, a motor vehicle in the possession of a dealer shall be exempted from the necessity of registration subject to the condition that he obtains a trade certificate from the registering authority having jurisdiction in the area in which the dealer has his place of business in accordance with the provisions of this Chapter.

34. Trade certificate.—(1) An application for the grant or renewal of a trade certificate shall be made in Form 16 and shall be accompanied by the appropriate fee as specified in rule 81.

(2) Separate application shall be made for each of the following classes of vehicles, namely:---

(a) motor cycle;

(b) invalid carriage;

(c) light motor vehicle;

(d) medium passenger motor vehicle;

(e) medium goods vehicle;

if) heavy passenger motor vehicle;

(g) heavy goods vehicle;

(*h*) any other motor vehicle of a specified description.

35. Grant or renewal of trade certificate.—(1) On receipt of an application for the grant or renewal of a trade certificate in respect of a vehicle, the registering authority may, if satisfied that the applicant is a *bona fide* dealer and requires the certificates specified in the application, issue to the applicant one or more certificates, as the case may be, in Form 17⁷¹[within thirty days from the date of receipt of such an application] and shall assign in respect of each certificate a trade registration mark consisting of the registration mark referred to in the notification made under sub-section (6) of section 41 and followed by two letters and a number containing not more than three digits for each vehicle, for example:-

AB-Represent State Code.

12—Registration District Code.

TCI—Trade certificate number for the vehicle.

⁷¹ Inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-10-2005).

(2) No application for trade certificate shall be refused by the registering authority unless the applicant is given an opportunity of being heard and reasons for such refusal are given in writing.

36. Refund.—Where the registering authority refuses to issue or renew a trade certificate, it shall refund to the applicant fifty per cent of the fee paid along with the application.

37. Period of validity.—A trade certificate granted or renewed under rule 35 shall be in force for a period of twelve months from the date of issue or renewal thereof and shall be effective throughout India.

38. Issue of duplicate certificate.—(1) If at any time the trade certificate is lost or destroyed, its holder shall report to the police station in the jurisdiction of which the loss or destruction has occurred and intimate the fact in writing to the registering authority by whom the certificate was issued and apply in Form 18 to the said authority for a duplicate certificate accompanied by the appropriate fee as specified in rule 81.

(2) On receipt of an application alongwith the fee, the registering authority may issue a duplicate "Trade Certificate" clearly "marked "Duplicate".

(3) If after the issue of a duplicate certificate the original is traced, the same shall be surrendered forthwith to the registering authority by which it was issued.

39. Use of trade registration mark and number.—(1) A trade registration mark and number shall not be used upon more than one vehicle at a tune or upon any vehicle other than a vehicle *bona fide* in the possession of the dealer in the course of his business or on any type of vehicle other than the one for which the trade certificate is issued.

(2) The trade certificate shall be carried on a motor vehicle in a weatherproof circular folder and the trade registration mark shall be exhibited in a conspicuous place in the vehicle.

40. Restrictions on use of trade certificate or trade registration mark and number.—A trade certificate shall be used only by the person to whom it is issued and such person shall not allow or offer or cause the certificate or the number assigned in connection therewith to be used by any other person:

Provided that the provision of this rule shall not apply where the person to whom the certificate is granted, or a person *bona fide* in his employment and acting under his authority, or any other person *bona fide* acting on behalf of the holder of a trade certificate is present in the vehicle, or if such vehicle is designed for use by only one

person and is being used by a prospective purchaser of that vehicle for the purpose of reasonable test or trial.

41. Purposes for which motor vehicle with trade certificate may be used.— The holder of a trade certificate shall not use any vehicle in a public place under that certificate for any purpose other than the following:—

(a) for test, by or on behalf of the holder of a trade certificate during the course of, or after completion of, construction or repair; or

(b) for proceeding to or returning from a weigh bridge for or after weighment, or to and from any place for its registration; or

(c) for a reasonable trial or demonstration by or for the benefit of a prospective purchaser and for proceeding to or returning from the place where such person intends to keep it; or

(*d*) for proceeding to or returning from the premises of the dealer or of the purchaser or of any other dealer for the purpose of delivery; or

(e) for proceeding to or returning from a workshop with the objective of fitting a body to the vehicle or painting or for repairs; or

if) for proceeding to and returning from airport, railway station, wharf for or after being transported; or

(g) for proceeding to or returning from an exhibition of motor vehicles or any place at which the vehicle is to be or has been offered for sale; or

(h) for removing the vehicle after it has been taken possession of by or on behalf of the financier due to any default on the part of the other party under the provisions of an agreement of hire-purchase, lease or hypothecation.

42. Delivery of vehicle subject to registration.—No holder of a trade certificate shall deliver a motor vehicle to a purchaser without registration, whether temporary or permanent.

43. Register of trade certificate.—(1) Every holder of a trade certificate shall maintain a register in Form 19 in duplicate which shall be in a bound book, with pages numbered serially.

(2) The particulars referred to in Form 19 except the time of return under column 7, shall be entered in the register before the commencement of each trip by the holder of the trade certificate or his representative and a duplicate copy of Form 19 made prior to the commencement of each trip shall be carried during the trip by the driver of the vehicle

and shall be produced on demand by any officer empowered to demand production of documents by or under the Act.

(3) The holder of a trade certificate shall, at the end of a trip, fill in column 7 of Form 19 (both original and duplicate), and the register and the duplicate shall be open for inspection by the registering authority.

44. Suspension or cancellation of trade certificate.—If the registering authority has reason to believe that the holder of any trade certificate has not complied with the provisions of rules 39 to 43, it may, after giving the holder an opportunity of being heard, suspend or cancel the trade certificate held by him.

45. Appeal.—Any person aggrieved by an order of the registering authority under rule 35 or rule 44 may, within thirty days of the receipt of any such order, appeal to the head of the Motor Vehicles Department established under section 213.

46. Procedure for appeal.—(I)The appeal referred to in rule 45 shall be preferred in duplicate in the form of a memorandum, setting forth the grounds of objections to the order of the registering authority and shall be accompanied by appropriate fee as specified in rule 81 and a certified copy of the order appealed against.

(2) The appellate authority, after giving an opportunity to the parties to be heard and after such enquiry, if any, as it deems necessary, pass appropriate orders ⁷²[within the period of thirty days from the date of receipt of such an appeal].

47. Application for registration of motor vehicles.—(1) An application for registration of a motor vehicle shall be made in Form 20 to the registering authority within a period of ⁷³[seven days] from the date of taking delivery of such vehicle, excluding the period of journey and shall be accompanied by—

(a) sale certificate in Form 21;

(b) valid insurance certificate;

⁷⁴[(c) copy of the proceedings of the State Transport Authority or Transport Commissioner or such other authorities as may be prescribed by the State Government for the purpose of approval of the design in the case of a trailer or a semi-trailer;]

(*d*) original sale certificate from the concerned authorities in Form 21 in the case of ex-army vehicles;

⁷² Inserted by GSR. 589(E), dated 16-9-2005 (w.e.f. 16-10-2005).

⁷³ Substituted by G.S.R. 933(E), dated 28-10-1989, for "two days" (w.e.f. 28-10-1989).

⁷⁴ CI. (c) substituted byG.S.R. 338(E),daled 26-3-1993(w.e.f. 26-3-1993).

(e) proof of address by way of any one of the documents referred to in rule 4;

(f) temporary registration, if any;

(g) road-worthiness certificate in Form 22 from the manufacturers, ⁷⁵[Form 22-A from the body builders];

 76 [(h) custom's clearance certificate in the case of imported vehicles along with the licence and bond, if any:

Provided that in the case of imported vehicles other than those imported under the Baggage Rules, 1998, the procedure followed by the registering authority shall be same as those procedure followed for registering of vehicles manufactured in India, and]

(z) appropriate fee as specified in rule 81. (2) In respect of vehicles temporarily registered, application under sub-rule (1) shall be made before the temporary registration expires.

48. Issue of certificate of registration.—On receipt of an application under rule 47 and after verification of the documents furnished therewith, the registering authority shall, subject to the provisions of section 44, issue to the owner of the motor vehicle a ⁷⁷[certificate of registration in Form 23 or Form 23-A, as may be specified in the Notification issued by the concerned State Government or Union Territory Administration]⁷²[within the period of thirty days from the receipt of such an application]:

⁶⁹[Provided that where the certificate of registration pertains to a transport vehicle it shall be handed over to the registered owner only after recording the certificate of fitness in Form 38 ⁷⁸[within the period of thirty days from the date of receipt of such an application].]

49. Registration records to be kept by the registering authority.—Every registering authority shall keep in Form 24 a permanent register of motor vehicles registered by it under section 41 and of motor vehicles of other States for which new registration marks are assigned by it under sub-section (2) of section 47 and shall also enter in such record under the respective registration numbers, all changes made with reference to the provisions of sub-section (10) or sub-section (14) of section 41, sub-section (5) of section 49, sub-section (6) of section 50, sub-sections (1), (2), (3) and (5) of section 51,

⁷⁵ Added by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

⁷⁶ Cl. (h) substituted byG.S.R. 83(E), dated 5-2-2003 (w.e.f. 5-2-2003).

⁷⁷ Substituted by G.S.R. 400(E), dated 31-5-2002, for "certificate of registration in Form 23" (w.e.f. 31-5-2002). ⁷⁸ Added by G.S.R 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

sub-section (4) of section 52, orders of suspension under section 53 and order of cancellation under sections 54 and 55.

⁷⁹[50. Form and manner of display of registration marks on the motor vehicles.—⁸⁰[(1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security license plate of the following specifications, namely:—

(i) the plate shall be a solid unit made of 1.0 mm aluminium conforming to DIN 1745/DIN 1783 or ISO 7591. Border edges and corners of the plate shall be rounded to avoid injuries to the extent of approx. 10 mm and the plates must have an embossed border. The plate shall be suitable for hot stamping and reflective sheet has to be guaranteed for imperishable nature for minimum five years. The fast colouring of legend and border to be done by hot stamping;

(ii) the plate should bear the letters "IND" in blue colour on the extreme left centre of the plate. The letter should be one-fourth of the size of letters mentioned in rule 51 and should be buried into the foil or applied by hot stamping and should be integral part of the plate;

(iii) each plate shall be protected against counterfeiting by applying chromium-based hologram, applied by hot stamping. Stickers and adhesive labels are not permitted. The plate shall bear a permanent consecutive identification number of minimum seven digits, to be laser branded into the reflective sheeting and hot stamping film shall bear a verification inscription;

(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self-destructive type, chromium based hologram sticker shall be affixed on the left-hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authorities/approved dealers of the license plates manufacturer alongwith the regular registration marks, and thereafter if such sticker is destroyed it shall be issued by the license plate manufacturer or his dealer;

⁷⁹ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

⁸⁰ Sub-R. (1) substituted by G.S.R. 221(E), dated 28-3-2001 as amended by S.O. 938(E), dated 24-9-2001, S.O. 499(E), dated 9-5-2002 and S.O. 59(E), dated 21-1-2003 (w.e.f. 1-1-2004).

(v) the plate shall be fastened with non-removable/non-reusable snap lock fitting system on rear of the vehicle at the premises of the registering authority;

The license plates with all the above specifications and the specified registrations for a vehicle shall be issued by the registering authority or approved the license plates manufacturers or their dealers. The Central Road Research Institute, New Delhi or any of the agency authorized by the Central Government shall approve the license plates manufacturers to the above specification;

(vi) the size of the plate for different categories of vehicles shall be as follows:---

For two and three-wheelers For Light Motor Vehicles/Passenger cars For medium commercial vehicles, heavy commercial vehicles and Trailer/combination

200 x 100 mm 340x200mm/500x 120 mm 340 x200 mm:

Provided that this sub-rule shall apply to already registered vehicles two years from the date of commencement:]

⁸¹[Provided further that the size of the registration plates for agricultural tractors shall be as follows:—

Front - 285x45 mm Rear - 200x100 mm]:

⁸²[Provided also that the size of registration plate for power tiller shall be 285x45 mm and shall be exhibited at the front. Further, in case of trailer coupled to power tiller, the size of registration plate shall be 200x100 mm and shall be exhibited on its rear:]

⁸³[Provided also that in case of a motor cycle, the size of 285x45 mm for front registration plate shall also be permitted.]

(2) In the case of motor cycles the registration mark in the front shall be displayed parallel to the handle bar or on any part of the vehicle including mudguard facing the front instead of, on a plate in line with the axis of the vehicle:] Provided that—

(a) the registration mark exhibited at the rear of a transport vehicle shall be affixed to the vehicle on the right hand side at a distance not exceeding one metre from the ground as may be reasonably possible having regard to the type of the body of the vehicle;

(b) the registration mark shall also be painted on the right and left side on the body of the vehicle in the case of a transport vehicle;

(c) the registration mark shall also be painted and exhibited on the partition provided between the driver and the passengers, facing the passengers' seats or, where there is

⁸¹ Inserted by G.S.R. 720(E),dated 10-9-2003 (w.e.f. 10-10-2003).

⁸² Third proviso inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2006).

⁸³ Fourth proviso inserted by G.S.R. 589(É), dated 16-9-2005 (w.e.f. 16-9-2005).

no such partition, on the front interior of the vehicle near the roof to the left side of the driver's seat facing the passengers' seats in the case of a stage carriage or a contract carriage and in the case of a motor cab or a taxi cab it shall be sufficient if the registration mark is painted on the dash-board;

 84 (d) the letters of the registration mark shall be in English and the figures shall be in Arabic numerals and shall be shown:-

(A) in the case of transport vehicles in black colour on yellow background; and

(B) in other cases, in black colour on white background, the registration mark on the trailer shall be exhibited on the left hand side in black colour on yellow background. In addition, the registration mark on the drawing vehicle shall be exhibited on the trailer also and this shall be done on the right hand side at the rear of the trailer or the last trailer as the case may be, in black colour on retro-reflective type yellow background:

Provided that where provisions of this clause have not been complied with in respect of motor vehicle, on or before the commencement of the Central Motor Vehicles (8th Amendment) Rules, 2001, then the provisions shall be complied with,-

(i) in respect of transport vehicle, on or before 1st February, 2002; and

(ii) in other cases, on or before 1st July, 2002.]

⁸⁵I(3) The registration mark shall be exhibited in two lines, the State code and registering authority code forming the first line and the rest forming the second line, one below the other:

Provided that the registration mark in the front may be exhibited in one line:

Provided further that in models of vehicles having no sufficient provision at the rear to exhibit the registration mark in two lines, it shall be sufficient if in such vehicles registration mark is exhibited hi a single line:

Provided further that registration mark on a light motor vehicle may be in the centre with illumination.

(4) Every motor vehicle, except motor cab and motor car, manufactured on and from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1993, shall be provided with sufficient space in the rear for display of registration mark in two lines.

(5) In case of agricultural tractors, the registration mark need not be inclined to the ⁸⁶[vertical plane by more than 45 degrees].

⁸⁴ Cl. (d) substituted by G.S.R. 901(E), dated 13-12-2001 (w.e.f. 13-12-2001). Earlier Cl. (*d*) was substituted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001).

Added by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

(6) The registration mark of the drawing agricultural tractor may not be exhibited on the agricultural trailer or trailers.]

⁸⁷[51. Size of letters and numerals of the registration mark.—The dimension of letters and figures of the registration mark and the space between different letters and numerals and letters and edge of the plain surface shall be as follows:—

SI.	Class of vehicle		Dimensions not less than		
No.			Height	Thickness	Space between
(1)	(2)		(3)	(4)	(5)
1.	All motor cycles and three-wheeled invalid carriages	Rear-letters	35	7	5
2.	All motor cycles and three-wheeled invalid carriages	Rear-numeral	40	7	5
3.	Motorcycles with engine capacity less than 70 cc	Front-letters & numerals	15	2.5	2.5
4.	Other motor cycles	Front-letters & numerals	30	5	5
⁸⁸ [5.	Three-wheelers of engine capacity not exceeding 500 cc	Rear and front numerals and letters	35	7	5
6.	Three-wheelers of engine capacity exceeding 500 cc	Rear and front numerals and letters	40	7	5]
7.	All other motor vehicles	Rear and front letters and numerals	65	10	10]
⁸⁹ [8.	Power tillers	Front letters and numerals	15	2.5	2.5
9.	Trailers coupled to power tillers	Rear letters and numerals	30	5	5]

52. Renewal of certificate of registration.—(1) An application by or on behalf of the owner of a motor vehicle, other than a transport veliicle, for the renewal of a certificate of registration, shall be made to the registering authority in whose jurisdiction the veliicle is, in Form 25 not more than sixty days before the date of its expiry, accompanied by the appropriate fee as specified in rule 81.

(2) On receipt of an application under sub-rule (1), the registering authority shall refer the vehicle to the authority referred to in sub-section (1) of section 56 and after obtaining a certificate of fitness from that authority, renew the certificate of registration:

⁸⁶ Substituted by G.S.R. 111(E), dated 10-2-2004, for "vertical by more than 30 degrees" (w.e.f. 10-8-2004).

⁸⁷ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

⁸⁸ Substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

⁸⁹ Inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

Provided that in a case where the certificate of fitness is granted on a date after the expiry of a certificate of registration, the renewal shall be made from the date of grant of the certificate of fitness for a period of five years.

(3) A motor vehicle other than a transport vehicle shall not be deemed to be validly registered for the purposes of section 39, after the expiry of the period of validity entered in the certificate of registration and no such vehicle shall be used in any public place until its certificate of registration is renewed under sub-rule (2).

53. Issue of duplicate certificate of registration.—(1) if at any time, the certificate of registration is lost or destroyed the owner shall report to the police station in the jurisdiction of which the loss or destruction has occurred and intimate that fact in writing to the registering authority by whom the certificate of registration was issued.

(2) An application for the issue of a duplicate certificate of registration shall be made to the ⁹⁰[last registering authority] in Form 26 and shall be accompanied by the appropriate fee as specified in rule 81.

54. Assignment of new registration mark.—(1) An application for the assignment of a new registration mark under sub-section (1) of section 47 shall be made in Form 27 and shall be accompanied by a no objection certificate in Form 28 along with the appropriate fee as specified in rule 81, within a period of thirty days from the date of expiry of the period specified in the said section:

Provided that where a motor vehicle is intended to be kept in a State for a period exceeding twelve months and the owner of such vehicle makes a declaration to that effect, the application may be made at any time within the said period of twelve months.

(2) On receipt of an application under sub-rule (1), the registering authority shall, subject to the provision of section 44, assign to the vehicle the registration mark.

55. Transfer of ownership.—(1) Where the ownership of a motor vehicle is transferred, the transferor shall report the fact of transfer in Form 29 to the registering authorities concerned in whose jurisdiction the transferor and the transferee reside or have their places of business.

(2) An application for the transfer of ownership of a motor vehicle under sub-clause (z) of clause *(a)* of sub-section (1) of section 50 shall be made by the transferee in Form 30, and shall be accompanied by—

(i) the certificate of registration;

⁹⁰ Substituted by G.S.R. 221(E), dated 28-3-2001, for "original registering authority" (w.e.f. 28-3-2001). Earlier these words were substituted by G.S.R. 76(E), dated 31-1-2000 (w.e.f. 31-1-2000).

(ii) the certificate of insurance; and

(iii) the appropriate fee as specified in rule 81.

(3) An application for transfer of ownership of a motor veliicle under subclause *(ii)* of clause *(a)* of sub-section (1) of section 50 shall be made by the transferee in Fonn 30 and shall, in addition to the documents and fee referred to in sub-rule (2), be accompanied by one of the following documents, namely:—

(a) a no objection certificate granted by the registering authority under subsection (3) of section 48; or

(b) an order of the registering authority refusing to grant the no objection certificate under sub-section (3) of section 48; or

(c) where the no objection certificate or the order, as the case may be, has not been received, a declaration by the transferor that he has not received any such communication together with—

(i) the receipt obtained from the registering authority under subsection (2) of section 48; or

(ii) the postal acknowledgement received from the registering authority where the application for no objection certificate has been sent by post.

56. Transfer of ownership on death of owner of the vehicle.—(1) Where the owner of a motor vehicle dies, the person succeeding to the possession of the velicle may for a period of three months, use the vehicle as if it has been transferred to him where such person has, within thirty days of the death of the owner informs the registering authority of the occurrence of the death of the owner and of his own intention to use the vehicle.

(2) The person referred to in sub-rule (1) shall apply in Form 31 within the period of three months to the said registering authority for the transfer of ownership of the vehicle in his name, accompanied by—

(a) the appropriate fee as specified in rule 81;

- (b) the death certificate in relation to the registered owner;
- (c) the certificate of registration; and
- (d) the certificate of insurance.

57. Transfer of ownership of vehicle purchased in public auction.—

(1) The person who has acquired or purchased a motor veliicle at a public auction conducted by or on behalf of the Central Government or a State Government shall make an application in Form 32 within thirty days of taking possession of the vehicle to the registering authority accompanied by—

(a) the appropriate fee as specified in rule 81;

(b) the certificates of registration and insurance;

(c) the certificate or order confirming the sale of the vehicle in his favour duly signed by the person authorised to conduct the auction; and

(d) the certified copy of the order of the Central Government or State Government authorising the auction of the vehicle.

(2) Where the vehicle auctioned is a vehicle without any registration mark, or with a registration mark which on verification is found to be false, the registering authority shall, subject to the provisions of section 44, assign a new registration mark to the vehicle in the name of the Department of the Central Government or State Government auctioning the vehicle and thereafter record the entries of transfer of ownership of the vehicle giving the name and address of the person to whom the vehicle is sold:

⁹¹[Provided that motor vehicle in the name of the Central Government or State Government shall not be transferred by the concerned registering authority without verifying the proceeding of the auction or disposal of the concerned vehicle.]

58. No objection certificate.—(1) An application for the issue of no objection certificate under section 48 in respect of a motor vehicle shall be made in Form 28 to the registering authority by which the vehicle was previously registered, accompanied by—

(a) the certified copy of the certificate of registration;

(b) the certified copy of the certificate of insurance;

(c) evidence of payment of motor vehicle tax up-to-date;

(*d*) where no tax is payable for a certain period a certificate from the tax collecting authority that no tax is due from the vehicle for the said period.

(2) In the case of a transport vehicle, in addition to the documents referred to in sub-rule(1), documentary evidence in respect *of* the following matters shall also be furnished, namely:—

(a) that the vehicle is not covered by any permit issued by any transport authority;

(b) that the sum of money agreed upon to be paid by the holder of the permit under sub-sections (5) and (6) of section 86, if any, is not pending recovery;

(c) evidence of payment of tax on passengers and goods under any la w for the time being in force upto the date of application for no objection certificate.

⁹¹ Inserted by G.S.R. 111(E), dated 10-2-2004 (w.e.f 10-2-2004).

(3) On receipt of an application under sub-rule (1), the registering authority shall fill Part III of Form 28 and return that part to the applicant duly-signed.

(4) Where the registering authority grants or refuses to grant the no objection certificate, it shall return the duplicate copy of the said Form to the applicant and the triplicate copy to the other registering authority after duly filling and signing Part II thereof.

59. Change in residence.—An application for recording a change in the residence in the certificate of registration of a motor vehicle shall be made by the owner of the vehicle in Form 33 accompanied by the certificate of registration and proof of address in the manner specified in rule 4 and the appropriate fee as specified in rule 81.

60. Endorsement of hire-purchase agreements, etc.—An application for making an entry of hire-purchase, lease or hypothecation agreement in the certificate *of* registration of a motor vehicle required under sub-section (2) of section 51 shall be made in Form 34 duly signed by the registered owner of the vehicle and the financier and shall be accompanied by the certificate of registration and the appropriate fee as specified in rule 81.

61. Termination of hire-purchase agreements, etc.—(1) An application for making an entry of termination of agreement of hire purchase, lease or hypothecation referred to in sub-section (3) of section 51 shall be made in Form 35 duly signed by the registered owner of the vehicle and the financier, and shall be accompanied by the certificate of registration and the appropriate fee as specified in rule 81.

(2) The application for the issue of a fresh certificate of registration under sub-section (5) of section 51 shall be made in Form 36 and shall be accompanied by a fee as specified in rule 81.

(3) Where the registered owner has refused to deliver the certificate of registration to the financier or has absconded then the registering authority shall issue a notice to the registered owner of the vehicle in Form 37.

Certificate of fitness

62. Validity of certificate of fitness.—(1) A certificate of fitness in respect of a transport vehicle granted under section 56 shall be in Form 38 and such certificate when granted or renewed shall be valid for the period as indicated below:—

(a) new transport vehicletwo years(b) renewal of certificate of fitness in respect of vehicles mentioned in $\{a\}$ above ${}^{92}[***]$ one year ${}^{93}[(c)$ renewal of certificate of fitness in respect of vehicles covered under rule 82 of these rulesone year](d) fresh registration of same period as in the case of vehicles imported vehicles manufactured in IndiaIndiahaving regard to the date of manufacture:India

⁹² Certain words omitted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

⁹³ Substituted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2006).

⁹⁴[Provided that the renewal of a fitness certificate shall be made only after the ⁹⁵[Inspecting Officer or authorised testing stations as referred to in sub-section (1) of section 56 of the Act] has carried the tests specified in the Table given below, namely:-

TABLE

Itam	Check Fitment	Chaole malea/tema/	Check	Check	Test	Remarks
Item		Check make/type/ rating, etc. as per original equipment recommendations	conditions	functioning	Test	Remarks
1	2	3	4	5	6	7
Sparkplug/ Suppressor cap/High Tension cable	Yes	Yes	Yes	No	No	
Head Lamp Beams	Yes	No	Yes	Yes	Check	Beam focus as per Annexure VII
Other Lights	Yes	No	Yes	Yes	No	Also ensure that unautho- rized lights are not fitted
Reflectors	Yes	No	Yes	No	No	Ensure colour of reflectors and reflective tapes arc as per rule 104
Bulbs	Yes	Yes	Yes	No	No	Ensure that head light bulbs wall-age, especially halogen is not higher than those indicated in IS 1606 — 1993 and also ensure thas halogen bulbs with P45t caps are not used in all vehicles
Rear View Mirror	Yes	No	Yes	No	No	—
Safety Glass	Yes	Yes	Yes	No	No	Laminated windscreen glass is used for vehicles manufactured from April, 1996 onwards
Horn	Yes	No	Yes	Yes	No	
Silencer	Yes	No	Yes	Yes	No	Ensure no leakage
Dash board equipment	Yes	No	Yes	Yes	No	—
Windshield wiper	Yes	No	Yes	Yes	No	—
Exhaust emission	No	No	No	No	Yes	Pollution under Control Certificate
Braking system	Yes	No	Yes	Yes	Yes	As per rule 96(8)
Speedometer	Yes	No	Yes	Yes	No	As per rule 117
Steering gear	Yes	No	Yes	Yes	Check free play	Check free play as per rule 98 for-vehicles with steering wheel.

Explanation.—"Inspecting Officer" means an Officer appointed by the State Government under section 213 of the Act.]

⁹⁴ Proviso added by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001). Earlier the Proviso was omitted by G.S.R. 76(E), dated 31-1-2000 (w.e.f. 31-1-2000). Before that the Proviso was added by G.S.R. 684(E), dated 5-10-1999 (w.e.f. 22-10-1999). ⁹⁵ Substituted by G.S.R. 845(E), dated 27-12-2002, for "Inspecting Officer" (w.e.f. 27-12-2002).

(2) The fee for the grant or renewal of a certificate of fitness shall be as specified in rule 81.

63. Regulation and control of authorised testing stations.—(1) No operator of an authorised testing station shall issue or renew a certificate of fitness to a transport vehicle under section 56 without a letter of authority in Fonn 39 granted by the registering authority.

(2) An application for grant or renewal of a letter of authority under sub-rule (1) shall be made in Fonn 40 to the registering authority having jurisdiction in the area in which the service station or garage is situated and shall be accompanied by,—

(a) the appropriate fee as specified in rule 81;

(b) a security deposit of ⁹⁶[rupees one lakh] in such manner as may be specified by the State Government.

Explanation.—For the purpose of this rule and rules 64 to 72, the registering authority means an officer not below the rank of the regional transport officer of the Motor Vehicles Department established under section 213.

(3) A registering authority shall, when considering an application for the grant or renewal of a letter of authority, have regard to the following matters, namely:—

(a) the applicant or at least one of the members of the staff employed by him for the inspection of transport vehicles for the purpose of issue or renewal of certificate of fitness possesses the following minimum qualifications:—

(i) a ⁹⁷[three years] diploma in automobile engineering or mechanical engineering or an equivalent qualification;

(ii) experience of minimum service of five years in an automobile workshop undertaking repairs of heavy goods vehicles, heavy passenger motor vehicles, medium motor vehicles and light motor vehicles;

(iii) a driving licence to drive motor cycle, heavy passenger motor vehicle and heavy goods vehicle with a minimum driving experience of not less than five years;

(iv) thorough knowledge of the Act and the rules made thereunder, especially the Chapters relating to registration of motor vehicles and construction, equipment and maintenance of motor vehicles;

⁹⁶ Substituted by G.S.R. 338(E), dated 26-3-1993, for "rupees ten thousand" (w.e.f. 26-3-1993).

⁹⁷ Inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

(b) the premises where the authorised testing station is to be housed is either owned by the applicant or is taken on lease by him or is hired in his name and it has ⁹⁸[minimum of one acre of land] for administrative section, reception room and sanitary block and space for erection of testing equipments and other apparatus;

(c) inspection lanes are provided adjacent to the building in the same compound or at other places approved by the registering authority;

(d) testing equipments and apparatus are installed in such manner that veliicles may pass through with ease and speed;

⁹⁹(e) the applicant maintains in good condition, the equipment and apparatus for undertaking test pertaining to ¹⁰⁰[exhaust gas, engine tuning, engine analysis], smoke emission, brake system, head-lights, wheel alignments, compressors, speedometers and other like components;]

(f) the financial resources of the applicant are sufficient to provide for its continued maintenance;

(g) the applicant maintains an up-to-date copy of the Act, these Rules and the concerned State Motor Vehicles Rules.

(4) The registering authority shall also, when considering an application under this rule, take into consideration the fact that the setting up of the authorised testing station will improve the availability of testing facilities in the area both in relation to the number of vehicles and proximity to such facilities.

(5) The registering authority may, on receipt of an application under sub-rule (2) and after satisfying himself that the applicant has complied with the requirements of sub-rules (3) and (4), grant or renew the letter of authority in Form 39:

Provided that no application for a letter of authority shall be refused by the registering authority unless the applicant is given an opportunity of being heard and reasons for such refusal are given in writing by the registering authority.

64. Duration of letter of authority.—A letter of authority granted or renewed shall be effective for a period of five years from the date of grant or renewal.

65. General conditions to be observed by the holder of letter of authority.—The holder of a letter of authority shall—

⁹⁸ Certain words substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

⁹⁹ CI. (c) substituted by G.S.R. 933(E), dated 28-10-1989 {*w.e.f.* 28-10-1989).

¹⁰⁰ Substituted by G.S.R. 214(E), dated 18-3-1999, for "exhaust gas" (w.e.f. 18-3-1999).

(a) maintain a register with a separate page for each vehicle containing the registration number of the vehicle for which the certificate of fitness is granted or renewed, the make and model of the vehicle, the engine number and the chassis number of the vehicle along with the pencil print of the chassis number, the name and address of the owner of the vehicle, particulars of any permit of such vehicle, period of validity of certificate of fitness granted or renewed and the signature of the owner of the vehicle or his authorized representative;

(b) forward the particulars of the transport vehicles for which certificates of fitness have been granted or renewed and the period of validity of such certificate, within two days of grant or renewal of the certificate of fitness, to the authority which has granted the permit and where the transport vehicle is not covered by a permit, to the transport authority in whose jurisdiction the vehicle is kept;

(c) issue to every transport vehicle satisfying the requirements of section 56, a certificate of fitness in accordance with the provisions of rule 62;

(d) not shift the place of business mentioned in the letter of authority without the prior approval in writing of the registering authority which granted the letter of authority;

(e) keep the premises of the testing station and the records and registers maintained by it and all the machinery, equipment and apparatus in the premises at all reasonable time open for inspection by the registering authority or any person of the Motor Vehicles Department of the State Government established under section 213 authorised in this behalf by the registering authority;

(f) display at a prominent place in its main office the following:----

(i) the letter of authority in original issued to the authorised testing station by the registering authority;

(ii) the name and address of the person authorised to issue or renew the certificate of fitness;

(iii) the qualifications of the persons referred to in clause *(a)* of sub-rule (3) of rule 63;

(g) not charge a fee for inspection of a vehicle for the purpose of issue or renewal of the appropriate certificate of fitness in excess of the fee specified in rule 81;

(h) surrender to the Regional Transport Authority having jurisdiction over the area, the register referred to in clause *(n)* as soon as entries in all the pages in the register are completed and in any case not later than two days after such completion.

66. Issue of duplicate letter of authority.—(1) If at any time the letter of authority granted or renewed under sub-rule (5) of rule 63 is lost or destroyed, the holder of the letter of authority shall report to the police station in the jurisdiction of which the loss or destruction has occurred and intimate the fact

in writing to the registering authority which granted or renewed the letter of authority and shall apply for a duplicate.

(2) On receipt of an application alongwith the appropriate fee as specified in rule 81, the registering authority may issue a duplicate letter of authority clearly marked "Duplicate".

(3) If after the issue of a duplicate letter of authority, the original is traced, the same shall be surrendered forthwith to the registering authority by which it was issued.

67. Supervision of authorised testing stations.—The registering authority or any officer of the Motor Vehicles Department of the State Government duly authorised in this behalf by the registering authority may, at any time, conduct test checks at the premises of the authorised testing station with a view to ensure that the vehicles are properly tested by the authorised testing station.

68. Power of registering authority or Regional Transport Authority to call for information.—The authorised testing station shall submit to the registering authority or the Regional Transport Authority having jurisdiction in the area, such information or returns as may be called for by such authority from time to time.

69. Power of registering authority to suspend or cancel the letter of authority or forfeit security deposit.—(1) If the registering authority is satisfied after giving the holder of a letter of authority an opportunity of being heard, that he has—

(a) failed to maintain the equipment, machinery and apparatus referred to in subclause *(e)* of sub-rule (3) of rule 63 in good conditioner

(b) failed to comply with the other requirements laid down in sub-rule (3) of rule 63; or

(c) failed to observe correct standards of testing before granting or renewing certificates of fitness as noticed at the time of test-checking referred to in rule 67 or the frequency of accidents involving transport vehicles covered by certificates of fitness granted or renewed by the authorised testing station attributable to any mechanical defect of the vehicle, it may—

(i) suspend the letter of authority for a specified period; or

(ii) cancel the letter of authority; or

(iii) order forfeiture of the security deposit furnished by the authorised testing station.

(2) Where the letter of authority is suspended or cancelled under sub-ru le (1), the holder of the letter of authority shall surrender the same to the registering authority forthwith.

(3) Where the security deposit is forfeited under sub-rule (1), the holder of the letter within thirty days of the receipt of the order of forfeiture, remit to the registering authority the amount ordered to be forfeited so that the requirement of sub-rule (2) of rule 63 in relation to deposit of security is complied with.

70. Appeal.—Any person aggrieved by an order of the registering authority under subrule (5) of-rule 63 oV sub-rule (1) of rule 69, may, within thirty days of the receipt of the order, appeal to the Head of the Motor Vehicles Department of the State Government established under section 213.

71. Procedure for appeal.—(1) An appeal under rule 70 shall be preferred in duplicate in the form of a memorandum, setting forth the grounds of objections to the order of the registering authority and shall be accompanied by the appropriate fee as specified in rule 81 and a certified copy of such order.

(2) The appellate authority may, after giving an opportunity to the parties to be heard and after such enquiry as it may deem necessary, pass appropriate orders.

72. Voluntary surrender of letter of authority.—(1) The holder of a letter of authority may, at any time, surrender the letter of authority issued to him, to the registering authority which has granted the letter of authority and on such surrender, the registering authority shall cancel the letter of authority forthwith.

(2) On cancellation of the letter of authority under sub-rule (1), the registering authority shall refund to the holder of the letter of authority, the amount of security deposit referred to in sub-rule (2) of rule 63 in full and without any interest.

73. Tax clearance certificate to be submitted to the testing station.—No authorised testing station shall accept an application for the grant or renewal of a certificate of fitness unless the same is accompanied by a tax clearance certificate in such form as may be specified by the State Government, from the Regional Transport Officer or motor vehicle inspector having jurisdiction in the area to the effect that the vehicle is not in arrears of motor vehicle tax or any compounding fee referred to in sub-sections (5) and (6) of section 86.

Registration of vehicles belonging to the Central Government

used for defence purposes

74. Assignment of registration marks to the vehicles belonging to the Central **Government used for defence purposes**.—The authority referred to in sub-section (1) of section 60 shall assign registration marks to the vehicles belonging to the Central Government and used for defence purposes in the following manner, namely:—

A group of figures followed by a single capital letter, a broad arrow, not more than six figures and a capital letter or a group of letters. The registration mark shall be in English letters and Arabic numerals.

State Register of Motor Vehicles

75. State register of motor vehicles.—(1) Each State Government shall maintain a State register of motor vehicles in respect of motor vehicles registered in the State in Form 41.

(2) Each ¹⁰¹[State Government shall, if so desired by the Central Government] send to the Director (Transport Research), Ministry of Surface Transport, New Delhi, a printed copy of the register referred to in sub-rule (1).

Special provision for registration of motor vehicles of diplomatic officers, etc.

76. Registration of vehicles of diplomatic and consular officers.—(1) Every application for registration of a motor vehicle under sub-section (1) of section 42 by or on behalf of any diplomatic officer or consular officer shall be made in triplicate by the head of the mission or consular officer in Form 42 and be addressed to the registering authority through the Competent Authority accompanied by the relevant documents and fees referred to in rule 47.

(2) The Competent Authority shall forward one copy of the application to the registering authority concerned together with a statement certifying the status of the person applying for registration and shall return one copy of the application to the applicant. The third copy of the application may be retained by the Competent Authority for record.

(3) The registering authority shall, on receipt of the application duly endorsed under subrule (2), register the vehicle, subject to the provision of section 44.

(4) The registering authority shall issue to the owner of a motor vehicle registered by it under sub-rule (3), a certificate of registration in Form 43 and shall enter in a register to be kept by it, particulars of such certificate.

 $^{^{101}}$ Substituted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001). Earlier these words were omitted by G.S.R. 76(E), dated 31-1-2000 (w.e.f. 31-1-2000). Before that these words were inserted by G.S.R. 684(E), dated 5-10-1999 (w.e.f. 22-10-1999).

(5) The registering authority shall assign to the motor vehicle for display thereon in the manner specified in rule *77*, the registration mark in accordance with sub-rule (6) or sub-rule (7), as the case may be.

¹⁰²[(6) A motor vehicle belonging to a diplomatic mission in Delhi or to any of its diplomatic officer shall be assigned a registration mark consisting of the letters "CD" preceded by the number allotted to the mission by the Ministry of External Affairs of the Government of India and followed by a number allotted to the vehicle by the registering authority in the following manner, namely:—

(i) an official vehicle meant for the use of the head of a mission shall be allotted the number "1";

(ii) personal vehicles of the head of the mission shall be allotted the number "1", followed consecutively, in alphabetical order, by a letter beginning with the letter "A";

(iii) official vehicles, other than those referred to in clause (i), shall be allotted consecutive numbers beginning with the number "2";

(iv) vehicles belonging to other officers of the mission shall be allotted numbers in consecutive order after the last number allotted under clause (iii);

(v) vehicles acquired by a mission or by its diplomatic officer other than heads of missions, shall be allotted numbers in consecutive order after the last number allotted under clause (iv) irrespective of whether such vehicle is for official or personal use of the mission or any of its officers;

(vi) a number allotted to a vehicle under any of the clauses (i) to (iv), which is lying unutilised due to sale or export of such vehicle or cancellation of its number may be allotted to another vehicle under the same clause in respect of which an application has been made under sub-rule (1).]

(7).A motor vehicle belonging to a consular post ¹⁰³[headed by a Carrier Counsellor Officer] or to any of its officers shall be assigned a registration mark consisting of the letters "CC" preceded by the number of the post allotted to it by the Ministry of External Affairs of the Government of India and followed by a number allotted to the vehicle by the registering authority out of a block of numbers allotted for that post in the following manner, namely:—

(i) an official vehicle meant for the use of the head of a consular post shall be allotted the first number from the block of numbers allotted to that post;

¹⁰² Sub-R. (6) substituted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001).

¹⁰³ Substituted by G.S.R. 221(E), dated 28-3-2001, for "outside Delhi" (w.e.f. 28-3-2001).

(ii) personal vehicles of the Consul-General shall be allotted the number referred to in clause (/), followed consecutively in alphabetical order, by a letter beginning with the letter "A";

(iii) official vehicles other than those referred to in clause (/), shall be allotted consecutive numbers beginning with the second number from the block of numbers allotted to the post;

(iv) vehicles belonging to other officers of the post shall be allotted numbers in consecutive order after the last number allotted under clause (Hi):

(v) vehicles acquired by a post, or by its consular officers, other than the head of the post shall be allotted numbers in consecutive order after the last number allotted under clause (iv) irrespective of whether such vehicle is for official or personal use of the post or any of its officers;

(vi) a number allotted to a vehicle under any of the clauses (i) to (iv) which is lying unutilised due to sale or export of such vehicle or cancellation of its number, may be allotted to another vehicle under the same clause in respect of which an application has been made under sub-rule (i).

¹⁰⁴ [Explanation.—For the purposes of this rule and rules 77, 78 and 79, "competent authority" means:-

(i) in relation to a diplomatic officer or a consular officer who has his residence in Delhi, the Chief of Protocol to the Government of India in the Ministry of External Affairs; and (ii) in relation to a diplomatic officer or a consular officer who has his residence at any other place, the Secretary (Transport) to the State Government.]

(8) Consular posts headed by Honorary Consular Officers shall use standard size number plates bearing ordinary registration number provided by the concerned registration authorities. They may, however, use the word "name of the country followed by CC (Honorary)" in the same font and colour (*i.e.*, the numbers and letters in white colour on black background) but in letters smaller than the registration number on a maximum of two of their vehicles.

¹⁰⁵[76-A. Application of rules 76 to 80 to organisations notified under the United Nations (Privileges and Immunities) Act, 1947.—The provisions of rules 76 and 77 to 80 shall apply to the motor vehicles of diplomatic officers of the organisations notified

 ¹⁰⁴ Substituted by G.S.R. 129(E), dated 16-2-2000 (w.e.f. 16-2-2000).
 ¹⁰⁵ Inserted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001).
 Inserted by G.S.R. 644, dated 25-9-1995.

under the United Nations (Privileges and Immunities) Act, 1947 (46 of 1947) as they apply to a diplomatic officer or consular officer with the modification that in rule 76,—

(a) in sub-rule (6), for the letters "CD", the letters "UN" shall be substituted; and

(b) in sub-rule (7), for the letters "CC", the letters "UN" shall be substituted.]

¹⁰⁶[**76-B. Registration of vehicles of home-based non-diplomatic officials of diplomatic missions or consular posts.**—(1) A motor vehicle belonging to a non-diplomatic official of a diplomatic mission or a consular post in Delhi shall be assigned a registration mark consisting of letters 'CDP' preceded by the number allotted to the mission or post by the Ministry of External Affairs of the Government of India and followed by a number allotted to the vehicle by the registering authority.

(2) A motor vehicle belonging to a home-based non-diplomatic official of a consular post outside Delhi shall be assigned a registration mark consisting of the letters 'CCP' preceded by the number of the post allotted to it by the Ministry of External Affairs of the Government of India and followed by the number allotted to the vehicle by the registering authority.]

77. Exhibition of registration mark.—(1)The registration mark assigned under subrules (5) to (7) of rule 76 shall be clearly exhibited in reflecting colour both at the front and rear of the vehicle on the plain surface of a plate or part of the velice and the size of which shall be 41 centimetres by 14 centimetres—

(i) with deep blue background, the registration mark and the number being in white in the case of motor vehicles referred to in sub-rule (6) of rule 76;

(ii) with yellow background, the registration mark and the number being in black, in the case of motor vehicles referred to in sub-rule (7) of rule 76;

¹⁰⁷ (*iii*) with light green background, the registration mark and the number being in white in case of motor vehicles referred to in rule 76-B.]

(2) The registration mark shall be in English letters and Arabic numerals and-

(i) save in the case of a motor cycle or an invalid carriage, the letters shall be not less than 6 centimetres high and 2 centimetres thick at any part, the numerals shall be not less than 9 centimetres high and 2 centimetres thick at any part, and there shall be a space between any letter and any numeral and between any letter or any numeral and

¹⁰⁶ Inserted by G.S.R. 395(E), dated 16-7-1997 (w.e.f. 16-7-1997).

¹⁰⁷ displayed on a plate in line with the axis of the vehicle and shall, in such a case, be displayed on both sides of the plate.

the edge of the plain surface of not less than 1 centimetre and a space between any two letters and between any two numerals of not less than 1 centimetre; and

(ii) in the case of a motor cycle or an invalid carriage, the dimensions of the letters and figures shall not be less than two-thirds of those specified in clause (i).

(3) The plain surface referred to in sub-rule (2) shall not be inclined from the vertical by more than thirty degrees. The letters and numerals shall be exhibited as follows:—

(i) in the case of a transport vehicle, the registration mark shall be exhibited in two separate horizontal lines, the number allotted to the mission or post and the letters forming the first line followed by the number allotted by the registering authority in the second line; and

(ii) in all other cases, the registration mark may exhibit the letters and numerals either in two horizontal lines as aforesaid or in one horizontal line.

(4) Notwithstanding anything contained in sub-rule (1), the registration mark exhibited at the front of a motor cycle or an invalid carriage may be

(5) In the case of a trailer—

(i) the registration mark shall be exhibited on a plate or surface on the left hand side of the trailer, the dimensions of the letters and figures being not less than two-thirds of the dimensions specified in sub-rule (2);

(ii) the registration mark of the drawing motor vehicle to be affixed to the rear of the trailer shall be in conformity with the provisions of these rules relating to the registration mark affixed to the rear of the motor vehicle.

(6) The registration mark shall also be painted on the right and left side of the body of a transport vehicle.

78. Assignment of new registration mark on removal of vehicle to another State.— (1) Every application for assignment of new registration mark on removal to another State under sub-section (1) of section 47 by or on behalf of a diplomatic officer or consular officer shall be made in triplicate in Fonn 44 and shall be addressed to the registering authority through the competent authority accompanied by the relevant documents and fees referred to in rule 54.

(2) The provisions of sub-rules (2) to (7) of rule 76 shall apply to an application made under sub-rule (1) as they apply to an application made under sub-rule (1) of rule 76.

79. Suspension and cancellation of registration of vehicle registered under rule **76.**—If, under the provisions of section 53, section 54 or section 55, the registration of a motor vehicle made in accordance with rule 76 is suspended or cancelled, then a copy

of the order of suspension or cancellation shall be sent to the competent authority in addition to each of the authorities or persons to whom a copy has to be sent under the said sections.

80. Transfer or disposal of motor vehicle registered under rule 76.—(1) Where a motor vehicle registered in accordance with rule 76 is transferred by way of sale or otherwise, the transferor shall, within fourteen days, report the fact of the transfer along with the full name and address of the person to whom the vehicle is transferred to the registering authority within whose jurisdiction the transfer is effected and shall simultaneously send copies of the said report to:—

(a) the transferee;

(b) the competent authority;

(c) the Collector of Customs of the port of importation of the vehicle and where it is not possible to locate the port of importation, to the Collector of Central Excise and Customs nearest to the headquarters of the transferee; and

(d) the original registering authority in whose records the registration of the vehicle is recorded, if the transfer is effected in the jurisdiction of another registering authority,

and shall also surrender the number plate in respect of the vehicle to the registering authority in whose records the registration of the vehicle is recorded, when the transfer is to a person other than a diplomatic officer or a consular officer.

(2) Where the transferee is a diplomatic officer or a consular officer, an application by him or on his behalf shall be made to the registering authority for registration of the vehicle in accordance with the provision of rule 76.

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Fees

81. Fees.—The fee which shall be charged under the provisions of this Chapter shall be as specified in the table below:

⁴[TABLE

SI.	No. Purpose	Amount	Rule	Section
(1 1.) (2) Grant or renewal of Irade certificate in respect of each vehicle:	(3)	(4) 34(1)	(5)
	Motorcycle	Fifty rupees		
	Invalid carriage	Fifty rupees		
	Others	Two hundred rupees		
2.	Duplicate trade certificate:	Ĩ	38(1)	
	Motorcycle	Thirty rupees		
	Invalid carriage	Thirty rupees		
	Others	One hundred rupees		
3.	Appeal under rule 46	One hundred rupeus	46(1)	
4.	Issue, renewal of certificates of registration and assignment of registration mark:		47(1), 52(1), 54(1), 76(1) and 78(1)	
	Invalid carriage	Twenty rupees		
	Motorcycle	Sixty rupees		
	Light motor vehicle: (i) Non-Transport	Two hundred rupees		
	(ii) Light Commercial Vehicle	Three hundred rupees		
	Medium goods vehicle	Four hundred rupees		
	Medium passenger motor vehicle	Four hundred rupees		
	Heavy goods vehicle	Six hundred rupees		
	Heavy goods venicle Heavy passenger motor vehicle	Six hundred rupees		
	Imported motor vehicle	Eight hundred rupees		
	Imported motor cycle	Two hundred rupees		
	Any other vehicle not mentioned above	Three hundred rupees		
5.	Issue of duplicate certificate of registration	Half of the fee	52(2)	
5.	issue of duplicate certificate of registration	mentioned in Serial No. 4	53(2)	
6.	Transfer of ownership	Half of the fee mentioned in Serial No. 4	55(2)(i), 55(3), 56(2)(rt) and57(1)(n)	
7.	Change of residence	Twenty rupees	59	
8.	Recording alteration in the certificate of registration	Fifty rupees	—	52(4)
9.	Endorsing hire-purchase/lease/ hypothecation agreement	One hundred rupees	60	—
issu	Cancellation of hire-purchase/lease/hypothecation agreement or e of fresh certificate of registration Conducting test of a vehicle lor grant	One hundred rupees	61(1) and (2)	
	and renewal of certificate of fitness:			
	 (i) Two/three-wheeled vehicle (<i>ii</i>) Light motor vehicle (<i>iii</i>) Medium motor vehicle (<i>iv</i>) Heavy motor vehicle 	One hundred rupees Two hundred rupees Three hundred rupee's Four hundred rupees	62(2)	

12. Grant or renewal of certificate of fitness for motor vehicle	One hundred rupees	62(2)	
13. Grant or renewal of letter of authority	Five thousand rupees	63(2)(«)	
14. Issue of duplicate letter of authority	Five thousand rupees	66(2)	
15. Appeal under rule 70	Four hundred rupees	71(1)	

Note.—For the removal of doubts, it is hereby declared that medium passenger motor vehicle, heavy goods vehicle, imported motor vehicle and any other vehicle not mentioned in Serial No. 4 of this Table include both transport and non-transport vehicles:]

¹⁰⁸[Provided that in case for any purpose referred to in Serial Numbers 4,5,6,7,8,9 and 10 *oi* this Table is issued on any Smart Card, an additional amount of fee of Rupees Two hundred shall be charged for each such card.]

CHAPTER IV

CONTROL OF TRANSPORT VEHICLES

Tourist permits

82. Tourist permits.—(1) An application for the grant of permit in respect of a tourist vehicle (hereinafter referred to in these rules as a tourist permit) shall be made in Form 45 to the State Transport Authority.

(2) ¹⁰⁹[***]

¹¹⁰[(*n*) A tourist permit shall be deemed to be invalid from the date on which the motor vehicle covered by the permit completes 9 years in the case of a motor cab and 8 years where the motor vehicle is other than a motor cab, unless the motor vehicle is replaced;] ¹¹¹[(*b*)] Where a vehicle covered by a tourist pennit is proposed to be replaced by another, the latter vehicle shall not be more than two years old on the date of such replacement.

Explanation.—For the purposes of this sub-rule, the period of ¹¹²[9 years or 8 years] shall be computed from the date of initial registration of the motor vehicle.

83. Authorization fee.—(1) An application for the grant of authorisation for a tourist permit shall be made in Form 46 and shall be accompanied by a fee of Rs. 500 per annum in the form of a bank draft.

¹⁰⁸ Inserted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31-5-2002).

¹⁰⁹ Cl. (a) of sub-R. (2) omitted by G.S.R. 338(E), dated 26-3-1993 (w.e.f 26-3-1993).

¹¹⁰ CI. (*b*) ot sub-R. (2) renumbered as CI. (*a*) and CI. (*n*) as so renumbered substituted by G.S.R. 338(E),dated 26-3-1993 (w.e.f. 26-3-1993).

¹¹¹ Cl. (c) of sub-R. (2) renumbered as Cl. (*b*) by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹¹² Substituted by G.S.R. 338(E), dated 26-3-1993, for "2 years, 5 years or 7 years" (w.e.f 26-3-1993).

¹¹³[(2) Every authorization shall be granted in Form 23-A, in case the certificate of registration is issued on Smart Card or shall be granted in Form 47, in case the authorization is in paper document mode subject to the payment of taxes or fees, if any, levied by the concerned State. The authority which grants the authorization shall issue to the permit holder separate receipts for such taxes or fees in respect of each bank draft and such receipts shall be security printed watermark paper carrying such hologram as may be specified by the concerned State/Union Territory:

Provided that the bank drafts received in respect of taxes or fees shall invariably be forwarded by the authority which grants the authorisation to the respective States:

Provided also that the use of such security printed watermark paper carrying such hologram shall come into force on or before six months from the date of commencement of the Central Motor Vehicles (Third Amendment) Rules, 2002.]

¹¹⁴[(2-A) The authority which grants the authorisation shall inform the State Transport Authorities concerned the registration number of the motor vehicle, the name and address of the permit holder and the period for which the said authorisation is valid:]

¹¹⁵[Provided that where the permit holder undertakes to pay the tax direct to the concerned State Transport Authority at the time of entry in his jurisdiction, the authorisation shall expressly state that it has been issued subject to payment of taxes to the concerned State Transport Authority.]

(3) The period of validity of an authorisation shall not exceed one year at atime ¹¹⁶[***J.

84. Right of operation.—No tourist permit shall be deemed to confer the right of operation in any State not included in the authorisation referred to in rule 83 nor shall it exempt the owner of a vehicle from the payment of tax or fee, if any, leviable in any State.

85. Additional conditions of tourist permit.—The following shall be the additional conditions of every tourist permit granted to a tourist vehicle other than a motor cab under sub-section (9) of section 88, namely:—

¹¹³ Sub-R. (2) substituted by G.S.R. 400(E), dated 31-5-2002 (vv.e.f. 31-5-2002).

¹¹⁴ Inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹¹⁵ Inserted by G.S.R. 76(E), dated 31-1-2000 (w.e.f. 31-1-2000). Earlier Proviso was omitted by G.S.R. 684(E), dated 5-10-1999 (w.e.f. 22-10-1999).

¹¹⁶ The words "and shall expire on the 31st day of March of the year" omitted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

(1) The permit holder shall cause to be prepared in respect of each trip a list in triplicate of tourist passengers to be carried in the vehicle, ¹¹⁷[* * *] giving full particulars as under:---

(a) name of the passengers,

(b) address of the passengers,

(c) age of the passengers,

(d) starting point and the point of destination.

¹¹⁸[(2) One copy of the list referred to in sub-rule (1) shall be carried in the tourist vehicle and shall be produced on demand by the officers authorised to demand production of documents by or under the provisions of the Act and the Rules, and the second copy shall be preserved by the permit holder.]

(3) The tourist vehicle shall either commence its journey, or end its journey, circular or otherwise, in the home State, subject to the condition that the vehicle shall not remain outside the home State for a period of more than ¹¹⁹[three months]. The permit holder shall see that every return of the tourist vehicle to the home State is reported to the authority which issued the permit:

Provided that where the contracted journey ends outside the home State, the vehicle shall not be offered for hire within that State or from that State to any other State except for the return journey to any point in the home State.

(4) The tourist vehicle may operate circular tours of places lying exclusively in the home State or in the home State and outside the State if such circular tours are in the list approved by the tourist department of the home State to visit places of tourist, historical or religious importance and the tour is duly advertised before hand.

(5) The permit holder or his authorised agent shall issue a receipt to the hirer and the counterfoil of the same shall be kept available with him and produced on demand to the officers empowered to demand documents by or under the Act.

(6) The tourist vehicle shall not be parked on any bus stand used by stage carriage and shall not operate from such bus stand.

(7) The tourist vehicle shall be painted in white colour with a blue ribbon of five centimetres width at the centre of the exterior of the body and the word "Tourist" shall be inserted on two sides of the vehicle within a circle of sixty centimetres diameter.

 ¹¹⁷ Certain words omitted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).
 ¹¹⁸ Sub-R. (2) substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹¹⁹ Substituted by G.S.R. 338(E), dated 26-3-1993, for "two months" (w.e.f. 26-3-1993).

(8) The permit holder shall display in the front top of the tourist vehicle a board in yellow with letters in black with the inscription "Tourist permit valid

in the State(s) of....."in English and Hindi and also, if he so prefers, in regional language of the home State.

(9) The permit holder shall not operate the tourist vehicle as a stage carriage.

(10) The permit holder shall maintain a day-to-day logbook indicating the name and address of the permit holder and the registration mark of the vehicle, name and address of the driver with the particulars of his driving licence and the starting and destination points of the journey with the time of departure and arrival and the name and address of the hirer.

(11) The permit holder shall furnish once in every 3 months the information contained in condition (10) to the State Transport Authority which granted the permit and the logbook shall be preserved for a period of 3 years and shall be made available to the said authority on demand along with the records referred to in conditions (2) and (4).

Explanation.—In this rule, "home State" means the State which has granted the permit under sub-section (9) of section 88.

85-A. The following shall be the additional conditions of every tourist permit in respect of motor cabs.—(1) The words "Tourist vehicle" shall be painted on both the sides of the vehicle within a circle of twenty-five centimetres diameter.

(2) A board with the inscription "Tourist permit valid in the State(s) of"in black letters in yellow background shall be displayed in the front of the vehicle above the registration number plates:

¹²⁰[Provided that this rule shall not apply to motor cabs covered under the 'Rent a Cab' Scheme, 1989.]

National permits

86. Application for national permit.—An application for the grant of a national permit shall be made in Form 48 to the authority referred to in section 69.

87. Form, contents and duration of authorisation.—(1) An application for the grant of an authorisation for a national permit shall be made in Form 46 and shall be accompanied by a fee of Rs. 500 per annum in the form of a bank draft.

¹²¹[(2) Every authorization shall be granted in Form 23-A, in case the certificate of registration is issued on Smart Card or shall be granted in Form 47, in case the

¹²⁰ Added by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹²¹ Sub-R. (2) substituted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31-5-20U2).

authorization is in paper document mode, subject to the payment of taxes or fees, if any, levied by the concerned State. The authority which grants the authorization shall issue to the permit holder separate receipts for such taxes or fees in respect of each bank draft and such receipts shall be security printed watermark paper carrying such hologram as may be specified by the concerned State/Union territory:

Provided that the bank drafts received in respect of taxes or fees shall invariably be forwarded by the authority who grants the authorisation to the respective States:

Provided also that the use of such security printed watermark paper carrying such hologram shall come into force on or before six months from the date of the Central Motor Vehicles (Third Amendment) Rules, 2002.]

¹²²[(2-A) The authority which grants the authorisation shall inform the State Transport Authorities concerned the registration number of the motor vehicle, the name and address of the permit holder and the period for which the said authorisation is valid.]

(3) The period of validity of an authorisation shall not exceed one year at atime ¹²³[***]

¹²⁴[88. Age of motor vehicle for the purpose of national permit.—(1) No national permit shall be granted in respect of a goods carriage, other than multiaxle vehicle, which is more than -[twelve years] old at any point of time.

(2) No national pennit shall be granted for a multiaxle goods carriage which is more than fifteen years old at any point of time.

(3) A national permit shall be deemed to be invalid from the date on which a goods carriage covered by the permit completes fifteen years in case of a multiaxle goods carriage and -[twelve years] where the vehicle is other than a multiaxle goods carriage, unless such goods carriage is replaced.

Explanation.—For the purpose of this rule, the period of ¹²⁵[twelve years] or fifteen years, as the case may be, shall be computed from the date of initial registration of the motor vehicle covered under its pennit or the prime mover in case of an articulated vehicle.] ¹²⁶[(4) No national pennit shall be granted in respect of a multi-axle trailer approved to carry a gross vehicle weight of more than 50 tonnes, which is more than 25 years old at

¹²² Inserted by G.S.R. 799(E), dated 30-12-1993 (w.e.f. 30-12-1993).

¹²³ Tine words "and shall expire on the 31st day of March of the year" omitted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

¹²⁴ R. 88 substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹²⁵ Substituted by G.S.R. 799(E), dated 30-12-1993, for "nine years" (w.e.f. 30-12-1993).

¹²⁶ Inserted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001).

any point of time, the period of 25 years being computed from the date of initial registration of the said trailer.

Explanation.—For the purpose of this rule, "multi-axle trailer" means a trailer having more than two axles.]

¹²⁷ [(5) A national permit shall be in such security printed watermark paper and shall carry such hologram as the State Government or the State Transport Authority, as the case may be, issuing such permit, may specify:

Provided that the use of such security printed watennark paper carrying such hologram shall come into force on or before six months from the date of commencement of the Central Motor Vehicles (Third Amendment) Rules, 2002.]

¹²⁸[* * *"]

90. Additional conditions for national permit.—The national permit issued under subsection (12) of section 88 shall be subject to the following additional conditions, namely:—

(1) The vehicle plying under a national permit shall be painted in dry leaf brown colour with thirty centimetres broad white borders and the words "National permit" shall be inscribed on both sides of the vehicle in bold letters within a circle of sixty centimetres diameter:

Provided that the body of a tanker carrying dangerous or hazardous goods shall be painted in white colour with a dry leaf brown ribbon of 5 centimetres width around in the middle at the exterior and that of the driver's cabin in orange colour.

(2) A board with the inscription "National permit" valid in the State(s) of with blue letters on white background shall be carried in front top of such vehicle.

(3) No such vehicle shall carry any goods without a bill of lading in Form 50.

(4) The vehicle shall have a minimum of two drivers and shall be provided with a seat across its full width behind the driver's seat providing facility for the spare driver to stretch himself and sleep:

¹²⁹[Provided that this sub-rule shall apply to light motor vehicle and medium goods vehicles only from a date to be notified by the Central Government.]

¹²⁷ Inserted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31-5-2002).

¹²⁸ R 89 omitted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001). Earlier R. 89 was inserted by G.S.R. 76(E), dated 31-1-2000 (w.e.f. 31-1-2000). Before that R. 89 was omitted by G.S.R. 684(E), dated 5-10-1999 (w.e.f. 22-10-1999).

¹²⁹ Inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

(5) The vehicle shall at all times carry the following documents and shall be produced on demand by an officer empowered to demand documents by or under the Act, namely:—

(i) Certificate of fitness,

(ii) Certificate of insurance,

(iii) Certificate of registration,

(iv) National permit,

(v) Taxation certificate,

(vi) Authorisation.

(6) The vehicle shall be subject to all local rules or restrictions imposed by a State Government.

(7) The vehicle shall not pick up or set down goods between two points situated in the same State ¹³⁰[other than the home State].

CHAPTER V

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES Preliminary

91. Definitions.—In this Chapter, unless the context otherwise requires,—

(a) "class label", in relation to any dangerous or hazardous goods, means the class label specified in column 3 of the Table to rule 137;

(b) "consignor", in relation to dangerous or hazardous goods intended for transportation by a goods carriage, means the owner of such dangerous or hazardous goods;

(c) "dangerous or hazardous goods", means the goods of dangerous or hazardous nature to human life specified in Tables I, II, and III to rule 137;

(d) "emergency information panel", means the panel specified in rule 134;

(e) "primary risk", in relation to any dangerous or hazardous goods, means the most potent risk which such goods give rise to;

(*f*) "subsidiary risk", in relation to any dangerous or hazardous goods, means the subsidiary risk which such goods are likely to give rise to in addition to the primary risk.

92. General.—(1) No person shall use or cause or allow to be used in any public place any motor vehicle which does not comply with the provisions of this Chapter:

¹³⁰ Inserted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

¹³¹[Provided that nothing contained in this rule shall apply to vehicles manufactured prior to the coming into force of the Central Motor Vehicles (Amendment) Rules, 1993.]

(2) Nothing in this rule shall apply to a motor vehicle-

(a) which has been damaged in an accident or to a vehicle stopped or impeded owing to shortage of fuel or other temporary defects while at the place at which the accident or defect occurred;

(b) which is defective or damaged and is being removed to the nearest place of repair or disposal; or

(c) which is more than fifty years old from the date of its registration and is being driven for taking part in a vintage car rally:

Provided that where a motor vehicle can no longer remain under the effective control of the person driving, the same shall not be used in a public place except by towing.

¹³²[Explanation.—For the purposes of this rule, "motor vehicle" includes construction equipment vehicle.]

¹³³[(3) Testing of components conforming to standards in lieu of Indian Standards: Whenever a part, component or assembly is used in a vehicle complying with standards in lieu of those notified in these rules such as an international standard (for example, EEC/ECE/IEC/ISO or such other standards) or a foreign national standard, permission for use of such parts, component or assembly complying with such standards shall be approved by the Central Government.

In such cases, the compliance of parts, components or assemblies to such international or foreign national standards will be established for the purpose of rule 126, by a certificate of compliance issued by an authorized certifying agency or by an accredited certifying agency of the country of origin for such international or foreign national standards and vetted by a testing agency as referred to in rule 126.]

Overall dimension

93. Overall dimension of motor vehicles.—(1) The overall width of a motor vehicle, measured at right angles to the axis of the motor vehicle between perpendicular planes enclosing the extreme points, ¹³⁴[shall not exceed 2.6 metres.]

¹³⁵[* * *]

¹³¹ Inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹³² Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

¹³³ Inserted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

¹³⁴ Substituted by G.S.R. 221(E), dated 28-3-2001, for "shallnot exceed" (w.e.f. 28-3-2001).

¹³⁵ Cls. (i) and (ii) omitted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001).

¹³⁵ [* * *]

Explanation.—For purposes of this rule, a rear-view mirror, or guard rail or a direction indicator ¹³⁶[rub-rail (rubber beading) having maximum thickness of 20 mm on each side of the body] shall not be taken into consideration in measuring the overall width of a motor vehicle.

¹³⁷[(1-A) The overall width of a construction equipment vehicle, measured at right angles to the axis of the construction equipment velicle between perpendicular planes enclosing the extreme points, shall not exceed 3 metres while in the travel mode and such construction equipment vehicle ¹³⁸[shall be painted by yellow and black zebra stripes on the portion of the width that exceeds 2.6 metres] on the front and rear sides duly marked for night time driving/parking suitably by red lamps at the front and rear:] ¹³⁹[Provided that the zebra stripes need not be used on attachments.]

¹⁴⁰[(2) The overall length of a motor vehicle other than a trailer shall not exceed—

(i) in the case of motor vehicle other than transport vehicle having not more than two axles, 6.5 metres;

(*ii*) in the case of transport vehicle with rigid frame having two or more axles, 12 metres;

(iii) iii the case of articulated vehicles having more than two axles, 16 metres;

(iv) m the case of truck-trailer or tractor-trailer combination, 18 metres;

(v) in the case of 3 axle passenger transport vehicles, 15 metres;

(*vi*) in the case of single articulated (vestibule type) passenger transport vehicle, 18 metres (Please see the conditions given in note below);

(*vii*) in the case of double articulate passenger transport vehicles, 25 metres (Please see the conditions given in note below).

Note.—In the case of single articulated passenger transport vehicles of 18 metres length and double articulated passenger transport vehicles upto 25 metres, permission of the State Government shall be obtained regarding their plying on selected routes depending upon local road conditions, width, maneuverability of the vehicle in traffic, as deemed fit. These passenger transport vehicles will also be required to have a closed circuit TV

¹³⁶ Substituted by G.S.R. 221(E), dated 28-3-2001, for "(when in operation)" (w.e.f. 28-3-2001).

¹³⁷ Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

¹³⁸ Substituted by G.S.R. 116(E), dated 27-2-2002, for "shall be painted for the entire with by yellow and black zebra stripes" (w.e.f. 27-8-2002).

¹³⁹. Inserted by G.S.R. 116(E), dated 27-2-2002 (w.e.f. 27-8-2002).

¹⁴⁰ Sub-R. (2) substituted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001).

system for proper visibility in and around the passenger transport vehicle by the driver to maintain safety. Intercom system shall also be provided in such passenger transport vehicle. In addition, the standing passenger will be allowed only *on* the lower deck of double articulated passenger transport vehicle.]

(3) In the case of an articulated vehicle or a tractor-trailer combination specially constructed and used for the conveyance of individual load of exceptional length,—

(i) if all the wheels of the vehicle are fitted with pneumatic tyres, or

(ii) if all the wheels of the vehicle are not fitted with pneumatic tyres, so long as the vehicle is not driven at a speed exceeding twenty-five kilometers per hour, the overall length shall not exceed 18 metres.

Explanation.—For the purposes of this rule "overall length" means the length of the vehicle measured between parallel planes passing through the extreme projection points of the vehicle exclusive of—

(i) a starting handle;

(ii) any hood when down;

(iii) any fire-escape fixed to a vehicle;

(iv) any post office letter-box, the length of which measured parallel to the axis of the vehicle, does not exceed 30 centimeters;

(v) any ladder used for loading or unloading from the roof of the vehicle or any tail or indicator lamp or number plate fixed to a vehicle;

(vi) any spare wheel or spare wheel bracket or bumper fitted to a vehicle;

(*vii*) any towing hook or other fitment which does not project beyond any fitment covered by clauses (*iii*) to (*vi*).

¹⁴¹[(3-A)The overall length of the construction equipment vehicle, in travel shall not exceed 12.75 metres:

Provided that in the case of construction equipment vehicle with more than two axles, the length shall not exceed 18 metres.

Explanation.—For the purposes of this sub-rule "overall length" means the length of the vehicle measured between parallel planes through the extreme projection points of the vehicle, exclusive of—

(*i*) any fire-escape fixed to a vehicle;

(ii) any ladder used by the operator to board or alight the vehicle;

(iii) any tail or indicator lamp or number plate fixed to a vehicle;

¹⁴¹ Inserted by G.S.R 642(E),dated 28-7-2000 (w.e.f. 28-7-2000).

(iv) any sphere wheel or sphere wheel bracket or bumper fitted to a vehicle;

(v) any towing hook or other fitments;

(vi) any operational attachment on front, rear or carrier chassis of construction equipment vehicle in travel mode.]

(4) The overall height of a motor vehicle measured from the surface on which the vehicle rests,—

(i) in the case of a vehicle other than a double-decked ¹⁴²[transport veliicle], shall not exceed 3.8 metres;

¹⁴³[(ii) in the case of a double decked transport vehicle, shall not exceed 4.75 metres;

(ii-a) in the case of tractor-trailer goods vehicle, shall not exceed 4.20 metres;]

(iii) in the case of a laden trailer carrying ISO series 1 Freight Container, shall not exceed 4.2 metres:

Provided that the provisions of clauses (i) to *(iii)* shall not apply to fire-escape tower wagons and other special purpose vehicles exempted by genera! or special order of registering authority.

¹⁴⁴[(7-A) No part of the construction equipment vehicle in travel mode other than a direction indicator, or a driving mirror, shall project laterally more than 300 millimetres beyond the extreme outer edge of the tyres or wheel drums regardless of single or dual tyres or rollers.]

¹⁴⁵[(8)] No motor vehicle shall be loaded in such a manner that the load or any part thereof extends,—

(i) laterally beyond the side of the body;

(ii) to the front beyond the foremost part of the load body of the vehicle;

(iii) to the rear beyond the rear most part of the vehicle;

(*iv*) to a height beyond the limits specified in sub-rule (4):

Provided that clause *(iii)* shall not apply to a goods carriage when loaded with any pole or rod or indivisible load so long as the projecting part or parts do not exceed the distance of one metre beyond the rear most point of the motor vehicle.

¹⁴⁶[93-A. Overall dimension for agricultural tractors.—(1) The overall width of the agricultural tractor shall not exceed 2.6 metres.

¹⁴² Substituted by G.S.R. 589(E), dated 16-9-2005, for "motor vehicle" (w.e.f. 16-9-2006).

¹⁴³ CI. (ii) substituted by G.S.R. 589(E),dated 16-9-2005(w.e.f. 16-9-2006).

¹⁴⁴ Inserted by G.S.R. 642(E),dated 28-7-2000 (w.e.f. 28-7-2000).

¹⁴⁵ Renumbered by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

(2) The overall length of the agricultural tractor shall not exceed 6.5 metres.

(3) The overall height of the agricultural tractor shall not exceed 3.8 metres.

(4) The overhang of the agricultural tractor shall not exceed 1.85 metres:

Provided that lateral projection upto 700 millimetres beyond the central line of the rear wheel shall be permitted.]

¹⁴⁷[93-B. Overall dimension for power tillers.—(1) The overall length of the power tiller with a riding attachment shall not exceed 3.5 metres.

(2) The overall width of the power tiller with a riding attachment including case wheelers shall not exceed 1.5 metres.

(3) The maximum overall height of the power tiller shall not exceed 2.0 metres.

(4) The overall length of the power tiller when coupled to a trailer shall not exceed 6.0 metres.

(5) The maximum overall width of the power tiller when coupled to a trailer shall not exceed 1.7 metres.

(6) The maximum overall height of the power tiller when coupled to a trailer shall not exceed 2.0 metres.]

Size, nature and condition of tyres

94. Condition of tyres.— ¹⁴⁸[(1) ¹⁴⁹[Every motor vehicle including agricultural tractor and its trailer] shall be fitted with pneumatic tyres and every construction equipment vehicle, other than steel drum rollers of vibratory compactors or compactor rollers or road roller or a track laying vehicle, shall be fitted with pneumatic tyres or solid rubber tyres.]

(2) The pneumatic tyres of a motor vehicle including agricultural tractor and its trailer shall be kept properly inflated and in good and sound condition.

(3) For the purpose of sub-rule (2), a tyre shall not be deemed to be of good and sound condition if—

(i) any of the fabric of its casing is exposed by wear of the tread or by any unvulcanised cut or abrasion in any of its parts; or

(if) it shows signs of incipient failure by local deformation or swelling; or

¹⁴⁶ Inserted by G.S.R. 111(E), dated 10-2-2004 (w.e.f. 10-8-2004).

¹⁴⁷ R. 93-B inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2006).

¹⁴⁸ Substituted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

¹⁴⁹ Substituted by G.S.R. 111(E), dated 10-2-2004, for "Every motor vehicle" (w.e.f. 10-8-2004).

(iii) it has been patched or repaired by an outside gaiter or patch other than a vulcanised repair;

 150 [(i*v*) the Non-Skid Depth (NSD), shall not be less than 0.8 mm in the case of twowheeler and three-wheeler and 1.6 mm in the case of other motor vehicles, below the Tread Wear Indicator (TWI) embedded in tyres at the time of manufacture:]

Provided that the requirement specified in clause *(iii)* shall not apply to a temporary repair effected to enable the vehicle to be moved to the nearest place where the tyre can be repaired or replaced:

Provided further that where a motor vehicle, other than road roller or track laying vehicle, is not fitted with pneumatic tyres, it shall not be used in a public place unless it is fitted with shoes or other suitable device so that plying of such vehicle does not damage the road:

¹⁵¹[Provided also that the requirements of the Non-Skid Depth (NSD) and Tread Wear Indicator (TWI) specified in clause *(iv)* shall not be applicable for the agricultural tractor tyres.]

95. Size and ply rating of tyres.—¹⁵²[(1) The tyres including radial tyres used on all motor vehicles manufactured or imported on and after the 1st day of April, 2006, other than agricultural tractors, construction equipment vehicles and power tillers shall comply with the requirements specified in A1S:044 (Part 1 to 3): 2004 as applicable till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986):

Provided that the selection and fitment of tyres for motor vehicles manufactured or imported on and from the 1st day of April, 2006 shall be in accordance with AIS: 050:2004 in the case of two and three-wheelers and AIS: 051:2004 in the case other motor vehicles, till such time the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986):

Provided further that Central Institute of Road Transport, Pune and any other agency which may be authorised by Central Government from time to time can carry tests for verification against AIS:044:2004 for tyres for the purposes of rule 126.]

¹⁵⁰ Substituted by G.S.R. III(E),dated 10-2-2004, for "a motor vehicle" (w.e.i, 10-8-2004).

¹⁵¹ Inserted by G.S.R. III(E),dated 10-2-2004 (w.e.f. 10-8-2004).

¹⁵² Sub-R. (1) substituted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

¹⁵³[(2)The maximum gross vehicle weight and the maximum safe axle weight of each axle of a vehicle shall, having regard to the size, nature and number of tyres and maximum weight permitted to be carried by the tyres as per sub-rule (1), be-

(i) vehicle rating of the gross vehicle weight and axle weight respectively as duly certified by the testing agencies for compliance with rule 126, or

(ii) the maximum vehicle weight and maximum safe axle weight of each vehicle respectively as notified by the Central Government, or

(iii) the maximum total load permitted to be carried by the tyre as specified in sub-rule (1) for the size and the number of the tyres fitted on the axle(s) of the vehicle, whichever is less:

Provided that the maximum gross vehicle weight in respect of all vehicles, including multi axle vehicles shall not be more than the sum total of all the maximum safe axle weights put together.

¹⁵⁴[¹⁵⁵[(2-A) The size of the tyres of a construction equipment vehicle] specified in column (1) of the Table below shall have a ply rating specified in the corresponding entry in column (2) of the said Table in respect of maximum weight permitted to be carried by such tyre specified in the corresponding entry in column (3) thereof:

Provided that the maximum safe load for single axle with two or more tyres shall not exceed 10.2 tonnes.

OFF-THE-ROAD SERVICE: CONVENTIONAL AND WIDE BASE DIAGONAL PLY

TYRES

TABLE

AGRICULTURAL TRACTOR DRIVE WHEEL					
Tyre size Designation	Ply rating	Maximum weigh t permitted to be carried (Kgs.)			
8.3/8-24	4	630			
	6	825			
8.3/8-32	4 6	730			
		925			
11.2/10-28	4	900			
	6	1120			
	8	1320			
12.4/11-24	4	950			
	6	1215			

¹⁵³ Inserted by G.S.R 214(E), dated 18-3-1999 (w.e.f. 18-3-1999). ¹⁵⁴ Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000),

¹⁵⁵ Substituted by G.S.R. 720(E), dated 10-9-2003, for the brackets, figure and words "(2) The size of the tyres of a construction equipment vehicle" (w.e.f. 10-10-2003).

	0	1450
12.4/11-28	8 4	1450 1030
12.4/11-28		
	6	1285
	8	1550
	10	1600
	12	1650
12.4/11-36	4	1150
	6	1450
12.4/11-38	4	1180
	6	1500
	8	1750
13.6/12-28	4	1120
	6	1450
	8	1650
	10	1750
	12	1800
16.9/14-28	6	1850
	8	2180
	10	2430
	12	2725
ROAD GRADER		
13.00-24	8	2040
10.00 24	12	2485
14.00-24	12	3015
OFF TI IE ROAD HAUL		
	-	-
Tyre size Designation	Ply rating	Maximum weight permitted to be carried (Kgs.)
12.00-20	14	2650
	16	2900
12.00-24/25	14	3000
	16	3250
13.00-24/25	18	3875
14.00-24/25	16	4000
	20	4625
	24	5150
16.00-24/25	20	5450
	24	6000
	28	6700
18.00-24/25	12	4750
	16	5600
	20	6500
	20	7300
	24 28	8000
	32	8000
WIDE BASE	32	0730
	10	E000
23.5-25	12	5300
	16	6150
	20	7300
	24	8000

Note.—¹⁵⁶[1.] The load rating for tyres not covered by the aboveTable may be notified by the Central Government as and when such tyres are introduced on construction equipment vehicles, and until these are notified, the provisional load rating declared by the construction equipment vehicle manufacturer may be certified by the certifying test agency referred to in rule 126.]

¹⁵⁷[2. The maximum axle loading capacities shall be verified based on the safe loading capacities of the tyres. In cases where the axle load exceed 10.2 tonnes, the vehicle manufacturer shall ask the user to seek the prior permission of the concerned Regional or State Transport Authorities in whose jurisdiction the construction equipment vehicle is expected to ply depending upon the conditions of roads/bridges, where deemed fit. Such construction equipment vehicles whose axle load exceeds 10.2 tonnes shall display permanently on the vehicle a placard indicating "NOT FOR PLYING ON ROADS". These conditions shall be mentioned in the certificate, issued by the testing agencies referred to in the rule 126, where the axle load exceeds 10.2 tonnes.]

(3) No tyre shall have a ply rating more than 20, for applications of on-highway and such ply rating shall not be prescribed by either vehicle manufacturer or employed by vehicle user on this class of vehicle.

(4) Check on sub-rule (3) of rule 95 on commercial vehicles will be conducted by the authority indicated in sub-rule (1) of rule 126, while conducting the checks.]

¹⁵⁸[(5) Every tyre manufacturer shall, in addition to any trade mark or size of the tyre, also emboss on it the following, namely:—

- (i) Week and year code or month and year code of manufacture; and
- (ii) maximum load carrying capacity.]

¹⁵⁹[(6) In the case of Indian manufactured vehicles and imported vehicles (new and old), the size of tyres if included in the International Standards, namely, ECE, JATMA, ETRTO and T&RA besides Bureau of Indian Standards may also be accepted under this rule:

Provided that the following conditions shall be complied with:

(i) that testing agencies referred to in rule 126 shall satisfy themselves about

the load and speed rating of the tyre with reference to the Indian conditions;

 $^{^{\}rm 156}$ The existing note numbered as "1" by G.S.R. 116(E), dated 27-2-2002 (w.e.f. 27-8-2002).

¹⁵⁷ Inserted by G.S.R. 116(E), dated 27-2-2002 (w.e.f. 27-8-2002).

¹⁵⁸ Inserted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-9-2001).

¹⁵⁹ Inserted by G.S.R 400(E), dated 31-5-2002 (w.e.f. 31-5-2002).

(it) that the test report/certificate issued by the testing agency of the

country of origin shall be verified for acceptance by the testing agency referred to in rule 126;

(iii) that for tubeless tyres fitted on imported vehicles confirming to conditions (/) and (it) shall also be allowed.]

¹⁶⁰[95-A. Size and ply rating of tyres for agricultural tractor.—(1) The tyre of the agricultural tractor shall have load carrying capacity as may be specified by the tyre manufacturer, subject to the condition that the maximum load specified by the agricultural tractor manufacturer shall not be greater than the load permitted by the tyre manufacturer.

(2) The agricultural tractor manufacturer shall select only that rim size as recommended by the tyre manufacturer.

Note.—For compliance to the above two sub-rules, the following shall be referred to IS: 13154-1991 as amended from time to time—Tyres for agricultural tractor, implements and power tillers. In case a particular size of tyre is not listed in IS: 13154-1991, any equivalent International Standard like Economic Commission of Europe (ECE), Japanese Automotive Tyre Manufacturers Association (JATMA), European Tyre and Rim Technical Organisation (ETRTO), The Tyre and Rim Association Inc. (T & RA) and Indian Tyre Technical Advisory Committee (ITTAC), etc., shall be accepted.]

¹⁶¹[95-B. Size and ply rating of tyres for power tillers.—(1) The tyre should have load carrying capacity as specified by the tyre manufacturer, however, the maximum load specified by the power tiller manufacturer shall not be greater than that permitted by the tyre manufacturer.

(2) The power tiller manufacturer shall select the recommended/ preferred rim sizes only, as suggested by the tyre manufacturer.

Note.—For compliance to this rule, the following standards shall be referred to, namely:—

(i) 1ST3154-1991, as amended from time to time-Tyre for agricultural tractor, implement and power tillers.

(it) In case a particular size of tyre is not listed in IS: 13154-1991, as amended from time to time, any equivalent International Standard like ECE, JATMA, ETRTO, TNRA, ITTAC, etc.]

¹⁶⁰ Inserted by G.S.R 111(E), dated 10-2-2004 (w.e.f. 10-8-2004).

¹⁶¹ R 95-B inserted by G.S.R. 5S9(E),dated 16-9-2005 (w.e.f. 16-9-2006).

Brakes, steering gears, safety glass and windscreen wipers

96. Brakes.—¹⁶²[(1) Every motor vehicle, other than a motor cycle, three-wheeled invalid carriage, trailer or a road roller shall be equipped with two independent and efficient braking systems, namely, the parking brake and foot operated service brake:

Provided that a motor cycle and three-wheeled invalid carriage shall be equipped with the independent and efficient braking systems, either both hand operated or one foot operated and the other hand operated.]

(2) The braking system shall be of strength capable of stopping the vehicle within the distance specified in sub-rule (8) and of holding it at rest in all conditions and all such brakes at all time be properly connected and maintained in efficient condition.

(3) In every motor vehicle ¹⁶⁴[other than agricultural tractors,] the brakes operated by one of the means of operation shall act directly upon the wheel and not through the transmission gear.

¹⁶⁵[(4) Every motor vehicle manufactured on and after the 1 st day of April, 2006 shall have a braking system whose performance shall conform to the following Indian Standard, namely:—

(i) for two-wheelers and three-wheelers IS:14664:1999, as amended from time to time.

SI. No	Type of vehicle	Load	Test speed (The speed at which the brake should be applied) (Kmph)	Type of brake	Stopping distance (m)
1.	All vehicles other than	Laden to the	30	Fool operated	13
	motor cycles, three-	registered	30	service	13
	wheelers and agricultural				
	tractors	Unladen			
	Do	Laden or	40	do	21
	Do	Unladen	40	do	21
2.	Motorcycles	Unladen	30	Foot or hand operated	21
3.	Three-wheelers	Unladen	30	Foot operated	13 Kg
	including three-wheeler			(brakes	
	tractors for trailer			operational: on at	
				least two wheels)	
4.	Agricultural tractors	Laden to test	25	Foot operated	10
		mass		service	

Table.

¹⁶² Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹⁶³ Proviso omitted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹⁶⁴ Added by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹⁶⁵ Sub-R. (4) substituted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

5.	All other than three-	Laden to the	30	-do-	12.7
	wheelers of engine	registered	40	-do-	15.0
	capacity not exceeding	GVW or	30	-do-	9.3
	500 cc, motor cycles and	Unladen	40	-do-	12.0
	agricultural tractors				

For the purpose of this test for vehicles other than motor cycles the "unladen" means the vehicle is without any load and shall carry only the driver and another person for specific purpose of supervising the test, and the instruments, if any. In the case of motor cycles, the "unladen" means that vehicle will carry only the single rider and the measuring instrument, if any.]

¹⁶⁶[(9) The following category of vehicles shall be fitted with Anti-Lock Braking System conforming to IS:11852:2003 (Part 9):--

(0 N2 and N3 category of vehicles other than tractor-trailer combination manufactured on and after the 1st day of October, 2006 meant for carrying hazardous goods and liquid petroleum gas;

(ii) N3 category vehicles manufactured on and after the 1st day of October 2007, which are double decked transport vehicles;

(iii) N3 category vehicles manufactured on and after the 1st day of October 2007, that are used as tractor-trailer combinations.

(iv) M3 category of buses that ply on All India Tourist permit, manufactured on and after the 1st day of October, 2007.]

¹⁶⁷[96-A. Brakes for construction equipment vehicle.—(1) Construction equipment vehicle with hydrostatic transmission shall employ either hand or foot operated hydrostatic braking system both for service and parking brake system acting at least on two wheels on the same axle or drum.

(2) The braking system shall be of a strength capable of stopping the vehicle within the distance specified in sub-rule (8) and of holding it at rest in all conditions, and all such brakes shall at all times be properly conducted and maintained in efficient condition.

(3) In every construction equipment vehicle, other than those having hydrostatic transmission, the brakes operated by any of the means of operation shall act directly upon the wheel or at a suitable location in the power train provided that such an action does not discouple, disengage or isolate- the braking action from the wheels.

(4) Every construction equipment vehicle which manufactured on or after the commencement of the Motor Vehicles (Sixth Amendment) Rules, 2000, shall have a

 ¹⁶⁶ Sub-R. (9) inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).
 ¹⁶⁷ Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

braking system whose performance shall ^[conform to the test and stopping distance formula as specified in sub-rule (7)].

(5) The braking system or one of the braking systems of construction equipment vehicle, shall be so constructed and maintained that it can effectively prevent at least two wheels or drums from revolving when the vehicle is left unattended and it shall be designed to be applied through hand or foot or automatically when engine is not running.

(6) In the case of construction equipment vehicles with four or more than four wheels, the service brake shall work on at least two wheels of the vehicle.

¹⁶⁸[(7)The service braking system of the construction equipment vehicle shall be capable of bringing the vehicle to a halt within the stopping distance as calculated by the formula given below, when tested in unladen condition and attachment carry position at a speed corresponding to 80 per cent, of the design maximum speed. The test shall be conducted in the forward direction of travel on a dry level hard road in good condition and during the test the acceleration control or travel shall be fully released and in the case of vehicle with manual gear shifting control, the top gear and the clutch shall be engaged.]

STOPPING DISTANCE FORMULA

 $S \le 0.15v + (V^2/130),$

Where S is the Stopping distance in metres,

V is the test speed corresponding to 80% of design maximum speed in Km / h.,

Control force $F \leq 700$ Newtons.

Explanation.—For the purposes of this sub-rule, "unladen" means the construction equipment vehicle in travel mode without any load except the driver and another person for the specific purpose of supervising the test and the instruments, if any:

Provided that while the stopping distance formula mentioned above remain unchanged, the construction equipment using hydrostatic transmission, the brake test shall be performed by positioning the gear change lever to the neutral position.]

¹⁶⁹[¹⁷⁰[96-B. High Speed Braking Requirements].—For high speed braking, the following test procedure shall be followed, namely:—

¹⁶⁸ Substituted by G.S.R. 116(E), dated 27-2-2002 (w.e.f. 27-8-2002).

¹⁶⁹ Inserted by G.S.R. 400(E) dated 31-5-2002 (w.e.f. 31-5-2002).

¹⁷⁰ Substituted by G.S.R. 720(E), dated 10-9-2003, for the figures, letter and words "96-A High Speed Braking Requirements" (w.e.f. 10-10-2003).

(a) in the case of Category M-I, the P type, service brake test as defined under IS: 11852-2001—Part 3, shall be carried out in the engine connected mode at a test speed of 120 km/h or at 80% of the design maximum speed of the vehicle, whichever is lower.

(b) the stopping distance requirements shall be according to the following formula, namely:---

 $S \le 0.1 V + (V^2/130)$:

where, S is the Stopping Distance in mtrs. V is the test speed in km/h, and Control force F< 500 Newtons.

Provided that this sub-rule shall be applicable in case of new vehicles yet to be type approved after six months, and in case of already type approved vehicles, twelve months, from the date of the commencement of the Central Motor Vehicles (Third Amendment) Rules, 2002.]

¹⁷¹[96-C Brakes for agricultural tractor.—The braking system of the agricultural tractor shall conform to IS: 12061-1994 and IS: 12207-1999, as amended from time to time.]

¹⁷²[96-D. Braking requirements for power tillers.—The power tillers when coupled to a trailer shall meet the following requirements, namely:—

(i) the brake test for the power tiller coupled to a trailer shall be carried out with a gross combination weight not exceeding 1.5 tons as declared by the manufacturer;

(*ii*) The brake test shall be conducted at a speed of 15 km/h to meet the stopping distance requirement of 7.5 metres with the pedal effort not exceeding 600N;

(iii) The trailer coupled to the power tiller shall be fitted with a parking brake capable of holding the combination on an up-slope and down-slope gradient of 12%.]

97. Brakes for trailers.—(1) ¹⁷³[Every trailer, other than a tractor-drawn trailer, having five hundred kilograms and more of weight] shall have an efficient braking system which are capable of being applied when it is being drawn,—

(i) in the case of trailer having not more than two axles, to at least all the wheels of one axle; or

(*ii*) in the case of a trailer having more than two axles, to at least all the wheels of two axles:

Provided that the braking system shall be so constructed that it is not rendered ineffective by the non-rotation of the engine of the drawing vehicle.

¹⁷¹ Inserted by G.S.R. 111(E), dated 10-2-2004 (w.e.f. 10-8-2004).

¹⁷² R. 96-D inserted by G.S.R 589(E), dated 16-9-2005 (w.e.f 16-9-2006).

¹⁷³ Substituted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

(2) The provision of sub-rule (1) shall not apply to,-

(i) any land implement drawn by a motor vehicle;

(ii) any trailer designed for use and used by a local authority for street cleansing or by the fire service for fire fighting, which does not carry any load other than its necessary gear and equipment;

(iii) any disabled vehicle which is being drawn by a motor vehicle in consequence of its disablement.

98. Steering gears.—(1) The steering gear of every motor vehicle shall be maintained in good and sound condition, free from back-lash exceeding 30 degrees on the steering wheel, all ¹⁷⁴[ball joints connecting the steering linkage,] shall be protected by rubber caps and where the connections are secured with bolts or pins, the bolts or pins shall be effectively locked.

¹⁷⁵[(2) The steering gear of every motor vehicle shall be so constructed as to conform to IS: 12222-1987, as amended from time to time.]

¹⁷⁶[(3) ¹⁷⁷[On and after 1st May, 2003], the steering effort of all motor vehicles other than three-wheelers not fitted with steering wheel, motor cycles, ¹⁷⁸[and invalid carriages] manufactured shall conform to the Indian Standard IS: 11948-1999, as amended from time to time.]]

¹⁷⁹[(4) Every heavy passenger motor vehicle manufactured after expiry of six months from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 2000 (including the date of such commencement), shall be fitted with power steering gears.]

¹⁸⁰[(5) The power steering shall be fitted in,—

(a) the Category N3 multi-axle vehicles on and from 1st May, 2004; and

(b) other than multi-axle vehicles of Category N3 on and from 1st December, 2004.]

¹⁷⁴ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹⁷⁵ Sub-R. (2) substituted by G.S.R. 111(E), dated 10-2-2004 (w.e.f. 10-8-2004).

¹⁷⁶ Sub-R.(3) substituted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31-5-2002).

¹⁷⁷ Substituted by G.S.R. 845(E), dated 27-12-2002, for "On and after 1st January, 2003" (w.e.f. 27-12-2002).

¹⁷⁸ Substituted by G.S.R. 111(E), dated 10-2-2004, for "invalid carriages and agricultural tractors" (w.e.f. 10-8-2004).

¹⁷⁹ Inserted by G.S.R. 65(E), dated 25-1-2000 (w.e.f. 25-1-2000).

¹⁸⁰ Sub-R (5) substituted by G.S.R. III(E),dated 10-2-2004 (w.e.f. 10-8-2004). Earliersub-

R. (5) was inserted by G.S.R. 845(E), dated 27-12-2002 (w.e.f. 27-12-2002).

¹⁸¹[98-A. Steering gears for construction equipment vehicles.—(I)The steering system of every construction vehicle shall be maintained in good and sound condition, with backlash not exceeding 30 degrees on the steering wheel when tested with the engine running; ball-joints connecting the steering linkage of the mechanical steering system shall be protected by rubber caps and where the connections are secured with bolts or pins, the bolts or pins shall be effectively locked; in the case of hydrostatic steering system the moving parts shall be effectively sealed and protected from dust ingress.

(2) The steering system of the construction equipment vehicle shall be adequately designed to ensure efficient and effective control of the vehicle under all the driving conditions and shall be so constructed as to conform to the Indian Standards IS: 12222-(1987), as modified from time to time.

(3) The steering effort of the construction equipment vehicles during normal unladen operation shall not exceed 11.7 kg push/pull for hydrostatic steering system and 20 kg for manual steering wheel system when evaluated as per clauses 5.1 to 5.4 of Indian Standards IS: 11948-(1986) as specified by the Bureau of Indian Standards.]

¹⁸²[98-B. Steering Gears for agricultural tractors.—(1) The steering gear of agricultural tractor shall be maintained in good and sound condition, free from backlash exceeding 30 degrees on the steering wheels. All ball joints connecting the steering linkage shall be protected by rubber caps and where the connections are secured with bolts, or pins, the bolts or pins shall be effectively locked.

(2) The turning circle diameter and turning circle clearance diameter of every agricultural tractor shall conform to IS: 11859-1986, as amended from time to time.

(3) The steering effort requirement of agricultural tractor shall conform to Automotive Industry Standard (AIS): 042 as amended from time to time, till such time the corresponding BIS standard is notified.]

¹⁸³[98-C. Steering gear for power tillers.—The turning circle diameter and the turning clearance circle diameter of power tillers coupled to trailers, when measured as per IS:12222:1987, as amended from time to time, shall not exceed 10 metres.]

99. Forward and backward motion.—Every ¹⁸⁴[motor vehicle including ¹⁸⁵[construction equipment vehicle] and agriculture tractor] other than a motor cycle and three-wheeled

¹⁸¹ Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

¹⁸² Inserted by G.S.R. III(E), dated 10-2-2004 (w.e.f. 10-8-2004).

¹⁸³ R. 98-C inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2006).

¹⁸⁴ Substituted by G.S.R. 116(E), dated 27-2-2002, for "motor vehicle" (w.e.f. 27-8-2002).

invalid carriages, shall be capable of moving under its own power ¹⁸⁶[in the reverse direction also]:

¹⁸⁷[Provided that power tillers with a riding attachment and power tillers coupled to trailers shall be capable of moving under its own power in the reverse direction also.]

100. Safety glass.—(1) The glass of windscreens and the windows of every motor vehicle ¹⁸⁸[other than agricultural tractors] shall be of safety glass:

Provided that in the case of three-wheelers and vehicles with hood and side covers, the windows may be of ¹⁸⁹[acrylic or plastic transparent sheet.]

Explanation.—For the purpose of this rule,—

(i) "safety glass" means glass ¹⁹⁰[conforming to the specifications of the Bureau of Indian Standards or any International Standards [* * *]] and so manufactured or treated that if fractured, it does not fly or break into fragments capable of causing severe cuts;

(ii) any windscreen or window at the front of the vehicle, the inner surface of which is at an angle ¹⁹¹[more than thirty degrees] to the longitudinal axis of the vehicle shall be deemed to face to the front.

¹⁹²[(2) The glass of the windscreen and rear window of every motor vehicle shall be such and shall be maintained in such a condition that the visual transmission of light is not less than 70%. The glasses used for side windows are such and shall be maintained in such condition that the visual transmission of light is not less than 50%, and shall conform to Indian Standards ¹⁹³[IS: 2553— Part 2—1992];

¹⁹⁴[(3) The glass of the front windscreen of every motor vehicle ¹⁹⁵[other than twowheelers and agricultural tractors] manufactured after three years from the coming into

¹⁸⁵ Substituted by G.S.R. 111(E), dated 10-2-2004, for "construction equipment vehicle" (w.e.f. 10-8-2004).

¹⁸⁶ Substituted by G.S.R. 338(E), dated 26-3-1993, for "either forwards or backwards" (w.e.f. 26-3-1993).

¹⁸⁷ Proviso inserted by GS.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2006).

¹⁸⁸ Inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹⁸⁹ Substituted by G.S.R. 338(E), dated 26-3-1993, for "acrylic transport sheet" (w.e.f. 26-3-1993).
¹⁹⁰ Substituted by G.S.R. 933(E), dated 28-10-1989, for "approved by" (w.e.f. 28-10-1989). I.The words "as certified by the Automobile Research Association of India, Pune"

omitted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999). ¹⁹¹ Substituted by G.S.R. 214(E), dated 18-3-1999, for "extending to thirty degrees" (w.e.f. 18-3-1999).

¹⁹² Sub-R. (2) substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

¹⁹³ Substituted by G.S.R. 214(E), dated 18-3-1999, for "IS:2253 Part 2" (w.e.f. 18-3-1999).

¹⁹⁴ Inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

force of the Central Motor Vehicles (Amendment) Rules, 1993 shall be made of laminated safety glass:

¹⁹⁶[Provided that on and from three months after the commencement of the Central Motor Vehicles (Amendment) Rules, 1999, the glass of the front windscreen of every motor vehicle other than two-wheelers and agricultural tractors shall be made of laminated safety glass conforming to the Indian Standards IS: 2553—Part 2—1992.]

Explanation.—For the purpose of these sub-rules "laminated safety glass" shall mean two or more pieces of glass held together by an intervening layer or layers of plastic materials. The laminated safety glass will crack and break under sufficient impact, but the pieces of the glass tend to adhere to the plastic material and do not fly, and if a hole is produced, the edges would be less jagged than they would be in the case of an ordinary glass.

¹⁹⁷[(3-A) The glass of the front windscreen of a construction equipment vehicle manufactured after 3 years from the date of commencement of the Central Motor Vehicles (Sixth Amendment) Rules, 2000 shall be made of laminated safety glass.]

(4) Notwithstanding anything contained in this rule if the Central Government is of the opinion that it is necessary and expedient to do so in public interest, it may, by order published in the Official Gazette, exempt ¹⁹⁸[any motor vehicle including construction equipment vehicle] for use by any person, from the provisions of this rule.]

¹⁹⁹[101. Windscreen wiper.—(1) An efficient power operated ²⁰⁰[* * *] windscreen wiper shall be fitted to every motor vehicle having a windscreen, other than three-wheeled invalid carriage ²⁰¹[and motor cycles].

(2) One year from the date of commencement of Central Motor Vehicles (Amendment) Rules, 1993, ²⁰²[all motor vehicles other than three-wheelers, motor cycles and invalid carriages ²⁰³[manufactured on and after 1st January, 2003 in respect of Category MI vehicles, and in respect of other vehicles, on and after 1st May, 2003], having a wind

²⁰³ Substituted by G.S.R. 845(E), dated 27-12-2002, for "manufactured on and after 1st January, 2003" (w.e.f. 27-12-2002).

¹⁹⁵ Substituted by G.S.R. 214(E), dated 18-3-1999, for "other than agricultural tractors" (w.e.f. 18-3-1999). ¹⁹⁶ Inserted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

¹⁹⁷ Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

¹⁹⁸ Substituted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

¹⁹⁹ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²⁰⁰ The words "or foot operated" omitted by G.S.R. 214(E), dated 18-3-1999 (w e l" 18-3-1999).

²⁰¹ Substituted by G.S.R. 589(E), dated 16-9-2005, for "motor cycles and three-wheelers of engine capacity not exceeding 500 cc" (w.e.f. 1-4-2006).

²⁰² Substituted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31-5-2002).

screen shall be fitted with a wind screen wiping system which shall conform to the requirements laid down in the following standards, as amended from time to time, till such time the corresponding Bureau of Indian Standards specifications are notified:

(i) A1S 019/2001, in the case of M-I category of vehicles *(ii)* AIS 011/2001, in the case of other vehicles.] ²⁰⁴[(2-A) All construction equipment vehicles having windscreen shall be fitted with an efficient power operated windscreen wiping system. The windscreen wiping system shall conform to the requirements of the standards as may be specified from time to time under these rules.] ²⁰⁵[* * *]

²⁰⁶[102. Signalling devices, direction indicators and stop lights.—²⁰⁷[(1) The signal to turn to the right or to the left shall be given by electrically operated direction indicator lamps on all motor vehicles including construction equipment vehicles. Every construction equipment vehicle shall be fitted and maintained so that the following conditions are met, namely:—

(i) The direction indicator lamps shall be of amber colour which is illuminated to indicate the intention to turn, by a light flashing at the rate of not less than 60 and not more than 120 flashes per minute.

(ii) The light emitted by the lamp when in operation shall be clearly visible from both front and rear of the vehicle.

(iii) The minimum illuminated area of each direction indicator shall be 60 square centimeters:

Provided that nothing contained in this sub-rule shall apply to L1 category of motor cycles.]

²⁰⁸[(2) On all vehicles other than motor cycles, ²⁰⁹[the intention to stop the vehicle (other than construction equipment vehicle having hydrostatic brakes)] shall be indicated by two electrical stop lamps which shall be red in colour and shall be fitted one on each left and right-hand sides at the rear of the vehicle. The stop lamps shall light up on the actuation of the service brake control. In the case of motor cycle, the intention to stop the vehicle shall be indicated by one stop lamp at the rear which shall light up on the actuation of the control operating the brakes on the rear wheels.]

²⁰⁴ Sub-R. (2-A) substituted by G.S.R. 116(E), dated 27-2-2002 (w.e.f. 27-8-2002). Earlier sub-R. (2-A) was inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

²⁰⁵ Sub-R. (3) omitted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

²⁰⁶ Substituted by G.S.R. 33S(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²⁰⁷ Sub-R. (1) substituted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 14-2006).

²⁰⁸ Sub-R. (2) substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

²⁰⁹ Substituted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

(3) One year from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1993, the stop lamp of every motor cycle shall be so designed and fitted that it will light up on actuation of any of the controls which actuate the brakes on any wheel.]

103. Position of the indicator.—(1) A direction indicator shall be fitted and every direction indicator shall be so designed and fitted that -"[the driver of the vehicle including a construction equipment vehicle] when in his driving seat is aware that it is operating correctly.

²¹⁰ [(2) One year from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1993, ²¹[every motor vehicle including a construction equipment vehicle] other than ²¹¹[* * *] motor cycles shall be equipped with such a device that when the vehicle is in an immobilized condition all the direction indicators flash together giving hazard warning to other road users.]

²¹²[104. Fitment of reflectors.—²¹³[(1) Every motor vehicle manufactured *on* and after the 1st day of April, 2006, including trailers and semi-trailers, other than three-wheelers and motor cycles shall be fitted with two red reflectors, one each on both sides at their rear. Every motor cycle shall be fitted with at least one red reflex reflector at the rear:

Provided that a reflective tape or reflective paint of not less than 20 mm width and running across the width of the body shall be affixed/painted at the front and rear of every goods carriage.]

(2) Every goods carriage vehicle including trailers and semi-trailers other than threewheeler ²¹⁴[* * *] shall be fitted with two white reflectors one each at the extreme right and left bottom corners in the front of the vehicle and facing to the front. The reflecting area of each reflector shall not be less than 28.5 sq. centimetres, in the case of vehicles with overall length of more than 6 metres, and not less than 7 sq. centimetres in case of other vehicles.]

²¹⁰ Substituted by G.S.R. 116(E), dated 27-2-2002, for "the driver of the vehicle" and "every motor vehicle", respectively (w.e.f. 27-8-2002).

²¹¹ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²¹² 23. The words "three wheelers of engine capacity not exceeding 500 cc and" omitted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 1-4-2006).

²¹³ Sub-R. (1) and the proviso substituted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

²¹⁴ The words "of engine capacity not exceeding 500 cc" omitted by G.S.R. 589(E), dated 16.0, 2005 (m a f 1, 4, 2006)

^{16-9-2005 (}w.e.f. 1-4-2006).

²¹⁵[(3) All trailers including semi-trailers, other than those drawn by three-wheeled tractors ²⁵[* * *] shall be fitted with the following reflex reflectors, namely,—

(i) two white reflex reflectors in the front, one each at the right and left corners at a height not exceeding 1500 mm above the ground,

(ii) two red reflex reflectors in the rear, one each at the right and left corners at a height not exceeding 1500 mm above the ground, and

(iii) the area of the reflectors referred to above shall not be less than 28.5 sq. cm. in the case of trailers with overall length exceeding 6 metres and shall not be less than 7 sq. cm. in case of other trailers.]

²¹⁶[(4) On and after expiry of one year from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1999, the reflectors referred to in this rule and in rule 110 shall be of reflex type conforming to ²¹⁷[AIS:057:2005 till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986)].

²¹⁸[(5) On and from the date of commencement of the Central Motor Vehicles Rules, 1993, every motor vehicle and trailer of length exceeding 6 metres shall be fitted with two amber coloured reflex reflectors on each left hand and right hand of the vehicle, one set as close to the front end as possible and the other set as close to the rear end as possible. The height of the side reflectors above the ground shall not be more than 1500 mm. The area of each reflector shall not be less than 28.5 sq. cm.:

Provided that in case the distance between the two side reflectors is more than 3 metres, additional intermediate side reflectors shall be fitted so that the distance between any adjacent side reflector is not more than 3 metres.]

²¹⁹[104-A. Fitment of reflectors on construction equipment vehicles.—All construction equipment vehicles shall be fitted with—

(i) two white reflex reflectors in the front of the vehicle on each side and visible to oncoming vehicles from the front at night;

(ii) two red reflectors in the rear of the vehicle, one each at right and left corners, at a height not exceeding 1500 mm above the ground in the case of unobstructed vision from

²¹⁵ 26. Substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

²¹⁶ Substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999). Earlier sub-R. (4) was substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²¹⁷ Substituted by G.S.R. 589(E), dated 16-9-2005, for "the Indian Standards IS:8339— 1993 specified by the Bureau of Indian Standards" (w.e.f. 1-4-2006).

²¹⁸ Substituted by G.S.R 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²¹⁹ Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

the rear and the implement or device shall not obstruct the visibility of the reflectors to the following vehicle;

(iii) two sets of amber coloured side reflex reflectors, one each on left hand and right hand sides of the vehicle, one set as close to the front end and the other set as close to the rear end as possible to the basic machine without attachments and if the distance between the two amber side reflex reflectors is more than 3 metres, additional intermediate amber side reflex reflectors shall be fitted so that the distance between any adjacent amber side reflex reflector is not more than 3 metres:

²²⁰[Provided that the fitment of reflex reflectors on the implements such as booms of cranes and anus of shovels, shall not be mandatory. However, wherever possible the fitment of these reflectors may be done considering the working environment/nature of these machines in the fields;]

(iv) the reflecting area of each reflex reflector shall not be less than 28.5 sq. cms;

(v) the construction equipment vehicle shall be fitted with a retro-reflective tape or retroreflective paint of not less than 20 millimeters width, running across the width of the body at the front and rear, and the colour of the reflective tape or reflective paint shall be white at the front and red at the rear;

(vi) the reflectors referred to in this sub-rule, shall be of reflex type conforming to Indian Standards IS: 8339 specified by the Bureau of Indian Standards;

(vii) the retro-reflective tape and paint shall be as per clause 801 and 803 of Ministry of Surface Transport (Roads Wing) specifications for Road and Bridge works (3rd Revision, 1995) as amended from time to time.]

²²¹[104-B. Fitment of reflectors for agricultural tractors.—(1) Every agricultural tractor manufactured on and after the 1st day of April, 2006 shall be fitted with two non-triangular red reflectors of not less than 7 sq. cm reflecting area one each on both sides at the rear.

(2) The reflectors referred in sub-rule (1) of this rule shall be of the reflex type conforming to AIS:057:2005 till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).

104-C. Fitment of reflectors on power tillers.—(1) On and from one year from the date of commencement of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, every power tiller shall be fitted with two white reflex reflectors of not less than 7 sq. cm

²²⁰ Substituted by G.S.R. 116(E), dated 27-2-2002, for the proviso (w.e.f. 27-8-2002).

²²¹ R. 104-B inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

reflecting area in the front of the vehicle one on each side and visible to oncoming vehicles from the front at night, conforming to AIS:057:2005 till corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).

(2) In the case of trailers attached to power tillers, two red reflectors of not less than 7 sq.cm reflecting area in the rear side, one each at right and left corners, at a height not exceeding 1500 mm above the ground shall also be fitted.]

105. Lamps.—²²²[(1) Save as hereinafter provided, every motor vehicle, while being driven in a public place, during the period half an hour after sunset and at any time when there is no sufficient light, shall be lit with the following lamps which shall render clearly discernible persons and vehicles on the road at a distance of one hundred and fifty five metres ahead:—

(a) in the case of motor vehicle other than three-wheelers, three-wheeled invalid carriages and motorcycles, two or four head lamps;

(b) in the case of motor cycles, three-wheelers and three-wheeled invalid carriages one or two head lamps;

(c) in the case of a side car attached to a motor cycle one lamp showing a white light to the front;]

(*d*) in the case of construction equipment vehicle, two or four lamps showing to the front white light visible from a distance of one hundred and fifty five metres ahead.]

(2) Every such motor vehicle other than a ²²³[** *] three-wheeler shall also carry—

(i) ²²⁴[two lamps (hereinafter referred to as the rear lamp) showing to the rear a red light visible in the rear from a distance of one hundred and fifty-five metres; and in the case of a motor cycle one lamp showing a red light to the rear visible from a distance of seventy-five metres]; and

(*ii*) lamp, which may be the rear lamp or some other device, illuminating with a white light the whole of the registration mark exhibited

²²⁵[²²⁶[on the rear of the vehicle including construction equipment vehicle], and on the side in the case of construction equipment vehicle] so as to render it legible from a distance of fifteen metres to the rear:

²²² Sub-R. (1) substituted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 14-2006).

²²³ The words "a motor cycle and" omitted by G.S.R. 214(E), dated 18-3-1999 (w e I 18-3-1999). ²²⁴ Substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

 $^{^{225}}$ Substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 16-3-1999).

²²³ Substituted by G.S.R. 642(E), dated 28-7-2000, for "on the rear of the vehicle" (w.e.f. 28-7-2000).

 $^{^{226}}$ Substituted by G.S.R. 116(E), dated 27-2-2002, for "on the rear of the vehicle" (w.e.f. 27-8-2002).

Provided that when a motor vehicle is drawing another vehicle or vehicles and the distance between such vehicles does not exceed 1.5 metres, it shall be sufficient if the last drawn vehicle carries a rear lamp or a lamp illuminating the rear registration mark:

¹⁸[Provided further that every construction equipment vehicle shall also carry two lamps showing to the rear red lights visible in the rear from a distance of one hundred and fiftyfive metres.]

³⁹[(3) On and from the commencement of the Central Motor Vehicles (Amendment) Rules, 1993, all the obligatory front head lamps of a motor vehicle other than motor cycles shall be as nearly as possible of the same power and fixed at a height as specified in Indian Standards ⁴⁰[IS: 8415–1977] (clause 4.1):

Provided that in the case of four-wheel drive cross country vehicles, the maximum height of the said front head lamps may be as per limits specified in Indian Standards ⁴⁰[IS: 8415—1977] (clause 4.1.1):

41[* * *]

Provided further that on and from the commencement of the Central Motor Vehicles (Amendment) Rules, 1993, all vehicles other than three-wheelers of engine capacity less than 500 cc, motor cycles and three-wheeled invalid carriages manufactured shall be fitted with two rear lamps showing red light to the rear.]

²²⁷[(3-A) On and from the commencement of the Central Motor Vehicles (Sixth Amendment) Rules, 2000, all the obligatory front head lamps of a construction equipment vehicle shall be as nearly as possible of the same power and fixed at a height so that front visibility is maintained and farthermost point of equipment/attachment is clearly seen by on-coming traffic]

(4) The rear lamp shall be fixed either on the centre line of the vehicle or to the right hand side, and save in the case of a transport vehicle, at a height of not exceeding one metre above the ground:

²²⁸[²²⁹***]

(5) In the case of a transport vehicle/ the rear light may be fixed at such level as may be necessary to illuminate the registration mark.

(6) Every heavy goods carriage ²³⁰[including trailers] shall be fitted with a red indicator lamp of size of thirty centimetres by ten centimetres on the extreme rear most body

 ²²⁷ Inserted by G.S.R 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).
 ²²⁸ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).
 ²²⁹ Proviso omitted by G.S.R. 111(E), dated 10-2-2004 (w.e.f. 10-8-2004).

cross beam and in the case of a vehicle not constructed with body in the rear, the indicator lamp shall be fitted near the right rear light above the rear number plate:

²³¹[Provided that every construction equipment vehicle of an unconventiona I or extraordinary type in travel mode shall be fitted or installed with a red indicator lamp of size of not less than 100 square centimetres on the extreme rearmost point of the body.] ²³²[(7) On and from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1999, every motor vehicle manufactured shall be fitted with at least one lamp which shall automatically be operated, throwing a white light to the rear, when the vehicle is being driven in the reverse gear.]

²³³[(8) In the case of vehicles, other than three-wheelers of engine capacity not exceeding 500 CC, which are attached with trailers, all the lamps required to be fitted on the rear of the vehicle shall be fitted at the rear of the trailer.]

²³⁴[(8-A) On the commencement of the Central Motor Vehicles (Sixth Amendment) Rules, 2000, every construction equipment vehicle shall be fitted with two lamps at the rear throwing light to the rear when the vehicle is being driven in the reverse gear and there shall also be an audible warning system operating when the vehicle is being driven in the reverse gear, the audible warning system and the light being automatically operated when the vehicle is in reverse gear.]

106. Deflection of lights.—(1) No lamp showing a light to the front shall be used on ²³⁵[any motor vehicle including construction equipment vehicle] (whether fitted with single or dual head lamp) unless such lamp is so constructed, fitted and maintained that the beam of light emitted therefrom—

²³⁶[(2) is permanently deflected downwards to such an extent that it is not capable of dazzling any person whose eye position is,—

(A) at a distance of 8 metres from the front of lamp,

(B) at a distance of 0.5 metre to the right side of the lamps, *i.e.*, fitted at right extreme of the vehicle, from the right edge of the lamp, and

²³⁰ Substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

²³¹ Added by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

²³² Substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999). Earlier sub-R. (7) was inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²³³ Inserted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

²³⁴ Added by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000). Previously inserted by G.S.R. 214(E), dated 18-3-1999. [There seems to be some confusion/mis take in the language of Cl. 13(/) of G.S.R. 214(E), dated 18-3-1999 and Cl. 13(g) of G.S.R. 642(E), dated 28-7-2000—*Ed.*] ²³⁵ Substituted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

²³⁶ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

(C) a t a height of 1.5 metres from the supporting plane of the vehicle:

²³⁷[(a)***]

(b) is capable of being deflected downwards by the driver in such maimer as to render it incapable of dazzling any such person in the circumstances aforesaid;

(c) is capable of being extinguished by the operation of a device which at the same time causes a beam of light to be emitted from the lamp which complies with the provision of clause (a);

(*d*) is capable of being extinguished by the operation of a device which at the same time either deflects the beam of light from another lamp downwards or both downwards and to the left in such manner as to render it incapable of dazzling any person in the circumstances aforesaid, or brings into or leaves in operation a lamp which complies with the provisions of clause (*a*).

²³⁸[* * *]

²³⁹[(2)] The provisions of sub-rule (1) shall not apply to any lamp fitted with an electric bulb, if the power of the bulb does not exceed 7 watts and the lamp is fitted with a frosted glass or other material which has the effect of diffusing the light.

²⁴⁰**[107. Top lights.**—Every goods vehicle including trailer and semi-trailer other than three-wheelers and vehicles with overall width not exceeding 2.1 metres shall be fitted with two white lights at the top right and left comers ²⁴¹[showing white light to the front] and two red lights at the top right and ²⁴¹[showing red light to the rear]. The lights shall remain lit when the vehicle is kept stationary on the road during night and at the time of poor visibility:

Provided that in the case of goods carriage without a full body in the rear, provision for fitting of the top light at the rear shall not be necessary.]

²⁴²[107-A. Implement lights for construction equipment vehicle.— Construction equipment vehicle having implements with front overhang greater than 60% of wheelbase shall be fixed with additional implement light of amber colour at a location nearest to the extreme edge of the implement without affecting the functions of showing light in all directions and where the implement is more than 3 metres in length, additional

²³⁷ Proviso to Cl. (*a*) omitted by G.S.R. 111(E), dated 10-2-2004 (w.e.f. 10-8-2004).

²³⁸ Sub-R. (2) omitted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²³⁹ Sub-R (3) renumbered as sub-R (2) by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²⁴⁰ Substituted by G.S.R 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²⁴¹ Substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

²⁴² Inserted by G.S.R. 642CE), dated 28-7-2000 (w.e.f. 28-7-2000)

amber coloured lamps shall be fixed at a distance of not exceeding 3 metres for the entire length of the implement:

Provided that in case of rear overhang the additional implement lights shall be in red colour.]

²⁴³[108. Use of red, white or blue light.—(1) No motor vehicle shall show a red light to the front or light other than red to rear:

Provided that the provisions of tills rule shall not apply to—

(i) the internal lighting of the vehicle; or

(ii) the amber light, if displayed by any direction indicator or top light or as top light used on vehicle for operating within the premises like airports, ports without going outside the said premises on to public roads;

(iii) a vehicle carrying high dignitaries as specified by the Central Government or the State Government, as the case may be, from time to time;

(iv) the blinker type of red light with purple glass fitted to an ambulance van used for carrying patients; or

(v) to a vehicle having a lamp fitted with an electrical bulb, if the power of the bulb does not exceed seven watts and the lamp is fitted with frosted glass or any other material which has the effect of diffusing the light;

(vi) white light illuminating the rear number plate;

(vii) white light used while reversing;

(viii) plough light provided in agricultural tractors for illuminating the implement's working area on the ground in agricultural field operations.

(2) Use of blue light with flasher shall be determined and notified by the State Governments at their discretion.

(3) Use of blue light with or without flasher shall be pennitted as top light on vehicles escorting high dignitaries entitled to the use of red light.

(4) Use of multi-coloured red, blue and white light shall be permitted only on vehicles specifically designated for emergency duties and shall be specifically specified by State Governments.

(5) The State Government shall inform the Central Government regarding publication of notifications issued by the concerned State Government under sub-rule (2) and under clause *(e)* of the Notification No. S.O. 52(E), dated 11th January, 2002, published in the

²⁴³ Substituted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31-5-2002).

Gazette of India, Ministry of Road Transport and Highways, regarding use of red light on top of vehicle being used by dignitaries.

(6) In case vehicle is not carrying dignitaries, red or blue light, as the case may be, light shall not be used and be covered by black cover.]

²⁴⁴[108-A. Use of red or white light on construction equipment vehicles.—

No construction equipment vehicle shall show a red light to the front or light other than red to the rear:

Provided that the provision of this rule shall not apply to:-

(i) the internal lighting of the vehicle;

(ii) the amber light, if displayed by any direction indicator or top light;

(iii) white light illuminating the rear or side registration number plate;

(iv) white light used while reversing;

(v) light provided for illuminating the implement's working area on the ground in off-highway or construction operations.]

²⁴⁴[109. Parking light.—²⁴⁵[Every construction equipment vehicle and every motor vehicle other than] ²⁴⁶[* * *]] motor cycles and three-wheeled invalid carriages shall be provided with one white or amber parking light on each side in the front. In addition to the front lights, two red parking lights one on each side in the rear shall be provided. The front and rear parking lights shall remain lit even when the vehicle is kept stationary on the road:

Provided that these rear lamps can be the same as the rear lamps referred to in rule 105, sub-rule (2):

²⁴⁷[* * *]

²⁴⁸[Provided also that construction equipment vehicle, which are installed with flood light lamps or spot lights at the front, rear or side of the vehicle for their off-highway or construction operations, shall have separate control for such lamps or lights and these shall be permanently switched off when the vehicle is travelling on the road.]

²⁴⁶ The words "three wheelers of engine capacity not exceeding 500 cc" omitted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 1-4-2006).

²⁴⁴ Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

²⁴⁵ Substituted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000)

²⁴⁷ Proviso omitted by G.S.R. III (È), dated 10-2-2004 (w.e.f. 10-8-2004).

²⁴⁸ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²⁴⁹[110. ²⁵⁰[Lamps on three-wheelers].—Every ²⁵¹[three-wheeler] shall be fitted with one front head lamp and ⁶³[two side white or amber lights] or two front lamps on the body. In addition to the front lamp or side lights, it shall be fitted with ²⁵²[two rear lamps showing to the rear red light] visible from a distance of 75 metres and a white light illuminating the registration mark exhibited on the rear of the vehicle so as to render it legible from a distance of 15 metres; and also two red reflex reflectors each having a reflecting area of not less than seven square centimetres:

Provided in case where these vehicles are attached with trailers, the rear fitments mentioned in this rule and direction indicator system mentioned in rule 102 shall also be provided at the rear of the trailer:]

²⁵³[Provided further that fitment of one head lamp shall be applicable only in case of three-wheelers with overall width not exceeding 1400 mm and in such cases the side lights shall be amber in colour.]

111. Prohibition of spot lights, etc.—No spot light or search light shall be carried on the front of any vehicle except in exceptional circumstances with the prior approval of the registering authority.

Smoke, vapour, spark, ashes, grit and oil

112. Exhaust gases.—Every motor vehicle shall be so constructed or equipped that the exhaust gases from the engine are discharged neither downward nor to the left side of the vehicle and shall be so fitted as to allow the gases to escape to the right side or rear of the vehicle:

Provided that in the case of tankers carrying explosives and inflammable goods, the fitment of exhaust pipe shall be according to the specification of the Inspector of Explosives:

²⁵⁴[Provided further that in the vehicles where the exhaust gases are discharged to the right of the vehicle, slight downward angle shall be permitted, provided the exhaust gases do not kick up any dust when the vehicle is stationary and engine running and in any case the angle of the pipe to the horizontal should not be more than 30 degrees:

²⁴⁹ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²⁵⁰ Substituted by G.S.R. 589(E), dated 16-9-2005, for "Lamp on auto-rickshaws and three-wheelers with engine capacity not exceeding 500 cc" (w.e.f. 1-4-2006).

²⁵¹ Substituted by G.S.R. 589(E), dated 16-9-2005, for "auto-rickshaw and three-wheeler of engine capacity not exceeding 500 cc" (w.e.f. 1-4-2006).

²⁵² Substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

²⁵³ Proviso inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 1-4-2006).

²⁵⁴ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

Provided also that where the exhaust gases are discharged to the left of the vehicle the inclination of exhaust pipe should not cross 30 degrees in downward and 30 degrees in left direction against the vertical plane which includes the vehicle centre line, provided the exhaust gases do not take up any dust when the vehicle is stationary and engine running:

²⁵⁵[Provided further that in the case of agricultural tractors, vertical or horizontal] exhaust pipe may be provided and outlet of this pipe should be so directed that the driver of the tractor is not exposed to exhaust gases by locating the outlet over or to the side of headlevel of the driver as per Indian Standards IS: 12239 (Part 1)—1988:]

²⁵⁶[Provided also that in the case of construction equipment vehicle vertical exhaust pipe may be fitted and outlet of this pipe shall be so directed that the driver of the vehicle is not exposed to exhaust gases.]

113. Location of exhaust pipes.—On and from the date of commencement of this subrule, ²⁵⁷[no exhaust pipe of a motor vehicle including construction equipment vehicle] shall be located within a distance of 35 millimeters from the fuel line connecting to the fuel tank and engine.

114. Exhaust pipes of public service vehicles.—The exhaust pipe of every public service vehicle shall be so fitted or shielded that no inflammable material is thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle.

Emission of smoke, vapour, etc., from motor vehicles

115. Emission of smoke, vapour, etc. from motor vehicles.— ²⁵⁸[(1) Every motor vehicle other than motor cycles of engine capacity not exceeding 70 cc, manufactured prior to the first day of March 1990, shall be maintained in such condition and shall be so driven so as to comply with the standards prescribed in these rules.]

²⁵⁹[(2) On and after 1st October, 2004, every motor vehicle operating on—

(i) Petrol/CNG/LPG shall comply with the idling emission standards for Carbon monoxide(CO) and Hydrocarbon (HC) given in the Table below:—

²⁵⁵ Substituted by G.S.R. 111(E), dated 10-2-2004, for "Provided further that in the case of tractors, vertical" (w.e.f. 10-8-2004).

²⁵⁶ Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

²⁵⁷ Substituted by G.S.R. 116(E), dated 27-2-2002, for "no exhaust pipe" (w.e.f. 27-8-2002).

²⁵⁸ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²⁵⁹ Sub-R. (2) substituted by G.S.R. 111(E), dated 10-2-2004 (w.e.f. 10-8-2004) and as corrected by *vide* G.S.R. 176(E), dated 5-3-2004

SI. No.	Vehicle Type	Co %	*HC(n-hexane equivalent) ppm
1.	2 and 3-Wheelers (2/4-stroke) (Vehicles manufactured on and before 31st March, 2000)	4.5	9000
2.	2 and 3-Wheelers (2-stroke) (Vehicles manufactured after 31st March, 2000)	3.5	6000
3.	2 and 3-Wheelers (4-stroke) (Vehicles manufactured after 31st March, 2000)	3.5	4500
4.	Bharat Stage II compliant 4-wheelers	0.5	750
5.	4-Wheelers other than Bharat Stage II compliant	3.0	1500

TABLE PETROL/CNG/LPG DRIVEN VEHICLES

Note.—The test shall be carried out using the instrument type approved as per rule 116(3) of the Central Motor Vehicles Rules, 1989 (CMVR) with the vehicle engine wanned up after a run of minimum 15 minutes on a variable course under normal traffic condition. During the test the vehicle engine shall be running at idling speed and the sampling probe shall be inserted into the vehicle exhaust system to a depth not less than 300mm. In case CO and/or HC emission values recorded during the test are not within the limits, the testing shall be discontinued and the vehicle owner shall be advised to resubmit the vehicle after repair/service.

The idling emission standards for vehicles when operating on Compressed Natural Gas (CNG), shall contain Non-Methane Hydrocarbon (NMHC) in place of Hydrocarbon (HC) and shall be estimated by the following formula: NMHO0.3xHC

Where HC= Total Hydrocarbon measured as n-hexane equivalent. Similarly idling emission standards for vehicles when operating on Liquefied Petroleum Gas (LPG) shall contain Reactive Hydroharbon (RHC) in place of Hydrocarbon (HC) and shall be estimated by the following formula:

RHC=0.5 x HC

Where HC= Total Hydrocarbon measured as n-hexane equivalent:

Provided that in case of Petrol vehicles fitted with three-way closed loop catalytic converters operating in a specific city or area, the Government of the respective State or Union Territory Administration, as the case may be, may, by notification in the Official Gazette, specify the introduction of measurement of LAMBDA (dimensionless value

representing burning efficiency of an engine in terms of the air/fuel ratio in the exhaust gases) and tighter emission norms for in-use vehicles with such periodicity as may be warranted, after ensuring that gas analyzers capable of measuring the values, duly approved by the testing agencies, are available in such city or area, as the case may be: Provided further that testing procedures are prescribed in TAP documents Nos. 115 and 116 as amended from time to time:

Provided also that the compliance to the limits prescribed in the above proviso shall be included in the certificate issued by the vehicle manufacturer in Form 22 or Form 22-A, as applicable for the vehicle manufactured on or after 1st October, 2004.

(ii) Smoke density for all diesel-driven vehicles shall be as follows:----

Method of Test	Maximum Smoke Density			
	Light absorption coefficient (1/m)	Mar tidge units		
Free acceleration test for turbo charged engine and naturally aspirated engine	2.45	65		

TABLE DIESEL VEHICLES

The free acceleration test shall be carried out using the instrument type approved as per CMVR 116(3) with the vehicle engine wanned up to attain oil temperature of minimum $60 \,^{\circ}$ C. During each free acceleration, maximum no load speed reached shall be within bandwidth of ±500 rpm of the average value in respect of 3-wheeler vehicles and ±300 rpm of the average value for all other categories of vehicles. The free acceleration test shall be repeated till the peak smoke density values recorded in four successive accelerations meeting the above maximum no load rpm criteria are situated within a bandwidth of 25% of the arithmetic mean (in m-1 unit) of these values or within a bandwidth 0.25 K, whichever is higher and do not form a decreasing sequence. The smoke density to be recorded shall be arithmetic mean of these four readings. In case the valid readings are not obtained within 10 free accelerations or the smoke . density recorded is not within the limits, the testing shall be discontinued and the vehicle owner shall be advised to resubmit the vehicle after repair/ service.]

(3) On and from the date²⁶⁰ of commencement of this sub-rule, all petrol-driven vehicles shall be so manufactured that they comply with the mass emission standards as specified at Annexure I. The breakdown of the operating cycle used for the test shall be

²⁶⁰ Brought into force on 1st day of April, 1991 *vide* S.O.869(E), dated 27-10-1989.

as specified at Annexure II, and the reference fuel for all such tests shall be specified in Annexure III to these rules.

(4) On and from the date²⁶¹ of commencement of this sub-rule, all diesel-driven vehicles shall be so manufactured that they comply with the standards based on exhaust gas opacity as specified at Annexure IV to these rules.

(5) On and from the date²⁶² of commencement of this sub-rule, all petrol-driven vehicles shall be so manufactured that they comply with the following levels of emissions ²⁶³[when tested as per test cycle specified in Annexure V]:—

Mass of Carbon Monoxid	Mass of Nitrogen Oxides (NO)	
Maximum grams per KW1	T Maximum grams per KWH	Maximum grams per KWH
14	3.5	18

²⁶⁴[Provided the standards for exhaust gas emissions applicable to agricultural tractors shall be notified separately.]

(6) Each motor vehicle manufactured on and after the dates specified in sub-rule (2), (3), (4) or (5), shall be certified by the manufacturers to be conforming to the standards specified in the said sub-sections, and further certify that the components liable to effect the emission of gaseous pollutants are so designed, constructed and assembled as to enable the vehicle, in normal use, despite the vibration to which it may be subjected, to comply with the provisions of the said sub-rule.

²⁶⁵[(7) After the expiry of a period of one year from the date on which the motor vehicle was first registered, every such vehicle shall carry a valid "Pollution under control" certificate issued by an agency authorised for this purpose by the State Government. The validity of the certificate shall be for ²⁶⁶[six months] and the certificate shall always be carried in the vehicle and produced on demand by the officers referred to in sub-rule (1) of rule 116.

(8) The certificate issued under sub-rule (7) shall, while it remains effective, be valid throughout India.]

²⁶¹ Brought into force on 1st day of April, 1991 *vide* S.O.869(E), dated 27-10-1989.

²⁶² Brought into force on 1st day of April, 1992 *videS.0.*869(E), dated 27-10-1989.

²⁶³ Substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²⁶⁴ Inserted by G.S.R 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

²⁶⁵ Added by G.S.R. 338(È), dated 26-3-1993 (w.e.f. 26-3-1993).

²⁶⁶ Substituted by G.S.R 111(E), dated 10-2-2004, for "six months or any lesser period as may be specified by die State Government from time to time" (w.e.f. 10-8-2004).

Vehicle Category	HC* (g/KWH)	CO* (g/KWH)	NOx (g/KWH)	Smoke
	(9/1(1))	(9/10/11)	(9/1(0011)	
Medium & Heavy over				
3.5 Ton/GVW	2.4	11.2	14.4	***
Light diesel upto				
3.5 Ton/GVW	2.4	11.2	14.4	***
or				
Reference mass R(Kg)	CO** g/KM		HC+NOx g/KM	***
R<1020	5.0		2.0	
1020 <r<1250< td=""><td>5.7</td><td></td><td>2.2</td><td></td></r<1250<>	5.7		2.2	
1250 <r< 1470<="" td=""><td>6.4</td><td></td><td>2.5</td><td></td></r<>	6.4		2.5	
1470 <r< 1700<="" td=""><td>7.0</td><td></td><td>2.7</td><td></td></r<>	7.0		2.7	
1700 <r<1930< td=""><td>7.7</td><td></td><td>2.9</td><td></td></r<1930<>	7.7		2.9	
1930 <r<2150< td=""><td>8.2</td><td></td><td>3.5</td><td></td></r<2150<>	8.2		3.5	
R<2150	9.0		4.0	

²⁶⁷ [(9) Mass emission standard for diesel vehicles
Type approval tests

Note:

*The test cycle is as per 13 mode cycle on dynamometer.

** The test should be as per Indian driving cycle with cold start.

***The emissions of visible pollutants (smoke) shall not exceed the limit value to smoke density. When expressed as light absorption coefficient given below for various nominal flows when tested as constant speeds over full load. (As indicated at Annexure I).

COP STANDARDS

*10% relaxation in the standards for HC, CO and NOx would be given. **10% relaxation in the standards for CO and combined HC+NOx would be given.

²⁶⁸[Mass emission standard for petrol-driven vehicles—Effective from 1st April, 1998 (i) Passenger Cars-

Type approval tests						
Cubic Capacity	Carbon		HC+NOx			
(cm ³)	Monoxide (gm/km)		(gm/km)			
	Passenger cars Passenger cars		Passenger	Passenger		
			cars fitted	cars not fitted		
	catalytic catalytic V		With catalytic	with catalytic		
	converter converter c		converter	converter		
<1400	4.34	8.68	1.50	3.00		
>1400<2000	5.60	11.20	1.92	3.84		
>2000	6.20	12.40	2.18	4.36		

²⁶⁷ Substituted by G.S.R. 163(E), dated 29-3-1996 (w.e.f. 1-4-1996). Earlier sub-R. (9) was added by G.S.R. 609(E), dated 15-9-1993 (w.e.f. 15-9-1993). ²⁶⁸ Substituted by G.S.R. 46(E), dated 21-1-1998 (w.e.f. 1-4-1998).

Notes.—1. The tests will be as per Indian driving cycle with warm start. However, with effect from 1st April, 1998, the test will be as per Indian driving cycle with cold start for catalytic converter fitted vehicles as:—

Soak Temperature	=	20°-30℃
Soak Period	=	6.30 hrs
Preparatory running before sampling	=	4 cycles
Number of test cycles	=	6
Break down of cycles	=	Indian driving cycle as per Annexure II
2. For passenger cars not fitted with catal	lytic c	onverters, the test will continue to be with

warm start as per existing procedure, till 1-4-2000.

3. There should be no crankcase emission.

4. Evaporative emission should not be more than 2.0g/test.

5. COP standards: 20% relaxation in the standards for Carbon Monoxide and combined

ITC + NOx would be given.

6. For vehicles fitted with catalytic converter a deterioration factor of 1.2 on Type-Approval Limits will be applicable for durability.]

(ii) Three-Wheelers (for all categories)—

CO	gms/km	6.75
HC + NOx	gms/km	5.40

Note:

1. The test will be as per Indian driving cycle with warm start. However, with effect from 1st April, 1998, the test will be as per Indian driving cycle with cold start.

COP standards: 20% relaxation in the standards for Carbon Monoxide and combined
 HC + NOx would be given.

(iii) Two-Wheelers (for all categories)-

Note:

1. The test will be as per Indian driving cycle with warm start. However, with effect from 1st April, 1998, the test will be as per Indian driving cycle with cold start.

2. COP standards: 20% relaxation in the standards for Carbon Monoxide and combined HC+NOx would be given.

ANNEXURE I

Nominal Flow	Light Absorption	Nominal Flow	Light Absorption
G(l/2)	(K(l/m))	G(l/2)	(K(l/m))
42	2.26	120	1.37
45	2.19	125	1.345
50	2.08	130	1.32
55	1.985	135	1.30
60	1.90	140	1.27
65	1.84	145	1.25
70	1.775	150	1.205
75	1.72	160	1.19
80	1.665	165	1.17
85	1.62	170	1.155
90	1.575	175	1.14
95	1.535	180	1.125
100	1.495	185	1.11
105	1.465	190	1 095
110	1.425	195	1.08
115	1.395	200	1.065]

²⁶⁹[²⁷⁰[(10) Mass Emission Standards for vehicles manufactured on and after 1st June, 1999 in case of National Capital Region of Delhi and in other cases on and after 1st April, 2000]

A. For Petrol-Driven Vehicles

(1) Passenger Cars	CO(g/km)	HC+NOx(g/km)
Type Approval	2.72	0.97
Conformity of Production	3.16	1,13

Notes.—The test shall be as per the modified Indian driving cycle, with cold start, as specified in Annexure IV-B, on Chassis Dynamometer.

There should be no crankcase emission.

Evaporative emission should not be more than 2.0g/test.

For vehicles fitted with catalytic converter, a deterioration factor of 1.2 on Type Approval Limits will be applicable for durability.

Commercial fuel shall be as notified by the Ministry of Environment and Forests vide Notification No. G.S.R. 176(E), dated the 2nd April, 1996.

Reference test fuel shall be as specified in Annexure IV-C.

2-Wheelers and 3-Wheelers	CO(g/km)		HC+NOx(g/km)	
	2-Wheeler	3-Wheeler	2-Wheeler	3-Wheeler
Type Approval	2.0	4.0	2.0	2.0
Conformity of Production	2.4	4.8	2.4	2.4

 ²⁶⁹ Sub-R (10) inserted by G.S.R. 493(E), dated 28-8-1997 (w.e.f. 1-4-2000).
 ²⁷⁰ Substituted by G.S.R. 399(E), dated 1-6-1999, for "10. Mass Emission Standards for vehicles manufactured on and after 1st April, 2000" (w.e.f. 1-6-1999).

Notes.—The test shall be as per the Indian driving cycle, with cold start, on Chassis Dynamometer as specified in Annexure IV-B to the principal rules.

Commercial fuel shall be as notified by the Ministry of Environment and Forests *vide* Notification No. G.S.R. 176(E), dated the 2nd April, 1996.

Reference test fuel shall be as specified in Annexure FV-C.

²⁷¹[For 2-wheelers and 3-wheelers fitted with catalytic converter, a deterioration factor of1.2 on Type Approval Limits, will be applicable for durability:

Provided that the vehicle manufacturers may opt for an ageing test of 30,000 kms for evaluating deterioration factor, as per procedure that may be laid down by the Central Government.]

B. For Diesel Vehicles (Including Two and Three-Wheelers)

I. Vehicles with GVW exceeding 3.5 ton

Limits for		
Type Approval	Conformity of Production	
4.5	4.9	
1.1	1.23	
8.0	9.0	
0.36	0.4	
0.36		
	0.4	
	Type Approval 4.5 1.1 8.0 0.36	

II. Vehicles with G VW equal to or less than 3.5 ton

Pollutants	Limits for	
	Type Approval	Conformity of Production
CO(g/kWh)	4.5	4.9
HC(g/kWh)	1,1	1.23
NOx (g/kWh)	8.0	9.0
PM(g/k Wh) for engines with power exceed ing 85kW	0.36	0.4
PM(g/ k Wh) for engines with power equal to or less than 85kW	0.61	0.68

Or Chassis Dynamometer Test						
Reference Mass (kg)				, , , ,		
	CO	HC+NOx	PM	CO	HC+NOx	PM
R<1250	2.72	0.97	0.14	3.16	1.13	0.18
1250 <r<1700< td=""><td>5.17</td><td>1.40</td><td>0.19</td><td>6.0</td><td>1.60</td><td>0.22</td></r<1700<>	5.17	1.40	0.19	6.0	1.60	0.22
1700 <r< td=""><td>6.90</td><td>1.70</td><td>0.25</td><td>8.0</td><td>2.0</td><td>0.29</td></r<>	6.90	1.70	0.25	8.0	2.0	0.29

Notes.—The test for vehicles with GVW equal to or less than 3.5 ton shall be as per the 13 mode cycle on engine dynamometer specified in Annexure IV-A to the principal rules.

²⁷¹ Inserted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31-5-2002).

The test shall be as per the Indian driving cycle, for 2-Wheelers and 3-Wheelers and modified Indian driving cycle for 4-Wheelers with cold start, as specified in Annexure IV-B on Chassis Dynamometer.

For vehicles fitted with catalytic converters a deterioration factor 1.1 of CO; 1.0 for HC+NOx and 1.2 for PM on type approval limits will be applicable for durability.

The emission of visible pollutants (smoke) shall not exceed the limit value to smoke density, when expressed as light absorption co-efficient for various nominal flows as in Annexure I to rule 115(9), (Notification No. G.S.R. 163(E), dated 29th March, 1996), when tested at constant speeds over full load. These smoke limits are without correction factor and engines are to be tested with conditioned air supplied to the engine to maintain atmospheric factor of 0.98 to 1.02.

Commercial fuel shall be as notified by the Ministry of Environment and Forests *vide* Notification No. G.S.R. 176(E), dated the 2nd April, 1996.

Reference test fuel shall be as specified in Annexure IV-D.]

²⁷²For 2-wheelers and 3-wheelers fitted with catalytic converter, the deterioration factor shall be as follows:

CO* 1.1; HC + NOx = 1.0; PM-1.2:

Provided that the vehicle manufacturers may opt for an ageing test of 30,000 kms lor evaluating deterioration factor, as per procedure that may be laid down by the Central Government:

Provided further that the above provisions shall come into force after six months from the publication of the notification.]

²⁷³[(11) Mass Emission Standards (Bharat Stage II):—

(*A*) Motor Cars with seating capacity *of* and up to 6 persons (including driver) and Gross Vehicle Mass (GVM) not exceeding 2500 kg.

	Standards (Type Approval=COP)(g/km)			
Vehicles with	СО	(HC+NOx)	PM	
Gasoline engine	2.2	0.5	—	
Diesel engine	1.0	0.7	0.08	

B) Four-Wheeler Passenger Vehicles with GVW equal to or less than 3500 kg and designed to carry more than 6 persons (including driver) or maximum mass of which exceeds 2500 kg.

²⁷² Inserted by G.S.R. 400(E), dated 31-5-2002 (w.e. f. 31 -5-2002).

²⁷³ Inserted by G.S.R. 77(E), dated 31-1-2000. Brought into force in the National Capital Region w.e.f. 1-4-2000 *vide* G.S.R. 77(E), dated 31-1-2000, in Mumbai (including Greater Mumbai) w.e.f. 1-1-2001 and in Calcutta and Chennai w.e.f. 1-7-2001 *vide* G.S.R. 779(E), dated 29-8-2000.

Class	Ref. Mass(rw) kg	Limit Values for Type Approval (TA) as well as COP				
		Mass of C	0(g/km)	Mass of HC+	NOx(g/km)	Mass of PM(g/km)
		Case line	Diesel	Gasoline	Diesel	Diesel
1	rw<1250	2.2	1.0	0.5	0.7	0.08
II	l25U <rw<1700< td=""><td>4.0</td><td>1.25</td><td>0.6</td><td>1.0</td><td>0.12</td></rw<1700<>	4.0	1.25	0.6	1.0	0.12
	1700 <rw< td=""><td>5.0</td><td>1.5</td><td>0.7</td><td>1.2</td><td>0.17</td></rw<>	5.0	1.5	0.7	1.2	0.17

Notes:---

1. The test including driving cycle shall be as per sub-rule (10), with the modifications that:—

(i) there shall be no relaxation of norms for COP purposes,

(ii) the tests shall be on Chassis dynamometer,

(iii) the driving cycle shall be at a maximum speed of 90 kmph, and

(*iv*) the reference fuel shall be of a maximum of 0.05% sulphur content.

2. Commercial fuel for meeting above norms shall be upto 0.05% mass maximum sulphur content.

3. There shall be no crankcase emissions for petrol-driven vehicles.

4. Evaporative emission shall not be more than 2.0g/ test from petrol-driven vehicles.

5. For the above vehicles when fitted with catalytic converter deterioration factor shall be as follows:—.

Gasoline engines: CO=1.2; (HC+NOx)=I .2;

Diesel engines: CO=I.I; (HC+NOx)=1.0; PM=1.2:

Provided that the vehicle manufacturers may opt for an ageing test of 80,000 kms for evaluating deterioration factor, as per procedure that may be laid down by the Central Government.

6. For diesel engine vehicles, the emission of visible pollutants (smoke) shall not exceed the limit value to smoke density, when expressed as light absorption coefficient for various nominal flows as in Annexure I to rule 115(9) when tested at constant speeds over full load.]

²⁷⁴[(C) Four-Wheeled Vehicles (other than passenger vehicles) with GVW equal to or less than 3500 kg shall conform the following norms:—

²⁷⁴ Inserted by G.S.R. 286(E), dated 24-4-2001 published in the Gazette of India, dated 24-4-2001, Ext., Pt. II, S. 3(z), SI. No. 198. In the National Capital Territory of Delhi in respect of Vehicles manufactured on or after six months from the date of publication in

Engine Dynamometer Test

Limit Values for Type Approval (TA) as well as (COP)

CO(g/kWh)	HC (g/kWh)	NOx (g/kWh)	PM (g/kWh)	
4.0	1.1	7.0	0.15	

Or Chassis Dynamometer Test

Class	Ref. Mass (RM) Kg	Mass of CO (g/km)	Mass of HC+NC	Qx (g/km)	Mass of PM(g/km)
	RM	Gasoline	Diesel	Gasoline	Diesel	
Ι	RM < 1250	2.2	1.0	0.5	0.7	0.08
II	1250 <rm< 1700<="" td=""><td>4.0</td><td>1.25</td><td>0.6</td><td>1.0</td><td>0.12</td></rm<>	4.0	1.25	0.6	1.0	0.12
III	1700 < RM	5.0	1.5	0.7	1.2	0.17

Notes:

1. *(a)* There shall be no relaxation for COP purposes.

(b) The tests shall be carried out on the engine dynamometer operation as specified in Annexure IV-A of the rules. The tests on Chassis dynamometer shall be as per the driving cycle given in Note of clause (B) of sub-rule (11) of rule 115.

(c) The reference fuel shall be of a maximum of 0.05% mass sulphur content.

2. Commercial fuel for meeting above norms shall be up to 0.05% maximum mass sulphur content.

3. For diesel engine vehicles the emission of visible pollutants (smoke) shall not exceed the limit value to smoke density, when expressed as light absorption coefficient for various nominal flows as in Annexure I to sub-rule (9) of rule 115 when tested at constant speeds over full load. These smoke limits are without correction factor and engines are to be tested with conditioned air supplied to the engine to maintain atmospheric factor of 0.98 to 1.02.

4. For diesel engined vehicles, the free acceleration smoke for naturally aspirated and turbo-charged engines shall not exceed the smoke density limit value as in clause (c) of sub-rule (2) of rule 115.

the Official Gazette, *i.e.*, 24-4-2001 and in respect of the "Four-Wheeled Transport Vehicles" which are plying on Inter-State Permits or on National Permits or on All India Tourist Permits within the jurisdiction of National Capital Territory of Delhi, and in respect of any Vehicles in other areas of country, from such date as the Central Government may, by notification appoint in the Official Gazette, and different dates may be appointed for different areas.

5. There shall be no crankcase emissions for petrol engined vehicles.

6. Evaporative emission shall not be more than 2.0g/test from petrol engined vehicles.

(D) Vehicles with GVW exceeding 3500kg shall conform the following norms:-

Limit Values for Type Approval (TA) as well as (COP)				
CO(g/kWh) HC(g/kWh) NOx(g/kWh) PM(g/kWh)				
4.0 1.1 7.0 0.15				

Notes:

1. (a) There shall be no relaxation for COP purposes.

(b) The tests shall be carried out on the engine dynamometer operation as specified in Annexure IV-A of the rules.

(c) The reference fuel shall be of a maximum of 0.05% mass sulphur content.

2. Commercial fuel for meeting above norms shall be up to 0.05% mass maximum sulphur content.

3. For diesel engined vehicles, the emission of visible pollutants (smoke) shall not exceed the limit value to smoke density, when expressed as light absorption coefficient for various nominal flow as in Annexure I to sub-rule (9) of rule 115 when tested at constant speeds over full load. These smoke limits are without correction factor and engines are to be tested with conditioned air supplied to the engine to maintain atmospheric factor of 0.98 to 1.02.

4. For diesel engined vehicles, the free acceleration smoke for naturally aspirated and turbo-charged engines shall not exceed the smoke density limit value as in clause (c) of sub-rule (2) of rule 115.]

²⁷⁵[(12) Mass emission standards (Bharat Stage II) for two-wheeler and three-wheeler manufactured on and from 1st April, 2005 shall be as follows, namely:—

Vehicle Category	Pollutants	TA=COP norms g/km	TA = COP D.F. (*)
(1)	(2)	(3)	(4)
Two-wheeler (Petrol)	СО	1.50	1.2
	HC+NOx	1.50	1.2
Three-wheeler (Petrol)	СО	2.25	1.2
	HC+NOx	2.00	1.2
Two-wheeler and three-	СО	1.00	1.1
wheeler (Diesel)	HC+NOx	0.85	1.0
	PM	0.10	1.2

TABLE

Deterioration Factor, see para (c) below.

²⁷⁵ Inserted by G.S.R. 720(E), dated 10-9-2003.

(a) The test shall be as per the Indian Driving Cycle with cold start on chassis dynamometer as specified in the Table given below by testing agencies, namely:—

Test Cell Conditions	Petrol two-wheeler and three- wheeler	Diesel two-wheeler ajid three- wheeler
(1)	(2)	(3)
Soak Temperature	20-30° C	20-30° C
Soak period	6-30 hours	6-30 hours
Preparatory running before sampling	Idling of 40 seconds and 4 cycles	Idling of 40 seconds
No. of test cycles	6	6
Breakdown of cycles	Indian Driving Cycle as per Annexure II to principal rule	Indian Driving Cycle as per Annexure II to principal rule

TABLE

(b) Reference fuel for testing shall be in line with that in the ECE;

(c)(i) For all types of two-wheeler and three-wheeler petrol vehicles, a deterioration factor as specified in column (4) in the Table in this sub-rule shall be applicable for durability:

Provided that the vehicle manufacturer may opt for an ageing test of 30,000 kms for evaluating deterioration factor, as per procedure that may be laid down by the Central Government from time to time;

(ii) For all types of two-wheeler and three-wheeler diesel vehicles, a deterioration factor as specified in column (4) in the Table in this sub-rule shall be applicable for durability:

Provided that the vehicle manufacturer may opt for an ageing test of 30,000 kms for evaluating deterioration factor, as per procedure that may be laid down by the Central Government from time to time;

(d) For diesel engine vehicles, the emission of visible pollutants (smoke) shall not exceed the limit value to smoke density, when expressed as light absorption co-efficient for various nominal flow as indicated in Annexure I to sub-rule (9) of rule 115 when tested at constant speed over full load;

SI. No.	Type of Vehicle	Annual Production	Annual Production	
1,00.		Exceeding	Upto	
(1)	(2)	(3)	(4)	(5)
1.	Two-wheeler and three- wheeler	250 per 6 months	10000 per year	Once every year
2.	Two-wheeler	100000 per year	150000 per 6 months	Once every 6 months
3.	Two-wheeler	150000 per 6 months	-	Once every 3 months
4.	Three-wheeler	10000 per year	75000 per 6 months	Once every 6 months
5.	Three-wheeler	75000 per 6 months	—	Once every 3 months

(e) COP frequency and samples:-

For production volumes of less than 250 per 6 months the method as prescribed in the proviso to rule 126-A shall apply;

(f) Testing procedures shall be in accordance with the reference document MOST/CMVR/TAP-115/116 as amended from time to time by the Government of India in the Ministry of Road Transport and Highways:]

²⁷⁶[Provided that Mass Emission Standards (Bharat Stage II) for diesel driven twowheeler and three-wheeler shall come into force on the dates specified against each of the States in Table below:—

SI. No.	State	Date
(1)	(2)	(3)
1.	Rajasthan	1st June, 2005
2.	Uttar Pradesh— Mathura, Kannauj, Muzaffarnagar, Aligarh, Farukkabad, Saharanpur, Badaun, Barreily, Moradabad, Hathras, Rampur, Bijnor, Agra, Pilibhit, J.P. Nagar, Mainpuri, Lalitpur, Hardoi, Firozabad, Jhansi, Shahjahanpur, Eta wall, Jalon, Lakhirnpur	
3.	Kheri, Etah, Mahoba and Sitapur	1st July, 2005
4.	Madhya Pradesh	1st September, 2005
5.	Himachal Pradesh	1st October, 2005
6.	Jammu and Kashmir	1st October, 2005
7.	Punjab	1st October, 2005.]

TABLE

²⁷⁷[(14) Mass Emission Standards (Bharat Stage III).—The Mass Emission Standards for

Bharat Stage III shall be as under:---

(*A*) Motor cars with seating capacity of and up to six persons (including driver) and Gross Vehicle Weight not exceeding 2500 kg.

Vehicles with	Limit Values for Type Approval (TA) as well as COP (g/km)				
	CO	HC	NOx	HC+NOx	PM
Gasoline	2.30	0.20	0.15	-	-
Diesel engine	0.64	-	0.50	0.56	0.05

²⁷⁶ Inserted by G.S.R. 200(E),dated 1-4-2005(w.e.f. 1-4-2005).

²⁷⁷ Inserted by G.S.R. 686(E), dated 20-10-2004. Brought into force—(*a*) in the National Capital Region and the cities of Mumbai, Kolkata, Chennai, Bangalore, Hyderabad including Secundrabad, Ahmedabad, Pune, Surat, Kanpur and Agra in respect of four-wheeled vehicles manufactured on and from 1st April 2005, except in respect of four-wheeled transport vehicles plying on Inter-State Permits or National Permits or All India Tourist Permits within the jurisdiction of these cities; and (*b*) in other areas of the country, from such date as may be notified by the Central Government. Here "National Capital Region" shall have the same meaning as assigned to it in clause (/) of section 2 of the National Capital Region Planning Board Act, 1985 (2 of 1985).

(B) Four-Wheeler Passenger Vehicles with Gross Vehicle Weight equal to or less than 3500 kg and designed to carry more than six persons (including driver) or 3000 kg. and

(C) Four-wheeled Vehicle (other than passenger vehicles) with Gross Vehicle Weight equal to or less than 3500 kg shall conform to the following norms:—

-		Limit Values for Type Approval (TA) (g/km) as well as 0					ll as CO)P		
		C)	HC	2	NC)x	HC+I	NOx	PM
Class	Ref. Mass (rw) kg	Gasoline	Diesel	Gasoline	Diesel	Gasoline	Diesel	Gasoline	Diesel	Diesel
Ι	rw<1305	2.30	0.64	0.20		0.15	0.50		0.56	0.05
II	1305 <rw <1760</rw 	4.17	0.80	0.25		0.18	0.65		0.72	0.07
III	1760 <rw< td=""><td>5.22</td><td>0.95</td><td>0.29</td><td>—</td><td>0.21</td><td>0.78</td><td></td><td>0.86</td><td>0.10</td></rw<>	5.22	0.95	0.29	—	0.21	0.78		0.86	0.10

13 In case of diesel vehicles, the engine power shall be measured on engine dynamometer and the measured power shall not differ from the specified power as given below:

(i)For Type approval: \pm 5% at maximum power point and \pm 10% at other measurement points for single cylinder engines. \pm 2% at maximum power point and + 6 , and -2% at other measurement points for all other engines.

(ii) Testing procedures shall be in accordance with Chapter 6 of Part IV of the reference document MOST/CMVR/TAP-115/116 as amended trom time to time by the Government of India in the Ministry of Shipping, Road Transport and Highways.

14. The vehicles described in clauses (A), (B) and (C) of this sub-rule should comply with rule 115(2).

Engine category		Deterioration factors			
	СО	HC	NOx	HC+NOx	PM
Gasoline/Gas Engine	1.2	1.2	1.2	-	-
Diesel Engine	1.1	—	1.0	1.0	1.2

(D) Diesel vehicles with GVW exceeding 3500 kg shall conform to the following norms:-

11. In case of diesel vehicles, the engine power shall be measured on engine dynamometer and the measured power shall not differ from the specified power as given below:

(i) For Type approval: ±2% at maximum power point and +6% and -2% at other measurement points.

(ii) For conformity of production: -5%/+8% at maximum power point.

(iii) Testing procedures shall be in accordance with Chapter 6 of Part TV of the reference document MOST/CMVR/TAP-115/116 as amended from time to time by the Government of India in the Ministry of Shipping, Road Transport and Highways.

12. The vehicles mentioned in clause (D) shall also comply with rule 115(2).

(E) Diesel vehicles with GVW exceeding 3500 kg. and fitted with advanced exhaust after treatment system including De-NOx catalyst and/or particulate trap shall additionally conform to the following norms:—

Limit Values for Type Approval (TA) as well as (COP)

Engine Transient Cycle (ETC)

CO(g/kWh)	HC (g/kWh)	NOx (g/kWh)	PM (g/kWh)
5.45	0.78	5.0	0.16/0.21' ³ '

(1) For engines having swept volume of less than 0.75 litre per cylinder and a rated power speed of more than 3000 rpm.

(2) For diesel engines only. Notes.--

1. The test shall be on engine dynamometer.

2. There shall be no relaxation of norms for COP purposes.

3. The gaseous and particulate emissions are to be determined on the ESC lest as described in EEC document 1999/96/EC.

4. The smoke opacity is to be determined on the ELR test as described in EEC document 1999/96/EC.

5. In case of vehicles operating on CNG or LPG mode all the provisions prescribed in rules 115-B and 115-C shall be respectively applicable, except that limiting value shall be as per clause (D) above.

6. The reference fuel shall be as specified in Annexure IV-F, Annexure 1V-II and Annexure rV-I for diesel, LPG and CNG, respectively.

7. The Conformity of Production (COP) testing procedure shall be as described in section 9 of Annexure I of EEC Directive 88/77/EEC last amended by 1999/96/EC.

8. The COP frequency and samples:----

(/) The COP period for each engine model including its variants shall be once in a year.(*ii*) For production volume of less than 250 for six months, the method as prescribed in the provisos to rule 126-A shall apply.

9. For diesel engine vehicles, the emission of visible pollutants (smoke) shall not exceed the limit value of smoke density, as per Annexure I to rule 115(9). These smoke limits

are without correction factor and engines are to be tested with conditioned air supplied to the engine to maintain atmospheric factor of 0.98 to 1.02.

10. The vehicles meeting the above norms shall use commercial fuel as per BIS specification IS:1460-2000 (Amendment No. I—January, 2003) (Fourth Revision) for Diesel and IS:2796-2000 (Amendment No. II—February, 2003) (Third Revision) for Gasoline.

11. In case of diesel vehicles, the engine power shall be measured on engine dynamometer and the measured power shall meet the requirements as given below:

(i) For Type approval: \pm 2% at maximum power point and +6% and -2% at other measurement points.

(*ii*) For conformity of production: -5%/+8% at maximum power point.

(iii) Testing procedures shall be in accordance with Chapter 6 of Part IV of the reference document MOST/CMVR/TAP-115/116 as amended from time to time by the Government of India in the Ministry of Shipping, Road Transport and Highways.

12. The vehicles mentioned in clause (E) shall also comply with rule 115(2).]

²⁷⁸[115-A. "[Emission of smoke and vapour from agricultural tractors, power tillers and construction equipment vehicles driven by diesel engines.—(1) Every ^[agricultural tractor and construction equipment vehicle] manufactured on and from the date of commencement of this rule shall be maintained by its owner in such condition and shall be so used that visible and gaseous pollutants emitted by them comply with the standards as prescribed in this rule.

(2) Every manufacturer of an ²⁷⁹[agricultural tractor and construction equipment vehicle] shall comply with the standards for visible pollutants, emitted by it, when tested as per the procedure described in Indian Standards IS: 12062:1987.

(3) The emission of visible pollutants shall not exceed the limit values given below when tested on engine dynamometer at eighty per cent load at six equally spaced speeds, namely:—

(a) Fifty-five per cent of rated speed declared by the manufacturer or one thousand r.p.m., whichever is higher; or

(b) rated speed declared by the manufacturer.

²⁷⁸ Inserted by G.S.R. 627(E), dated 8-9-1999 (w.e.f. 1-10-1999).

²⁷⁹ Substituted by G.S.R. 589(E), dated 16-9-2005, for the heading (w.e.f. 16-9-2005).

Maximum Smoke Density			
Light absorption coefficient (Im)	Hartridge units		
3.25	75		

(4) Every diesel driven ⁹³²⁸⁰[construction equipment vehicles] shall be so manufactured and produced by its manufacturer that it complies with the following standards of gaseous pollutants, emitted by them in addition to those of visible pollutants as provided in sub-rule (2) when tested as per the procedures described in ISO 8178-4 "CI" 8 mode cycle, namely:—

The weighted average Mass of Carbon Monoxide (CO), Hydrocarbons (HC) and Mass Oxides of Nitrogen (NOx) in gram or ²⁸¹[per] kilo watt. Irr. emitted during the test shall not exceed the limits given below, both for type approval and Conformity On Production tests, namely:—

Mass of Carbon Monoxide (CO)	14.0 grain or ²⁸¹ [per] kilo watt. hr.
Mass of Hydrocarbon (HC)	 3.5 gram or ²⁸¹ [per] kilo watt. hr.
Mass of Oxides of Nitrogen (NOx)	 18.0 gram or ²⁸¹ [per] kilo watt, hr.]

²⁸²[(5) Every diesel driven agriculture tractor and power tiller shall be so manufactured and produced by the manufacturer that it complies with the following standards of gaseous pollutants emitted by them in addition to those of visible pollutants as provided in sub-rule (2) when tested as per the procedure prescribed in ISO 8178-4 "CI" 8 mode cycle, namely:—

The weighted average Mass of Carbon Monoxide (CO), Hydrocarbon (HC) and Oxides of Nitrogen (NOx) and Particulate Matter (PM) in gram per kilo watt hour emitted during the test shall not exceed the limits given below in the Table for Type Approval (TA) and Conformity of Production (COP) tests, namely:—

ТΑ	BI	E
111	ЪĽ	

	Bharat (Term) Stage II norms	Bharat (Term) Stage III norms
(1)	(2)	(3)
	TA=COP	TA=COP
Mass of Carbon Monoxide (CO)	9.0	5.5
Mass of Hydrocarbons (HC)	15.0	9.5
Mass of Oxides of Nitrogen (NOx)		
Mass of Particulate Matter	1.0	0.8]

²⁸⁰ Substituted by G.S.R. 83(E), dated 5-2-2003, for "agricultural tractor and construction equipment vehicle" (w.e.f. 1-6-2003).

²⁸¹ Corrected by G.S.R. 800(E), dated 3-12-1999.

²⁸² Sub-R. (5) substituted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

(PM)	
Notes.—	

(I)The norms mentioned in column (2) of the said Table which are applicable for agricultural tractor with effect from the 1st day of June, 2003, shall be applicable for power tillers from the 1st day of October, 2006.

(2) The norms mentioned in column (3) of the said Table shall be applicable for agricultural tractor with effect from the 1st day of October, 2005 and for power tillers from the 1st day of April, 2008.]

²⁸³[115-B. Mass emission standards for Compressed Natural Gas Driven Vehicles.— ²⁸⁴[Mass emission standards for vehicles when operating on Compressed Natural Gas (hereinafter in this rule referred to as "CNG") shall be the same as are applicable for gasoline vehicles with the exception that HC shall be replaced by Non-Methane Hydrocarbon (NMHC), where NMHC = $0.3 \times HC$]

A. Original Equipment/Converted Gasoline Vehicles:

(1) For gasoline vehicles with Original Equipment (hereinafter in this rule referred to as O.E.) fitment.—²⁸⁵[(a) In case of CNG fitments by vehicle manufacturers on new petrol vehicles, each model manufactured by vehicle manufacturers shall be type approved as per the prevailing mass emission norms as applicable for the category of new vehicles in respect of the place of its use;]

Explanations.--In the case of O.E. or conversion of "In-Use" Gasoline Vehicles,---

(a) For the purposes of granting Type Approval to a CNG kit, the tests shall be carried out as per the Table below by the test agencies.

TABLE

	Test	Reference Document
	(1)	(2)
(i) (ü)	Mass emission tests Engine performance tests on engine dynamometer applicable for OE only Constant speed fuel	MOST/CMVR/TAP-115/116 and notifications issued by the Government of India in this respect IS: 14599-1999 IS: 11921,1986 (for 4-wheelers) IS: 10944,1983 (for mopeds)
	consumption test	IS: 10881,1984 (for motor cycles and scooters)

(b)The test procedure and safety guidelines for CNG vehicles, kit components including installation thereof, shall be as per A1S 024, as amended from time to time, till such time as corresponding BIS specifications are notified.

²⁸³ R. 115-B substituted by G.S.R. 853(E) dated 19-11-2001 (w.e.f. 19-5-2002).

²⁸⁴ Substituted by G.S.R. 111(E), dated 10-2-2004 (w.e.f. 10-8-2004).

²⁸⁵ Cl. (a) substituted by G.S.R. 589(E),dated 16-9-2005 (w.e.f. 16-9-2006).

(c) For OE fitment and retrofitment on "in-use" vehicles, the responsibility to Type Approval shall be that of the vehicle manufacturer and kit manufacturer or supplier respectively.

(*d*) The Type Approval of CNG kit for "retrofitment" shall be valid for three years from the date of issue of such approval and shall be renewable for three years at a time.

(e) The retrofitment of CNG kits on in-use vehicles shall be carried out by workshops authorized by the kit manufacturer/supplier or vehicle manufacturers, as the case may be.

(/) The test agency shall complete the test and give necessary certificate within a period of three months from the date of receiving the kits.

(g)The kit manufacturer/supplier shall provide a layout plan for retrofitment of CNG kit in the respective models on which any approved kit is to be installed, to the test agency for vetting and approval. The retrofitment of the kit shall be on the basis of such approved layout plan only. Testing agencies will be required to indicate specifically, the models and their variants on which the certificate will be valid.

²⁸⁶[* * *]

B. O.E. CNG Vehicles/Converted Diesel Vehicle:

(*I*) For O.E. CNG Dedicated Vehicle (including drive-away chassis) made by vehicle manufacturers.— 287 [(a) In case of CNG fitments by vehicle manufacturers on new diesel vehicles, each model manufactured by vehicle manufacturers shall be type approved as per the prevailing mass emission norms as applicable for the category of new vehicles in respect of the place of its use;]

(*b*) O.E. CNG engine approved for specific engine capacity can be installed on the base model and its variants complying with the requirements under these rules as applicable;

(c) Tests for particulate matter and emission of visible pollutants (smoke) under these rules shall not be applicable;

(d) Prevailing COP procedure will also be applicable.

(*II*) For conversion by modification of engines of *In-use Diesel Vehicles.*— (A) Type approval for diesel vehicle retrofitted/modified for dedicated CNG operation shall be given for specific make and model of the vehicle, in view of major changes or modifications involved in the CNG kit and diesel engine depending upon make and model of the vehicle;

²⁸⁶ Item A, CI. (III) omitted by G.S.R. 111(E), dated 10-2-2004 (w.e.f. 10-8-2004).

²⁸⁷ Cl. *(a)* substituted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2006).

(b) CNG kit approved on the vehicle for specific engine capacity can be installed on the base model and its variants fitted with the same capacity engine;

²⁸⁸[(c) The in-use vehicles when converted to operate on CNG shall meet the type approval norms of diesel vehicles corresponding to the year of their manufacture subject to the following minimum norms:—

(i) for the vehicles manufactured up to the 31st _%day of March, 2000, the type approval norms equivalent to India-2000 (India Stage I) norms as applicable under these rules;

(a) for the vehicles manufactured on and after the 1st day of April, 2000, the type approval norms as specified in the Bharat Stage II norms, till the validity of such Bharat Stage II norms;

(iii) for the vehicles manufactured on and after the 1st day of April, 2005, the type approval norms as applicable subject to minimum of Bharat Stage III emission norms in case of four-wheelers and Bharat Stage II emission norms for two and three-wheelers till the validity of these norms;]

(*d*) Vehicles offered for Type Approval to the testing agency referred in rule 126 of the Central Motor Vehicles Rules, 1989 shall have to comply with fitness requirement, as applicable under these rules;

(e) Tests for particulate matter and emission of visible pollutants (smoke) under these rules shall not be applicable;

(f) Separate Type Approval is required for mechanically controlled and electronically controlled diesel fuel injected vehicles when retrofitted/ modified for CNG operation.

Explanations.—In the case of O.E. or conversion of "In-Use" vehicles by modification— (*a*) for the purpose of granting Type Approval to the vehicle fitted with CNG engine (converted from diesel engine) as O.E., or conversion by modification of "In-Use" diesel vehicles, performance tests shall be carried out as per the Table given below by the test agencies, namely:—

	(1)	(2)
(iv)	Electro Magnetic	In accordance with notification issued under rule 124 of Central Motor
	Interference (EMI)	Vehicles Rules, 1989
(v)	Range test of at least 250 km for	
	buses	
(vi)	Cooling Performance	IS: 14557,1998
(vii)	Constant speed fuel consumption	IS: 11921,1986 (for 4-wheelers)
		IS: 10944,1983 (for mopeds)
		IS: 10881,1984 (for motor cycles and scooters)

Explanation.-

²⁸⁸ CI. (c) substituted byG.S.R 589(E),dated 16-9-2005(w.e.f. 16-9-2006).

(a) Vehicles offered for Type Approval to the testing agency referred in rule 126 shall have to comply with fitness requirement, as applicable under these rules.

(b)Test procedure and safety guidelines for such CNG vehicles, kit components including installation thereof shall be as per A1S 024, as amended from time to time, till such time as corresponding BIS specifications are notified.

(c) The test agency shall complete the test and give necessary certificate within three months of the same being submitted for tests.

(d) Testing agencies will be required to indicate specifically, the models and their variants on which the replacement of new engine will be valid.

D. Applicable Emission Norms

Category of Engines	Applicable Emission Norms
(<i>i</i>) Fitted in vehicles with CVW equal to or less than 3.5 ton	 For gasoline vehicles converted to CNG, Prevailing gasoline engine norms for chassis dynamometer test For diesel vehicles converted to CNG, prevailing diesel engine norms for chassis dynamometer lest
(ii') Fitted in vehicles with CVW greater than 3.5 ton	Prevailing diesel engine emission norms based on 13-mode steady- state engine dynamometer test.

E. CNG vehicle/s kit components including installation shall comply the Safety Checks as given in Annexure IX.

F. Testing agencies shall issue every Type Approval certificate containing the "Safety and Procedural Requirements for Type Approval of CNG and LPC Operated Vehicles" for CNG vehicles and conversion kits, as mentioned in Annexure X.

Note:---

1. For the purpose of these rules, "O.E. fitment" means the vehicles which are manufactured for CNG operation by the vehicle manufacturer prior to their first registration.

2. "Conversion of In-use Gasoline Vehicle" means a vehicle already registered as a gasoline vehicle and is subsequently converted for operation on CNG by fitting the conversion kit and carrying out the other necessary changes.

3. "O.E. CNG Dedicated Vehicles" means the vehicles which are manufactured for CNG operation by the vehicle manufacturer prior to their first registration.

4. "Converted diesel vehicle" means a vehicle already registered as a diesel vehicle and is subsequently converted for operation on CNG by modifying the diesel engine fitted on that vehicle by fitting the conversion kit and carrying out the other necessary changes.

5. "Retro fitment" (or replacement) of diesel vehicle means a vehicle already registered as a diesel vehicle and is subsequently converted for operation on CNG fitting a new engine adapted to operate on CNG.

6. The AIS or IS specifications may be amended from time to time.

²⁸⁹[7. In case of conversion kits on in-use gasoline vehicles or converted diesel vehicles, the validity of the type approval certificate issued by the testing agencies shall cover vehicles manufactured between the year of manufacture of the vehicle, on which such kit has been tested and date of the validity of the applicable norms prescribed for such category of vehicles as per clause (a) of Item (II) of part A of rule 115-B. Testing agencies shall be required to indicate specifically the model and their variants for diesel vehicles and capacity range of gasoline vehicles on which the certificate shall be valid for conversion.

²⁹⁰[115-C Mass emission standards for Liquefied Petroleum Gas (hereinafter in this rule referred to as LPG), driven vehicles.—²⁹¹[(1) Mass emission standards for vehicles when operating on Liquefied Petroleum Gas (hereinafter in this rule referred to as "LPG") shall be same as are applicable for gasoline vehicles with the exception that HC shall be replaced by Reactive Hydrocarbon (RHC), where RHC=0.5 x HC]

(2) For gasoline vehicles with Original Equipment (hereinafter in this rule referred to as O.E.) Fitment,—

(a) In case of LPG fitment done by vehicle manufacturers on new petrol vehicles, each model made by vehicle manufacturer shall be as type approved as per prevailing type approval emission norms and these rules as applicable;

(b) base model and variants of such vehicle shall conform to these rules as applicable and type approval emission norms in petrol mode as specified in these rules. In the case of LPG mode, it shall meet mass emission norms as specified in rule 115 only excluding crankcase and evaporative emission norms;

(c) a vehicle base model and its variants fitted with petrol tank of capacity not exceeding 5 litres, 3 litres and 2 litres on 4-wheeler, 3-wheeler and 2-wheeler respectively, shall be exempted from mass emission tests, crankcase emission test and evaporative emission test in petrol mode as specified in these rules, but shall comply with other provisions of these rules as applicable;

 ²⁸⁹ Note 7 substituted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2006).
 ²⁹⁰ Inserted by G.S.R. 284(E), dated 24-4-2001 (w.e.f. 24-5-2001).
 ²⁹¹ Substituted by G.S.R. 111(E), dated 10-2-2004 (w.e.f. 10-8-2004).

(d) such vehicle shall be capable of bi-fuel operation such as LPG and petrol;

(e) prevalent Conformity of Production (hereinafter in this rule referred to as the COP) procedure shall also be applicable.

(3) For in-use gasoline vehicles,—

²⁹² [(a) On and after expiry of one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005 in the Official Gazette, the in-use vehicles fitted with LPG kits shall meet the type approval emission norms specified in these rules for gasoline vehicles as applicable to the corresponding year of manufacture of such vehicle, subject to the following minimum norms:

(i) for the vehicles manufactured up to the 31st day of March, 2000, the type approval norms equivalent to India-2000 (India Stage I) norms as applicable under these rules;

(ii) for the vehicles manufactured after the 1st day of April, 2000, the type approval norms as specified in the Bharat Stage II norms, till the validity of such Bharat Stage II norms;

(iii) for the vehicles manufactured after the 1st day of April, 2005, the type approval norms as applicable subject to minimum of Bharat Stage III emission norms in case of four-wheelers and Bharat Stage II emission norms for two and three-wheelers:

Provided that in respect of vehicle model/conversion kits/engine replacements type approved and certified under rule 115-C prior to commencement of these rules (as per notification number G.S.R. 284(E), dated the 24th April, 2001), such certificates shall cease to be valid after one year from the date of publication of the Central Motor Vehicles (Fifth Amendment) Rules, 2005, in the Official Gazette notwithstanding the period of validity specified in such certificates. Such certificates need to be revalidated by testing agencies in terms of these rules:

Provided further that respective kit manufacturer/retrofitter/converters shall be free to obtain from testing agencies type approval in terms of new rules even prior to commencement of these rules;]

(*h*) for purposes of LPG kit approval, kit manufacturer or supplier shall obtain the certificate from any of the test agencies authorised under rule 126 based on capacity of vehicle, in the following manner, namely:—

²⁹² Cl. (a) substituted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

(i) LPG kit for the vehicles shall be type approved for vehicles irrespective of make and model based on engine capacity in cubic cm. Such a kit shall be considered fit for retrofitment in any vehicle having engine capacity within a range of $\pm 25\%$ tolerance;

(*ii*) for carbureted and Multi-point fuel injection fitted vehicles, separate type approval shall be necessary.

(4)(a) For the purpose of granting type approval to LPG kit the following performance tests shall be carried out by the test agencies:—

(i) Mass emission tests.

(ii) Engine performance tests.

(iil) Constant speed fuel consumption test;

(b) the tests specified under sub-clause (it) of clause (a) shall be carried out either on engine dynamometer or chassis dynamometer as applicable under these rules. However, in case of vehicle above 100 HP the tests shall be only on engine dynamometer;

(c) the safety checks for such kit components including installation shall be as per the norms and standards given in the Annexure VIII, apart from detailed test procedure or safety guidelines contained in AIS 025 DI, as approved by the Central Government from time to time;

(*d*) for OE fitment and retro fitment on "in-use" vehicles, the responsibility of Type Approval shall be that of the vehicle manufacturer and kit manufacturer or supplier, respectively;

(e) the Type Approval of LPG kit for retrofitment shall be valid for three years from the date of issue of such approval and shall be renewable for three years at a time;

(f) the retrofitment of LPG kits on in-use vehicles, shall be carried out by workshops authorised by the kit manufacturer/kit supplier or vehicle manufacturers, as the case may be;

(g) the test agency shall complete the test and give necessary certificate within a period of three months from the date of receiving the kits;

(h) the kit supplier/manufacturer shall provide a layout plan for retrofitment of LPG kit in the respective models on which any approved kit is to be installed, to the test agency for vetting and approval. The retrofitment of the kit shall be on the basis of such approved layout plan only.

²⁹³[* * *]

²⁹⁴[(6)For *Diesel Vehicles with Original Equipment fitment.*—²⁹⁵ [(/) In case of LPG fitments by vehicles manufacturers on new diesel vehicles, each model manufactured by vehicle manufacturers shall be type approved as per the prevailing mass emission norms as applicable for the category of new vehicles in respect of the place of its use;] (ii') O.E. fitment LPG engine approved for specific appropriate engine capacity can be

installed on the vehicle base model and its variants complying with the other requirements under these rules as applicable;

(iii) Tests for particulate matter and emission of visible pollutants (smoke) under these rules shall not be applicable; and

(iv) Prevailing COP procedures shall also be applicable;

(v) In case of limits for Hydrocarbons, the mass emission standards formula as specified in sub-rule (1) shall be applicable.

Explanation.—In the case of O.E. fitment vehicles:—

(*a*) For the purpose of granting Type Approval to the vehicle manufactured by O.E., in addition to the tests as specified in Central Motor Vehicles Rules, 1989, following performance tests shall be carried out, as per the Table given below by the test agency, namely:—

SI. No.	Test	Reference Document (as amended from time to time)	
(1)	(2)	(3)	
1.	Mass emission tests	MOST/CMVR/TAP-115/116 and notification issued by the	
		Government of India in this respect	
2.	Engine performance tests	IS: 14599-1999	
3.	Gradeability test	In accordance with notification issued under rule 124 of Central Motor Vehicles Rules, 1989	
4.	Constant speed fuel	IS: 11921-1986 (for four-wheelers)	
	consumption test	IS: 10944-1983 (for mopeds)	
		IS: 10881-1984 (for motor cycles and scooters)	
		AIS 054 (for three-wheelers)	
5.	Electro-Magnetic	In accordance with notification issued under rule 124 of Central Motor	
	Interference (EMI)	Vehicles Rules, 1989	
6.	Range test of at least 250	AIS 055	
	km for buses. For other		
	vehicle categories range		
	test to be carried out and		
L	test results to be reported.		
7.	Cooling performance	IS:14557-1998	

TABLE

²⁹³ Sub-rule (5) omitted by G.S.R. 589(E),dated 16-9-2005 (w.e.f. 16-9-2005).

²⁹⁴ Inserted by G.S.R 788(E), dated 27-11 -2002 (w.e.f. 2-6-2003).

²⁹⁵. Cl. (i) substituted by G.S.R.589(E),dated 16-9-2005(w.e.f. 16-9-2006).

Note:—The mass emission tests shall be carried out either on engine dynamometer or chassis dynamometer, as applicable;

(b)Test procedure and safety guidelines for LPG vehicles, kit components including installation thereof, shall be as per A IS 025, AIS 026, AIS 027 as amended from time to time, till such time as corresponding BIS specifications are notified and shall be as given in Annexure-VIII in addition to the detailed procedure of Safety Checks contained in AIS 025, AIS 026, AIS 026, AIS 027;

(c) For O.E. fitment manufactured vehicles, the responsibility of Type Approval shall be that of the vehicle manufacturer;

(d) The test agency shall complete the test and give necessary certificate within a period of three months from the date of receiving the kits.

²⁹⁶[(7) *Replacement of In-use Diesel Engine by new LPG Engine.*—For type approval of in-use vehicle having diesel engine replaced by new Liquefied Petroleum Gas engine it shall meet the prevailing emission norms as applicable to the category of vehicles in respect of its place of use subject to the tests mentioned in the Table given below]:—

SI. No.	Test	Reference Document (as amended from time to time)	
(1)	(2)	(3)	
1.	Mass emission tests	MCST/CMVR/TAP-115/116and notification issued by the Government of India in this respect	
2.	Engine performance tests	IS: 14599-1999	
3.	Gradeability test	In accordance with notification issued under rule 124 of Central Motor Vehicles Rules, 1989	
4.	Constant speed fuel consumption test	IS: 11921-1986 (for four-wheelers) IS: 10944-1983 (for mopeds) IS: 10881-1984 (for motor cycles and scooters) AIS 054 (for three-wheelers)	
5.	Electro-Magnetic Interference (EMI)	In accordance with notification issued under rule 124 of Central Motor Vehicles Rules, 1989	
6.	Range test of at least 250 km for buses. For other vehicle categories range test to be carried out and test results to be reported.	AIS 055	
7.	Cooling performance	IS: 14557-1998	

TABLE

Explanation.—(*a*) In case of in-use vehicles offered for Type Approval to the test agency referred to in rule 126, it shall have to comply with fitness requirement, as applicable under these rules and the said test agency may, if it thinks so, verify the same;

²⁹⁶ Sub-R. (7) substituted byG.S.R. 589(E),dated 16-9-2005 (w.e.f. 16-9-2006).

(b) In case of non-transport vehicles offered for retrofitment as per the tests mentioned in the Table, it shall be the responsibility of the retrofitter to make necessary inspection/checks regarding fitness of the such vehicles as applicable under these rules: In the case of retrofitment of in-use transport vehicles offered for the tests mentioned in the Table, the certificate of fitness granted under section 56 of the Act, shall be essential before the vehicle is accepted for retro fitment/conversion;

(c) Test procedure and safety guidelines for such LPG vehicles, kit components including installation thereof shall be as per AIS 025, as amended from time to time, till such time as corresponding BIS specifications are notified and shall be as given in Annexure VIII in addition to the detailed procedure or Safety checks contained in AIS 025;

(d) The test agency shall complete the test and give necessary certificate within a period of three months from the date of the vehicle being submitted for tests; and

(c)The test agency shall be required to indicate specifically, the models and their variants on which the replacement of new engine shall be valid.

(8) *Applicable emission norms.—The* emission norms as mentioned in column (3) of the Table below excluding particulate matter shall be applicable to the corresponding categories of engines as mentioned against them in column (2) of the said Table.

SI. No.	Category of Engines	Applicable Emission Norms	
(1)	(2)	(3)	
1.	Fitted in vehicles with G VW equal to or less	• For gasoline vehicles converted to LPG,	
	than 3.5 ton	prevailing gasoline engine norms for	
		chassis dynamometer test	
		• For diesel vehicles converted to LPG,	
		prevailing diesel engine norms for chassis	
		dynamometer test	
2.	Fitted in vehicles with G VW greater than 3.5	• Prevailing diesel engine emission norms	
	ton	based on 13-mode steady-state engine	
		dynamometer test	

TABLE

(9) LPG vehicle/kit components including installation shall comply with the Safety Checks as given in Annexure VIII.

(10) The test agency shall, in addition to the Type Approval Certificate, issue Safety and Procedural Requirements for Type Approval Certificate containing the Safety and Procedural Requirements for Type Approval *oi* CNG and LPG Operated Vehicles, for LPG vehicles and conversion kits, as mentioned in Annexure X.

Note:—For the purposes of these rules,—

(1) "OE fitment" means the vehicle engines which are manufactured for LPG operation by the vehicle manufacturer prior to their first registration;

(2) "Conversion of In-use gasoline vehicle" means a vehicle already registered as a gasoline vehicle and subsequently converted for operation on LPG by fitting the conversion kit and carrying out the other necessary changes;

(3) "O.E. fitment LPG dedicated vehicle" means a vehicle which is manufactured for LPG operation by the vehicle manufacturer prior to their first registration;

(4) "Type approval of In-use vehicle having diesel engine replaced by new LPG engine" means a vehicle already registered as a diesel vehicle and is subsequently converted for operation on LPG by fitting a new engine adapted for operation on LPG;

(5) The AIS or IS specifications may be as amended and notified from time to time.]

²⁹⁷[(6) In case of conversion kits on in-use gasoline vehicles or replacement of in-use diesel engines by new LPG engines, the validity of the type approval certificates issued by the testing agencies shall cover vehicles manufactured between the year of manufacture of the vehicle, on which such kit had been tested and the date of validity of the norms prescribed for such category of vehicles as per clause (*a*) of sub-rule (3) of rule 115-C. Testing agencies shall be required to indicate specifically, the model and their variants for diesel vehicles and capacity range of gasoline vehicles on which the certificate shall be valid for conversion.]

116. Test for smoke emission level and carbon monoxide level for motor vehicles.— ²⁹⁸[(1) Notwithstanding any tiling contained in sub-rule (7) of rule 115 any officer not below the rank of Sub-Inspector of Police or the Inspector of Motor Vehicles who has reason to believe that a motor vehicle is not complying with the provisions of sub-rule (2) or sub-rule (7) of rule 115, may, in writing, direct the driver or any person incharge of the vehicle to submit the vehicle for conducting the test to measure the standards of emission in any one of the authorized testing stations, and produce the certificate to an authority at the address mentioned in the written direction within 7 days from the date of conducting the check.

(2) The driver or any person incharge of the vehicle shall upon such direction by the officer referred to in sub-rule (1) submit the vehicle for testing for compliance of the

²⁹⁷ Note 6 inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2006).

²⁹⁸ Substituted by G.S.R. 338(E), dated 26-3-1993(w.e.f. 26-3-1993).

provisions of ²⁹⁹[sub-rule (2) and sub-rule (7) of rule 115], at any authorised testing station.

(3) The measurement for compliance of the provisions of ¹⁶[sub-rule (2) and sub-rule (7) of rule 115] shall be done with a meter of the type approved by any agency referred to in rule 126 of the principal rules or by the National Environmental Engineering Research Institute, Nagpur-440 001:

Provided that such a testing agency shall follow ISO or ECE Standards and procedures for approval of measuring meters.

(4) If the result of the tests indicate that the motor vehicle complies with the provisions of ¹⁶[sub-rule (2) and sub-rule (7) of rule 115], the driver or any person incharge of the vehicle shall produce the certificate to the authority specified in sub-rule (1) within the stipulated time-limit.

(5) If the test results indicate that the motor vehicle does not comply with the provisions of the ¹⁶[sub-rule (2) and sub-rule (7) of rule 115], the driver or any person incharge of the vehicle shall rectify the defects so as to comply with the provisions of the sub-rule (2) of rule 115 within a period of 7 days and submit the vehicle to any authorised testing station for re-check and produce the certificate so obtained from the authorised testing station to the authority referred to in sub-rule (1).

(6) If the certificate referred to in sub-rule (1) is not produced within the stipulated period of seven days or if the vehicle fails to comply with the provisions of ¹⁶[sub-rule (2) and sub-rule (7) of rule 115] within a period of seven days, the owner of the vehicle shall be liable for the penalty prescribed under sub-section (2) of section 190 of the Act.

(7) If the driver or any person incharge of the vehicle referred to in sub-rule (1) does not produce the said certificate within the said period of 7 days, such vehicle shall be deemed to have contravened the provisions of the sub-rule (2) of ride 115 and the checking officer shall report the matter to the registering authority.

(8) The registering authority shall on receipt of the report referred to in sub-rule (7), for reasons to be recorded in writing suspend the certificate of registration of the vehicle, until such time the certificate is produced before the registering authority to the effect that the vehicle complies with the provisions of ^{,6}[sub-rule (2) and sub-rule (7) of rule 115].

²⁹⁹ Substituted by G.S.R. 111(E), dated 10-2-2004, for "sub-rule (2) of rule 115" (w.e.f. 10-8-2004).

(9) On such suspension of the certificate of registration of the vehicle, any permit granted in respect of the vehicle under Chapter V or under Chapter VI of the Motor Vehicles Act, 1988 (59 of 1988) shall be deemed to have been suspended until a fresh "Pollution under control" certificate is obtained.]

Speed governors

117. Speedometer.—(1) ³⁰⁰[Every motor vehicle (including construction equipment vehicle), other than an invalid carriage] or a vehicle, the designed speed of which does not exceed thirty kilometres per hour, shall be fitted with an instrument (hereinafter referred to as "speedometer") so constructed and fixed in such a position as to indicate to the driver of the vehicle the speed at which the vehicle is travelling:

³⁰¹[Provided that every agricultural tractor shall be fitted with an Engine RPM-cum-Hour Meter:]

³⁰²[Provided further that the requirement of provision of speedometer is exempted for construction equipment vehicle in which the driver's cabin rotates about a vertical axis.]

³⁰³[(2) On an expiry of one year and three months from the date *oi* commencement of the Central Motor Vehicles (Amendment) Rules, 1999, every motor vehicle manufactured shall be fitted with a speedometer conforming to the requirements of IS: 11827-1995 specified by Bureau of Indian Standards.]

¹⁹[(3) On and after the commencement of the Central Motor Vehicles (Sixth Amendment) Rules, 2000, every construction equipment vehicle manufactured shall be fitted with a speedometer that shall conforn to the requirements of IS: 11827 specified by the Bureau of Indian Standards concerning the speedometer.]

118. Speed governor.--(1) On and from the commencement³⁰⁴ of this rule, such transport vehicles as may be notified by ³⁰⁵[the State Government] in the Official Gazette shall be fitted by the operator of such transport vehicle with a speed governor (speed controlling device) ³⁰⁶ conforming to the Standard A IS : 018, as amended from time to

³⁰⁰ Substituted by G.S.R. 642(E), dated 28-7-2000, for "Every motor vehicle, other than an invalid carriage" (w.e.f. 28-7-2000). ³⁰¹ Inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f 26-3-1993).

³⁰² Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

³⁰³ Substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999). Earlier sub-R. (2) was substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

³⁰⁴ Brought into force on 1 st July, 1993 vide S.0.427(E), dated 27th June, 1991.

³⁰⁵ Substituted by G.S.R 400(E), dated 31-5-2002, for "the Central Government" (we I 31-5-2002). ³⁰⁶ Substituted by G.S.R. 660(E), dated 12-9-2001, for "conforming to the Indian Standards IS: 10144-1981 specified by Bureau of Indian Standards" (w.e.f. 12-9-2001). Earlier these words were substituted by G.S.R. 214(E),dated 18-3-1999 (w.e.f. 18-3-1999) and before that by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

time] in such a manner that the speed governor can be sealed with an official seal of the State Transport Authority or a Regional Transport Authority in such a way that it cannot be removed or tampered with without the seal being broken.

(2) The speed governor of every transport vehicle shall be so set that the vehicle is incapable of being driven at a speed in excess of the maximum preset speed of the vehicle except down an incline.

Reduction of noise

119. Horns.—(1) ³⁰⁷[On and after expiry of one year from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1999, ³⁰⁸[every motor vehicle, agricultural tractor, power tiller and construction equipment vehicle] manufactured shall be fitted with an electric horn or other devices conforming to the requirements of IS: 1884—1992, specified by the Bureau of Indian Standards] for use by the driver of the vehicle and capable of giving audible and sufficient warning of the approach or position of the vehicle:

³⁰⁹[Provided that on and from 1st January, 2003, the ³¹⁰[horn installation requirements for motor vehicle] shall be as per ³¹¹[AIS-014] specifications, as may be amended from time to time, till such time as corresponding Bureau of Indian Standards specifications are notified.]

(2) No ³¹²[motor vehicle including agricultural tractor] shall be fitted with any multi-toned horn giving a succession of different notes or with any other sound-producing device giving an unduly harsh, shrill, loud or alarming noise.

(3) Nothing contained in sub-rule (2) shall prevent the use on vehicles used as ambulance or for fire fighting or salvage purposes or on vehicles ³¹³[used by police officers or operators of construction equipment vehicles or officers of the Motor Vehicles Department] ³¹⁴[in the course or their duties or on construction equipment vehicles,] of

³⁰⁷ Substituted byG.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

³⁰⁸ Substituted by G.S.R. 589(E), dated 16-9-2005, for "every motor vehicle including construction equipment vehicle and agricultural tractor" (w.e.f. 16-9-2006).

³⁰⁹ Inserted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31 -5-2002).

³¹⁰ Substituted by G.S.R. 589(E), dated 16-9-2005, for "horn installation requirements" (w.e.f. 16-9-2006). ³¹¹ Substituted byG.S.R. 111(E), da ted 10-2-2004, for "AB-014/2001" (w.e.f. 10-8-2004).

³¹² Substituted by G.S.R. 111(E), dated 10-2-2004, for "motor vehicle" (w.e.f. 10-8-2004) ³¹³ Substituted by G.S.R. 116(E), dated 27-2-2002 (w.e.f. 27-8-2002).

³¹⁴ Substituted by G.S.R. 642(E), dated 28-7-2000, for "in the course of their duties" (w.e.f. 28-7-2000).

such sound signals as may be approved by the registering authority in whose jurisdiction such vehicles are kept.

120. Silencers.—(I) ³¹⁵[Every motor vehicle including agricultural tractor] shall be fitted with a device (hereinafter referred to as a silencer) which by means of an expansion chamber or otherwise reduces as far as practicable, the noise that would otherwise be made by the escape of exhaust gases from the engine.

³¹⁶[(2) Noise standards.—Every motor vehicle shall be constructed and maintained so as to conform to noise standards specified in Part E of the Schedule VI to the Environment (Protection) Rules, 1986, when tested as per IS:3028-1998, as amended from time to time]:

³¹⁷[Provided that on and from the 1st day of April, 2006, where different noise levels are prescribed for vehicles, the lowest limits prescribed for vehicles of such category, shall apply to Battery Operated Vehicles.]

³¹⁸[(3) In the case of agricultural tractor, the passby noise test and the noise level test at the operator's ear level shall be carried out as per IS: 12180-2000, as amended from time to time and shall conform to the levels as indicated in the Table below:—

SI. No.	Date of Implementation	Bystander's Position	Operator's Ear level
(1)	Six months from the date of notification	90 dB (A)	100 dB (A)
(2)	Two and a half years from the date of notification	88 dB (A)	98 dB (A).]

TABLE

³¹⁹[(4) In the case of power tiller with a riding attachment or power tiller coupled to trailer, the noise level when tested as per IS:12180:2000, as amended from time to time, shall not exceed 88dB(A) at the bystander position and 98dB(A) at the operator's ear level.]
121. Painting of motor vehicles.—(I) ³²⁰[No motor vehicle including ³²¹[agricultural tractor and construction equipment vehicle]] shall be painted in olive green colour except those belonging to the Defence Department.

³¹⁵ Substituted by G.S.R. 111(E), dated 10-2-2004, for "Every motor vehicle" (w.e.f. 10-8-2004).

³¹⁶ Substituted byG.S.R. 111(E),dated 10-2-2004(w.e.f. 10-8-2004).

³¹⁷ Proviso added by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

³¹⁸ Inserted byG.S.R. 111(E), dated 10-2-2004 (w.e.f. 10-8-2004).

³¹⁹ Sub-R. (4) inserted byG.S.R. 589(E), dated 16-9-2005 (w.e.f. 1-10-2006).

³²⁰ Substituted by G.S.R. 642(E), dated 28-7-2000, for "No motor vehicle" (w.e.f. 28-7-2000).

(2) No contract carriage other than a tourist vehicle covered by permit under sub-section(9) of section 88 shall be painted in the manner specified in sub-rule (11) of rule 128.

(3) No goods carriage other than a goods carriage covered by national permit shall be painted in the manner specified in sub-rule (1) of rule 90.

Chassis number and engine number

³²²[122.³²³ Embossment of the chassis number and engine number or in the case of battery operated vehicles, motor number and month of manufacture.—](1) On and from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1993, ³²⁴[every motor vehicle including agricultural tractor and construction equipment vehicle other than trailer and semi-trailer] shall bear the identification number including month and year of manufacture, embossed or etched or punched on it:

Provided that in such vehicles where space is insufficient for etching, embossing or punching the ³²⁵[engine number/motor number, chassis number and month of manufacture], the etching, embossing or punching of year and month of manufacture shall be on an identification plate welded or rivetted to the body of the vehicle.

³²⁶[(1-A) On and from the date of commencement of the Central Motor Vehicles (Sixth Amendment) Rules, 2000, every construction equipment vehicle shall bear the identification number including month and year of manufacture, embossed or etched or punched on it:

Provided that in a construction equipment vehicles where the space is insufficient for etching, embossing or punching the engine number, the chassis number and month of manufacture, the etching, embossing or punching of year and month of manufacture shall be on an identification plate welded or rivetted to the body of the vehicle.]

³²⁷[(2) The vehicle manufacturer shall intimate to the certifying testing agency regarding the place where the numbers shall be embossed or etched or punched including code for the year and month of production in respect of each model and such testing agency shall include these details in the certificate of compliance granted by that agency under

³²¹ Substituted by G.S.R. 111(E), dated 10-2-2004, for "construction equipment vehicle" (w.e.f. 10-8-2004).

³²² R. 122 substituted by G.S.R. 338(E), da ted 26-3-1993 (w.e.f. 26-3-1993).

³²³ Substituted by G.S.R. 589(E), dated 16-9-2005, for the heading (w.e.f. 1-4-2006).

³²⁴ Substituted by G.S.R. 111(E), dated 10-2-2004, for "every motor vehicle other than trailers and semi-trailers" (w.e.f. 10-8-2004).

³²⁵ Substituted by G.S.R. 589(E), dated 16-9-2005, for "engine number, chassis number and month of manufacture all together" (w.e.f. 1-4-2006).

³²⁶ Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

³²⁷ Substituted by G.S.R. 221(E), dated 28-3-2001 (w.e.f. 28-3-2001).

rule 126. No manufacturer shall change the place of embossing, etching or punching and the code for the month and year of production without prior intimation by registered post to the testing agency which granted the certificate of compliance to these rules: Provided that in no case the height of the chassis number embossed, etched or punched shall be less than five millimetres for vehicles having overall length less than six metres and less than seven millimetres for the vehicle having overall length more than six metres.]

SAFETY DEVICES

Safety devices for drivers, passengers and road users

123. Safety devices in motor cycle.—No motor cycle, ³²⁸[which has provision for pillion rider] shall be constructed without provision for a permanent hand grip on the side or behind the driver's seat and a foot rest and a protective device covering not less than half of the rear wheel so as to prevent the clothes of the person sitting on the pillion from being entangled in the wheel:

³²⁹[Provided that on and from 1st January, 2003, the pillion hand holds shall be governed by IS: 14495-1998 specifications, as may be amended from time to time.]

³³⁰[124. Safety standards of components.—³³¹[(1) The Central Government may, from time to time, specify, by notification in the Official Gazette, the standards or the relevant standards specified by the Bureau of Indian Standards of any part, component or assembly to be used in the manufacture of a vehicle including construction equipment vehicle and the date from which such parts, components or assemblies are to be used in the manufacture of such vehicle and on publication of such notification every manufacturer shall use only such of these parts, components or assemblies in manufacture of the vehicle:]

³³²[Provided that any notification issued under this sub-rule before the commencement of the Central Motor Vehicles (6th Amendment) Rules, 2001, shall not be applicable after such commencement upto and including ³³³[26th August, 2002] in respect of any construction equipment.]

³²⁸ Inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

³²⁹ Inserted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31-5-2002).

³³⁰ R. 124 substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

³³¹ Sub-R (1) substituted by G.S.R. 116(E), dated 27-2-2002 (w.e.f. 27-8-2002).

³³² Inserted by G.S.R. 675(E), dated 17-9-2001 (w.e.f. 17-9-2001).

³³³ Substituted by G.S.R. 242(E), da ted 28-3-2002, for "31st March, 2002" (w.e.f. 28-3-2002).

³³⁴[(1-A) ³³⁵[On and from 1st May, 2003], the general requirements of vehicle rear under run protecting device and the technical requirements of vehicle lateral protection side shall be as per IS: 14812-2000 specifications and as per IS: 14682-1999, respectively, as may be amended from time to time:]

³³⁶[Provided that the vehicle manufacturers shall ensure the fitment of the rear under run protective device in vehicles of categories N2, N3 and their trailers except special purpose vehicles namely tractors and tippers at their end and lateral under run protective device either at their factory or at their dealer's end. Vehicle not fitted with such devices shall not be registered under these rules. They shall also ensure to supply necessary kits if the fitment is not done by them in the case of lateral under-run protective device.

Provided further that the rear under run protective device shall also be painted with yellow and white zebra stripes on the entire rear face of the device.]

³³⁷[(2) Every manufacturer shall get the prototype of the part, component or subassembly for which standards have been notified, approved from any agency as referred to in rule 126 or the Central Institute of Road Transport, Pune, or in case of compliance with notified Indian Standards from any laboratory duly authorized by the Bureau of Indian Standards. On the basis of such approval, every manufacturer shall also certify compliance with the provisions of this rule in Form 22.]]

³³⁸[(3) The Central Government may, by notification in the Official Gazette, frame a scheme for marking to be affixed on any part or component or assembly to be used in the manufacture of the vehicle and specify the date from which such parts, components or assemblies are to be used in the manufacture of the vehicle.]

³³⁹[124-A. Safety standards of components for agricultural tractors.— (1) The bulbs of the following lamps used on agricultural tractors shall conform to IST606-1979, as amended from time to time.

(a) Head light main and dip;

(b) Parking light;

(c) Direction indicator lamp;

³³⁴ Inserted by G.S.R. 400(E), dated 31-5-2002 (31-5-2002).

³³⁵ Substituted by G.S.R. 845(E), dated 27-12-2002, for "On and from 1st January, 2003" (w.e.f. 27-12-2002). ³³⁶ Provisos inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-3-2006).

³³⁷ Substituted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

³³⁸ Inserted by G.S.R 221(E), dated 28-3-2001 (w.e.f. 28-3-2001).

³³⁹ Inserted by G.S.R. 111(É), dated 10-2-2004 (w.e.f. 10-8-2004) and as corrected by vide G.S.R. 176(E), dated 5-3-2004.

(d) Tail lamp;

(e) Reversing lamp;

(f) Stop lamp;

(g) Rear Registration mark indicating lamp; and

(h) Top light.

(2) The lighting and light signalling devices for agricultural tractor shall be in accordance with AIS:030, as amended from time to time, till such time the corresponding BIS standard is notified:

Provided that the performance requirements of the lighting, light signalling and indicating systems of agricultural tractor manufactured on and from ⁵⁷[1st October, 2005] shall be in accordance with safety standard AIS:062, as amended from time to time, till such time corresponding BIS standards are notified.

(3) The hydraulic brake hoses wherever used in agricultural tractor and its trailer shall be in accordance with IS:7079-1995, as amended from time to time.

(4) The vegetable, non-mineral based hydraulic fluids wherever used in agricultural tractor shall be in accordance with IS:8654-1986, as amended from time to time.

(5) The tow hook wherever used in agricultural tractor shall be in accordance with IS:12362 (Part 2), as amended from time to time.

(6) The fuel tanks of agricultural tractor shall comply with the requirements laid down in IS: 12056-1987, as amended from time to time:

Provided that the clause 3.2.1 of IS:12056-1987 be exempted for agricultural tractor that have a gravity feed fuel flow system.

(7) The wheel nuts and hub caps used in agricultural tractor shall be in accordance with IST3941-1994, as amended from time to time.]

58[124-B. Safety Standards of components for power tillers.—(1) The lamps and bulbs used on power tillers for—

(a) the head light main and dip;

(b) the parking light;

(c) the direction indicator lamp; (d) the tail lamp;

(e) the reversing lamp;

(f) the stop lamp;

(g) the rear Registration mark illuminating lamp, shall be in accordance with AIS:034:2004 as amended from time to time till the corresponding BIS

specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).

(2) The lighting and signaling devices shall be in accordance with AIS:062:2004 as amended from time to time, till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).

(3) The safety and comfort of the operator of a power tiller shall be in accordance with IST2239 (Part 3):1996, as amended from time to time.

(4) The gradeability of a power tiller coupled to a trailer under the declared combination weight by the manufacturer shall be in accordance with IS:9980:1988, as amended from time to time.]

³⁴⁰[125. Safety belt, collapsible steering column, autodipper and padded dash boards.— ³⁴¹[(1)] One year from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1993, the manufacturer of every motor vehicle other than motor cycles and three-wheelers of engine capacity not exceeding 500 cc, shall equip every such vehicle with a seat belt for the driver and for the person occupying the front seat.

³⁴²[(1-A) The manufacturer of every motor vehicle of M-I category shall equip every motor vehicle with a seat belt for a person occupying the front facing rear seat:

Provided that the specifications of Safety Belt Assemblies and Safety Belt Anchorages in motor vehicles shall conform to AIS: 005-2000 and AIS: 015-

2000 specifications, respectively, as may be amended from time to time, till such time as corresponding Bureau of Indian Standards specifications are notified:

Provided further that on and after 1st October, 2002, the specification of Safety Belt Assemblies and Safety Belt Anchorages in motor vehicles shall conform to AIS: 005-2000 and AIS: 015-2000 specifications, respectively.]

(2) Six months from the date of commencement of the Central Motor Vehicles (Amendment) Rules 1993, all motor vehicles shall be equipped with rear view mirror.

³⁴³[Provided that ³⁴⁴[on and from 1st May, 2003], the rear view mirror specifications and installation requirements shall be as specified by AIS: 001-

³⁴⁰ R. 125 substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

³⁴¹ R. 125 renumbered as sub-R. (1) thereof by G.S.R. 720(E), dated 10-9-2003 (w.e.f. 10-10-2003).

³⁴² Sub-R. (1-A) substituted by G.S.R. 400(E), dated 31 -5-2002 (w.e.f. 31-5-2002).

³⁴³ Inserted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31-5-2002).

³⁴⁴ Substituted by G.S.R. 845(E), dated 27-12-2002, for "on and from 1st January, 2003" (w.e.f. 27-12-2002).

2001 and AIS: 002-2001 respectively, as may be amended from time to time, till such time as corresponding Bureau of Indian Standards specifications are notified.]

³⁴⁵[* * *|

³⁴⁶[* * *]

³⁴⁷[(5) On and after 1st January, 2003, the size and specifications on seats, their Anchorages and Head Restraints (excluding luggage retention) on M-I vehicle category shall conform to A1S : 016-2000 specifications, as may be amended from time to time, till such time as corresponding Bureau of Indian Standards specifications are notified.]

³⁴⁸[(6) On and from the 1st day of October, 2007, the seats, their anchorages and their head restraints for M2, M3, NI, N2 and N3 category of vehicles, shall be in accordance with AIS:023:2005 as amended from time to time till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).] ³⁴⁹[125-A. Safety belt, etc., for construction equipment vehicles.—One year from the date of commencement of the Central Motor Vehicles (Sixth Amendment) Rules, 2000, the manufacturer of every construction equipment vehicle other than an agriculture tractor shall equip every such vehicle with a seat belt for the driver and for the person occupying the front seat, and with a rear view mirror.]

³⁵⁰[125-B. Special requirements for transport vehicles that are driven on hills.—(1) On and from the 1st day of October, 2006, such four wheeled transport vehicles as may be notified by State Governments in the Official Gazette plying on such routes or areas in hilly terrains shall be fitted with fog lamp, power steering, defogging and demisting system and that the State Government would provide a lead time of six months for this purpose.

(2) Anti-Lock Braking System shall be introduced in all M-2 category buses including those plying on All India Tourist Permit on and from the 1st day of October, 2007 in hill areas.

125-C. Body building and approval.—(1) On a date to be notified, the testing and approval for body building of buses shall be accordance with AIS:052:2001 as amended

³⁴⁵ Sub-R. (3) omitted by G.S.R. 29(E), dated 15-1-1998 (w.e.f. 15-1-1998).

³⁴⁶ Sub-R. (4) omitted by G.S.R. 659(E), dated 12-9-2001 (w.e.f. 12-9-2001).

³⁴⁷ Inserted by G.S.R. 400(E),dated 31-5-2002 (w.e.f. 31-5-2002).

³⁴⁸ Sub-R. (6) inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

³⁴⁹ Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

³⁵⁰ Rr. 125-B and 125-C inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2005).

from time to time for vehicles mentioned therein, till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).

(2) The testing and approval for the body building of school buses shall be iii accordance with AIS:063:2005 as amended from time to time for vehicles mentioned therein, till the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).]

³⁵¹[126. Prototype of every motor vehicle to be subject to test.—On and from the date of commencement of Central Motor Vehicles (Amendment) Rules, 1993, every ⁷¹ [manufacturer or importer] of motor vehicles other than trailers and semi-trailers shall submit the prototype of the vehicle ⁷²[to be manufactured or imported by him] for test by the Vehicle Research and Development Establishment of the Ministry of Defence of the Government of India or Automotive Research Association of India, Pune, or the Central 66.

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71. Substituted by G.S.R. 111(E), dated 10-2-2004, for "manufacturer" (w.e.f. 10-8-2004).

72. Substituted by G.S.R. 111(E), dated 10-2-2004, for "to be manufactured by him" (w.e.f. 10-8-2004).

Machinery Testing and Training Institute, Budni (MP), or the Indian Institute of Petroleum, Dehradun, and such other agencies as may be specified by the Central Government for granting a certificate by that agency as to the compliance of provisions of the Act and these rules:]

³⁵²[Provided that the procedure for type approval of certification of motor vehicles for compliance to these rules shall be in accordance with the A1S: 017-2000, as amended from time to time:]

³⁵³[Provided further that in respect to the vehicles imported into India as completely built units (CBU), the importer shall submit a vehicle of that particular model and type to the

³⁵¹ R. 126 substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

³⁵² Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

³⁵³ Inserted by G.S.R. 111(E), dated 10-2-2004 (w.e.f. 10-8-2004).

testing agencies for granting a certificate by that agency as to the compliance to the provisions of the Act and these rules.]

³⁵⁴[126-A. The testing agencies referred to in rule 126 shall, in accordance with the procedures laid down by the Central Government, also conduct tests on vehicles drawn from the production line of the manufacturer to verify whether these vehicles conform to the provisions of ³⁵⁵[rules made under section 110 of the Act:]]

³⁵⁶[Provided that in case the number of vehicles sold in India for a given base model and its variants (manufactured in India or imported to India) are less than 250 in any consecutive period of six months in a year, then such base model and its variants need not be subjected to the above test, if at least one model or its variants manufactured or imported by that manufacturer or importer, as the case may be, is subjected to such tests at least once in a year:

Provided further that, in case the number of base models and its variants manufactured/imported is more than one and if the individual base model and its variants are less than 250 in any consecutive period of six months in a year, then the testing agencies can pick up one of the vehicles out of such models and their variants once in a year for carrying out such test.]

³⁵⁷[126-B. Prototype of every construction equipment vehicle to be subject to test.—(1) On and from the date of commencement of the Central Motor Vehicles (Sixth Amendment) Rules, 2000, every manufacturer of construction equipment vehicle shall submit the prototype of the construction equipment vehicle to be manufactured by him for test by any of the agencies referred to in rule 126 for granting a certificate by that agency as to the compliance of provisions of the Act and these rules.

(2) The testing agencies referred to in rule 126 shall in accordance with the procedure laid down by the Central Government conduct tests on vehicles drawn from the production line of the manufacturer to verify whether the vehicles conform to the provisions of the Act, or rules or orders issued thereunder shall be renumbered as subrule (1) thereof and after sub-rule (1) as so, renumbered:]

³⁵⁸[Provided that the provisions of this sub-rule shall not be applicable in respect of any construction equipment upto and including ³⁵⁹[26th August, 2002.]

³⁵⁴ Inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

³⁵⁵ Substituted by G.S.R. 221(E), dated 28-3-2001, for "rule 115" (w.e.f. 28-3-2001). ³⁵⁶ Inserted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31-5-2002). ³⁵⁷ Inserted by G.S.R 642(E), dated 28-7-2000 (w.e.f. 28-7-2000). ³⁵⁸ Inserted by G.S.R. 675(E), dated 17-9-2001 (w.e.f. 17-9-2001).

127. Quality certificate by manufacturer.—³⁶⁰[(1)] On and from the date³⁶¹ of commencement of this rule, the sale of every motor vehicle manufactured shall be accompanied by a certificate of road-worthiness issued by the manufacturer in Form 22. ³⁶²[(2) On and from the date of commencement of the Central Motor Vehicles (Sixth Amendment) Rules, 2000, the sale of every construction equipment vehicle manufactured shall be accompanied by a certificate of road-worthiness issued by the manufacture shall be accompanied by a certificate of road-worthiness issued by the manufacture shall be accompanied by a certificate of road-worthiness issued by the manufacture shall be accompanied by a certificate of road-worthiness issued by the manufacture in Form 22.]

Special provisions

128. Tourist vehicles other than motor cabs, etc.—A tourist vehicle other than motorcab, taxicab, campers van house trailer, shall conform to the following specifications, namely:—

³⁶³[(1) The dimension shall conform to the dimensions specified in rule 93.]

(2) *Structure.*—Structure of the tourist vehicle should be sturdy and strong structural frame work using suitable material of adequate sectional area and an aerodynamical shape. For exterior panelling, aluminium sheet or good quality panelling material should be used. As regards interior panelling it should cover the entire interior roof, sides, back and bulk head portions. The body should be made completely leakproof and dustproof. The vehicle should also be rattle proof. Sound deadening should also be done for all panelling including the floor.

³⁶⁴[(3) *Passenger entrance and exit.*—The passenger entrance-cum-exit door shall be located on the left side of the vehicle and minimum door width shall be 685 millimetres. The door handle should be capable of being handled from inside as well as from outside. The door may be operated pneumatically or hydraulically or electrically with suitable locking devices.]

³⁶⁵[(4) *Emergency exit.*—The emergency exit provided on the tourist vehicle shall meet the following requirements, namely:—

(i)be clearly marked "EMERGENCY EXIT" in bold letters on the inside and the outside of the tourist vehicle;

 ³⁵⁹ Substituted by G.S.R. 242(E), da ted 28-3-2002, for "31st March, 2002" (w.e.f. 28-3-2002).
 ³⁶⁰ R. 127 renumbered as sub-R. (1) thereof by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

³⁶¹ 1st day of April, 1991 *videS.0*.941(E), dated 11th December, 1990.

³⁶² Inserted by G.S.R. 642(E), dated 28-7-2000 (w.e.f. 28-7-2000).

³⁶³ Substituted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

³⁶⁴ Sub-R. (3) substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

³⁶⁵ Sub-R. (4) substituted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2006).

(ii) be so designed as to open from inside and the outside of the tourist vehicle;

(iii) be equipped with a fastening device which can be quickly released but so designed as to offer protection against accidental release;

(iv) be easily accessible to persons of normal height standing on the ground outside the vehicle;

(v) be easily accessible to the passengers;

(vi) be such that no seat or other object placed in the vehicle shall restrict the passage to the emergency door;

(vii) be located either at the back or on to the right hand side of the vehicle; and (viii) emergency exist may be provided in the form of a window with breakable glass. In such cases, a suitable device shall be provided at a convenient place to break open the glass in the event of an emergency.]

(5) *Driver entry and exit.*—A separate door with suitable sliding window shall be provided for the driver near the driver seat.

(6) *Windscreen.—(i)* The front windscreen shall be of clear view and distortion free, with safety glass and shall be of full width of the tourist vehicle. If made in two halves, the width of the centre vertical joint, inclusive of the rubber glazing fitment of the front windshield shall be such as to enhance the elegance of the tourist vehicle.

(ii) Rear windscreen shall be of safety glass or laminated safety glass. It shall match with the windows provided on the vehicle. Sliding curtains shall be provided on the rear windscreen.

(7) *Windows.*—Windows of tourist vehicles should have a minimum space of 14.25 millimetres and shall be of safety or laminated safety glass.

Windows shall be of double sliding type slider running smoothly in channels without rattle. All safety or laminated safety glasses used for windows should conform to standards laid down by the Bureau of Indian Standards. Windows shall be provided with sliding curtains.

(8) *Ventilation.*—Adequate arrangements shall be provided for ventilation for the passenger compartment as well as the driver compartment. All ventilators and windows shall be such that when closed they will not permit ingress of rain water or dust in the passenger or driver compartment.

(9) *Luggage*.—(i) Luggage holds shall be provided at the rear or at the sides, or both, of the tourist vehicle with sufficient space and size, and shall be rattleproof, dustproof and waterproof with safety arrangements;

(ii) The light luggage racks, on strong brackets shall be provided inside the passenger compartment running along the sides of the tourist vehicle. Except where nylon netting is used, the under side of the rack shall have padded upholstery to protect the passengers from an accidental hit. The general design and fitment of the rack shall be so designed as to avoid sharp corners and edges.

(10) Seats and seating arrangements.—³⁶⁶[* * *]

(ii) Seating layout shall be ³⁶⁷[two and two or one and two or one and one] on either side, all seats facing forward, with a clear gangway of at least 355

millimetres width at the centre. Each passenger seat shall have a minimum area of 447 millimetres x 457 millimetres and an arm rest on both sides and seat back of full height.

(iii) The seat frames shall be sturdy, properly finished and so mounted as to transfer the weight directly to the structural members of frame-work. The seats shall be of reclining type and adjustable.

(iv) The seats shall be so mounted as to provide at least 280 millimetres leg room from the front of the rear seat to the back of the front seat. A foot rest at suitable location and height shall be provided for every passenger.

(11) *Painting and finishing.*—The tourist vehicle shall be painted in a manner referred to in sub-rules (7) and (8) of rule 85-A in white colour with a blue ribbon of five centimetres width at the centre of the exterior of the body.

(12) Lighting.—(i)(a) The passenger compartment shall be adequately illuminated.

(b) Arrangement shall be provided to eliminate reflection of the light from the passenger compartment on the windscreen.

(c) In addition to the lights in passenger compartment, at least two night-lights with coloured domes, shall be provided in the passenger compartment.

(ii) Front and rear destination boxes, if provided, shall be illuminated.

(iii) One independently operated light fitting shall be provided for illumination of the driver's or attendant's seat area.

(iv) A light fitting shall be provided for illuminating the steps at the passenger entrance door.

(7;) Each luggage hold shall have a light fitting for illumination of that hold.

(vi) Wiring in the passenger compartment shall be with low tension cable conforming to IS: 2465 of size commensurate with the estimated current loading. The wires shall be

³⁶⁶ Sub-Cl. (z) omitted by G.S.R. 933(E), dated 28-10-1989 (w.e.f. 28-10-1989).

³⁶⁷ Substituted by G.S.R 933(E), dated 28-10-1989, for "two and two" (w.e.f. 28-10-1989),

carried in PVC sleevings or conduit or casing of adequate size. When any wire passes through a hold in a panel or sheet metallic components, a rubber grommet of adequate size shall be provided for protection of the insulation.

(13) *Fittings and accessories.*—A tourist vehicle shall be equipped with the following, namely:—

(1) Convex rear view mirrors one on each side, universally adjustable and of adequate dimensions.

(ii) First-aid box with glazed front, with necessary medicines for first-aid.

(iii) Fire extinguisher, dry powder type located near the engine compartment.

(iv) Insulation on interior or exterior of the engine bonnet for reducing the noise and heat from the engine.

(v) Provision for locating vehicle tools securely.

(vi) Heavy duty windscreen wiper system.

(vii) Adjustable sunvisors of adequate size for the driver and for the attendant.

(viii) Electrically operated wide indicators or blinkers, stop lights and parking lights.

(ix) Dual head lamps.

(x) Suitable illumina tion for the registration number plate at the rear.

(xi) Horn.

(xii) Electric fans, of 8 inches* sweep adjustable, at least eight in number, suitably spaced in the passenger compartment and controlled by switches located near the seat.

(*xiii*) Electric bell or buzzer located near the seat of driver or attendant and operated by at least four push button controls placed at suitable location in the passenger compartment.

(*xiv*) Ash trays near passenger seats of a design convenient for cleaning them at intermediate stops of the tourist vehicle.

(xv) Drinking water and ice-box.

(xvi) Rack for magazines and other reading material.

(xvii) Back pockets and numbers for each seat.

(xviii) Public address system with at least four speakers suitably located in the passenger compartment.

(*xix*) Document frame, located near the seat of driver, for carrying vehicle documents, tax token, licence and permit.

(xx) Mud flaps for front and rear wheels:

³⁶⁸[Provided that the provisions of clauses (2) and (7), sub-clause *(iv)* of clause (12), sub-clauses *(ix)*, *(xii)* and *(xiii)* of clause (13), of this rule shall not apply to the vehicles of integral construction.]

³⁶⁹[128-A. Special provision for M3 category of vehicles.—The provisions of sub-rule (4) of rule 128 shall apply to all M3 category of vehicles.]

129. Transportation of goods of dangerous or hazardous nature to human life.—(1) Every owner of a goods carriage transporting any dangerous or hazardous goods shall, in addition to complying with the provisions of any law for the time being in force in relation to any category of dangerous or hazardous goods, comply with the following conditions, namely:—

(i) every such goods carriage, carrying the same type of dangerous or hazardous goods (whether in bulk or in packages), shall display a distinct mark of the class lable appropriate to the type of dangerous or hazardous goods specified in column 3 of the Table I to rule 137;

* 203 millimetres.

(ii) every package containing dangerous or hazardous goods shall display the distinct class labels appropriate to the type of dangerous or hazardous goods specified in column 3 of the Table I to rule 137;

(iii) in the case of packages containing goods listed in Table 111 in rule 137 and which represents two hazards as given in column 2 thereof, such packages shall display distinct labels to indicate both the hazards;

³⁶⁸[(iv) every goods carriage carrying any dangerous or hazardous goods shall be equipped with safety equipments for preventing fire, explosion or escape of hazardous or dangerous goods.]

³⁷⁰[(2) One year from the date of commencement of Central Motor Vehicles (Amendment) Rules, 1993, every goods carriage carrying goods of dangerous or hazardous nature to human life, shall be fitted with techograph (an instrument to record the lapse of running time of the motor vehicle; time speed maintained, acceleration, deceleration, etc.) conforming to the specifications of the Bureau of Indian Standards.]

³⁶⁸ Added by G.S.R. 933(E) daled 28-10-1989 (W.e.f. 28-10-1989).

³⁶⁹ R. 128-A inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-9-2007).

³⁷⁰ Added byG.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

³⁷¹[129-A. Spark arrester.—Six months from the date of commencement of Central Motor Vehicles (Amendment) Rules, 1993, every goods carriage carrying goods of dangerous or hazardous nature to human life shall be fitted with a spark arrester.]

130. Manner of display of class labels.-(1) Where a class label is required to be displayed on a vehicle, it shall be so positioned that the size of the class label is at an angle of 45 degrees to the vertical and the size of such label shall not be of less than twenty-five millimetres square which may be divided into two portions, the upper half portion being reserved for the pictorial symbol and the lower half for the text:

Provided that in the case of smaller packages a suitable size of the label may be adopted.

(2) Where the class label consists of adhesive material, it shall be waterproof and where it consists of metal or other substance on which the pictorial symbol and the text are printed, painted or affixed, they shall be affixed directly on such material and in every case, the surface of the vehicle surrounding the label shall be of a colour that contrasts vividly with the background of the class label.

(3) Every class label displayed on a vehicle shall be positioned in such a manner that it does not obscure other markings required to be displayed under any other law.

(4) Every goods carriage carrying any dangerous or hazardous goods shall display the class label on the places shown in the Table in rule 134.

³⁷²[131. Responsibility of the consignor for safe transport of dangerous or hazardous goods.-(1) It shall be the responsibility of the consignor intending to transport any dangerous or hazardous goods listed in Table III, to ensure the following, namely:----

(a) the goods carriage has a valid registration to carry the said goods;

(b) the vehicle is equipped with necessary first-aid, safety equipment a nd antidotes as may be necessary to contain any accident;

(c) that the transporter or the owner of the goods carriage has full and adequate information about the dangerous or hazardous goods being transported; and

(d) that the driver of the goods carriage is trained in handling the dangers posed during transport of such goods.

(2) Every consignor shall supply to the owner of the goods carriage, full and adequate information about the dangerous or hazardous goods being transported as to enable such owner and its driver to,-

 ³⁷¹ Inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).
 ³⁷² R. 131 substituted byG.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

(a) comply with the requirements of rules 129 to 137 (both inclusive) of these rules; and

(b) be aware of the risks created by such goods to health or safety of any person.

(3) It shall be the duty of the consignor to ensure that the information is accurate and sufficient for the purpose of complying with the provisions of rules 129 to 137 (both inclusive) of these rules.]

³⁷³[132. Responsibility of the transporter or owner of goods carriage.—(1) It

shall be the responsibility of the owner of the goods carriage transporting any dangerous or hazardous goods to ensure the following, namely:—

(a) that the goods carriage has a valid registration to carry the said goods and the said carriage is safe for the transport of the said goods; and

(b) the vehicle is equipped with necessary first-aid, safety equipment, tool box and antidotes as may be necessary to contain any accident.

(2) Every owner of a goods carriage shall, before undertaking the transportation of dangerous or hazardous goods in his goods carriage, satisfy himself that the information given by the consignor is full and accurate in all respects and correspond to the classification of such goods specified in rule

137.

(3) The owner of a goods carriage shall ensure that the driver of such carriage is given all the relevant information in writing as given in Annexure V of these rules in relation to the dangerous or hazardous goods entrusted to him for transport and satisfy himself that such driver has sufficient understanding of the nature of such goods and the nature of the risks involved in the transport of such goods and is capable of taking appropriate action in case of an emergency.

(4) The owner of the goods carriage carrying dangerous or hazardous goods, and the consignor of such goods shall lay down the route for each trip which the driver shall be bound to take unless directed or pennitted otherwise by the Police Authorities. They shall also fix a time table for each trip to the destination and back with reference to the route so laid down.

(5) It shall be the duty of the owner to ensure that the driver of the goods carriage carrying dangerous or hazardous goods holds a driving licence as per provisions of rule 9 of these rules.

³⁷³ R. 132 substituted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

(6) Notwithstanding anything contained in rules 131 and 132, it shall be sufficient compliance of the provisions of these rules if the consignor transporting dangerous or hazardous goods and the owner of the goods carriage or the transporter, abides by these conditions within six months after the date of coming into force of the Central Motor Vehicles (Amendment) Rules, 1993.]

³⁷⁴[133. Responsibility of the driver.—(1) The driver of a goods carriage transporting dangerous or hazardous goods shall ensure that the information given to him in writing under sub-rule (3) of rule 132 is kept in the driver's cabin and is available at all time while the dangerous or hazardous goods to which it relates, are being transported.

(2) Every driver of a goods carriage transporting any dangerous or hazardous goods shall observe at all times all the directions necessary for preventing fire, explosion or escape of dangerous or hazardous goods carried by him while the goods carriage is in motion, and when it is not being driven he shall ensure that the goods carriage is parked in a place which is safe from fire, explosion and any other risk, and at all times the vehicle remains under the control and supervision of the driver or some other competent person above the age of 18 years.]

134. Emergency information panel.—(1) Every goods carriage used for transporting any dangerous or hazardous goods shall be legibly and conspicuously marked with an emergency information panel in each of the three places indicated in the Table below so that the emergency information panel faces to each side of the carriage and to its rear and such panel shall contain the following information, namely:—

(ii) the correct technical name of the dangerous or hazardous goods in letters not less than 50 millimetres high;

(i) the United Nations class number for the dangerous or hazardous goods as given in Column 1, Table 1 appended with rule 137, in numerals not less than 100 milimetres high;

(iii) the class label of the dangerous or hazardous goods of the size of not less than 250 millimetres square;

(iv) the name and telephone number of the emergency services to be contacted in the event of fire or any other accident in letters and numerals that are not less than 50 millimetres high and the name and telephone number of the consignor of the dangerous or hazardous goods or of some other person from whom expert information and advice

³⁷⁴ R. 133 substituted byG.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

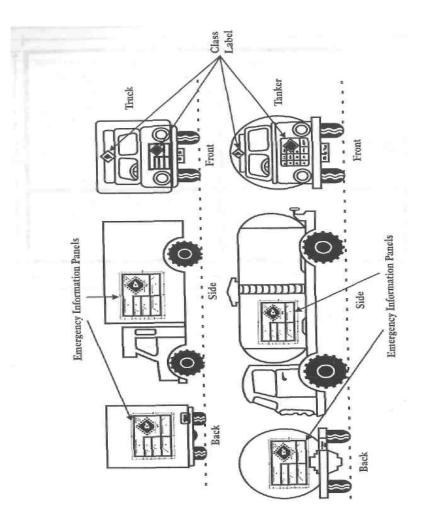
can be obtained concerning the measures that should be taken in the event of an emergency involving such goods.

³⁷⁵[(2) The information contained in sub-rule (1) shall also be displayed on the vehicle by means of a sticker relating to the particular dangerous or hazardous goods carried in that particular trip.]

³⁷⁶[(3)] Every class label and emergency information panel shall be marked on the goods carriage and shall be kept free and clean from obstructions at all times.

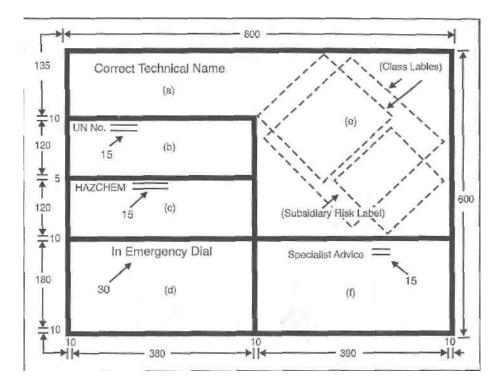
TABLE PT

ACFS FOR FIXING EMERGENCY INFORMATION PANELS ON VEHICLES AND DIMENSIONS



³⁷⁵ Inserted by G.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).

³⁷⁶ Sub-R. (2) renumbered as sub-R (3) byG.S.R. 338(E), dated 26-3-1993 (w.e.f. 26-3-1993).



(All dimensions are expressed in millimetres)

135. Driver to be instructed.—The owner of every goods carriage transporting dangerous or hazardous goods shall ensure to the satisfaction of the consignor that the driver of the goods carriage has received adequate instructions and training to enable him to understand the nature of the goods being transported, by him, the nature of the risks arising out of such goods, precautions he should take while the goods carriage is in motion or stationary and the action he has to take in case of any emergency.

³⁷⁷[136. Driver to report to the police station about accident.—The driver of a goods carriage transporting any dangerous or hazardous goods shall, on the occurrence of an accident involving any dangerous or hazardous goods transported by this carriage, report forthwith to the nearest police station and also inform the owner of the goods carriage or the transporter regarding the accident.]

137. Class labels.—In respect of the dangerous or hazardous goods specified in column (2) of the Table below, the labels specified in the corresponding entry in column (3) shall be the class labels, namely:—

³⁷⁷ Substituted by G.S.R.338(E),dated 26-3-1993 (w.e.f. 26-3-1993).

TABLE I Class of Labels

	UN Class No.	Classification of goods	Class label
	(1)	(2)	(3)
1.	Explosives		



Symbol (exploding bomb) **Background**

: Black : Orange

- 2. Gases, compressed, liquefied, dissolved under pressure or deeply refrigerated.
 - 2.1 Non-flammable gases



Symbol (gas cylinder) Background : Black or White : Green

2.2 Inflammable gases



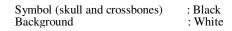
Symbol (Flame) Background

: Black or White : Red

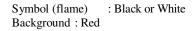
2.3 Poison (toxic) gases

3. Inflammable Liquids





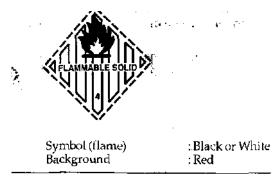




4. Inflammable solids, substances liable to spontaneous combustion; substances which, on contact with water, emit inflammable gases.

4.1 Inflammable solids

4. Inflammable solids, substances liable to spontaneous combustion; substances which, on contact with water, emit inflammable gases. 4.1 Inflammable solids



4.2 Substances liable to spontaneous combustion



Symbol (flame) Background **: Black** : Upper half white

4.3 Substances which, on contact with water, emit inflammable gases



Symbol (flame) Background : Black or Whi te : Blue

- 5. Oxidizing substances and organic peroxides.
 - 5.1 Oxidizing substances



Symbol (flame over circle) : Black Background : Yellow

5.2 Organic peroxides



Symbol (flame over circle) Background

Black : Yellow

6. Poisonous (toxic) substances and infectious substances. 6.1 Poisonous (toxic) substances



Symbol (skull and crossbones) Background : Black

: White

6.2 Harmful substances



The bottom half of the label should bear the inscription: Harmful: Stow away from foodstuffs Symbol (St. Andrew's cross over an ear of wheat): Background : White 6.3 Infectious substances



The bottom half of the label should bear: Infectious substances (optional) and the inscription "In the case of damage or leakage immediately notify Public Health Authority (optional) Symbol (three crescents superimposed on a circle) and inscription : Black Background : White

7. Radioactive substances



Symbol—3 segments of a circle—a number and lettering of the Class label) shall be black on a white background and the parallel lines bordering the Class label shall be black and shall be 5 mm thick

8. Corrosives



Symbol (liquids spilling from two glass vessels and attaching a hand and a metal) : Black Background: Upper half white and Lower half black with white border

³⁷⁸TABLE II

Indicative criteria

(A) Explosives:

An explosive means a solid or liquid or pyrotechnic substance (or a mixture of substances) or an article,—

(i) which is in itself capable by chemical reaction of production of gas at such a temperature and as such a speed as to cause damage to the surroundings;

(ii) which is designed to produce an effect, by heat, light, sound, gas or smoke or a combination of these, of non-detonative self-sustaining exothermic chemical reaction.

(B) Gas:

(1) A gas is a substance which-

(*i*) at 50 °C has a vapour pressure greater than 300 kPa; or

(ii) is completely gaseous at 20 °C at a standard pressure of 101.3 kPa.

(2) Substances of gas are assigned to one of three following divisions based on the primary hazard of the gas during transport;

(a) Flammable gases:

Gases which at 20 ℃ and a standard pressure of 101.3 kPa,—

(/) are igni table when a mixture of 13 per cent or less by volume with air; or

(*ii*) have a flammable range with air of at least 12 percentage points regardless of the lower flammable limit. Flammability shall be determined by tests or by calculation in accordance with methods adopted by International Standards Organization [ISO: 10156:1996] or by Bureau of Indian Standards [IS: 1446-1985];

(b) Non-flammable, non-toxic gases:

Gases which are transported a pressure not less than 280 kPa at 20℃, or as refrigerated liquids and which,—

(i) are asphyxiant-gases which dilute or replace the oxygen normally in the atmosphere;

(ii) are oxidizing-gases which may, generally by providing oxygen, cause or contribute to the combustion of other material more than air does; or *{Hi}* do not come under the other divisions;

(c) *Toxic gases:*

Gases which are known to be so toxic or corrosive to humans as to pose a hazard to health.

³⁷⁸ Substituted by G.S.R. 349(E), dated 1-6-2005, for Table H and Table HI (w.e.f. 1-6-2005).

Note.—Gases meeting the above criteria owing to their corrosivity are classified as toxic with a subsidiary corrosive risk. (C) *Flammable chemicals:*

(/) Flammable gases.—Gases which at 20°C and at standard pressure of 101.3 kPa are:—

(a) igni table when a mixture of 13 per cent or less by volume with air, or (b) have a flammable range with air of at least 12 percentage points regardless of the lower flammable limits.

Note.—The flammability shall be determined by tests or by calculation in accordance with methods adopted by International Standards Organization (ISO: 10156: 1996) or by Bureau of Indian Standards (IS: 1446-1985).

(ii) *Extremely flammable liquids.*—Chemicals which have flash point lower than or equal to $23 \,^{\circ}$ C and boiling point less than $35 \,^{\circ}$ C.

(iii) Very highly flammable liquids.—Chemicals which have a flash point lower than or equal to $23 \,^{\circ}$ C and initial boiling point higher than $35 \,^{\circ}$ C.

(*iv*) Highly flammable liquids.—Chemicals with a flash point lower than or equal to 60° C but higher than 23 °C.

(v) Flammable liquids.—Chemicals which have a flash point higher than $60 \,^{\circ}$ C but lower than $90 \,^{\circ}$ C. (D) Reactive Substances:

Reactive substances are those substances which start reacting chemically with any other material and reducing gases through their own decomposition. Such substances are Inorganic Alkalies (for example NaoH, Iodine and the like) and Acids (for example H_2SO_4 , HNO_3 , HCL and the like)

(vi) Oxidizing Substances:

(a) Oxidizing substances:

Substances which, while in themselves not necessarily combustible, may generally by yielding oxygen, cause or contribute to the combustion of other material. Such substances may be contained in an article;

(b) Organic peroxides:

Organic substances which contain the bivalent-0-0- structure and may be considered derivative of hydrogen peroxide, where one or both of the hydrogen atoms have been replaced by organic radials. Organic peroxides are thermally unstable substances which may undergo exothermic self-accelerating decomposition. In addition, they may have one or more of the following properties, — (i) be liable to explosive decomposition; *(ii)* burn rapidly;

(*iii*) be sensitive to impact or friction; (*iv*) react dangerously with other substances; (*v*) cause damage to the eyes. (F) *Toxic:*

Toxic chemicals:—Chemical having the following values of acute toxicity and which owing to their physical and chemical properties, are capable of producing major accident hazards:—

Sl. No.	Toxicity	Oral toxicity (mg/kg)	Dermal toxicity (mg/kg)	Inhalation toxicity (mg/I)
1	Extremely toxic	>5	<40	<0.5
2	Highly toxic	>5-50	>40-200	<05-2.0
3	Toxic	>50-200	>200-1000	>2-10

1 LD₅₀ oral in rats

2 LD₅₀ coetaneous in rats or rabbits

3. LC₅₀ by inhalation (four hours) in rats.

(G) Radioactive:

Radioactive materials mean any material containing radionuclide where both the activity concentration and the total activity in the consignment exceed the values specified, depending on the type of material by the Atomic Energy Commission of India.

(H) Corrosive:

Corrosive substances are substances which by chemical action will cause severe damage when in contact with living tissue or in the case of leakage will materially damage or even destroy other goods or the means of transport. They may also cause other hazards.

	E—Explosive, F—Flammable, O—Oxidising, R—R Ra—Radioactive, T—Toxic, G—Gas.	eact	ive,	C–	–Co	orro	sive,		
Sr. No.	Name	E	F	0	R	с :	Ra	Т	G
1	1 Hexene	Е	F						
2	1 Methylpiperidine		F						
3	1,1-Difluoroethylene (Refrigerated Gas R1132a)								G
4	1,2-Dichloro-l, 1,2,2-Tetrafluoroethane (Refrigerated Gas R114)								G
5	1,1,1,2-Tetrafluoroethane (Refrigerant Gas R134a)								G
6	1,1,1-Trifluoroethane (Refrigerant Gas R 143a)			1					G
7	1,1,-Trichloroethane		1	T	1	1	1	Т	
8	1,1-Dichloro-l-Nitroethane			1		1	1	Т	
9	1,1-Dichloroethane		F						
10	1,1-Dif luoroethane			\square			1		G
11	1,1 -Dimethoxyethane		F						
12	1,2,3,6-Tetrahydrobenzaldehyde		F	-					
13	1,2,3,6-Tetrahydropyridine		F						
14	1,2-Butylene Oxide, Stabilized		F	1					
15	1,2-Di-(Dimethylamino) Ethane		F	-					
16	1,2~Dibromobutan 3-one							Т	
17	1,2-Dichloroethylene		F	1			1		
18	1,2-Dichloropropane		F	-					
19	1,2-Dimethoxyethane		F						
20	1,2-Epoxy-3-Ethoxypropane		F						
21	1,2-Propylenediamine					с			
22	1,3,5-Trimethylbenzene		F			-			
23	1,3-Dichloroacetone							Т	
24	1,3-Dichloropropanol-2	-	-	-	-			Т	
25	1,3-Dimethylbutylamine	+	F	+	+				
26	1,4-Butynediol			+				Т	
27	1,5,9-Cyclododecatriene	\uparrow	1	+	\uparrow			Т	
28	1 -Bromo-3-chloropropane	\uparrow	1	+	\uparrow			Т	
29	1 -Bromo-3-Methylbutane	+	F	+	\vdash		1		
30	1-Chloro-l, 1-Dif luoroethane (Refrigerant Gas R 142b)		$\left \right $						G
31	l-Chloro-2,2,2-Trifluoroethane (Refrigerant Gas R 133a)		$\left \right $						G

TABLE IIIList of Hazardous Goods

32	1 -Ethylpiperidine	F				
33	1 -Methoxy-2-Propanol	F				
34	1-Pentol			С		
35	2-(2-Aminoethoxy) Ethanol			С		
36	2,2-Dimethylpropane					G
37	2,4-Toluylenediamine				Т	
38	2,2'-Dichlorodiethyl Ether				1	
39	2,3 Dihydropyran	F				
40	2,3-Dimethylbutane	F				
41	2-Amino-4,6-Dintrophenol Wetted	F				
42	2-Amino-4-Chlorophenol				Т	
43	2-Amino-5-Diethylaminopentane				Т	
44	2-Bromo-2-Nitropropane-l, 3-Diol	F				
45	2-Bromoethyl Ethyl Ether	F				
46	2-Bromopentane	F				
47	2-Chloroethanal				Т	
48	2-Chloropropane	F				
49	2-Chloropropene	F				
50	2-Chloropropionic Acid, Solid				Т	
51	2-Chloropropionic Acid, Solution			c		
52	2-Chloropyridine				Т	
53	2-Diethylaminoethanol			c		
54	2-Dimethylaminoacetonitrile	F				
55	2-Dimethylaminoethanol			c		
56	2-Dimethylaminoethyl Acrylate				Т	
57	2-Dimethylaminoethyl Methacrylate				Т	
58	2-Ethylaniline				Т	
59	2-Ethylbutanol	F				
60	2-Ethylbutyraldehyde	F				
61	2-Ethylhexyl Chloroformate				Т	
62	2-Ethylhexylamine	F				
63	2-Iodobutane	F				
64	2-Methyl-l-Butene	F				
65	2-Methyl-2Butene	F				
66	2-Methyl-2-ITeptanethios				Т	
67	2-Methyl-5-Ethylpyridine				Т	
68	2-Methylfuran	F				
69	2-Methylpentan-2-OL	F				
70	2-Trifluoromethylaniline				Т	
71	3,3-Diethoxypropene	F				

72	3,3'-Iminodipropylaminc				С		
73	3-Bromopropyne		F				
74	3-Chloro-4-Methylphenyl Isocyanate					Т	'
75	3-Chloropropanol-l					1	
76	3-Methyl-l-Butene		F				
77	3-Methylbutan-2-One		F				
78	3-Nitro-4-Chlorobenzotrifluoride				С		
79	3-Trifluoromethylanilinc					Т	'
80	4 Methoxy-4-Methylpentan 2-one		F				
81	4,4'-Diaminodiphenylmethane					Т	'
82	4-Chloro-o-Toluidine Hydrochloride					Τ	1
83	4-Methylmorpholine(N-Methylmorpholine)		F				
84	4-Thiapentanal					Г	'
85	5-Viethy lhexan-2-one		F				
86	5-Nitrobenzotriazol	E					
87	5-tert-Butyl-2, 4,6-Trinitro-m-Xylene		F				
88	9-Phosphabicyclononanes (Cyclooctadiene Phosphines		F				
89	Acetaldehyde		F			Т	'
90	Acetaldehyde Ammonia					Т	'
91	Acetic Acid				c		
92	Acetic Acid Solution				c		
93	Acetic Acid, Glacial or Acetic Acid Solution				c		
94	Acetic Anhydride				С		
95	Acetic Cyanothydrin					Т	'
96	Acetone		F				
97	Acetone Cyanohydrin					Т	'
98	Acetone Cyanohydrine (2-Cyanopropan-2-OL)					Г	'
99	Acetone Oils		r				
100	Acetone Thiosemicarbazide					Т	,
101	Acetonitrile		F			Т	,
102	Acetyl Bromide				c		
103	Acetyl Chloride		F	-+		Т	,
104	Acetyl Iodide			-+	с		+
105	Acetyl Methyl Carbinol		F	-+			+
106	Acetylene				+	Т	G
107	Acetylene (Ethyne)		F	-+	+		+
108	Acetylene Tetra Chloride			+	+	Т	,

109	Acridine			r	Г
110	Acrolein (2-Propenal)	F		r	Г
111	Acrolein Dimer, Stabilized	F			
112	Acrylamide				1
113	Acrylic Acid, Stabilized		с	:	
114	Acrylonitrile	F		_	1
115	Adiponitrile				1
116	Aerosols				G
117	Aircraft 1 lydraylic Power Unit Fuel Tank	F			
118	Alcoholates Solution, N.O.S.	F			
119	Alcoholic Beverages	F			
120	Alcohols, Flammable, Toxic, N.O.S.	F			
121	Alcohols, N.O.S.	F			
122	Aldehydes, Flammable, Toxic, N.O.S.	F			
123	Aldehydes, N.O.S.	F			
124	Aldicarb]	[
125	Aldol			r	Г
126	Alkali Metal Alloy, Liquid, N.O.S.	F			
127	Alkali Metal Amalgam	F			
128	Alkali Metal Amide	F			
129	Alkali Metal Dispersion or Alkaline Earth Metal Dispersion	F			
130	Alkaline Earth Metal Alcoholates, N.O.S.	F			
131	Alkaline Earth Metal Amalgam	F			
132	Alkaline Metal Alcoholates, Self-Heating, Corrosive, N.O.S.	F			
133	Alkaloids, Liquid, N.O.S. or Alkaloid Salts, Liquid, N.O.S.			r	Г
134	AlkylPhthalate		с		
135	Alkylphenols, Liquid, N.O.S.		с		
136	Alkylphenols, Solid, N.O.S.		с		
137	Alkylsulphuric Acids		с		
138	Alkysulphonic Acids, Liquid Arkysulphonic Acids, Liquid		с		
139	Alkylsulphonic Acids, Liquid or Arylsulphonic Acids, Liquid		с		
140	Alkysulphonic Acids, Solid or Arylsulphonic Acids, Solid		с		
141	Allyl Alcohol	F		r	Г
142	Allyl Alcohol (2-Propen-l-OL)	F		r	Г
143	Allyl Amine				1
144	Allyl Bromide	F		r	Г
145	Allyl Chloride	F			1
146	Allyl Chloroformate			r	Г
147	Allyl Glyddyl Ether	F			
148	Allyl Iodide	F			
149	Allylamine			r	Г
150	Allyltrichlorosilane, Stabilized		C		
151	Alpha Naphthyi Thiourea		с		
152	Alpha-Methylbenzyl Alcohol			r	Г

153	A1 pha-Methyl val eraldehyde	F					
154	Al pha-Naphthylamine					Т	
155	Alpha-Pinene	F					
156	Aluminium (Powder)					Т	
157	Aluminium Alkyl Haldies, Liquid/Solid	F					
158	Aluminium Alkyl Hydrides	F					
159	Aluminium Alkyls	F					
160	Aluminium Azide	F				Т	
161	Aluminium Borohydride	F				Т	
162	Aluminium Bromide Solution				С		
163	Aluminium Bromide, Anhydrous				с		
164	Aluminium Carbide	F				Т	
165	Aluminium Chloride				с		
166	Aluminium Chloride Solution				с		
167	Aluminium Chloride, Anhydrous				с		
168	Aluminium Fluoride				с		
169	Aluminium Hydride	F					
170	Aluminium Nitrate		0				
171	Aluminium Phosphide	F					
172	Aluminium Phosphide Pesticide					Т	
173	Aluminium Resinate	F					
174	Aluminium Smelting By-Products or Aluminium Remelting By- Products	F					
175	Amines, Flammable, Corrosive, Flammable M.O.S. Polyaines, Liquid, Corrosive, Flammable, N.O.S.				c		
176	Amines, Flammable, Corrosive, N.O.S. or Polyaines, Flammable, Corrosive, N.O.S.	F					
177	Amines, Liquid, Corrosive, N.O.S. or Polyaines, Flammable, Liquid, Corrosive, N.O.S.				c		
178	Amines, Solid, Corrosive, N.O.S. or Polyamines, Solid, Corrosive, N.O.S.				c		
179	Amino Diphenyl					Т	
220	Amyl Nitrate	F					
221	Amylamine	F					
222	Amyltrichlorosilane				С		
223	Anabasine					Т	
224	Aniline					Т	
225	Aniline 2,4,6-Trimethyl					Т	
226	Aniline Hydrochloride					Т	
227	Anisidine-P					Т	
228	Anisidines					Т	<u> </u>
229	Anisole	F					
230	Anisoyl Chloride		1		с		
231	Anthraquinone		+	\uparrow	-	Т	
232	Anthrawuinone		-	+		Т	<u> </u>
233	Antimony and Compounds		+		с	Т	<u> </u>

234	Antimony Hydride (Stibine)		F			Т	
235	Arasenous Trichloride					Т	
236	Argon, Refrigerated Liquid		1				G
237	Arsenic and All Arsenic Compounds in any Form					Т	
238	Arsenic Hydide (Arsene)		1			Т	
239	Arsenic Pentoxide, Arsenic (V) Acid and Salts		1			Т	
240	Arsenic Trioxide, Arsenious (III) Acids and Salts					Т	
241	Asbestos					Т	
242	Aviation Regulated Liquid, N.O.S./ Solids, N.O.S.	E	F				
243	Azinphos-Ethyl					Т	
244	Azinphos Methyl		1			Т	
245	Azoidic Arbonamide		F				
246	Barium Azide	E	1				
247	Barium Br ornate		1	0			
248	Barium Chlorate		1	0			
249	Barium Cyanide		1			Т	
250	Barium Hypochlorite			0			
251	Barium Nitrate				с		
252	Barium Nitride		1		C		
253	Barium Oxide					Т	
254	Barium Perchlorate			0			
255	Barium Permanganate			0			
256	Barium Peroxide			Q			
257	Batteries Fluid, Alkali		1		с		
258	Batteries Wet, Filled with Acid		1		C		
259	Batteries Wet, Filled with Alkali				С		
260	Batteries Wet, Non-Spillable				с		
261	Batteries, containing Sodium, or Cells, containing Sodium		F				
262	Batteries, Dry, containing Potassium Hydroxide Solid				с		
263	Benxoyl Peroxide			0			
264	Benzal Chloride			U			
265	Benzaldehyde			U			
266	Benzenamine, 3-Trifluoromethyl				c		
267	Benzene		h			1	
268	Benzene Arsenic Acid					1	
269	Benzene Chloride					1	
270	Benzene Sulfonyl Chloride]	
271	Benzene, l-(Chloromethyl)-4 Nitro					1	
272	Benzene, l-(Chloromethyl) 4-Nitro		1			1	
273	Benzenesul phony 1 Chloride		Р		(
					Ì		
274	Benzidine		1			i	
275	Benzidine Salts	Ì				1	

276	Benzimidazole, 4,5-Dichloro-2 (Trifluoromethyl)					i	-
277	Benzonitrile					1	
278	Benzoquinone					1	
279	Benzoquinone-P					Г	1
280	Benzotrichloride				с		
281	Benzoyl Chloride				c		
282	Benzoyl Peroxide	E			-	Г	,
283	Benzyl Bromide					i	
284	Benzyl Chloride					Г	,
285	Benzyl Chloroformate				c		
286	Benzyl Cyanide				-	1	
287	Benzyl Iodide					1	
288	Benzyl dimethylamine				(
289	Benzylidene Chloride					1	
290	Beryllium (Powder)					Г	,
291	Beryllium (Powders, Compounds)					Г	,
292	Beryllium Compound, N.O.S.					Г	,
293	Beryllium Nitrate			0			
294	Beryllium Powder			0		Г	,
295	Bibyridilium Pesticide Solid, Toxic					I	
296	Bibyridilium Pesticide, Liquid, Flammable, Toxic		F				
297	Bicyclo (2,2,1) Heptane-2-Carbonitrile					Γ	'
298	Bicylco (2.2.1) Hepta-2,5-Diene, Stabilized (2,5-Norbornadiene, Stabilized)		F				
299	Biphenyl					Г	,
300	Bipyridilium Pesticide, Liquid, Toxic					Г	'
301	Bipyridilium Pesticide, Liquid, Toxic, Flammable					Г	1
302	BIS (2,4,6-Trimitrophenylamine)				С		
303	BIS (2,4,6-Trinitrophenyl) Amine	E				I	'
304	BIS (2-Chloromethyl) Sulphide					Г	'
305	BIS (2-Chloromethyl) Ketone					Г	,
306	BIS (Chloromethyl) Ether					r	
307	BIS (Chloromethyl) Ketone			-		T	,

308	BIS (Terbutylperoxy) Butane	F					Т	
309	BIS (Tert-Butyl Peroxy) Cyclohexane				С		Т	
310	BIS (Tert-Butylperoxy Butane, -2,2)				с		١	
311	BIS (Tert-Butylperoxy) Cyclohexane, 1,1				с		Т	
312	BIS (Tert-Butylperoxy) Cyclohexane-1,1							
313	BIS (Tert-Butylperoxy, Butane, 2, -2)			R				
314	BIS, 1,2Tribromophenoxy-Ethane						Т	
315	Bismuth & Compounds					Ra	Т	
316	Bisphenol						Т	
317	Bisulphates, Aqueous Solution				c			
318	Bisulphites, Aqueous Solution, N.O.S.				c			
319	Bi toseanate		0					
320	Blue Asbestos or Brown Asbestos						Т	
321	Bombs, Smoke, Non-Explosive				c			
322	Boron and Compounds						Т	
323	Boron Powder						Т	
324	Boron Tribyomide				c			
325	Boron Trichloride							
326	Boron Trifluoride						Т	
327	Boron Trifluoride Acetic Acid Complex				c			
328	Boron Trifluoride Comp. with Methyl-Ether 1.1						r	
329	Boron Trifluoride Diethyl Etherate				c			

330	Boron Trifluoride Dihydrate				c			
331	Boron Trifluoride Dimethyl Etherate		F					
332	Boron Trifluoride Propionic Acid Complex				c			
333	Boron Trifluoride, Compressed							
412	Calcium Permanganate			0				
413	Calcium Peroxide			0				
414	Calcium Resinate		b	-				
415	Calcium Silicide		F					
416	Calcium, Pyrophoric or Calcium Alloys, Pyrophonc		F					
417	Camphor		b	1				
418	Camphor Oil		b					
419	Caprioc Acid		-		с			
420	Carbamate Pesticide, Liquid, Toxic				-	1		
421	Carbamate Pesticide, Liquid, Toxic		b					
422	Carbamate Pesticide, Liquid, Toxic, Flammable					1		
423	Carbamate Pesticide, Solid, Toxic					1		
424	Carbaryl (Sevin)					1		
425	Carbofuran					1	-	
426	Carbofuran (Furadan)					1		
427	Carbon Dioxide Refrigerated Liquid							c;
428	Carbon Disulphide		F			1		-)
429	Carbon Monoxide		F			ſ		
430	Carbon Monoxide and Hydrogen Mixture, Compressed					ſ]	G
431	Carbon Tetrabromide					1		-
432	Carbon Tetrachloride					1		
433	Carbon, Activated		F					
434	Carbonyl Fluoride, Compressed						(G
435	Carbonyl Sulphide					ſ		
436	Carbophenothion					ſ		
437	Cartridges	E		1				
438	Caustic Alkali Liquid, N.O.S.				с			
439	Cehulose Nitrate	E	F	1				
440	Celluloid		F					
441	Celluloid, Scrap		F	1				
442	Cellulose Nitrate	E	F	1				
443	Cerium		F	1				
444	Chemical Sample, Toxic		1	1		ſ		
445	Chloral, Anhydrous, Stabilized			1		1	-	
446	Chlorates (Used in Explosives)	Е		1			╡	
447	Chlorates, Inorganic, Aqueous Solution, N.O.S.		1	0			\uparrow	

448	Chlorfenvinphos				Т	
449	Chloric Acid, Aqueous		0			
450	Chlorinated Benzenes				Т	

2281	Vinylidene Chloride, Stabilized		F					
2282	Vinylpyridines, Stabilized						Т	
2283	Vinyltoluenes, Stabilized		F					
2284	Vinyltrichlorosilane, Stabilized		F					
2285	Vutyl Amine Tert						Т	
2286	Warfarin						Т	
2287	Warfarin Sodium						Т	
2288	Water-Reactive Liquid, N.O.S.	Е	F	0	R	с	Т	
2289	Water-Reactive Solid, N.O.S.	Е	F	0	R	С	Т	
2290	White Asbestos						Т	
2291	Xanthates		F					
2292	Xenon, Compressed							G
2293	Xenon, Refrigerated Liquid							С
2294,	Xylene		F				Т	
2295	Xylene Dichloride						Т	
2296	Xylenes		F					
2297	Xylenols						Т	
2298	Xylidine						Т	
2299	Xylidines, Liquid /Solid						Т	
2300	Xylyl Bromide						Т	
2301	Zinc Ammonium Nitrite			0				
2302	Zinc and Compounds						Т	
2303	Zinc Arsenate, Zinc Arsenite or Zinc Arsenate And Zinc Arsenite Mixture						Т	
2304	Zinc Bromate			0				
2305	Zinc Chlorate			0				
2306	Zinc Chloride Solution					С		
2307	Zinc Cyanide						Т	
2308	Zinc Dichloropentanitrile						Т	
2309	Zinc Dithionite (Zinc Hydrosulphite)						Т	
2310	Zinc Fluorosilicate						Т	
2311			F					
2312	Zinc Resinate		F					
2313	Zirconium and Compounds		F					
2314	Zirconium Nitrate			0				
2315	Zirconium Picramate	Е						
2316	Zirconium Powder, Dry		F					
2317	Zirconium Scrap		F					
2318	Zirconium Tetrachloride					с		
2319	Zirconium, Dry		F				T]	

CHAPTER VI

CONTROL OF TRAFFIC

138. Signals and additional safety measures for Tmotor vehicle].—(1) The driver of a ³⁷⁹[motor vehicle] shall make such signals and on such occasions as are specified in the regulations made under section 118.

(2) The driver of a motor cycle shall, in addition to the safety measures mentioned in sub-section (1) of section 128, comply with the requirements of rule 123.

³⁸⁰[³⁸¹[(3) In a motor vehicle, in which seat-belts have been provided under sub-rule (1) or sub-rule (1-A) of rule 125 or rule 125-A, as the case may be, it shall be ensured that the driver, and the person seated in the front seat or the persons occupying front facing rear seats, as the case may be, wear the seat belts while the vehicle is in motion.]

(4) On and after expiry of one year from the date of commencement of the Central Motor Vehicles (Amendment) Rules, 1999, the driver of every vehicle shall ensure that the following items are carried in the vehicle, namely:—

(a) in case of vehicles other than motor cycles, a set of spare bulbs for headlamp and fuses, and a spare wheel ready for use;

(b) tool kit as prescribed by the manufacturer;

(c) triangles of size 150 mm with a red reflecting surface as per IS: 8339— 1993 specified by the Bureau of Indian Standards, for keeping in front and rear of the vehicle in case the vehicle is stranded on the road (applicable to vehicles other than two, and three-wheelers); as specified below, namely:—

one triangle in case of four-wheelers with GVW not exceeding 7.5 tons;

two triangles in case of four-wheelers with GVW exceeding 7.5 tons:

³⁸²[Provided that in case of vehicles manufactured on and after 1st January, 2003, the triangles of size and specification shall conform to AIS : 022-2001, as may be amended from time to time, till such time as corresponding Bureau of Indian Standards specifications are notified:]

³⁸³[Provided further that in addition, M3 and N3 category of vehicles shall also be required to install retro-reflective triangle complying to AIS:022:2001 as amended from time to time, excluding the requirements specified in clauses 7.2,7.3,7.4,*7.7*, 8.1.2 and

³⁷⁹. Substituted by G.S.R. 214(E), dated 18-3-1999, for "motor cycle" (w.e.f. 18-3-1999). ³⁸⁰ Inserted by G.S.R. 214(E), dated 18-3-1999 (w.e.f. 18-3-1999).

³⁸¹ Sub-R. (3) substituted by G.S.R. 699(E), dated 10-10-2002 (w.e.f. 10-10-2002).

³⁸² Inserted by G.S.R. 400(E), dated 31-5-2002 (w.e.f. 31-5-2002).

³⁸³ Proviso inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-3-2006).

5.0,6.0,11.0 of Annexure 4 of the said standard. The colour of the triangle fitted in the front of the vehicle shall be white and that of rear shall be red. The location of both the triangles shall be at least one meter above the ground level at the front and rear, preferably at the centre of the vehicle. For the purposes of "white colour warning triangle", the word "red" shall be substituted by word "white", wherever applicable in AIS:022:2001. The colour requirements of white retro-reflective portion shall be as per clause 8.5 of AIS:057 and white fluorescent material shall be as per clause 7.1 of ISO:7591-82(E);]

(d) first-aid kit containing a tube of antiseptic cream containing 0.5% of Centrimide B.P. in a non-greasy base, sterilised dressings, sterlised elastic plaster, waterproof plaster, gauze and elastic bandage for wounds and burns,

(e) number of chock blocks for four-wheelers as specified below, namely:---

one chock block in case of four-wheelers with GVW exceeding 4 tons and less than 7.5 tons;

two chock blocks in case of 4-wheelers with GVW exceeding 7.5 tons;

The vehicle manufacturer shall ensure that the above items are supplied at the time of first sale of vehicle;

 384 [(f) at the time of purchase of the two wheeler, the manufacturer of the two wheeler shall supply a protective headgear conforming to specifications prescribed by the Bureau of Indian Standards under the Bureau of Indian Standards Act, 1986 (63 of 1986):

Provided that these conditions shall not apply to category of persons exempted in terms of section 129 and the rules made thereunder by the concerned State Government.]

(5) Halogen bulbs with P45t cap shall not be used for headlights on all vehicles. Wattage of halogen bulbs shall not exceed 70/75 watts for 24 volts and 60/65 for 12 volts systems.]

³⁸⁵[**139. Production of licence and certificate of registration.**—The driver or conductor of a motor vehicle shall produce certificate of registration, insurance, fitness and permit, the driving licence and any other relevant documents on demand by any police officer in uniform or any other officer authorized by the State Government in this behalf, and if any or all of the documents are not in his possession, he shall produce in person an extract or extracts of the documents duly attested by any police officer or by

³⁸⁴ CI. *if*) inserted by G.S.R. 589(E), dated 16-9-2005 (w.e.f. 16-3-2006).

³⁸⁵ Substituted by G.S.R. 76(E), dated 31-1-2000 (w.e.f. 31-1-2000). Earlier R. 138 was substituted by G.S.R. 684(E), dated 5-10-1999 (w.e.f. 22-10-1999).

any other officer or send it to the officer who demanded the documents by registered post within 15 days from the date of demand.]

CHAPTER VII

INSURANCE OF MOTOR VEHICLES AGAINST THIRD PARTY RISKS

140. Definitions.—In this Chapter, unless the context otherwise requires,— *(i)* "accounting year" means the year commencing on the first day of April, and ending with the 31 st day of March of the following year;

(ii) "approved list" means the list of foreign insurers and their guarantors maintained by the Central Government under these rules;

(iii) "Authority" means the Central Government or a State Government or any local authority or any State Transport Undertaking, motor vehicles owned by whom have been exempted from the compulsory insurance under sub-section (2) of section 146;

(iv) "bank" means a company which accepts, for the purpose of lending or investment, deposits of money from the public repayable on demand or otherwise, and withdrawal by cheque, draft, order or otherwise;

Explanation.—Any company which is engaged in the manufacture of goods or carries on any trade and which accepts deposits of money from the public merely for the purpose of financing its business as such manufacturer or trader shall not be deemed to be a bank within the meaning of this clause;

(*v*) "certificate of foreign insurance" means a certificate issued by a foreign insurer in Form *57* in compliance with these rules;

(*vi*) "foreign insurer" means a person or firm carrying on the business of insurance incorporated or domiciled outside India and not registered under the Insurance Act, 1938 (4 of 1938);

(vii) "fund" means the fund established under rule 151;

(viii) "Government security" means a Government security as defined in the Public Debt Act, 1944 (18 of 1944);

(ix) "guarantor" means an insurer who has guaranteed a foreign insurer in pursuance of these rules, and "guarantee", "guaranteed" and "guaranteeing" have corresponding meanings;

(*x*) "visitor" means a person bringing a motor vehicle into India and making only a temporary stay therein not extending to a continuous period of more than one year. *Inland insurance*

141. Certificate of insurance.—An authorised insurer shall issue to every holder of a policy of insurance, a certificate of insurance in Form 51 in respect of each such vehicle.

142. Cover notes.—(1) Every cover note issued by an authorised insurer shall be in Form 52.

(2) A cover note referred to in sub-rule (1) shall be valid for a period of sixty-days from the date of its issue and the insurer shall issue a policy of insurance before the date of expiry of the cover note.

143. Issue of certificates and cover notes.—Every certificate of insurance or cover note issued by an insurer in compliance with the provisions of this Chapter shall be duly authenticated by such person as may be authorised by the insurer.

144. Transfer of certificate of insurance.—When the ownership of a motor vehicle covered by a valid insurance certificate is transferred to another person together with the policy of insurance relating thereto the policy of insurance of such vehicle shall automatically stand transferred to that other person from the date of transfer of ownership of the vehicle and the said person shall within fourteen days of the date of transfer intimate to the authorised insurer who has insured the vehicle, the details of the registration of the vehicle, the date of transfer of the vehicle and the number and date of the insurance policy so that the authorised insurer may make the necessary changes in his record.

145. Exclusion of advertising matter.—No certificate of the insurance or cover note issued in pursuance of Chapter XI of the Act and of this Chapter shall contain any advertising matter either on the face or on the back thereof.

146. Certificates or cover notes lost, destroyed, torn, soiled, defaced or **mutilated.**—(1) Where the holder of a policy—

(a) lodges with an authorised insurer a declaration in which he declares that a certificate of insurance or cover note issued to him by such insurer has been lost, destroyed, torn, soiled, defaced or mutilated and sets out full particulars of the circumstances connected with the loss or destruction of the certificate or cover note and the efforts made to find it; or

(b) returns to the authorised insurer the certificate of insurance or cover note issued to him by such insurer in a torn, soiled, defaced or mutilated condition; and

(c) pays to the insurer a fee of rupees twenty in respect of each such certificate or cover note, the authorised insurer shall, if satisfied that such certificate or cover note has been lost or destroyed and that all reasonable efforts have been made to find it, or that it has been destroyed or is soiled, defaced or mutilated, as the case may be, issue in lieu thereof a duplicate certificate of insurance or cover note with the word "Duplicate" prominently endorsed to the effect.

(2) When a duplicate certificate or cover note has been issued in accordance with the provisions of sub-rule (1) on representation that a certificate or cover note

has been lost, and the original certificate or cover note is afterwards found by the holder, the original certificate or cover note, as the case may be, shall be surrendered to the insurer.

147. Records to be maintained by authorised insurers.—Every authorised insurer shall keep a record of the following particulars in respect of every policy of insurance issued by him for a period of five years, namely:—

(*i*) full name and address of the person to whom the policy is issued;

(ii) in the case of a policy relating to a specified motor vehicle, the registration mark and the number of such vehicle and in other cases, description of the vehicle covered;

(iii) the date on which the policy of insurance comes into force and the date of its expiry;

(iv) the conditions subject to which the persons or classes of persons specified in the policy of insurance will be indemnified;

(v) the number and date of issue of every certificate of insurance or cover note issued in connection with the policy of insurance;

(vi) the date, if any, on which any duplicate certificate of insurance or cover note was issued;

(vii) whether, after the issue of duplicate, the original certificate of insurance was found and subsequently surrendered to the insurer and if so, on which date.

148. Records of exempted vehicles.—(1) In the case of a motor vehicle owned by any of the authorities specified in sub-section (2) of section 146 as also in the case of motor vehicles exempted under sub-section (3) of section 146, a certificate in Form 53 signed by a person authorised in that behalf by such authorities may be produced in evidence that the motor vehicle is not being driven in contravention of section 146.

(2) The authority referred to in sub-section (2) or exempted under sub-section (3) of section 146 shall keep a record of the motor vehicles owned by it in respect of which a policy of insurance has not been obtained and of any certificates issued by it under these provisions in respect of such vehicles, and of the names and addresses of the

persons to whom such certificates have been issued and of the cancellation of any such certificates.

149. Supply of information.—Any person, authority or authorised insurer required under the provisions of this Chapter to keep records of documents shall furnish on request without any charge any particulars thereof to the Central Government or a State Government or to any police officer authorised in this behalf by the State Government.

150. Furnishing of copies of reports to Claims Tribunal.—(1) The police report referred to in sub-section (6) of section 158 shall be in Form 54.

(3) A registering authority or a police officer who is required to furnish the required information to the person eligible to claim compensation under section 160, shall furnish the information in Form 54, within seven days from the date of receipt of the request and on payment of a fee of rupees ten.

151. Establishment of fund.—(1) Each of the authorities referred to in subsection (3) of section 146 shall establish a fund for meeting any liability arising out of the use of any motor vehicle of that authority or any person in its employment may incur to third parties including liability arising under the Workmen's Compensation Act, 1923 (8 of 1923).

152. Amount of the fund.—(1) The fund shall be established with an initial amount of not less than rupees five lakhs and the said amount shall be kept in deposit with a bank or the Government.

(2) Subject to the provisions of sub-rule (3), the authority shall pay into the fund at the beginning of each accounting year in respect of its vehicles in running condition a sum of not less than rupees two hundred per vehicle.

Explanation.—In this sub-rule "vehicles in running condition" means all the vehicles of the authority which are expected to be in operation at any time during the accounting year.

(3) When the fund exceeds rupees twenty lakh or rupees two thousand arid five hundred per vehicle for the entire fleet of vehicle, whichever is less, annual payment referred in sub-rule (2) shall cease provided that if thereafter the amount at the credit of the fund falls below rupees twenty lakhs or rupees two thousand and five hundred per vehicle for the entire fleet of vehicles, whichever is less, such annual payment shall again be resumed:

Provided that if any authority other than the Central Government is of opinion that the amount of rupees twenty lakhs or rupees two thousand and five hundred per vehicle for the entire fleet of vehicles, whichever is less, is not adequate, it may, with the previous approval of the Central Government continue the annual payment beyond rupees twenty lakhs or rupees two thousand and five hundred per vehicle, as the case may be.

153. Investment of the fund.—From the amount at the credit of the fund the authority shall keep and maintain a cash deposit of not less than rupees fifty thousand in the bank and the rest of the amount at the credit of the fund shall be invested in Government securities.

154. Securities held as a deposit in the fund.—(1) All Government securities in which the fund is invested shall be transferred to the bank by the authority.

(2) It shall be competent for the authority at any time to exchange the Government securities for cash or for other Government securities of equal or greater market value, or both, and the bank shall carry out the instructions issued by the authority for such exchange after charging the usual commission to the authority. The securities so exchanged shall also be transferred to the bank.

155. Deposit procedure.—(1) As soon as the fund is established, the bank shall send to the authority **a** statement specifying the assets held by it on behalf of the authority and shall also send a copy thereof to the Central Government in the Ministry of Surface Transport or the State Government concerned, as the case may be.

(2) The statement referred to in sub-rule (1) shall be sent in the same mariner and to the same authorities whenever there is a change in the assets of the authorities held by the bank.

156. Interest on deposits.—Interest realised on each deposit or the securities held in the fund shall be paid by the bank to the authority.

157. Withdrawal.—(1) No amount shall be withdrawn from the fund except for the purpose of meeting any liability arising out the use of any motor vehicle of the authority which the authority or any person in the employment of the authority may incur to third parties including liability arising under the Workmen's Compensation Act, 1923 (8 of 1923).

(2) The authority shall, subject to such conditions and restrictions as it may impose in this behalf, authorise one of its officers to draw money from the fund for the purpose mentioned in sub-rule (1).

(3) A copy of the authorisation referred to in sub-rule (2) duly authenticated by a competent officer of the authority shall be sent to the bank which shall permit withdrawal only by the officer named in such authorization subject to the conditions and restrictions contained therein.

158. Settlement of claims.—The authority shall comply with such directions as the Central Government or the State Government, as the case may be, may, from time to time issue, with respect to the procedure to be followed for settlement of claims which are to be met out of the funds.

Foreign insurance

159. List of foreign insurers.—(1) The Central Government shall publish in the Official Gazette a list (hereinafter referred to **as** the approved list) of foreign insurers who have been guaranteed in accordance with the provisions of this Chapter, together with the name of the guarantor or guarantors in each case and shall also publish from time to time any addition to or removal from the approved list.

(2) No foreign insurer's name shall be added to the approved list until such foreign insurer has been guaranteed by at least one insurer and the name of the foreign insurer who ceases to have at least one guarantor shall be removed from the list.

160. Guarantor of foreign insurer.—(1) An insurer who desires to guarantee a foreign insurer shall make application therefore to the Central Government in Form 55.

(2) The Central Government may, if it is satisfied that the application referred to in subrule (1) is in order and that it is expedient that the foreign insurer be placed in the approved list or, where the name of the foreign insurer is already included in the approved list, that the insurer should be added to the approved list as guarantor of the foreign insurer, and the name of the foreign insurer to the approved list if it is not already included, and include the insurer as a guarantor of such foreign insurer.

(3) A guarantor desiring to cease guaranteeing a foreign insurer shall give notice of not less than two months to the Central Government in Form 56, and where such notice has been given, the guarantor shall be deemed to have ceased to guarantee the foreign insurer from the date specified in the notice:

Provided that the insurer shall be deemed, in respect of all certificates of foreign insurance endorsed or renewed in accordance with the provisions of sub-rule (2) of rule 161 before the date of such cessation, to continue as the guarantor of the foreign insurer who has issued the certificate as if the guarantor had not ceased to be his guarantor.

(4) If at any time a guarantor ceases to be an insurer, the Central Government may, after giving such notice as may appear to it to be necessary, remove from the approved list the name of such guarantor wherever it appears:

Provided that the guarantor who ceases to be an insurer shall be deemed, in respect of all certificates of foreign insurance endorsed in pursuance of the provisions of sub-rule (2) of rule 161 before the date of removal of the name of the guarantor from the approved list, to continue as the guarantor of the foreign insurers as if the guarantor had not ceased to be an insurer and as if his name had not been removed from the list.

161. Endorsement of certificate of foreign insurance.—(1) A visitor wishing to have a certificate of foreign insurance endorsed or re-endorsed shall produce such certificate in Form 57 before the Customs Collector at a port of entry or land customs post or to such other officer **as** the Central Government may, by

notification in the Official Gazette appoint, for the purpose of endorsement in accordance with the provisions of this Chapter or for the purpose of the renewal of any endorsement already made on the certificate in accordance with this Chapter.

(2) Such officer shall, if satisfied that the certificate of foreign insurance complies with the requirements of the provisions of this Chapter, that the period of validity of such certificate in India has not expired, that the certificate has been issued by a foreign insurer in the approved list and that the guarantor specified in the certificate is shown in the approved list as a guarantor of the foreign insurer, make an endorsement thereon in Form 58.

(3) The period of validity of an endorsement or of the renewal of an endorsement made as aforesaid shall not in any case extend beyond the date on which the certificate of foreign insurance ceases to be effective in India:

Provided that when a visitor obtains a fresh certificate of foreign insurance during the period of his stay in India, the period of validity of an endorsement made upon it added to the period of validity of an endorsement or endorsements that may have been made upon the original certificate, shall not exceed one year in all.

162. Validity of certificate of foreign insurance.—A certificate of foreign insurance carrying an endorsement in accordance with the provisions of rule 161 shall have effect as if it were a certificate of insurance issued by the guarantor specified in it and shall be deemed to comply with the requirements of Chapter XI of the Act; and the policy to which it relates shall also be deemed to have been issued by such guarantor and to comply with the requirements of Chapter XI of the Act.

163. Maintenance of records by the guarantor.—Every guarantor shall in respect of certificates of foreign insurance issued under his guarantee by the foreign insurer whom he has guaranteed and every person who has ceased to be a guarantor shall, in respect of the certificate of foreign insurance issued under his guarantee by the foreign insurer whom he had guaranteed at any time in the preceding five years, keep a record of such

particulars relating to the policies in connection with which the certificates of foreign insurance were issued as are required to be kept by insurers under the provisions of rule 147 in respect of policies, and the necessary additions to those records required to make them up to date shall be made as soon as is reasonably possible in the circumstances.

CHAPTER VIII

OFFENCES, PENALTIES AND PROCEDURE

164. Offences for the purpose of section 208.—The offences for the purpose of subsection (1) of section 208 shall be—

(a) Driving during the period of disqualification (section 23);

(b) Failure to stop the vehicle when it is involved in an accident (section 132);

(c) Obtaining or applying for a driving licence without giving particulars of endorsement (section 182);

(d) Driving dangerously (section 184);

(e) Driving while under the influence of drinks or drugs (section 185);

(f) Abetment of an offence under section 184 or section 185 or section 188;

(g) Taking part in unauthorised race or trial of speed of any kind (section 189);

(h) Altering a driving licence or using an altered licence;

(i) Any other offence punishable with imprisonment in the commission of which a motor vehicle was used.

The Maharashtra Motor Vehicles Rules, 1989

CHAPTER I

PRELIMINARY

1. Short title and application— (1) These rules may be called the Maharashtra Motor vehicles Rules, 1989.

(2) They shall, save as expressly provided otherwise. apply to and in relation to all motor vehicles in the State of Maharashtra.

2. Definitions— (1) In these rules, unless the context requires otherwise.-

- "Act" means the Motor Vehicles Act. 1988 (59 of 1988);
- "Assistant Inspector of Motor Vehicles" means any officer appointed as such by the State Government;
- "Form" means a form set—forth in the rules framed by the Central Government under the Act or to these rules;
- "Inspector of Motor Vehicles" means any officer appointed by the State Government to perform the functions of an inspector of Motor Vehicles under the Act, these rules and the rules framed by the Central Government;
- "passenger" means any person travelling in a public service vehicle other than the driver or the conductor or an employee of the permit holder, while on duty;
- "Regional Transport Officer" means any officer appointed by the State Government for any area to perform the functions of a Regional Transport Officer under these rules and the rules framed by the Central Government and includes an Assistant Regional Transport Officer appointed by the State Government for such area as may be specified in that behalf.
- "Schedule" means a Schedule appended to these rules;
- 'Section' means a section of the Act:
- "stamp" includes a motor vehicle fees stamp:
- "State" means the State of Maharashtra:
- "Superintendent of Stamp' means the Superintendent of Stamp, Bombay and includes any other officer appointed by the State Government to perform the functions of Superintendent of Stamps;
- "Transport Commissioner" means any officer appointed by the State Government to perform the functions of the Transport Commissioner, Maharashtra State under these rules and the rules made by the Central Government under the Act and includes a Joint

Transport Commissioner, Deputy Transport Commissioner or Assistant Transport Commissioner:

• "Treasury Officer" means a Treasury Officer or Additional Treasury Officer appointed by the State Government to perform the functions of the Treasury Officer;

(2) Words and expressions used in these rules but not defined shall have meaning respectively assigned to them in the Act.

CHAPTER II

LICENSING OF DRIVERS OF MOTOR VEHICLES

3. Licensing Authorities.- The Licensing Authority shall be,-

- (a) For Brihan Mumbai, the Regional Transport Officer. having jurisdiction over the limits of the Mumbai Municipal Corporation limits:
- (b) In the Thane region, for the Districts of Thane, Raigad. Sindhudurg and Ratnagiri, the Regional Transport Officer, Thane;
- (c) In the Kolhapur region, for the Districts of Kolhapur. Sangli and Satara, the Regional Transport Officer, Kolhapur;
- (d) In the Pune region, for the Districts of Pune and Solapur the Regional Transport Officer, Pune;
- (e) In the Nashik region, for the Districts of Nashik and Ahmednagar, the Regional Transport Officer, Nashik;
- (f) In the Dhule region, for the Districts of Dhule, Jalgaon and Nandurbar, the Regional Transport Officer, Dhule:
- (g) in the Aurangabad region, for the Districts of Aurangabad, Jalna, Beed and Osmanabad, the Regional Transport Officer, Au rangabad;
- (h) In the Nanded region, for the Districts of Nanded, Parbhani, Latur and Hingoli the Regional Transport Officer. Nanded.]

4. Authorisation to drive public service vehicle— (1) No person shall drive a public service vehicle unless an authorisation in the form prescribed by the Central Government has been granted.

(2) Subject to the provisions of sub-rule (3), a holder of driving licence may at any time apply to the licensing authority 2[in Form L.P.S.A. of the First Schedule alongwith a certificate obtained from the Competent Authority in the Forms S.E.C. of the First Schedule] for the grant of the aforesaid authorisation and shall forward his driving licence with such application.

(3) No authorisation to drive a medium passenger motor vehicle shall be granted, unless he has held a driving licence for at least one year to drive a light motor vehicle. No such authorisation to drive a heavy passenger motor vehicle shall be granted unless he has held a driving licence to drive a light motor vehicle for at least two years or a medium passenger motor vehicle for at least one year.

(4) The licensing authority to which application is made as aforesaid may if it thinks fit, in order to ascertain whether the applicant is fit person for being granted the authorisation, make enquiries into his character and antecedents and by notice in writing summon him to appear before it at such time and place as it may appoint. The fee shall be paid along with the

said Form L.P.S.A. of the First Schedule to these rules and the same shall not be refunded in any circumstances.

(5) If the licensing authority is satisfied that the applicant is in all respect fit to be authorised to drive a public service vehicle, the driving licence shall be signed accordingly. The licensing authority shall then return the driving licence to the applicant thereof and shall at the same time. if the driving licence was issued by a different licensing authority, send an intimation to such licensing authority in Form L.P.S. of the First Schedule to these rules. The licensing

authority shall refuse to grant the authorisation if it finds that the applicant is not a fit and proper person to be charged with the safe carriage of passengers and property under the provisions of any of these rules and the rules made by the Central Government.

1. Rule 3 was substituted by G.N. of 8.1.2008. 2. Sub. by G. N. of 31.1 l.1991 (M.G.G., Pt. IV-A, 1992, p. 45.

(6) Where a person holding an authorisation to drive a public service vehicle makes an application for its renewal, then he shall. if so required by the licensing authority, submit himself to medical examination to such registered medical practitioner as the State Government or the Transport Commissioner authorised by the State Government. specifics in this behalf and shall obtain certificate in the form prescribed by the Central Government from such notified medical practitioner on payment of a fee of twenty rupees and forward it to the licensing authority together with the driving licence.

(7) If the licensing authority on considering the certificate received by him under sub-rule (6) is of opinion that the applicant is suffering from a disease which makes driving of a public service vehicle by him undesirable. it may refuse to renew the authorisation applied for.

(8) If a licensing authority rejects an application under this rule, it shall inform the applicant in writing giving its reasons within one month and shall also return the driving licence to him.

5. Power to make inquiries of applicant for driving licence— Upon the receipt of an application for a driving licence, the licensing authority may make such enquiries as may reasonably be necessary to establish the identity of the applicant and to ascertain that the applicant is not disqualified for holding or obtaining a driving licence.

5A. Additional evidence as to the correctness of address and age.- In the absence of the documents prescribed under rule 4 of the Central Motor Vehicles Rules, 1989, every applicant for the issue of a driving licence shall produce additional any one or more of the following documents in original or relevant extracts thereof duly attested by a Gazetted Officer of the Central Government or of a State Government or an officer of a local body, who is equivalent in rank of a Gazetted Officer of the Government or Village Administration officer or Municipal Corporation. Councilor or Panchayat President, as additional evidence of his address and age namely -

- (a) Income Tax PAN Card;
- (b) Domicile Certificate issued by the Competent Authority;
- (c) post paid bill of applicant's mobile telephone;
- (d) applicant's telephone bill and if, he has no telephone, then the affidavit sworn by the head of the family, who held the telephone and the applicant has blood relation with him;

Explanation- For the purpose of this rule. blood relation means the relation of patriarchal grandfather and grandmother, father, mother son, daughter, brother, sister, wife, husband and daughter-in-law.]

6. Exemption of driver of road-roller— Sub-section (1) of Section 3 of the Act shall not apply to the driver of a road-roller.

(l. Rule 5-A was inserted by G.N. of 18.10.2008)

7. Testing Officers - (1) The test of competence to drive as prescribed by the Central Government shall be conducted by an Inspector of Motor Vehicles :

Provided that, it shall be competent for the licensing authority to have more than one test of competence to drive :

Provided further that, where an applicant is a member of the Home Guards the test of competence to drive any motor vehicle, other than a transport vehicle, may be conducted by the Commandant-General of the Home Guards or a Commandant of the Home Guards under whose control the applicant is serving if such Commandant is with the previous approval of the State Government, authorised by name in this behalf by the Commandant-General aforesaid.

(2) Subject to the provisions of sub-section (6) of Section 9, the applicant shall furnish a serviceable vehicle of the class to which the application refers, provided such a vehicle is equipped with breaking device which shall be easily accessible to the Testing Officer and present himself for the test at such time and place as may be specified by the Testing Officer concerned.

(3) No fees for the test of competence shall be payable by the applicant if he,—

- (a) is employed in the service of the State Government for driving a motor vehicle: or
- (b) is an ex-service person of Armed Forces. and produces a certificate of proficiency in driving a motor vehicle from an Officer in the Armed Forces of the Union: or
- (c) has been exempted by special or general order of the State Government.

(4) Where an applicant has passed the test of competence to drive the motor vehicles, he shall, on the same day, or within a week thereof, pay to the licensing authority a fee as specified in the rules made by the Central Government :

Provided that, the applicant, unless he shows sufficient reasons for not paying the said sum within a week, shall be liable to pass a fresh test of competence.

8. Appellate Authority— (1) The Authority prescribed under sub-section (8) of Section 9 and sub-section (2) of Section 17 to hear appeals against any order made under any of the aforesaid provisions of '[" * *1 shall be the Transport Commissioner. The appellate authority empowered under sub-section (3) of Section 19 to hear appeals against any order made under sub-section (1) of Section 19 shall be the Transport Commissioner.

(2) An appeal to any prescribed authority or appellate authority under this rule shall be made within thirty days of the receipt by him of the order appealed against.

9. Conduct and hearing of appeals— (1) An appeal referred to in Rule 8 shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order of the licensing authority, and shall be accompanied by a fee of twenty-five rupees in cash and a certified copy of that order. against which appeal is preferred.

(l. The words, figures and brackets "sub-section (1) of section 17 were deleted by G.N.of 25.6.1989.)

(2) When an appeal is preferred, a notice shall be issued to the authority against whose order the appeal is preferred, in such form as the appellate authority may direct.

(3) The appellate authority, may give the parties copies of any document concerned with the appeal on payment of a fee calculated at the rate of I[twenty rupees] for the first page and I[five rupees] for each additional page of each copy of each document.

(4) The appellate authority may, after giving an opportunity to the parties to be heard and

after such further enquiry, if any, as it may deem necessary, pass such order as it thinks fit and an order passed by any such authority shall be final.

10. Requirements as to photograph on driving licence,—(1) Where at any time it appears to a licensing authority that the photograph affixed to the driving licence has ceased to be a clear likeness of the holder, the licensing authority may require the holder to surrender the driving licence forthwith, and to furnish two clear copies of a recent photograph of himself, and the holder shall, within such time as the licensing authority specify, appear in person before the licensing authority and present the photographs accordingly.

(2) Where the holder fails to comply with a requisition by the licensing authority under sub-rule (1) the driving licence shall cease to be valid on the expiry of the said period.

(3) Upon receipt of the copies of the photograph as provided in sub-rule (1), the licensing authority shall remove the old photograph from the driving licence and affix and seal thereto one copy of the new photograph and return the driving licence to the applicant and shall, if he is not the licensing authority by whom the driving licence was issued, forward the second copy of the photograph to that authority :

Provided that, if the holder of the driving licence so desires, the licensing authority shall issue a duplicate driving licence on payment of a fee of '(hundred rupees] with the new photograph affixed thereto and shall destroy the original driving licence. In such a case if the licensing authority is not the authority by whom the driving licence was issued he shall inform the original licensing authority.

(4) When a new photograph is affixed to a driving licence a note shall be made upon the photograph of the date of affixture.

11. Lost or destroyed driving licence— (1) Where at any time a driving licence is lost by the holder or is destroyed or mutilated, the holder shall forthwith intimate the fact in writing in Form L.L.D. of the First Schedule to these rules to the licensing authority in whose area he has his place of residence at the time or in a letter setting out the particulars required by that Form.

(2) Upon the receipt of intimation as aforesaid. the licensing authority shall, if it is not the authority by whom the driving licence was issued, write to that authority for particulars of the driving licence and of any endorsements thereon, and shall, after making such enquiries as it thinks fit, if satisfied, that a duplicate driving licence may properly be issued, issue a duplicate driving licence :

(l. Sub. by G. N., H.D., No. MVR. 0298/1531/CR—9l/TRA-2, dt. 30.7.1999.)

Provided that, where subsequent to the issue of a duplicate driving licence, it is found that there has been an endorsement by a Court since the date of the grant or last renewal of the licence, it shall be lawful for the licensing authority to call for the duplicate driving licence and make the necessary endorsements thereon.

(3) When a duplicate driving licence is required to be issued under the provisions of these rules, the holder of the driving licences shall furnish to the licensing authority, two clear copies of a recent photograph of himself, one of which shall be affixed to the duplicate driving licence and the other shall be transmitted by the authority issuing the duplicate driving licence to the authority by whom the driving licence was issued, and intimated that fact to that authority.

(4) Where a duplicate driving licence has been issued upon representation, that a driving licence has been lost, and the original driving licence is afterwards found or received by the holder, the holder shall immediately return the duplicate driving licence to the licensing

authority.

(5) Any other person finding a driving licence shall deliver it to the nearest Police Station or nearest licensing authority. The officer-in-charge of the Police Station on receipt of the driving licence, shall immediately forward it to the nearest licensing authority. The licensing authority shall restore the firiving licence or substitute it for the duplicate in case such a duplicate has already been issued.

12. Defaced or torn driving licence— (1) If at any time it appears to a licensing authority that a driving licence held by any person is so torn or defaced in any way as to cease to be reasonably legible, the licensing authority may impound the driving licence and issue a duplicate.

(2) If a driving licence impounded as aforesaid, is required to have a photograph of the holder affixed thereto, then,-

- (i) where the photograph on the impounded driving licence is in the opinion of the licensing authority, satisfactorily and conveniently transferable to the duplicate driving licence, the licensing authority may so transfer, affix and seal the photograph to the duplicate driving licence; and
- (ii) where the photograph on the impounded driving licence is not in the opinion of the licensing authority such as can be transferred to the duplicate driving licence the holder of the driving licence shall. on demand by the licensing authority, furnish two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate driving licences and sealed and the other shall be retained by the licensing authority by whom the driving licence was issued.

13. Issue of duplicate driving licences— (1) Where a duplicate driving licence is issued under Rules, 10, ll or 12, it shall be clearly stamped "Duplicate" in red and shall be marked with the date of issue of the duplicate and the seal of the licensing authority.

(2) If the licensing authority who issues a duplicate licence is not the authority by whom the driving licence was issued, he shall intimate the fact to the authority concerned.

(3) If the licensing authority who affixes a new photograph a duplicate driving licence is not the authority by whom the driving licence was issued, he shall forward the second copy of the photograph to that authority for record.

I(4) The fee for a duplicate driving licence issued under Rule 10, 11 or 12, shall be as follows namely :-

(a) Laminated card type driving licence in Form 7

Rs. 2[200] of the Central Motor Vehicles Rules, 1989.

313A. Manner of delivery of Driving Licence- (a) On and from the date specified by an order issued in this by Transport Commissioner, every driving licence issued, either fresh or renewed, duplicate thereof, or issued as a consequence of any change in the details of such licence, shall be delivered by Registered Post Acknowledgment Due (RPAD] to the licence holder, at the address specified on such licence:

(b) different dates may be specified for different offices for the purpose; and

(c) a fee of Rs. 50 shall be recovered towards the delivery charges from the applicant per

driving licence so delivered under clause (a) above, in advance.

14. Temporary authorisation in lieu of driving licence— (1) Where the holder of a driving licence has submitted the driving licence to a licensing authority or the authority which issued the licence for renewal or for obtaining an authorisation to drive a public service vehicle and has deposited the prescribed fee. or where a police officer or any Court or other competent authority has taken temporary possession of a driving licence for any purpose and the driving licence has not been suspended or cancelled, the licensing authority or the police officer or the Court, or as the case may be, or a person authorised under sub-section (2) of Section 206, shall give him a temporary acknowledgement for the driving licence and temporary authorisation to drive, in Form L. Tem. to these rules, the production thereof on demand shall be deemed to be production of the driving licence.

(2) No fee shall be payable in respect of such temporary authorisation.

15. Intimation of disqualification— (1) A licensing authority taking possession of a driving licence under clause [a] of sub-section (2) of Section 19 shall, if the licence was issued by another licensing authority, intimate the fact to that authority.

(2) Where a licensing authority declares a person disqualified under sub-section (1) of Section 19, it shall cause the driving licence to be endorsed accordingly and retain the badge, if issued, during the period of disqualification and shall send an intimation of such declaration to the authority by whom the driving licence was issued.

1. Sub. by G. N., H. D., NO. MVR. 0190/CR-75/TRA-2, dated 16.2.1991.

2. Sub. by G. N., H.D., NO. MVR. 0298/1531/CR-91/TRA-2, dt. 30.7.1999. o

3. Rule 13-A. was inserted by G.N. No. MVR 01 10/06/CR/ 16/TRA 2, dated 13.9.2010.

16. intimation to original authority of renewals and endorsements- (1) A licensing authority making addition in the classes of motor vehicle under Section 11 of the Act which a driving licence authorises the holder to drive, shall if it is not the authority by whom the driving licence was issued, inform of such addition to that authority in Form L.Ad. to these rules.

(2) A licensing authority renewing a driving licence shall, as required by the provision of sub-section (6) of Section 15 inform of such renewal to the licensing authority by whom the driving licence was issued in Form L.R. to these rules.

(3) The Court making or causing to be made an endorsement on a driving licence under Section 24 shall send intimation in Form L.E. of the First Schedule to these rules to the licensing authority by whom the driving licence was issued and to the licensing authority by whom it was last renewed.

17. Certificates by Automobile Association in lieu of driving test- The State Government recognises the following automobile associations for the purpose of the second proviso to sub-section (3) of Section 9. namely:-

(a) The Automobile Association of Bengal,

- (b) The Automobile Association of Northern India,
- (c) The Automobile Association of Southern India.
- (d) The United Provinces Automobile Association,
- (e) The Western India Automobile Association,

(f) The Deccan Indian Automobile Association, Hyderabad Deccan.

18. Report of change of address of driving licence holder — The holder of any driving licence shall. except in the case of temporary absence not involving a change of residence for a period exceeding three months, report within fourteen days any change of his temporary or permanent address as notified on the driving licence to the licensing authority by whom the driving licence was issued and to the licensing authority by whom it was last renewed.

19. Certain persons to be exempted from driving licence fees— No fee shall be charged :-

(a) for the issue of renewal of a driving licence or of a learner's driving licence :---

- (i) to person employed in the service of Government for driving a motor vehicle: or
- (ii) to such Foreign Consular Officer de Carrier, or to such class of persons as the State Government may by a general or special order specify in this behalf;

(b) for the issue of renewal of a driving licence to an ex-service person of Armed Forces holding a certificate of proficiency in driving a motor vehicle from an officer in the Armed Forces of the Union.

20. Duties, functions and _conduct of drivers of public service vehicles - (1) The driver of a stage carriage or a contract carriage (other than a motor cab)-

- (i) shall not cause or allow any person animal or thing to be in the space reserved for the driver's seat in accordance with Rule 175 or otherwise in such a way as to impede him in having a clear vision of the road or proper control of the vehicle;
- (ii) shall not shout in order to attract a passenger:
- (iii) shall, subject to any rules and regulations in force prohibiting the taking up or setting down of passengers at, or except at certain specified places, bring the vehicle to rest for a sufficient period of time in a safe and convenient position upon the demand or signal of the conductor or of any passenger desiring to alight from the vehicle and unless there is no room in the vehicle, upon the demand or signal of any person desiring to become a passenger:
- (iv) shall not when bringing his vehicle to rest for the purpose of picking up or setting down any passenger at rest for the said purpose, drive the vehicle so as to endanger. inconvenience or interfere with the driver or the conductor of the other vehicle or any person mounting or preparing to mount person or alighting therefrom, and shall bring his vehicle to rest in front or behind the other vehicle and on the left hand side of the road or place:
- (v) shall at all times exercise all reasonable care and diligence to maintain his vehicle in a fit and proper condition and shall not knowingly drive the vehicle when it or any brake, tyre or lamp thereof. is in defective condition likely to endanger any passenger or other person or when there is not sufficient fuel in the tank of the vehicle to enable him to reach the next fuel-filing station on the route:
- (vi) shall n0t fl duty;

(vii) shall behave in a civil and orderly manner towards passengers and others;

(viii) shall wear Khaki shirt or bush shirt and Khaki trousers and shall be cleanly dressed: Provided that, when drivers of such vehicles are or are likely to be called upon, to perform duties in an emergency or to receive training, the State Government may, by general or special order, exempt such drivers from the operation of this clause for such period as may be specified in the order;

Provided further that, the State Government on considering any special reasons may, by order in the Official Gazette, allow drivers of such vehicles to wear any special uniform as may be specified in such order, other than the uniform specified in this clause.)

(1. Proviso was added by G.N. of 24.8.2005.)

- (ix) while on duty, the driver shall display his badge on his left [chest] and above the badge a plastic name plate indicating his initial and surname in Marathi in white letters on black background. The plastic name plate shall be of the size of 9cm x 2cm ;
- (x) shall maintain the vehicle in a clean and sanitary condition;
- (xi) shall not solicit customer savé/i'rTarcivil and quiet manner;
- (xii) 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 ;
- (xiii) shall, in the event of the vehicle being unable to proceed to its destination on account of mechanical breakdown or other cause beyond his control, arrange to convey the passengers to their destination in some other similar vehicle, or if unable so to arrange within a reasonable time, after the failure of the vehicle, shall. on demand refund to each passenger the proportionate amount of fare relating to the completion of the journey for which the passenger had paid the fare;
- (xiv) shall not hold more than one badge issued by an authority;
- (xv) shall, if at any time the authorisation of his licence entitling him to drive a stage carriage or contract carriage (other than motor cab] is suspended or revoked by any authority or by any Court or ceases to be valid due to efflux of time, surrender the badge within seven days to the authority by which it was issued; and
- (xvi) shall, on demand by any police officer in uniform or any officer of the Motor Vehicles Department not below the rank of Assistant Inspector of Motor Vehicles, produce his driving licence for inspection;

Provided that, if at the time his driving licence is demanded and he is displaying the badge prescribed in Rule 24, it shall be sufficient compliance with this sub-rule if he produces the driving licence within 48 hours at any Police Station in the State which specifies the Police Officer or the Inspector of Motor Vehicles. as the case may be, making the demand;

- (xvii) shall ensure that no passenger is seated in the vehicle and that the engine is not in motion, when the same is being filled with fuel;
- (xviii) shall, whenever the vehicle approaches an crossing, cause it to be stopped, and after ensuring that no train is approaching from either direction. drive the vehicle behind the conductor till the other side of level crossing is reached;
- (xix) shall, in case of accident of the vehicle, assist the passengers and should make arrangement of the injured passengers to the nearest hospital and also shall give immediate information or arrange to give information about the accident to the nearest hospital.

(2) The driver of a contract carriage and in case of stage carriage in the absence of a conductor or where a conductor on duty for reasons beyond his control cannot perform his

duties, shall, at the conclusion of any journey make reasonable search of the vehicle for anything left by any passenger and shall take into his custody anything found by him or by any other person in such vehicle and as soon as may be, make over the same to a responsible person at any office or station of the holder of the permit for the vehicle.

I(2A) The driver of a contract carriage and in case of stage carriage in the absence of a conductor or where a conductor on duty for reasons beyond his control cannot perform his duties, shall cause the personal luggage or cargo, suspected to be containing substances of dangerous or flammable nature, or explosives, to be inspected under the supervision of the Officer or Stand-in-charge of Bus station of the Maharashtra State Road Transport Corporation or any Police Officer in uniform or any Officer of the Motor Vehicles Department not below the rank of Assistant Inspector of Motor Vehicle.

(1. Added by G.N., H.D., NO. MVR. 0190/190/TRA-2, dated 20-3-1991).

(3) No driver of a stage carriage or contract carriage (other than a motor cab) shall cause or allow to enter into or to be placed or carried in the vehicle, any person whom he knows or has reason to believe to be suffering from any infectious or contagious disease or the corpse of any person whom he knows or has reason to believe to have been suffering from any such disease.

(4) Notwithstanding the provisions of sub-rule (3), the driver may, upon application in writing by a registered medical practitioner, allow a person suffering from an infectious or contagious disease to be carried in a stage carriage or contract carriage provided that no other person, save a person or persons in attendance on the person so suffering, shall be carried in the vehicle at the same time.

(5) Where a person suffering from an infectious or contagious disease, or the corpse of any such person has been carried in a contract carriage or a stage carriage. the driver of the vehicle shall be responsible to report the fact of such carriage to the medical officer-in-charge of the nearest hospital, Zilla Parishad, Panchayat Samiti or Government Dispensary, and to the owner of the vehicle: and either the owner or the driver shall cause or allow any person to use the vehicle until the driver and the vehicle have been disinfected in such manner as the said medical officer may specify and a certificate to this effect has been obtained from the said medical officer.

21. Rules for conduct and duties of drivers of motor cabs -(1) The drivers of the first two motor cabs on any stand shall always stay near their cabs which shall be ready for immediate hiring by any person.

(2) All drivers shall move their cabs up as vacancies occur in the stand.

(3) Every cab shall be kept with front wheels straight at a distance of not less than thirty centimetres from the cab immediately in front of it and where the stand is by the side of a kerb, parallel to and not more than thirty centimetres from the kerb.

(4) No driver shall allow his cab to remain on the stand if it is disabled unless the disablement is of a temporary nature which can be immediately remedied and is so remedied.

(5) No driver shall allow his cab when it is not engaged to remain at any place other than a stand appointed for the purpose nor shall he loiter for the purpose of its being hired in any public place ;

(6) No driver shall prevent or attempt to prevent the first cab on the stand from being hired.

(7) No driver whose cab has been engaged for some future time shall keep his cab on a stand unless he is willing to accept an intermediate engagement that may be offered.

(8) A driver of a motor cab shall in the absence of reasonable cause to the contrary proceed to the destination named by the hirer by the shortest and quickest route.

(9) No driver of a motor cab shall make use of his cab in connection with or for the furtherance of prostitution.

(10) No driver of a motor cab shall carry a cleaner or other attendant unless permitted specifically to do so by the Regional Transport Authority on such conditions as may be specified by it.

(11) No driver of a motor cab shall terminate the hiring thereof before he has been discharged by the hirer.

(12) No driver of a motor cab shall demand or exact any fare in excess of that to which he is legally entitled.

(13) No driver of a motor cab shall shout in order to attract a passenger.

(14) A driver of a motor cab shall at all times exercise all reasonable care and diligence to maintain his vehicle in a fit and proper condition and shall not knowingly drive the vehicle when it any brake, tyre or lamp thereof is in a defective condition likely to endanger any passenger or other person or when there is not sufficient fuel in the tank of the vehicle to enable him to reach the\ next fuel filing station on the route.

(15) No driver of a motor cab shall solicit a customer except in a civil and quiet manner; nor shall he in any way interfere with any person boarding or preparing to board another vehicle.

(16) A driver of a motor cab shall not smoke while on duty.

(17) A driver of a motor cab shall behave in civil and orderly manner to passengers and others.

I(18) A driver of a motor cab or a permit holder when himself drives the motor cab, shall wear clean khaki shirt or bush shirt and khaki trousers. A driver of motor cab or permit holder when himself driving a motor cab shall display, a laminated identity card as illustrated in the Second Schedule to these rules. On the right side of the chest, issued by the licensing authority on payment of rupees fifty :

Provided that, when drivers of such vehicles are or are likely to be called upon to perform duties in an emergency or to receive the training, the Government may, by general or special order, exempt such drivers from the operation of this sub-rule for such period as may be specified in the order.

2 (18-A) If the identity card is lost or destroyed, a duplicate identity card shall be issued by the licensing authority by which it was issued on an application made in Form D.I.D. of the First Schedule to these rules accompanied by a fee of twenty-five rupees. In case the original identity card is later found, upon the return to the issuing authority of the duplicate identity card, the driver of the motor cab or a permit holder, as the case may be, shall be entitled to a refund of twenty-five rupees. In case of suspension or revocation of a driving licence by an authority or by any court or ceases to be valid due to efflux of time, the driver or the permit holder, as the case may be, shall, within seven days of such suspension or revocation, surrender the identity card held by him to the authority by whom the same were suspended.

(19) A driver of motor cab shall maintain the vehicle in a clean and sanitary condition.

(20) No driver of a motor cab shall allow any person to be carried in any motor cab in excess of the seating capacity specified in the certificate of registration of the vehicle.

 $_{3}(21)$ A driver of a motor cab shall not hold more than one laminated identity card issued by the licencing authority.

(22) If at any time the authorisation of a driver's driving licence entitling him to drive a

motor cab is suspended or revoked by an authority or by any Court or cease to be valid by the efflux of time, the driver shall within seven days surrender the badge to the authority by which it was issued.

Sub-rule (18) was substituted by G. N. of 11.12.2007.
 Sub-rule (18-A) was inserted, ibid.
 Sub-rule (21) was substituted, ibid.

(23) No driver of a motor cab shall cause or allow to enter into or to be placed or carried in the vehicle. any person whom he knows or has reason to believe to be suffering from any infectious or contagious disease, or the corpse of any person whom he knows or has reason to believe to have been suffering from any such disease.

(24) Notwithstanding the provisions of sub-rule (23), the driver may upon application in writing by a registered medical practitioner allow a person suffering from an infectious or contagious disease to be carried in a motor cab, provided that no other person save a person or persons in attendance on the person so suffering shall be carried in the vehicle at the same time.

(25) Where a person suffering from an infectious or contagious disease, or the corpse of any such person has been carried in a motor cab, the driver of the vehicle shall report the fact of such carriage to the medical officer-in-charge of the nearest Municipal, Zilla Parishad, Panchayat Samiti or Government dispensary and to the owner of the vehicle and neither the owner nor the driver shall cause or allow any person, to use the vehicle until the driver and the vehicle have been disinfected in such manner as the said medical officer may specify and a certificate to this effect has been obtained from the said medical officer.

(26) No person shall drive any motor cab unless once in every two months it is disinfected with D.D.T. or any other liquid insecticide, approved for the purpose by the Surgeon-General with the Government of Maharashtra.

(27) The owner of a motor cab shall maintain and on demand by an officer of the Motor Vehicles Department of and above the rank of Assistant Motor Vehicle Inspector or Police Officer, produce for inspection a current register showing the dates on which the motor cab was disinfected from time to time, and shall also satisfy him that a mechanical spray which shall be used for the purpose of such disinfection is in working order.

(28) A driver of a motor cab shall, on demand by any Police Officer in uniform or an Officer not below the rank of an Assistant Motor Vehicle Inspector, produce his driving licence for inspection.

(29) The driver of a motor cab shall at the conclusion of every journey make reasonable search in the vehicle for anything left by any passenger and shall take into his custody anything so found and shall as soon as may be convenient hand over the same to the Officer-in-charge of the nearest Police Station.

(30) The driver of a motor cab shall not, without the approval of its owner permit any other person to drive the vehicle.

(31) A driver of a motor cab shall, whenever the vehicle approaches an unguarded level crossing, cause it to be stopped and. after ensuring that no train is approaching in either direction. proceed to cross it.

22. Additional rules for drivers of motor cars fitted with taxi meters - In addition to the rules specified in Rule 21,-

(a) The driver of every motor cab fitted with a taxi-meter shall not set it in motion

before it is hired and shall stop it immediately the cab arrives at the destination. **Note-** A cab shall be considered to be hired from the time it has been engaged or if called from a distance from the time of such call;

- (b) if the driver of any motor cab fitted with a taxi-meter which is hired by any person is unable to proceed owing to any defect in the mechanism or the tyres of the cab, he shall at once lower the flag to "stopped" position and shall not restart his meter until such time as the defect is remedied:
- (c) no driver shall cover or obscure the face of a taxi-meter under any circumstances or at any time; and
- (d) no driver shall without reasonable excuse refuse to let the cab for hire when the flag is in a verticle position.

23. Conduct of drivers of goods vehicles.- The driver of a goods vehicle -

(1) shall not cause or allow any person, animal or thing to be placed or to be in the space reserved for the driver's seat in accordance with Rule 175 or otherwise in such a way as to impede him in having a clear vision of the road or proper control of the vehicle:

(2) shall at all times exercise all reasonable care me to maintain his vehicle in a fit and proper condition and shall not knowingly drive the vehicle when it or any brake, tyre or lamp thereof, is in a defective condition likely to endanger any occupant or other person or when there is not sufficient-fuel in the tank of the vehicle to enable him to reach the next fuel-filling station on the route;

(3) shall as far as may be reasonably possible, having regard to his duties be responsible for the due observance of the provisions of the Act and of these rules;

(4) shall behave in a civil and orderly manner to hirers or their nominees and intending hirers or their nominees;

(5) shall not solicit customers save in a civil and quiet manner;

(6) shall not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be with a reasonable dispatch;

(7) shall take all reasonable precautions to prevent the goods from being spoiled or lost on the way: and

(8) shall. whenever the vehicle approaches an unguarded level crossing cause it to be stopped. and after ensuring that no train is approaching in either direction, proceed to cross it.

(9) The driver of the goods vehicle on demand by any Police Officer not below the rank of Sub-Inspector of Police or any Officer of the Motor Vehicles Department of and above the rank of Assistant Inspector of Motor Vehicles shall produce all relevant documents of the vehicle for inspection.

24. Badges of drivers of public service vehicles- 1(1) A metal badge shall be issued to every person who has been granted an authorisation to drive a public service vehicle except motor cab, subject to the condition that he satisfies the authority about his topographical knowledge of the area of operation and working knowledge of Marathi and any one of the languages commonly spoken there. The badge shall be in the form illustrated in the Second Schedule of these rules. The metal badge shall be circular in shape and shall contain the name of the headquarter of the authority which has granted the authorization, the category of the motor vehicle and an identification number, inscribed thereon.

(2) The driver of a public service vehicle shall display on the left side of the chest the

requisite metal badge issued under sub-rule (l). No driver shall hold more than one badge of the same type ;

Provided that, the driver of a luxury cab and a tourist cab shall display badges bearing the letters "LCD" and "TCD". respectively.

1. Sub—rules (1) and (2) were substituted by G.N. of 1 1.12.2007.

(3) The fee for the issue of a badge as aforesaid shall be $_{1}$ [two hundred rupees]. If the badge is lost or destroyed a duplicate badge shall be issued by the authority by which it was issued on an application made in Form D.T.V.B. of the First Schedule to these rules accompanied by a fee of $_{1}$ [one hundred rupees]. In case the original badge is later found, upon the return to the issuing authority of the duplicate badge, the driver shall be entitled to a refund of $_{1}$ [Twenty five] rupees.

(4) When an authorisation on a driver's driving licence entitling him to drive a public service vehicle is suspended or revoked by an authority or by any Court or ceases to be valid due to efflux of time, the driver shall, within seven days of such suspension or revocation, surrender the badge or badges held by him to the authority by whom 2[the same were suspended].

25. Maintenance of State Register of Driving Licences— (1) Every licensing authority shall maintain the State Register of Driving Licences in the Form prescribed by the Central Government.

(2) The licensing authority as soon as the licence is issued or renewed to a person shall cause an entry to be made in the State Register.

(3) The State Register shall be either a bound book or on a computer disc or tape.

(4) The register shall be maintained in alphabetical order beginning with the surname.

(5) Where a person holding a driving licence for any class of motor vehicle, obtains a driving licence of any other class or description of motor vehicle from the same authority, an entry to that effect shall be taken in the State Register against his name :

Provided that, if the driving licence is granted by any other authority or for any other class of motor vehicle, the licensing authority, adding the other class or description of motor vehicle shall make an entry of the name of that person with all classes of motor vehicles the person is entitled to drive.

(6) The licensing authority shall maintain a separate register for the persons who are above sixteen years and below eighteen years and authorized to drive a vehicle without gear.

l. Sub. by G. N.. H. D.. No. MVR. 0212/1531/CR-107/TRA-2, dt. 24/06/2013. 2.These words were substituted for the words "the same were issued" by G.N. of 11/12/2007.

CHAPTER III

LICENSING OF CONDUCTORS OF STAGE CARRIERS

26. Licensing Authority.- The Licensing Authority for the purposes of Chapter III of the Act, shall be.-

- (a) for Brihan Mumbai, the Regional Transport Officers having jurisdiction over the limits of the Mumbai Municipal Corporation limits;
- (b) in the Thane region. for the Districts of Thane, Raigad, Sindhudurg and Ratnagiri the Regional Transport Officer, Thane;
- (c) in the Kolhapur region, for the Districts of Kolhapur. Sangli and Satara the Regional Transport Officer, Kolhapur;
- (d) in the Pune region, for the Districts of Pune and Solapur the Regional Transport Officer, Pune;
- (e) in the Nashik region. for the Districts of Nashik and Ahmednagar the Regional Transport Officer, Nashik:
- (i) in the Dhule region, for Districts of Dhule, Jalgaon and Nandurbar the Regional Transport Officer, Dhule;
- (g) in the Aurangabad region, for the Districts of Aurangabad, Jalna, Beed and Osmanabad the Regional Transport Officer, Aurangabad:
- (h) in the Nanded region, for the Districts of Nanded, Parbhani, Latur and Hingoli the Regional Transport Officer, Nanded;
- (i) in the Amravati region, for the Districts of Amravati, Buldhana, Yavatmal, Akola and Washim the Regional Transport Officer, Amravati;
- (j) in the Nagpur (City) region, for the Municipal City Limits of Nagpur and Wardha Districts, the Regional Transport Officer, Nagpur (City);
- (k) in the Nagpur (Rural), region, for the Districts of Nagpur (excluding Municipal City Limits) Gadchiroli, Chandrapur, Gondia and Bhandara the Regional Transport Officer. Nagpur (Rural).

27. When driver or any person can act as conductor without licence.- (1) Where in an emergency it becomes difficult for the permit holder to provide for a conductor for his stage carriage, or where a conductor on duty. for reason beyond his control, cannot perform his duties, the driver of a stage carriage may for a period not exceeding one month, act as a conductor of a stage carriage without holding a conductor's licence under sub-section (1) of Section 29.

(2) Any person, other than a driver of a stage carriage may act as a conductor without holding a conductor's licence, for a period not exceeding one month, subject to the following conditions, namely :—

- (a) he intimates his intention to do so to the licensing authority within whose jurisdiction he intends to act as a conductor in Form L. Con. Int. of the First Schedule to these rules :
- (b) he is not disqualified for holding a conductor's licence;
- (c) he has not on previous occasions acted as a conductor without a licence for a total period exceeding one month.

1. Rule 26 was substituted by G. N. of 8.1.2008.

28. Application for grant of conductor's licence - (1) An application for a conductor's licence as required by sub-section (1) of Section 30 shall be made in Form L. Con. A of the First Schedule to these rules and shall be accompanied by a medical certificate from a Medical Practitioner authorised by the Transport Commissioner to issue such certificate, in Form M. C. Con. of the First Schedule to these rules and the fees provided under sub-section (5) of Section 30.

(2) Upon the receipt of an application for a conductor's licence, the licensing authority on making such enquiries as may reasonably be necessary to establish the identity of the applicant and on ascertaining that the applicant is not disqualified under Section 31 of the Act for holding or obtaining a conductor's licence. may issue such licence in Form L. Con. Of the First Schedule to these rules for a period of three years.

29. Qualification for grant of conductor's licence - No person shall be granted a conductors licence unless he satisfies the licensing authority that,

(i) he has adequate knowledge of the provisions of the Act and rules made thereunder relating to the duties and functions of a conductor:

(ii) he possesses a good moral character; and

(iii) he has passed Secondary School Certificate examination or an equivalent or higher examination and possesses working knowledge of the language or languages of the area in which he intends to work as a conductor :

Provided that, clause (iii) shall not apply to persons who have obtained conductor's licence before the date of coming into force of the MaharashtracMotor Vehicles Rules, 1989.

30. Change of residence - The holder of a conductor's licence shall, except in the case of a temporary absence not involving a change of residence for a period exceeding three months. report any change of his temporary or permanent address as notified on the licence to the licensing authority by whom the licence was last renewed.

31. Renewal of conductor's licence - (1) An application for the renewal of a conductor's licence shall be made in Form L. Con. R. of the First Schedule to these rules and shall be accompanied by conductor's licence, and the fees provided for in sub-section (5) of Section 30.

(2) Upon receipt of an application for the renewal of a conductor's licence, the licensing authority may. after making such enquiries as it may deem necessary, renew the licence.

(3) A licensing authority renewing conductor's licence shall intimate the fact of renewal in Form L. Con. RR. of the First Schedule to these rules to the licensing authority by whom the licence was issued.

32. Appellate Authority - (1) The authority empowered under sub-section (2) of Section 33 and under sub—section (4) of Section 34 to hear appeals against the order of the licensing authority shall. in Greater Bombay. be the Transport Commissioner and elsewhere, the District Magistrate of the district in which the aggrieved person ordinarily resides.

33. Conduct and hearing of appeals - (1) An appeal under Rule 32 shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the

order of the licensing authority, and shall be accompanied by a fee of twenty rupees in cash and a certified copy of that order.

(2) When an appeal is preferred, a notice shall be issued to the authority against whose order the appeal is preferred in such form as the appellate authority may direct.

(3) The appellate authority may give to the parties copies of any document connected with the appeal, on payment of fee (calculated at the rate of '(twenty rupees] for the first page and '(five rupees] for each additional page of each copy) of each document.

(4) The appellate authority may, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, pass such order as it thinks fit and an order passed by any such authority shall be binding on the parties.

1.Sub. by G.N.H.D No. MVR. 0212/CR-107/TRA-2, dated 24.06.2013

34. Duties and conduct of conductors of stage carriage - The conductor of a stage carriage :-

(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 Act and of these rules;

(ii) shall not smoke while on duty;

(iii) shall behave in a civil and orderly manner to passengers and others:

(iv) shall be cleanly dressed and shall wear khaki shirt or khaki bush-' shirt and khaki trousers of police pattern of khaki colour :

Provided that. nothing in this clause shall apply to persons lawfully working as conductors in accordance with Rule 27 :

Provided further that, the State Government on considering any special reasons may, by order in the Official Gazette, allow conductors of such vehicles to wear any special uniform as may be specified in such order. other than the uniform specified in this clause.)

- (v) shall maintain the vehicle in a clean and sanitary condition;
- (vi) shall not solicit customers save in a civil and quiet manner:
- (vii) shall not interfere with persons mounting or preparing to mount upon any other vehicle:
- (viii) shall not allow any person to be carried in any stage carriage in excess of the seating capacity specified in the certificate of registration of the vehicle and any additional number of passengers permitted under the terms of the permit to be carried standing in the vehicle;
- (ix) shall not save for good and sufficient reason, refuse to carry any person tendering the legal fare:
- (x) shall not allow any passenger to be carried in any stage carriage without payment of the legal fare;
- (xi) shall where goods are carried on a vehicle in addition to passengers, take all rasonable precautions to ensure that passengers are not endangered or unduly inconvenienced by the presence of goods:
- (xii) shall not. save for good and sufficient reason. 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. with all reasonable despatch;
- (xiv) shall, in the event of the vehicle being unable to proceed to its destination on

account of mechanical breakdovim or other causes beyond the control of the driver or conductor, arrange to convey the passengers to their destination in some other similar vehicle, or if unable so to arrange within a reasonable period after the failure of the vehicle, shall on demand refund to each passenger a proper proportion of the fare relating to the completion of the journey for which the passenger had paid the fare;

(xv) shall not 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 issue a ticket immediately on payment of the legal fare or freight by the passenger except where arrangements outside the vehicle for the issue of tickets in advance to the intending passengers on payment of the legal fare has been made;
- (xvii) shall, at the conclusion of any journey make reasonable search in the vehicle for anything left by any passenger and shall take into his custody anything so found by him or any other person in such vehicle and as soon as may be. make over the same to a responsible person at any office or station of the holder of the permit for the vehicle:
- (xviii) shall not cause or allow to enter into or to be placed or carried in the vehicle any person whom he knows or has reason to believe to be suffering from an infectious or contagious disease. or the corpse of any person whom he knows or has reason to believe to have been suffering from any such disease:
- (xix) may, notwithstanding anything contained in clause
- (xviii) upon application in writing by a registered medical practitioner allow a person. suffering from an infectious or contagious disease to be carried in a stage carriage provided that no other person save a person or persons in attendance on the sick person shall be carried in the vehicle at the same time:
- (xx) shall be responsible, when a person suffering from an infectious or contagious disease. or the corpse of any such person has been carried in a stage carriage, for reporting the fact to a medical officer or health officer and to the owner of the vehicle and neither the owner nor the driver nor the conductor shall cause or allow any person to use the vehicle until the driver and conductor and the vehicle have been disinfected in such manner as the said medical officer may specify and a certificate to this effect has been obtained from the said medical officer;
- (xxi) shall assist the driver and be on the look out for other motor vehicle approaching from behind and effectively signal their approach to the driver;
- (xxii) shall take all reasonable precautions to prevent luggage being miscarried or lost on the way:
- (xxiii) shall not, while on duty. be under the influence of drink or of any drug so as to render him incapable of discharging his duties efficiently:
- (xxiv) shall on demand by any passenger. produce the complaint book for recording such remarks as the passenger may desire to make therein;

(xxv) shall not. while he is on duty. permit the vehicle to be used for illegal or immoral purpose;

- (xxvi) shall not permit any petrol to be poured into the fuel tank while the engine is in motion: and
- (xxvii) shall. whenever the stage carriage approaches an unguarded level crossing.

cause

it to be stopped and after alighting therefrom and ensuring that no train is approaching from either direction, cause the vehicle to follow him till the other side of the level crossing is reached;

(xxviii) shall make all reasonable effort to help the injured persons in case of an accident to the bus and inform the nearest police station immediately;

(xxix) shall help the infant, disabled, pregnant ladies. old aged passengers and the ladies with child in arm, to board and alight the bus:

(xxx) when the driver is taking the bus in reverse. shall get down from the bus and be on the look out for any other motor vehicle or other obstacle in the rear of the vehicle and effectively give signal to the driver;

(xxxi) shall not allow any explosives or dangerous or flammable substances to be carried

in the bus as personal luggage or cargo;

Provided that he shall cause the personal luggage or cargo, suspected to be containing substances of dangerous or flammable nature or explosives. to be inspected under the supervision of the Officer or Stand-in-charge of Bus Station of the Maharashtra State Road Transport Corporation or any Police Officer in uniform or any officer of the Motor Vehicles Department not below the rank of Assistant inspector of Motor Vehicles].

2. Proviso was added by G.N of 24.08.2005

35. Prohibition against holding more than one conductor's licence,

etc - (1) No person shall hold more than one conductor's licence.

(2) A conductor of a stage carriage shall. produce his conductor's licence for inspection on demand by any police Officer in uniform not below the rank of a Sub-Inspector or any officer of Motor Vehicles Department not below the rank of Assistant Inspector of Motor Vehicles in uniform or any member of the State Transport Authority or a Regional Transport Authority, within his respective jurisdiction, provided that. if at the time his licence is demanded he is displaying the badge prescribed in Rule 40 it shall be sufficient compliance with this sub-rule if he produces the conductor's licence within forty-eight hours at any police station which he specifies to the person making such demand.

1. Proviso was added by G.N., H.D., No.0190/190/TRA-2, dt.20.03.1991 (M.G.G., Part IV-A, p.212)

36. Requirement as to photographs - (1) The copies of photographs required for a conductor's licence shall be of a size not more than fifty millimetres by sixty-four millimetres. It shall be taken from front, and shall be in black and white colour on glazed paper.

(2) The photograph of the holder when affixed to a conductor's licence shall be sealed with the seal of the licensing authority in such a manner that part of the impression of the seal is upon the photograph and part on the margin.

(3) If at any time it appears to a licensing authority that the photograph affixed to the conductor's licence has ceased to be a clear likeness of the holder, the licensing authority may require the holder to surrender the conductor's licence forthwith. and to furnish two clear copies of a recent photograph of himself and the holder shall, within such time as the licensing authority may specify, appear in person before the licensing

authority and present the photograph accordingly.

(4) Upon receipt of the copies of the photograph as provided in sub-rule(3). the licensing authority shall remove the old photograph from the conductor's licence and seal thereto one copy of the new photograph and return the conductor's licence to the applicant and shall, if he is not the licensing authority by whom the conductor's licence was issued, forward the second copy of the photograph to the authority who issued the licence:

Provided that, if the holder of the conductor's licence so desires the licensing authority shall issue a duplicate conductor's licence with a new photograph affixed thereto and shall destroy the original conductor's licence. In such a case if the licensing authority is not the authority by whom the conductor's licence was issued, he shall inform the original

licensing authority.

(5) If the holder fails to comply with any requisition made by the licensing authority under sub-rule (3). the conductor's licence shall cease to be valid from the expiry of the said period.

(6) Where a new photograph is affixed to a conductor's licence. a note shall be made upon the date of affixture.

37. Conductor': licence lost or destroyed - (1) If at any time a conductor's licence is lost by the holder or is destroyed. the holder shall forthwith intimate the facts in writing. in Form C.L.D. of the First Schedule to the licensing authority in whose area he has his place of residence at the time.

(2) Upon the receipt of intimation as aforesaid. the licensing authority shall, if he is not the authority by whom the conductor's licence was issued. apply to that authority for particulars of the conductor's licence and of any endorsements thereon and shall, after making such enquiries as he thinks fit, is satisfied that a duplicate may properly, be issued, issue a duplicate conductor's licence and send intimation to the authority by whom the conductor's licence was issued :

Provided that. where subsquent to the issue of a duplicate licence it is found that there has been an endorsement by a Court since the date of the grant or last renewal of the licence. it shall be lawful for the licensing authority to call for the duplicate conductor's licence and make the necessary endorsement thereon.

(3) Where a photograph is required to be affixed to a duplicate conductor's

licence issued under the provisions of these rules, the holder of the conductor's licence shall furnish the licensing authority with two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate conductor's licence and the other shall be transmitted by the authority issuing the duplicate conductor's licence to the authority by whom the conductor's licence was issued.

(4) Where a duplicate conductor's licence has been issued upon representation that a conductor's licence has been lost and the original conductor's licence is afterwards found or received by the holder. the holder shall immediately return the duplicate conductor's licence to the licensing authority.

(5) Any other person finding a conductor's licence shall deliver it to the nearest Police Station or the nearest licensing authority. The Officer-in charge of the Police Station, on receipt of the conductor's licence. shall immediately forward it to the nearest licensing authority. The licensing authority shall restore the conductor's licence to the holder of the conductor's licence in case the duplicate conductor's licence has not been issued. and shall substitute it for the duplicate in case such a duplicate has already

been issued.

38. Defaced or torn conductor's licence - (1) If at any time it appears to a licensing authority that a conductor's licence held by any person is so torn or defaced in any way as to cease to be reasonably legible, the licensing authority may impound the conductor's licence and issue a duplicate in accordance with Rule 39.

(2) If a conductor's licence impounded as aforesaid is required to have a photograph of the holder affixed there. then.-

 (i) if the photograph on the impounded conductor's licence in the opinion of the licensing authority satisfactory and conveniently transferable to the duplicate conductor's licence, the licensing authority may so transfer, affix and seal the photograph to the duplicate conductor's licence; or

(ii) if the photograph affixed to a conductor's licence impounded under the provisions of sub-rule (1) is not in the opinion of the licensing authority such as can be transferred to the duplicate conductor's licence, the holder of the conductor's licence shall, on demand by the licensing authority, fumish two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate conductor's licence and sealed and the other shall be recorded by the licensing authority by whom the conductor's licence was issued.

39. Issue of duplicate of conductors licence - (1) When a duplicate conductor's licence is issued under Rules 36. 37 and 38 it shall be clearly stamped "Duplicate" in red and shall be marked with the date of issue. he shall intimate the fact to that authority.

(2) If the licensing authority who affixes a new photograph to a duplicate conductor's licence is not the authority by whom the conductor's licence was issued, he shall forward the second copy of the photograph to that authority for record.

(3) The fee for a duplicate conductor's licence under Rules 36, 37 and 38 shall be 'Three Hundrred Rupees].

40. Conductors badge - (1) The licensing authority issuing a conductor's licence shall also issue simultaneously on payment of a fee of [Thre Hundree Rupees] a metal badge inscribed with its name. the word "Conductor" and an identification number, in the form illustrated in the Second Schedule appended to these rules. If the badge is lost or destroyed, a duplicate badge shall be issued on payment of [Twohundred rupees]

by the authority which issued it or an application made to it in Form D.C.B. of the First Schedule. In case the original badge is later found by the conductor, he shall return the duplicate badge to the issuing authority, and shall be entitled to a refund of ten rupees.

(2) While on duty a conductor shall display his badge on his left breast and above the badge a plastic name plate indicating his initials and surname in Marathi. The plastic name plate shall be of the size of 9 cm. x 2 cm.

(3) No conductor shall lend or transfer to any other person, or permit the use by any other person of the badge issued to him under sub-rule [1].

(4) If at any time a conductor's licence is suspended or revoked by an authority competent to suspend or revoke or by any Court or ceases to be valid by efflux of time. the conductor shall, within seven days. of such suspension, revocation or ceaser, surrender the badge

to the authority by which it was issued.

41. The effectiveness of conductor's licence issued by any other

State other than the State of Maharashtra - (1) The permit-holder of the stage carriage shall not employ a person as a conductor having a conductor's licence issued by any licensing authority located outside the State of Maharashtra.

(2) A person can act as a conductor having a conductor's licence issued in any other State in respect of stage carriage operation in the State of Maharashtra on the routes included in the reciprocal Transport Agreement as well as on the routes mutually agreed by both the State Transport Undertaking. with the intention to include the same in the subsequent Reciprocal Transport Agreement but shall comply with the provisions of Rule 84.

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1. Sub. by G.N.. H.D., NO. MVR.0212/CR-107/TRA-2, dated 24.06.2013

CHAPTER IV REGISTRATION OF MOTOR VEHICLES

42. Registering Authorlty - The Registering Authority shall be :-

(a) For Brihan Mumbai, the Regional Transport Officers having jurisdiction over the limits of the Mumbai Municipal Corporation limits:

- (b) in the Thane region, for the Districts of Thane, Raigad, Sindhudurg and Ratnagiri, the Regional Transport Officer, Thane;
- (c) In the Kolhapur region, for the Districts of Kolhapur, Sangli and Satara the Regional Transport Officer, Kolhapur:
- (d) In the Pune region, for the Districts of Pune and Solapur, the Regional Transport Officer, Pune;
- (e) In the Nashik region, for the Districts of Nashik and Ahmednagar, the Regional Transport Officer, Nashik;
- (f) In the Dhule region. for the Districts of Dhule, Jalgaon and Nandurbar, the Regional Transport Officer, Dhule;
- (g) In the Aurangabad region, for the Districts of Aurangabad, Jalna, Beed and Osmanabad, the Regional Transport Officer, Aurangabad;
- (h) In the Nanded region. for the Districts of Nanded, Parbhani, Latur and Hingoli the Regional Transport Officer, Nanded;
- (i) In the Amravati region. for the Districts of Amravati, Buldhana, Yavatmal, Akola and Washim, the Regional Transport Officer, Amravati;
- (j) In the Nagpur (City) region, for the Municipal City Limits of Nagpur and Wardha District, the Regional Transport Officer, Nagpur (City);
- In the Nagpur (Rural). region, for the Districts of Nagpur (excluding Municipal City Limits) Gadchiroli, Chandrapur, Gondia and Bhandara the Regional Transport Officer, Nagpur (Rural).]

1. Rule 42 was substituted by G.N. of 08.01.2008.

43. Appellate Authorities - (1) The authority to hear appeals against any appellate order

passed by the registering authority under Chapter IV of the Act shall be the Transport Commissioner.

(2) The authority to hear appeals against any order passed by any police officer or an inspector of Motor Vehicles specified in Rule 52 shall be the registering authority having jurisdiction in the area.

(3) The authority to hear appeals against an order in respect of certificate of fitness under Section 56 read with Rule 45 shall be the registering authority havingjurisdiction in the area, in which the order was passed.

44. Conduct and hearing of Appeals - (1) An appeal referred to in Rule 43 shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order of the registering authority or Inspector of Motor Vehicles or the Police Officer, as the case may be, and shall be accompanied by a fee of [Two hundred rupees] in cash or stamp and a certified copy of that order. If the appeal succeeds, the Transport Commissioner Maharashtra State, or the registering authority concerned, as the case may be, may refund the fees in whole or in part, as he thinks fit

(2) The appellate authority, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary may confirm, vary or set aside the order of the registering authority or the Inspector of Motor Vehicles or the Police Officer. as the case may be and shall make an order accordingly.

(3) Any person preferring an appeal under the provisions of Chapter IV of the Act shall be entitled to obtain a copy of any document filed with the registering authority in connection with any order against which he is preferring an appeal on the payment of a fee calculated at the rate of [twenty rupees] for first page and [five rupees] for each additional page for each copy of document.

(4) Subject to the provisions of sub-rule (3), the Transport Commissioner or the registering authority may give any person interested in appeal preferred under Chapter IV of the Act. copies of any document connected with the appeal. on payment of a fee calculated at the rate of [twenty rupees] for the first page and [five rupees] for each additional page per copy of each document.

1. Sub. by G.N. H.D., No. MVR. 0212/CR-107/TRA-2, dated 24.06.2013.

45. Issue and renewal of certificate of fitness - (1) Certificate of fitness shall be issued or renewed by the officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicles or an authorised testing station, specified by State Government under subsection (2) of Section 56 of the Act.

(2) An application for issue or renewal of certificate of fitness shall be made in Form C.F.A. of the First Schedule to these rules to the Officer or the authorised testing station in whose jurisdiction the vehicle is normally kept.

(3) The officer of the Motor Vehicles Department or the authorised testing station by whom the certificate of fitness was last renewed may endorse thereon the date. time and place appointed for the next inspection of the vehicle and the owner shall cause the vehicle to be produced accordingly before the concerned authirity or any authorised testing station located in the jurisdiction of the officer endorsing the certificate, as specified by the State Government.

(4) If the owner finds that the vehicle cannot be produced for the next inspection on the

date endorsed on the certificate of fitness. he shall apply to the officer of Motor Vehicles Department, not less than 15 days before the aforesaid date. for a change in the date of inspection. stating the reasons therefor. If the next date is given by the authorised testing station, the owner of the vehicle shall apply. for the change in the date of inspection stating the reasons, to an officer not below the rank of Assistant Regional Transport Officer. in whose jurisdiction the vehicle is normally kept and such Assistant Regional Transport Officer if satisfied, may specify the next date before which the vehicle should be produced for inspection before any authorised testing station in his area or jurisdiction or before him.

(5) If no date, time and place for the next inspection is endorsed on the certificate of fitness as provided for in sub-rule (3) an application for the renewal of a certificate of fitness shall be made in Form C.F.R.A. of the First Schedule to these rules, not less than one month before the date of expiry of the certificate and the owner of a vehicle in respect of which such application is made shall cause the vehicle to be produced for inspection on such date and at such time and place as the Inspector of Motor Vehicles or authorised testing station may appoint. If the owner fails to make the application and produce the vehicle for inspection on or before the date aforesaid, he shall be liable to pay the full fee prescribed under clause (o) of Section 64 in addition to the usual fee chargeable for inspection, and on payment of such fee, a new certificate of fitness may be issued to him.

(6) If owing to mechanical break-down or other cause, a motor vehicle, after the expiry date of the certificate, remains outside the area in which the officer of the Motor Vehicles Department by whom the certificate is to be renewed has jurisdiction, the officer of the Motor Vehicles Department may, without prejudice to any penalty to which the owner or driver may have become liable, and if the vehicle in his opinion fit for use, make an endorsement in Form C.F. of the First Schedule subject to such condition as he may specify and authorise its continued use for such time as may reasonably be necessary for the vehicle to return to the area of said officer and the vehicle may be driven to such area in accordance with such endorsement but shall not be used after return without renewal :

Provided that, no authorised testing station situated outside the area of jurisdiction in which the owner should have obtained the certificate of fitness, shall issue such authorisation to any vehicle under this sub-rule.

(7) If a vehicle is damaged at any time so as to be unfit for ordinary use and may in the opinipn of any inspector of Motor vehicles, be safely driven at a reduced speed to a place of repairs, and if such Inspector is satisfied that it is necessary that the vehicle should be so driven, he may endorse in Form C.F. of the First Schedule and specify the time, speed and other conditions if any, subject to which the vehicle may be driven to a specified destination for the purposes of repairs.

(8) When a certificate of fitness has been issued by a prescribed authority then the Inspector of Motor Vehicles shall be the authority for the purposes of cancellation of the certificate under sub-section (4) of Section 56 :

Provided that, the certificate of fitness issued by the authorised testing station shall not be cancelled under this sub-rule by an officer below the rank of Assistant Regional Transport Officer :

Provided further that, the above proviso shall not apply to the vehicles involved in an accident.

(9) The authority mentioned in sub-rule (8) of this rule, cancelling the certificate of fitness shall give the owner or other person in charge of the vehicle, a notice in Form C.F.C. of

the First Schedule to these rules, and shall along with a report of his action forward the certificate of fitness. certificate of registration and permit, if any, to the registering authority under whose direction and control he may be :

Provided that, if the certificate of fitness issued by the authorised testing station is to be cancelled, an officer not below the rank of Assistant Regional Transport Officer shall send a copy of this notice to the authorised testing station by whom the certificate of fitness was issued.

After the authority has cancelled the certificate of fitness, such authority after making an ch authority after making an endorsement in Form C.F.X. of the First Schedule to these rules, specify the time and the conditions subject_to which_t_he vehicle may be driven to a specified destination for the purpose-of repair.

(10) Nothing in sub-rule (8) shall debar the owner or the person in charge of the vehicle, the certificate of fitness of which has been cancelled from applying at any time for the restoration of the certificate of fitness if the vehicle has been repaired in such a manner that the provisions of the act and the rules made thereunder are complied with. If such a vehicle is inspected and passed within fourteen days of the date of cancellation of the certificate of fitness but before the date of expiry specified in such certificate, no restoration fee shall be charged. If, however, the vehicle is brought for inspection at any later time, fresh certificate of fitness shall be required:

Provided that. notwithstanding anything contained in this rule, the renewal fee in such a case shall be in addition to the usual fee as prescribed by the Central Government chargeable for inspection.

(11) While inspecting a motor vehicle, the authority or the authorised testing station shall fill in Form M V. Ins of the First Schedule to these rules in duplicate. and shall, on completion of inspection deliver the original copy to the owner or his driver.

46. Loss or destruction of certificate of fitness - (1) If a certificate of fitness is lost or destroyed, the owner of the vehicle shall forthwith report the matter to the authority by whom the certificate was issued or last renewed and shall apply for a duplicate certificate in Form C. R. L. D. of the First Schedule to these rules with a fee as prescribed by the Central Government by rules.

(2) Upon receipt of intimation of the loss or destruction of a certificate of fitness, the authority shall furnish the owner with a duplicate copy of the duly stamped "Duplicate" in red ink.

(3) Where a duplicate certificate of fitness has been issued upon representation, that a certificate of fitness has been lost and the original certificate of fitness is afterwards found or received by the holder, the holder shall immediately return the duplicate certificate of fitness to the registering authority or the authorised testing station.

(4) Any other person finding a certificate of fitness shall deliver it to the nearest police station or nearest registering authority. The officer-in-charge of the police station, on receipt of the certificate of fitness shall immediately forward to the nearest registering authority. The registering authority shall restore the certificate of fitness to the holder of the certificate of fitness in case the duplicate certificate of fitness has not been issued and shall substitute it for the duplicate in case such a duplicate has already been issued.

47. Torn or defaced certificate of fitness - (1) If at any time it appears to the registering authority or the authorised testing station that the certificate of fitness is so torn or defaced in any way as to cease to be reasonably legible, he may impound such certificate, and direct the owner

to apply in Form C.R.L.D. of the First Schedule to these rules, for a duplicate certificate.

(2) Upon receipt of an application under sub-rule (1) in Form C.R.L.D. of the First Schedule to these rules together with a fee of [One hundred rupees], the Inspector of Motor Vehicles or the Authorised Testing Station shall issue a duplicate certificate of fitness clearly stamped "Duplicate" in red ink.

1.Sub by G.N.,H.D., No.MVR. 0212/CR-107/TRA-2, dt.24.06.2013.

48. Temporary registration - (1) An application for temporary registration shall be in Form C. R. Tem. A. of the First Schedule to these rules.

(2) A temporary certificate of registration shall be in Form C.R. Term of the Schedule appended to these rules, and shall ordinarily be valid for a period not exceeding one month.

Provided that, where a motor vehicle so temporarily registered is a chassis to which a body has not been attached and the same is detained in the workshop beyond the said period of one month for being fitted with a body, the said period may be extended on payment [of a fee prescribed in the Table given below] per calendar month or part thereof, for such further period or periods as the registering authority may allow.]

Sr.	Type of Motor Vehicle	Fee in Rupees
No.		
1.	Two wheeler	100
2.	Light motor vehicle	200
3.	Medium goods vehicle or medium passenger motor vehicle	300
4.	Heavy goods vehicle or heavy passenger motor vehicle	500

Table

(3) The authority granting a temporary certificate of registration shall in cases where the registration under Section 40 is proposed to be effected by another authority forward to the latter a copy of Form C. R. Tem. of the First Schedule.

(4) Any officer approved by name, of a manufacturer of motor vehicles and any officer of a State Transport Undertaking in respect of motor vehicles on the chassis whereof new bodies are built by it, shall also be competent to grant a temporary certificate or registration under this rule :

Provided that, the Transport Commissioner, Maharashtra State, shall not give such approval in writing to an officer of a manufacturer unless he is satisfied that the manufacturer manufactures a substantial number of motor vehicles, and the vehicle is proceeding immediately on registration to a place outside the region :

Provided further that, the powers conferred by this sub-rule shall not be exercised in respect of any vehicle, which is a tractor-trailer combination of a rigid frame having more than two axles. and has dimensions exceeding those prescribed in these rules. or a vehicle the unladen weight of which exceeds the laden weight limits specified for the time being under Section 115.

(5) The authority granting a temporary certificate of registration shall assign a temporary registration mark to the vehicle and the owner shall cause the said mark to be affixed to the front and rear of the vehicle in the manner prescribed by the Central Government.

(6) (i) The temporary registration mark shall be assigned by the registering authority as follows :-

"The registration mark shall consist of the State Code i. e., 'MH', followed by the code number of the registering authority and shall be followed by the temporary registration mark indicated by letters 'T.R.' and number running upto 3 digits, e.g. temporary registration mark to be assigned by say Regional Transport Officer, Bombay (C), shall be displayed as follows :—

O1 MH - -----T.R. - 1 to 999

After exhaustion of this series, a fresh series with alphabet 'A' shall start. This shall be [succeeded] by 'B' and so on except alphabets 'I' and 'O".

(7) In case of imported vehicles brought into the State, the owner of the motor vehicle shall apply in Form C. R. Tem. A of the First Schedule to the nearest registering authority along with Bill of Entry.

(8) Whenever there is an application for a temporary registration of a vehicle. it shall not be necessary to produce the vehicle before the registering authorities.

(9) The records of the prescribed authority maintained for the purpose of issue of temporary certificates of registration marks, shall be open for inspection at all reasonable time, by any police officer not below the rank of sub-inspector and by any officer of the Motor Vehicles Department not below the rank of inspector.

- 1. Sub-rule (1) was sub.by G.N., H.D., No. MVR.0212/CR-107/TRA-2, dt.24.06.2013
- 2. Proviso was added by G.N., H.D., No. MVR.0189/CR-1043/TRA-02, dt.06.07.1991
- 3. These words were substituted for the words "by the owner a fee of rupees fifeen" by G.N. of 27.09.2007.
- 4. Table was substituted by G.N., H.D., No. MVR.0212/CR-107/TRA-2, dt.24.06.2013
- 5. sub by G.N.,H.D., No. MVR.0189/CR-1043/TRA-2, dt.06.07.1991 (M.G.G., Pt. IV-A.Ex.1991, p.405)
- 6. This word was substituted by corrigendum No. MVR. 0189/CR-1043/TRA-2, dt.02.11.1992

49. Failure to apply for renewal of registration of motor vehicles other than transport vehicle - Failure of the owner in making an application for renewal of certificate of registration under sub-section (8) of Section 41 may result in the registering authority requiring the owner to pay twenty-five rupees per calendar month or part thereof as composition fee :

Provided that, the total amount payable shall not exceed one hundred rupees.

50. Exemption from payment of registration fee - (1) Such foreign consular officers, or such international officers, or such international organisations or associations (being bodies which in the opinion of the State Government are engaged in the development of economic resources and production capacities of the country) and their officers as may be notified by a general or special order of the Government in respect of the Motor Vehicles belonging to them.

(2) Owners of, —

(i) tractors intended to be used solely for agricultural purposes;

(ii) motors, ambulance and hearse and other motor vehicles designed and

intended to be used exclusively for affording free medical and other

relief;

(3) Any Government in respect of motor vehicles belonging to it shall be exempted from payment of registration fee payable under Chapter IV of the Act.

1[**5OA. Exemption from payment of fitness certificate fees -** Any Government motor vehicle shall be exempt from payment of fitness certificate fee, payable under rule 81 of the Central Motor Vehicles Rules, 1989.]

1.Rule 50A was substituted by corrigendum No.MVR. 0189/CR-1043/TRA-2/, date 02.11.1992(M. G.G., Pt.IV-A, Dt.26.11.1992, p.942)

51. Loss or destruction of certificate of registration - (1) When a duplicate certificate of registration has been issued upon representation that a certificate of registration has been lost and the original certificate of registration is afterwards found or received by the holder. the holder shall immediately return the duplicate certificate of registration to the registering authority.

(2) Any other person finding a certificate of registration shall deliver it to the nearest police station or nearest registering authority. The Officer-in-charge of the police station on receipt of the certificate of registration shall immediately forward it to the nearest registering authority. The registering authority shall restore the certificate of registration to the holder of the certificate of registration or substitute it for the duplicate in case such a duplicate has already been issued.

(3) If the registering authority who impounds such certificate is not the authority by whom the certificate was issued or the fresh registration mark was assigned, it shall intimate such action to the authority by whom the certificate was issued or the fresh registration made was assigned. as the case may be.

²[51A. Manner of delivery of certificate of registration - (a) On and from the date specified by an order issued in this behalf by Transport Commissioner. every certificate of registration issued either, fresh or renewed, duplicate thereof or issued as a consequence of any change in the details of such certificate of registration. shall be delivered by Registered Post Acknowledgment Due (RPAD) to the owner of the Motor Vehicle, at the address specified on such certificate of registration.

(b) different dates may be specified for different offices for the purpose; and

(c) fee of Rs. 50 shall be recovered towards the delivery charges from the applicant per certificate of registration so delivered under sub-rule (a) above, in advance.]

1. Rule 51A was inserted by G.N.NO. MVR. 0110/06/CR-16/TRA 1, dated 13.09.2010

52. Authority to suspend certificate of registration and examination of vehicles - (1) Any police officer not below the rank of an Inspector of police or an Inspector of Motor Vehicles may suspend the registration of a motor vehicle under clause (b) of sub-section (1) of Section 53.

(2) Any officer of the Motor Vehicles Department, not below the rank of an Assistant Inspector of Motor Vehicles, may stop any motor vehicle, the use of which in a public place, in his opinion, is likely to constitute danger to the public and examine such vehicle on a road, or subject to the consent of the owner of the premises, or any premises where the vehicle is kept for the time being.

¹[53. Amount in lieu of ²[action] for failure to give timely intimation under subsection (2) of Section 49 and sub-section (8) of section 50] - The amount payable by any person in lieu of action for failure to give timely intimation about ³[change of address and] transfer of ownership as required, shall be at the rate of twenty-five rupees per calendar month or part thereof by which the giving of such intimation is delayed by such person, provided that the amount so payable shall not exceed one hundred rupees.

1. Sub by G.N. dt.06.07.1991 (M.G.G., Pt. IV-A, Ex. 1991, p.405) 2. this word was substituted for the word "section" by corrigendum No. M.V.R. 0189/Cr-1043/TRA-2, dt.02.11.1992.

3. These words were inserted by G.N.,H.D., No. MVR.0189/CR-1043/TRA-2/, dt.06.071991 (M.G.G., Pt. IV-A, p.405)

54. Assignment of new registration mark - (1) Application for a new registration mark under sub-section (1) of Section 47 shall be in the form prescribed by the Central Government.

(2) The registering authority shall. before assigning a registration mark under sub-section (1) of Section 47 or before entering the particulars of transfer of ownership of a motor vehicle in the certificate of registration, require the owner or. as the case may be, the transferee, to produce the motor vehicle before itself or before the Inspector of Motor Vehicles. in order that the registering authority may satisfy itself that the particulars of the

vehicle recorded in the certificate of registration are correct and the vehicle complies with the provisions of these rules.

(3) The owner of a motor vehicle, which is registered in one State and is brought into or is for the time being kept in the State of Maharashtra, shall intimate to the registering authority in whose jurisdiction the vehicle is kept for use in Form F. T. of the First Schedule within seven days from the date of entry of the motor vehicle in the State.

(4) If the owner of the motor vehicle or the person in possession of the motor vehicle fails to apply for the assignment of new registration mark under sub-section (1) of Section 47 of the Act. he shall be liable to pay the amount of fifty rupees for the default for first month and twenty-five rupees for the default of subsequent months, if continued :

Provided that. the amount payable under this rule in lieu of ¹[action under Section 177 of the Act,] shall not exceed one hundred rupees.

(5) The registering authority assigning a new registration mark to a motor vehicle. shall be in Form R. M. I. of the First Schedule appended to these rules. and shall intimate the registering authority which originally issued the certificate of registration, that, a new registration mark has been assigned to the motor vehicle and call for the records of registration of vehicle or certified copies thereof. The registering authority shall simultaneously inform the owner and the other party, if any, to an agreement of hire-purchase, specified in the note appended to the certificate of registration of such new registration mark.

1. For the words and figures "action under section 117 of the Act." these words were substituted by G. N. dt. 6.7.1991 (M.G.G., Pt. IV-A. Ex. 1994, p. 405].

¹**54-A. Allotment of Registration Mark -** (1) The Registration Mark to Motor Vehicles be assigned, shall be as per the notification issued by the Central Government under sub-section (6) of section 41 of the Act.

(2) On receipt of an application in the prescribed Form 20, of the Central Motor Vehicles Rules, 1989, the Registering Authority shall assign the registration number which falls in serial order after the last registration mark assigned.

(3) The registering authority shall reserve a registration mark to the owner of a motor vehicle of his choice from amongst the registration mark on payment of fees as specified below, namely :

Sr.No.	Registration ma		than Two and	
		Three wheelers		eelers and trans-
		-	es port	vehicles
(1)	(2)	(3)	(4)	
0001		*3,00,0)00	50,000
2. 0009	,0099,0786,0999,9	999	1,50,000	20,000
3. 0111	,0222,0333,0444,0	555,0666, 0777,	70,000	15,000
0888,	1111,2222,3333,44	44,5555,6666,		
7777,	8888			
	,0003,0004,0005,0		50,000	10,000
,	0022,03033,0044,0			
,	0123,0234,0345,04			
	0678,0789,0900,10	, , ,		
,	1818,2345,2525,27			
	4567,5000,5454,56	, , ,		
	7272,8181,9000,90	,	1 7 0 0 0	
	,0101,0200,0202,02		15,000	5,000
,	0600,0606,0700,07			
,	1010,1011,1100,11			
,	1221,1300,1313,13			
,	1415,1500,1516,16	00,1616,1617,		
	1717,1718.	0 2000 2002	15 000	5 000
,	8191900,1919,192 2021,2100,2121,21		15,000	5,000
,	2323,2324,2400,24			
,	2600,2626,2627,27			
,	2829,2900,2929,29			
,	3031,3100,3131,31			
	3300,3334,3400,34	, , ,		
	3536,3600,3637,37			
	3838,3839,3900,39			

	4004,4040,4041,4100,4141,4142,4200,			
	4242,4243,4300,4343,4344,4400,4445,			
	4500,4546,4600,4646,4647,4700,4747,			
	4748,4800,4848,4849,4900,4949,4950,			
	5005,5050,5051,5100,5151,5152,5200,			
	5252,5253,5300,5353,5400,5455,5500,			
	5556,5600,5656,5657,5700,5757,5758,			
	5800,5858,5859,5900,5959,5960,5995,			
	6000,6060,6061,6100,6161,6162,6200,			
	6262,6263,6300,6364,6400,6464,6465,			
	6500,6565,6566,6600,6667,6700,6767,			
	6768,6800,6868,6869,6900,6969,6970,			
	7000,7070,7071,7080,7100,7171,7172,			
	7200,7273,7300,7373,7374,7400,7474,			
	7475,7500,7575,7576,7600,7676,7677,			
	7700,7778,7800,7878,7879,7900,7979,			
	8000,8008,8080,8081,8100,8182,8200,			
	8282,8283,8300,8383,8384,8400,8484,			
	8485,8500,8585,8586,8600,8686,8687,			
	8700,8787,08788,8800,8889,8900,8989,			
	8990,9091,9100,9191,9192,9200,9292,			
	9293,9300,9393,9394,9400,9494,9495,			
	9500,9595,9596,9600,9696,9697,9700,			
	9797,9798,9800,9898,9899,9900.			
6.	Additional charge for any number, more	7,500	4,000	
	than 1000 from the last serial number.			
7.	Additional charges for any number which	5,000	3,000	
	is a non serial number i e jumping number			

is a non serial number i.e jumping number up to 1000.

(4) The application for allotment of any specific registration mark may be made on plain paper.

(5) (i) The registering authority shall reserve a registration series or part

thereof for allotment to the Government vehicles.

Provided that, the registration numbers from the series, for which fee is prescribed under the provisions of sub-rule (3) can be allotted to any person on payment of specified fees in sub- rule (3).

(ii) No Government Vehicle shall be allotted the registration number for

which fee is specified under the provisions of sub-rule (3) without

payment of such fees.

(iii) No new registration series or part thereof shall be opened for Government

Vehicles, unless the existing series in exhausted.

(6) Unless aregistration series of a particular class or catagory of vehicles is exhausted, no new registration series shall be started by the registering authority for the same class or catagory.

Providede that, the Transport Commissioner may give an order in writing to start a

new series by assigning registration mark 0001, on the recommendation of the registering authority for which the applicant will have to pay the fee which is three times the fees specified in sub-rule (3). The applicant. who desires to obtain the registration mark in this series thereafter, will have to pay the fees at the rate of three times of specified in sub-rule(3). of this rule till the exhaustion of the original series. Another new series shall not be started concurrently until he first series is completely exhausted.

(7) The registering authority may assign the registration marks from any other current series to any class of vehicles on payment of three times of the fee specified for that number under sub-rule (3).

(8) The registration mark once reserved shall not be transferred and shall be allotted on strictly on "first come first serve" basis:

Provided that, if a partular registration number is sought by more than one applicant on any particular day, the registration mark shall be allotted by way of public auction, The procedure for the auction shall be notified by the Government in the official Gazette.

(9) The reservation of the registration mark shall be cancelled if the vehicle is not produced within thirty days from the date of reserving the registration mark and the registration mark so cancelled may be allotted by the registering authority to any other person, who makes an application alongwith the fees specified in sub-rule (3).

(10) The fees paid for reservation of any specific registration mark shall not be refunded under any circumstances.

55. Exemption of road plant - Nothing contained in Chapter IV of the Act, shall apply to road rollers, graders and other vehicles designed and used solely for the construction. repair and cleaning of roads.

56. Supply of copies of particulars of registration - A registering authority may, in his discretion supply copies of the particulars of any motor vehicle registered in the records maintained by him to any person who may apply for the same. ¹[For every such copy in respect of each vehicle involved in an accident, a fee of rupees twenty shall be charged, and in respect of each vehicle in any other case a fee of rupees fifty] shall be charged:

Provided that, the State Government may, if it is of opinion that it is in the public interest so to do, by general or special order :-

- [a] exempt any Government Department. local authorities, Associations, or bodies of individuals from payment of the fee chargeable under this rule; or
- [b] reduce the fee payable by any such Departments. local authorities, associations or bodies of individuals to such extent as may be specified in the order.
- 1. Sub by G.N., H.D., No. MVR. 0807/CK-110/TRA-2, dated 10.03.2011

57. Notice of alteration of motor vehicle under sub-section (1) of Section 52 - (1) The notice by the owner of a motor vehicle to the registering authority in accordance with sub-section (1) of Section 52 shall be in Form B. T. I. of the First Schedule to these Rules.

(2) The registering authority may, on receipt of such notice require the owner of a motor vehicle to produce the certificate of registration in respectof the vehicle before him or his nominee. within seven days from the date on which such requisition was made, for the purpose of the revision of the entries therein.

58. Intimation regarding stolen or recovered motor vehicles - (1) An officer-in-charge of the police station where the theft of a motor vehicle is reported by the owner or any other person in possession of the vehicle, shall, immediately after the registration of an offence send intimation to the State Transport Authority, Maharashtra State or the officer authorized by the State Transport Authority in Form M. V. T. of the First Schedule and send a copy thereof to the registering authority where the vehicle is registered.

(2) If the police station mentioned in sub-rule (1) is located in the jurisdiction of the Commissioner of Police, Bombay, the Police Officer shall also simultaneously send one copy of intimation of Form M. V. T. to all other registering authorities located in Greater Bombay.

(3) On receipt of this intimation under sub—rule (l) the Transport Commissioner, shall inform all the registering authorities the details of the stolen vehicle in form M. V. T. R. of the First Schedule.

(4) The Transport Commissioner shall also maintain a register of stolen vehicles in Form M. V. T. Reg. (T) of the First Schedule.

(5) The registering authorities shall maintain the register of stolen vehicles in Form M. V. T. Reg (R) on the basis of the intimation received from the Transport Commissioner or from the Police Officer, as the case may be.

(6) If the vehicle reported to be stolen is recovered, the police station which has recovered the vehicle shall intimate the fact in Form M. V. T. to the State Transport Authority and the relevant registering authority.

(7) Upon receipt of intimation under sub—rule (6), the Transport Commissioner and the registering authority shall take a note of such recovery in the register maintained in Fonns prescribed under sub-rules (4) and (5).

59. Maintenance of State Registers of Motor Vehicles - (1) The Registering Authorities shall maintain a State Register of motor vehicles in such Form prescribed by the Central Government.

(2) This register may be either in bound book form or on computer disc or tape.

(3) As soon as the vehicle is registered, the necessary entries shall be taken up or entered in the State Register of motor vehicles.

(4) The State Register for motor vehicles shall be maintained according to the class of the vehicle that is to say, transport or non-transport and also if the registration of all types of vehicles is in large number according to the detail classification of the vehicles that is, to say two wheeler, cars. Goods carrier, tractors, etc., as decided by the registering authority.

CHAPTER V CONTROL OF TRANSPORT VEHICLES

60. Meeting etc., of State Transport Authority - (1) The State Transport Authority shall meet at such times and at such places as its Chairman may appoint provided that it shall meet not less than twice in each year.

(2) Not less than seven days' notice shall be given to every member of any meeting of the State Transport Authority.

(3) A non-official member of the State Transport Authority shall hold office for a period of three years and thereafter until a successor is appointed :

Provided that when any such member dies or is removed or vacates office his successor shall hold office for the remainder of the period of office of the member whose place he takes and thereafter until a successor is appointed.

(4) The quorum to constitute a meeting of the State Transport Authority shall be the Chairman of the State Transport Authority and two other members either official or non-official.

(5) The Chairman shall have a second or casting vote.

(6) The Joint Transport Commissioner or the officer appointed by the Government by notification in the Official Gazette shall be the Secretary of the State Transport Authority.

61. Meeting etc., of Regional Transport Authorities - (1) The Regional Transport Authority shall meet at such times and at such places as its Chairman may appoint :

Provided that it shall meet not less than once in two months unless the State Transport Authority otherwise directs.

(2) Not less than seven days notice shall be given to every member of any meeting of the Regional Transport Authority.

(3) A member of a Regional Transport Authority shall attend at least three meetings in each financial year. The State Government may at any time remove any such member from office on his failure to attend the minimum number of meetings fixed under this sub-rule. The State Govern-

ment may also remove from office any member for any other cause.

(4) Subject to the provisions of sub-rule (3) a non-official member of the Regional Transport Authority shall hold office for a period of three years and thereafter until a successor is appointed :

Provided that. when any such member dies or is removed or vacates office, his successor shall hold office for the remainder of the period of office of the member whose place he takes and thereafter until a successor is appointed.

(5) The quorum to constitute a meeting of the Regional Transport Authority shall be the Chairman of that Authority and one other member whether official or non-official.

(6) The Chairman shall have second or casting vote.

(7) The Regional Transport Officer or the officer appointed by the State Government shall be the Secretary of the Regional Transport Authority.

62. Conduct of business of Transport Authorities - (1) Secretary appointed under these rules or appointed by the State Government shall perform such duties and exercise such powers as may be specified in these rules and in the by-laws made by the Transport Authority under sub-rule

(2):

Provided that, the State Government may, if it considers necessary in the public interest, appoint more than one Secretary for any area of the region for which the Transport Authority is constituted.

(2) Subject to the provisions of the Act and these rules and after prior approval of the State Government, a State or a Regional Transport Authority shall have power to regulate the conduct of its business and the business of such Transport Authority shall be conducted according to such by-laws under the direction of the Chairman.

(3) In the event of procedure by circulation being followed, the Secretary shall send to each member of the Transport Authority such particulars of the matter as may reasonably be necessary in order to enable the member to arrive at a decision and shall specify the date by which the votes of members are to be received in the office of the Transport Authority. Upon receipt of the votes of members as aforesaid, the Secretary, shall lay the papers before the Chairman who shall record the decision by endorsement on the form of application or other document. as the case may be, according to the votes received and the vote or votes cast by the Chairman. The record of the votes cast shall be kept by the Secretary and shall not be available for inspection by any person save by a member of the Transport Authority. No decision shall be made upon procedure by circulation if , before the date by which the votes of members are required to reach the office of the Transport Authority, not less than one—third of the members of the Transport Authority by notice in writing to the Secretary demand that the matter be referred to a meeting of the Transport Authority.

(4) The number of votes, excluding the Chairman's second or casting vote, necessary for a decision to be taken upon procedure by circulation shall not be less than the number necessary to constitute a quorum.

(5) The State or Regional Transport Authority, as the case may be. May require any applicant for a permit to appear before it or before the officer authorised by it by a Resolution and may withhold the consideration of the application for the permit until the applicant has so appeared in person if so required, or by a duly authorised representative if so permitted, and until the applicant has furnished such information as may be required by the Transport Authority in connection with the application.

(6) Nothing contained in this rule shall prevent a State or a Regional Transport Authority from deciding by following the procedure by circulation any matter which has been considered at a meeting or has been the subject of hearing and upon which a decision has been reserved.

(7) Where a matter is decided by the votes of members present at a meeting of a State or a Regional Transport Authority, no person other than a member of the Transport Authority shall be entitled to be present and no record of the voting shall be kept save of the number of votes cast on either side : provided that when any matter decided by the exercise of the second or casting vote of the Chairman of the Presiding Officer the fact shall be recorded.

(8) Save in the case of specifying fares and freights including the maximum and minimum thereof for stage carriages, contract carriages and goods carriages, a State or Regional Transport Authority, as the case may be, may decide any matter. without holding a meeting, by the majority of the votes of members recorded in writing and sent to the Secretary (in this rule referred to as procedure by circulation].

63. Delegation of powers by Regional Transport Authority – A Regional Transport Authority may, by general or special resolution recorded in its proceedings and subject to the restriction, limitation and conditions herein specified, delegate, to the Regional Transport Officer all or any of its following powers, namely :—-

(i) power under sub-section (1) of Section 76 to grant, refuse or renew a private service vehicle permit;

(ii) powers under Sections 66 and 74 to refuse a contract carriage permit, to grant with or without modification such an application, and attach conditions to the permit ;

(iii) powers under Sections 66 and 79 to grant permit with or without modification or refuse goods carriage permit and power to impose conditions under sub-section (2) of Section 79 or vary the conditions thereof;

(iv) powers to attach to a stage carriage permit conditions under sub-section (2) of Section 72. or to vary the conditions thereof;

(v) powers to renew goods carriage permit and contract carriage permits under Section 81 and to renew, countersignature of any such permits:

(vi) powers under '[sub~section (3)1 of Section 82 of the Act to transfer permit;

(vii) power under Section 83 to permit the replacement of one vehicle by another:

(viii) powers under Section 86 to suspend a permit or to recover from the holder thereof the sum of money agreed upon in accordance with sub-section (5) of the said Section :

(ix) power under Section 87 and under sub-sections (7) and (8) of Section 88 to grant or refuse to grant. a temporary or, as the case may be, a special permit :

(x) power under sub-sections (1) and (3) of Section 88 to countersign a permit or to attach or vary conditions thereof ;

(xi) power under sub-section (12) of Section 88 to grant, renew and refuse the National Permit for goods carriage ;

(xii) power under Rules I25, 126 and 127 to grant, refuse or renew licences of agents or power under Rule 127 to suspend a licence or to recover from the holder thereof sum of money agreed upon in lieu of suspension :

Provided that, such Regional Transport Officer shall,—

(i) keep informed the Regional Transport Authority, from time to time, of the action taken by him in pursuance of the powers delegated : and

(ii) arrange to paste on a notice board on the Regional Transport Authority, a copy of every resolution of that Transport Authority delegating its powers to him :

Provided further that. the delegation of powers referred to in sub-clause (ii) of clause (a) of this sub-rule shall also be subject to the condition that the Regional Transport Authority shall

ensure that the Regional Transport Officer in exercising the said powers in relation to applications for contract carriage permit shall have due regard to the views of a committee as may be appointed by the State Government for this purpose from time to time, and where in any case the Regional Transport Officer differs from such views, he shall record his reasons therefor.

1. Sub. by o. N. of 30.91995.

64. Delegation of powers by State Transport Authority - (1) The State Transport Authority may. by a general or special resolution recorded in its proceedings, delegate the following powers to the,—

(A) Transport Commissione r—

(i) the powers under Section 88 to countersign permits granted in any other State as a result of any reciprocal agreement arrived at with that State and its powers under Section 86 to cancel or

suspend such permit to the Transport Commisssioner;

(ii) the powers under Section 87 and under sub-sections (7) and (8) of Section 88 to grant or to refuse to grant a temporary, or as the case may be. a special permit. to the Transport Commis-

sioner;

(iii) ¹[***]

(iv) the powers of Regional Transport Authority in the circumstances mentioned in clause (b) of sub-section (3) of Section 68, which may be delegated to Regional Transport Officer under Rule 66, may in addition be delegated to Transport Commissioner, subject to conditions specified in the provisions to sub-rule (1) of Rule 63;

(B) (a) ²(Assistant Transport Commissioner) and above- (a) the powers under sub-section (3) of Section 69 to grant a permit other than stage carriage permit, where the vehicle is proposed to be used in two or more regions plying in different States. to a committee of one or more members of that Authority. as that Authority may appoint or to an officer of the Motor Vehicles Department not lower in rank than Assistant Transport Commissioner: including-— its power mentioned below. namely :-

(b) (i) to attach to a stage carriage permit conditions under sub-section (2) of Section 72 or to vary the conditions thereof;

(ii) to attach to a permit other than a stage carrier permit referred to in this clause and in clause (c) conditions including those under sub-section (1 1) of Section 88 read with sub-section (2)

of Section 74 or to vary the conditions thereof;

(iii) to renew a permit. and to renew the counter signature of such permit;

(iv) to permit replacement of one vehicle by another under Section 83;

(v) to grant stage carriage permits to the State Transport Undertakings on inter-State routes agreed upon between two States in accordance with 3 (reciprocal agreements under subsection (5) of section 88.]

(vi) its powers under sub-section ${}^{4}[(1)$ and (3)] of Section 82 of the Act to transfer permit:

⁵[(vii) * * *]

(viii) to suspend a permit referred to in this clause 6 [and in clause (c) of sub-section (1) of Section 86]. or to recover from the holder thereof the sum of money agreed upon in accordance with sub-section (5) of the said Section 86.

⁷[(c) Assistant Regional Transport Officer, the powers to grant, renew or refuse permits under sub-section (9) of sec. 88 of the Act.]

In clause (A) sub-clause (iii) was deleted by G.N. dt. 8.2.1994.
 In clause (B) for the words "Deputy Transport Commissioner" the words "Assistant Transport Commissioner" were substituted ibid.
 These words were substitued for the words and figures "reciprocal agreement under section 103" by G.N., H.D., No. MVR. 0189/CR-IO43/TRA- 2 dt.
 T.1991. (M.G.G.. Pt. IV-A, Ex. 1991. p. 405).
 Sub. by G.N., H.D., No. MVR. 0193/751/CR-225/TRA-2 dt. 30.9.1995, (M.G.G.. Pt. IV-A, p. 647.
 Entry VII was deleted by G.N., H.D., No MVA. 0593/7393/TRA-2. dt. 8.2.1994.
 Sub. by G.N. of 8.2.1994 (M.G.G._ Pt. IV-A. EX. p. 159).

7. Clause (c) was added, ibid.

(2) The State Transport Authority may. for the prompt and convenient despatch of its business, by a general or special resolution. delegate to its Chairman its powers to give effect to any directions issued under Section 67 by the State Government.

(3) Notwithstanding anything contained in sub-rules (1), (2), (4) and (5) the State Transport Authority may, give general instructions as to the manner in which the delegatee shall exercise the powers delegated, to them.

(4) All orders of delegation made by the State Transport Authority under sub-rules (1),(2) or (3) shall be pasted on a notice board at the office of that Authority.

(5) The officers to whom the powers are delegated shall intimate the action taken by them in pursuance of the powers delegated, to the Secretary of the State Transport Authority who shall place them before that Authority from time to time.

65. Exemption from Section 66 - The provisions of sub-section (1) of Section 66 shall not apply to any transport vehicle used as relief vehicle for carrying passengers and their luggage from a disabled stage carriage to the place of destination.

66. Disposal of application for contract carriage. goods carriage and private service vehicle permit - (1) When an application for contract carriage permit or a goods carriage permit or a private service vehicle permit is received by the Secretary of the Regional Transport Authority, he shall examine whether the powers to deal therewith has been delegated to the Regional Transport Officer under Rule 63 and forward the same to him for disposal if it has been so deleted.

(2) In case where the application referred to in sub-rule (1) is required to be considered by the Regional Transport Authority, the Secretary shall scrutinise whether the application is in order and call for such further particulars and make such other inquiries as he may consider necessary and shall subject to any general directions of the Regional Transport Authority decide whether the application be disposed of by the circulation procedure or at the meeting of Transport Authority.

(3) Normally the application referred to in sub-rule (1) shall be disposed of within two months of the receipt thereof.

¹[66-A. Grant of Contract Carriage Permits in respect of motor cabs fitted with vehicle tracking devices (Phone / Fleet Taxi) to companies registered under Companies Act, 1956 or Partnership Firms.- (1) The Regional Transport Authority of one region may grant a permit to the Licenced operators of motor cabs fitted with vehicle tracking devices to ply as a contract carriage to be valid throughout the area decided by the State Transport Authority, Maharashtra State without the countersignature of Regional Transport Authoritiespf the other regions.

(2) The following guidelines shall be followed before issue of licences to such holder :

(a) The holder of Phone /Fleet Taxi shall obtain final licence from the State Transport Authority, Maharashtra State. No person shall engage himself in the business of Phone / Fleet Taxi Service under the Scheme without valid licence.

(b) (i) Every application for issue of a Licence to operate Phone/ Fleet Taxi fitted with vehicle tracking devices shall be filed before the State Transport Authority, Maharashtra State in FORM "PFTA".

(ii) The fee for application for issue or renewal of Licence shall be Rs 1.00.000 in Mumbai and outside of Mumbai Rs. 25,000. This licence shall be valid for a period of 5 years from the date of issue.

(iii) The fee for application for grant of one permit issued under the Phone /Fleet Taxi scheme shall be Rs. 1.00.000 (Minimum) or the fees determined by Government of Maharashtra through bidding, whichever is higher. This shall be valid for a period of 5 years. After the period 5 years, the renewal of each permit shall be done for a further period of 5 years. A fee of Rs. 100 per

permit or as may be amended from time to time, shall be levied. Each permit shall have renewable clause as per provisions of Motor Vehicles Act after every 5 years.

(iv) The Phone /Fleet Taxi Licence shall be issued in FORM "PFTL".

(v) The validity of Phone / Fleet Taxi Licence shall be for five years.

(vi) A Phone / Fleet 'Taxi Licence may be renewed on an application in FORM "PFTA" made within thirty days of its expiry. The late fee for renewal of licence after expiry of the licence shall be Rs.500 per day.

(vii) The application for issue of duplicate Phone / Fleet Taxi Licence shall be in FORM "PFTD".

(viii) A duplicate licence issued shall be marked DUPLICATE in red ink with details of date of issue under the signature of the Authority.

(ix) The fee for issue of duplicate Phone / Fleet Taxi Licence shall be Rs. 5000.

(x) Any request for alterations or additions in the Licence shall be made with sufficient proof and documents and the application shall be treated as if the application is for grant of fresh licence.

(c) (i) The Licensee shall operate not less than 100 permits in cities other than in Mumbai Metropolitan Region further Mumbai Metropolitan Region, the company shall have to operate not less than 1000 permits and each permit shall be used to operate air conditioned Phone / Fleet Taxis, fitted with electronic fare meter having printer facility.

The Government of Maharashtra shall have the right to distribute the permits by way of inviting bids.

(d) The Licensee shall deposit a sum of Rs. 5 crore interest free Security deposit. This shall be kept with Government for a period of 1 year at the time of bidding. The successful bidder shall have to start the business within one year from the date of issue of licence by S.T.A. If the successful bidder fails to start the operation within one year or as per the time extended by the Government, the security deposit shall be forfeited however, after successful implementation of the project within the stipulated time frame. to the satisfaction of Government, the interest free security deposit shall be refunded by Government.

(e) The vehicles used for Phone/ Fleet Taxi shall be brand new at the time of induction or any other imported vehicles meeting; he prescribed emission standards as approved by the State Transort Authority.

(f)The engine capacity of the vehicle used shall not be less than 1200 c.c. in Area of the State other than MMR. Area for MMR area the capacity of engine shall not be less than 1400 c.c. The cab should have independent facility for storing of luggage.

(g)After awarding licence by STA, the successful bidder shall purches new Air-Conditioned vehicles for operation as Phone /Fleet and each such vehicle shall be fitted with GPS/GPRS devices enabling communication with the central control unit of the Licence holder with live tracking and facility to record excess speed driving.

(h) (i) The Licence shall not be transferable before 10 years from date of its issuance.

(ii) The licensee shall pay transfer fee as may be notified by Sate Government from time to time.

(iii) The licensee shall not shift the principal place of business without prior permission and approval of the State Transprt Authority. Maharashtra State.

(i) The State Transport Authority, Maharashtra State shall not ordinarily refuse to issue or renew the Licence if the above conditions are satisfied. If it is decided to refuse to issue or renew the licence an opportunity of being heard shall be given to the applicant.

(j)If any of the aforesaid conditions is violated, the State Transport Authority, Maharashtra State may, after issuing a notice and giving to the Licensee holder an opportunity of being heard, cause an enquiry to be made and cancel the Licence.

(k) The Government of Maharashtra in Home Department shall be the Appellate Authority in the matters of issuance or renewal or cancellation of the Licence. The appeal shall be filed within 30 days of the order of the State Transport Authority and shall be accompanied by a fee of Rs. 1,000.

(3) The following conditions shall be observed by the Licensee-

(a) The Licensee for operation of Phone / Fleet Taxis shall have experience in human resource management and infrastructure to manage the vehicles.

(b) He shall provide training facility to the drivers and have technical expertise.

(c) The vehicle shall display prominently the words "PHONE/FLEET TAXI" on the top of the vehicle which shall have illuminating facility during night to be visible both front and rear.

(d) The vehicle must be equipped with First-Aid-Box.

(e) For driving the Phone Fleet Taxi, the Licence holder shall employ a driver in accordance with the stipulation of Maharashtra Motor Vehicles Rules. 1989.

(f) The driver shall undergo training on a LMV stimulator at the time of employment and after that annually. Also, the driver shall be made to undergo health check up every year

for his sight, hearing and other health problems. .

(g) The Licensee shall hold the responsibility for the conduct and character of the driver to render safe and trustworthy service. He shall ensure that the driver is free from criminal antecedents.

(h) The Licensee shall display a toll free call number " on all the four sides of the Cab for the purpose of lodging a complaint, if any.

(i) The Licensee shall affix a sticker of $6" \ge 6"$ dimension on the top right hand side windscreen with particulars of the vehicle registration number, registered owner's name, the driver's name, his photograph and the driving licence number.

(j) The vehicles shall always be kept ready for hire at all times.

(k) The fare to be charged shall be as fixed by the State Transport Authority.

(1) The Licence holder shall display a fare chart on side windows prominently and easily visible to the commuters.

(m)Any other condition as may be prescribed by the State Transport Authority from time to time.

(4) The following conditions shall be observed by the driver of the Phone/Fleet Taxi :

(a) The driver's uniform shall be as specified by the State Transport Authority.

(b) The driver must carry his original driving licence while driving the vehicle.".

1. Rule 66A was inserted by Mah. G.N. MVR 0809/2221/CR-354/TRA 2 dated 14m July. 2010.

67. Power of refusal to accept applications for stage and contract carriage permits – (1) Where the State Government by notification in *Official Gazette* directs the State and Regional Transport Authorities to limit the number of stage carriages, contract carriages generally or of any

specified type under sub-section (3) of Section 71, sub-section (3) of Section 74 and has limited the number of vehicles of any class for which permits may be granted in any specified area or any specified route and has infact granted permits equal to the maximum number of vehicles of any class, in such area or, as the case may be, on such route, the relevant Transport Authority shall, notify this fact on the notice board of its office and may decline to receive any further applications for permits in respect of class of vehicle in the area or on the route aforesaid.

68. Reservation of permits granted under Sections **71** and **88** - Where the number of stage carriages are fixed under clause (a) of sub-section (3) of Section 71, the vacancies available shall be 13 per cent and 7 per cent for Scheduled Caste and Scheduled Tribe, respectively.

69. Power of transport authorities to demand proof or documentary evidence. - It shall be lawful for any Transport Authority competent to grant the permits for which a representation is made under Rule 68 to direct any applicant for grant of such permit to produce such documentary evidence as may be deemed necessary to ascertain the eligibility for a permit from amongst the reserved vacancies.

70. Matters for consideration of application for stage carriage permit - In addition to the matters mentioned in sub-clauses (i) and (ii) of clause (d) of sub-section (3) of Section 71, the

Regional Transport Authority may also consider the applications of persons who are,-

(i) educated unemployed:

(ii) displaced persons affected by any project under any Law for the time-being in force:

(iii) having a minimum qualification of diploma in Automobile Engineering, Tourism or Transport Management from an institution recognised by the State Government:

(iv) travel agent approved by the India Tourism Development Corporation or Maharashtra Tourism Development Corporation.

71. Forms of application for permits - (1) Every application for a permit in respect of any transport vehicle shall be in one of the following

Forms of the First Schedule, namely :-

- (i) in Form P. St. S. A. for stage carriage:
- (ii) Form P. Co. P. A. for contract carriage permit;
- (iii) Form P. Gd. C. A. for goods carriage permit:
- (iv) Form P. Tem. A. for temporary permit:
- (iv) Form P. Pr. S. A. for private service vehicles permit; and
- (vi) Form P. C0. Sp. A. for special permit.

(2) The application shall be addressed to the State Transport Authority or the Regional Transport Authority, as the case may be, and accompanied by the fee prescribed by Rule 75.

72. Forms of permits - (1) Every permit shall be in one of the following Forms or the First Schedule namely :—

- (i) Form P. St. S. for stage carriage permit;
- (ii) Form P. Co. P. for particular contract carriage permit;
- (iii) Form P. Co. S. for casual contract carriage permit;
- (iv) Form P. Co. Pr. for contract carriage permit to be used for private hire:
- (v) Form P. Gd. C. for goods carriage permit;
- (vi) Form P. Tem. for temporary permit;
- (vii) Form P. Pr. S. for private service vehicle permit:
- (vii Form P. Co. Sp. for contract carriage special permit;
- (ix) Form P. Co. T. for tourist vehicle permit; and
- (x) Form N.P. Gd. C. P. for National permit.

(2) Every permit, issued in accordance with Section 85 shall be signed and sealed by the Transport Authority by which the permit is issued, in the event the permit to be counter signed under sub-section (1) of Section 88, the countersigning Transport Authority shall sign and seal the same.

73. Entry of Registration mark on permit - (1) Where the registration mark of the vehicle is to be entered on the permit, and the applicant is not the registered owner of the vehicle on the date of application, then the applicant shall, within one month of the sanction of the application by the Regional Transport Authority, or such longer period as such Transport Authority may specify, produce before that Authority the certificate of registration of the vehicle registered in his name in order that particulars of the registration mark may be entered in the permit.

(2) No permit shall be issued until the registration mark of the vehicle to which it relates has been entered therein, and in the event of any applicant, failing to produce the certificate of

registration within the period specified in sub-rule (1) or the extended period, as the case may be, the Regional Transport Authority may withdraw its sanction of the application.

74. Extension of area of validity of permit - (1) Subject to the provisions of Section 88. a Regional Transport Authority which issues a permit (hereinafter referred to as "the original Transport Authority") other than a permit in Form P. St. S. of the First Schedule and a permit in Form P. Co. S. of the First Schedule, may extend the area of validity of the permit to any other region within the State subject to such additional conditions attached, for different regions :

Provided that, subject to the provisions of the following sub-rules, the vehicles to which the permit refers shall be normally kept within the region of the original Transport Authority.

(2) The original Transport Authority may issue permit having validity in any other region in accordance with any general or special resolution recorded by any other Regional Transport Authority, and any permit so issued. shall be of like effect in the region of the other Transport Authority as if it were issued by that Transport Authority.

(3) Subject to the provisions of sub-rule (2), the original Transport Authority may issue a contract carriage permit to be operative in another region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be used beyond the region of the original.

Transport Authority under contract for a return journey commencing and ending within the region of the original Transport Authority and shall not be offered for hire when outside that region.

(4) The original Transport Authority which issues a permit to be operative in any other region shall send a copy of the permit to the authority of the other region.

(5) Every application for the grant of permit under sub-section (9) of Section 88 in respect of a tourist vehicle shall be made to the State Transport Authority in form prescribed by Central Government and shall be accompanied by the fee prescribed in Rule 75.

(6) On receipt of an application under sub—rule (1), the State Transport Authority shall follow the same procedure as prescribed for considering an application for the grant of a contract carriage permit under the Act and these rules, and may grant the permit in Form P. Co. T. of the First Schedule.

(7) Where a permit is granted under sub-rule (6), the State Transport Authority shall forward to every other State Transport Authority information relating to,-

(i) the number of the permit and the registration mark and other particulars of the vehicle necessary for the purpose of its identification;

(ii) the suspension or cancellation, if any, of the permit; and

(iii) the grant of stay, if any, where an appeal or revision or stay has been granted, and when the appeal or revision is finally decided.

(8) The State Transport Authority shall also forward to every other State Transport Authority. at intervals 'of not more than three months, a statement giving information in regard to the numbers of the permit and the dates of expiry of such permit.

(9) Every application for the grant of a National Permit in respect of a goods carriage shall be made to the Regional Transport Authority and shall be accompanied by fee of fifty rupees.

(10) On receipt of an application under sub-rule (9), the Regional Transport Authority shall follow the same procedure as is prescribed for considering an application for the grant of a goods carriage permit under the Act and these rules and may grant the permit in Form N.P. Gd. C.P. of

the First Schedule.

75. Permit fees. '[(1) Subject to the provisions of this rule, the fees in this respect of an application, shall be,

 2 [(a) for the grant and renewal of a permit or a countersignature for the Metered Motor Cab two hundred rupees;

(b) for the grant and renewal of a permit or a countersignature for non Metered Motor cab. five hundred rupees;

(c) for the grant and renewal of a permit or a countersignature for maxi Cab three hundred and fifty and two hundred rupees respectively;

(d) for the grant and renewal of a permit or a countersignature for contract carriage other than mentioned in clauses (a), (b) and (c) of this rule, four hundred rupees, three hundred rupees and three hundred rupees respectively:

(e) for the grant and renewal of a permit or a countersignature for stage carriage four hundred rupees , three hundred rupees and three hundred rupees respectively:

(f) for the grant and renewal of a permit or a countersignature for goods carriage six hundred rupees, four hundred rupees and two hundred fifty rupees;

(g) for the grant and renewal of a permit or a countersignature for private service vehicle, four hundred rupees, three hundred rupees and two hundred fifty rupees

(2) The fees in respect of an application for a permit, for a tourist vehicle shall be ²[six hundred rupees] and the fee for the renewal of such permit shall be ²four hundred fifty rupees].

(3) The fees in respect of an application for a national permit shall be 2 [seven hundred rupees] and the fee for the renewal of such permit shall be 2 [seven hundred rupees].

(4) The fee in respect of an application for a temporary permit or countersignature on a temporary permit shall be ²[two hundred rupees] for each calendar month or part thereof, in respect of each vehicle.

(5) The fee in respect of an application for replacement of a vehicle covered by a stage carriage permit, goods carriage or a contract carriage permit, to which the provisions of sub-rule (3) of Rule 88 apply, shall be ²[two hundred rupees].

 3 [(6) If the application for renewal of permit is made after the last date specified in subsection(2) of section 81 of the Act, in such case, the applicant shall pay, in addition to the fees specified in sub rules (1), (2) and (3) one hundred rupees for ach calendar month or part thereof, in respect of each vehicle.]

Sub. by G.N., H.D., No. MVR-0212/CR-107/TRA-2. dated 24.06.2013.
 Sub by ibid.
 Sub clause (6) was added by MVR. 0809/2004/CR-378/TRA-2, dt. 19.06.2010.

76. Exemption from payment of fees $- {}^{1}[(1)$ Persons belonging to the Scheduled Castes and Scheduled Tribes shall be exempted from payment of fees under Rule 78 to the extent of half of such fees.

(2) The vehicle registered as a tourist vehicle having minimum seating capacity of 25 seats and operating excluively within the area of Municipal Corporation and hill stations and used for sight seeing, shall be exempted from payment of fees under rule 75 to the extent of half of such fees.]

77. Stage carriage to ply on routes other than those specified in permit under certain circumstances - Holder of a permit granted in respect o fa stage carriage shall, if so directed by the authority granting the permit, such direction being made in the interest of public order, public safety or in any emergency use a stage carriage on such route or such area in the region other than that specified in such permit and during such period and at such timings as may be specified in the direction.

78. Additional conditions in respect of certain permits - (1) A permit in respect of a stage carriage may be subject to one or more of the following conditions, namely :-

(a) that its holder, if required, shall not use a stage carriage in a public place for the purpose of carrying or intending to carry passengers unless it carries in addition to the driver, a conductor;

(b) that there shall be exhibited on the vehicle adequate particulars indicating to the public, the place to which the route by which the vehicle is proceeding : and

(c) that the service shall be regularly operated on the specified route in accordance with the approved time-table except,-

(i) when prevented by accident, unmotorability o fthe route, or any unavoidable cause, and

(ii) when otherwise authorised in writing, by the Regional Transport Authority.

(2) A permit in respect of a contract-carriage may be subject to one or more of the following conditions, namely :—

(a) that the vehicle shall not be driven in a public place except by the permit holder or a licensed driver holding an authorisation to drive a public service vehicle and duly authorised by the permit holder in writing which shall be carried by the driver when driving, and produced on demand by any Police Officer or Officers of the Motor Vehicle Department:

(b) that the number of persons to be carried in the vehicle shall not exceed the number which may be specified in the permit; and

(c) no advertising device, figure or writing shall be exhibited on the vehicle.

(3) A permit in respect of a public service vehicle may be subject to the condition that its holders shall make provision on such vehicle for the conveyance of a reasonable quantity of passenger's luggage with efficient means for securing it and protecting it against rain.

(4) A permit in respect of a transport vehicle may be subject to a condition that the holder of the permit shall comply with all the provisions of the Act and the rules.

79. Carriage of goods on stage carriages - (1) Subject to the provisions of sub-rule (2) of this Rule and of Rule 81 luggage my be carried on the roof of a stage carriage or in boot, locker or compartment set aside for the purpose, but where it is so carried on a roof, adequate protection in the form of a guard rail shall be provided.

(2) No luggage shall be carried in any stage carriage in such a way as to block any entrance or exit.

(3) No goods shall be carried on the top deck of a double decked stage carriage.

(4) Where the holder of a stage carriage permit uses a vehicle authorised by the permit for the carriage of goods to the detriment of the public convenience by failing thereby to meet the demand for passenger transport, the Regional Transport Authority may. after giving the holder an opportunity of being heard declare that a breach of the conditions of the permit has occurred and

may thereafter. proceed under the provisions of Section 86 of the Act.

(5) Subject to the provisions of sub-rule (2) and Rule 81, goods may be carried in a stage carriage at any time in accordance with the conditions specified in the permit, provided that. the obligation of the holder to carry passengers in accordance with the terms of the permit is discharged.

(6) Where goods are carried in stage carriage in addition to passengers, the goods shall be of such nature and shall be so packed and secured on the vehicle that no danger. inconvenience or discomfort is caused to any massenger. Such number of seats may be specified in the permit shall be kept free and unimpeded for the use of passengers and the access to the entrance to and exit from, the vehicle, required under Chapter VII of these rules shall be unobstructed.

(7) The weight in kilograms of goods carried on a stage carriage shall not exceed (N-X) x 68 where in relation to a single-decked stage carriage or to the lower deck of a double-decked stage carriage. For the purpose of this sub-rule, "N" is the registered passenger seating capacity of the vehicle; and "X" is the number of passengers carried on the vehicle, or the number of passengers for whom seats are kept free and unimpeded by goods whichever is greater.

80. Carriage of goods on contract carriage prohibited - The Regional Transport Authority may, authorise the use of contract carriage for the carriage of goods used for—

(a) special reasons on particular occasions and subject to conditions and restrictions to be specified on the permit:

(b) the carriage of the personal, office or household effects of a hirer, so authorised in the permit but not the carriage of general merchandise.

81. Carriage of certain goods in stage or contract carriage prohibited - (1) No goods liable to foul the interior of the vehicle or to render it insanitary shall be carried at any time in any stage carriage or contract carriage.

(2) The Regional Transport Authority may, specify in any permit the goods which shall not be carried in a stage carriage or a contract carriage or the conditions subject to which such classes of goods may be so carried.

82. Carriage of personal luggage in stage carriages - Except in the case of stage carriage services operated exclusively within municipal areas, a passenger in stage carriage shall be entitled to carry free of charge not more than 14 kilograms of luggage and personal effects.

83. Carriage of animals in goods vehicle -(1) No cattle shall be carried in a goods vehicle in public place unless,

(i) in the case of goat, sheep. deer or pig —

(a) a minimum floor space of ${}^{1}[0. 15]$ square meter per head of such cattle is provided in the vehicle.

(b) proper arrangements for ventilation are made: and

(c) if carried in a double-decked goods vehicle—

(1) the upper deck flooring is covered with metal sheets with a minimum height of 7.62 centimeters raised on all four sides so as to prevent the aninlal waste matter such as urine, litter, etc., falling on the animals on the lower deck:

(2) proper arrangements for drainage are made on each floor; and

(3) wooden battens are provided on each floor to prevent slipping of hoofs of the animals;

(ii) in the case of any other cattle-

(a) a minimum floor space of 2 [2 meter x 0.75] meter per head of cattle and half of such space for a young one of cattle which is weaned is provided in the vehicle;

(b) the load body of the vehicle is constructed of strong wooden planks or of iron sheets with a minimum height of 1.4 metres measured from the floor of the vehicle on all sides and back; and

(c) floor battens are provided to prevent slipping of hoofs;

(d) every projection likely to cause suffering to an animal is removed;

(e) the cattle are properly secured by ropes tied to the sides of the vehicle.

Explanation - For the purposes of this sub-rule. "Cattle" includes goat, sheep, buffalo, bull, ox, cow, deer, horse, pony, mule, ass, pig or the young ones thereof,

(2) No animal belonging to or intended for a circus, menagerie or zoo shall be carried in a goods vehicle in a public place unless,-

(i) in the case of a wild or ferocious animal, a suitable cage, either separate from or integral with the load body of the vehicle used of sufficient strength to contain the animal securely at all times is provided; and

(ii) reasonable floor space for each animal is provided in the vehicle.

(3) No goods vehicle when carrying any cattle under sub-rule (1) or any animal under sub-rule (2) shall be driven at a speed in excess of 24 kilometres per hour.

Sub. for the figures "O.2O" by G. N., H.D., No. MVR. 0104/147/CR-22/TRA-2, dt.
 1.1.2005 (M.G.G., Pt. IV-A. Ex.. Ord.. p. 5].
 Substituted for the figures and word "2 meter x 1 meter" by G. N., H.D.. No. MVR.
 0104/147/CR-22/TRA-2. dt. 1.1.2005 (M.G.G., Pt. IV-A, Ex.. Ord., p. 5].

84. Carriage of luggage in private service vehicles - (1) Not more than ¹[40 kilogrammes] of luggage or personal effects per occupant may be carried in a private service vehicle :

Provided that, if the permit so provides, such vehicle may. in addition, carry the personal or household effects of the holder of such permit or the office articles of such holder, subject to the condition that the total weight of the luggage or personal or household effects or office articles and persons does not exceed the permissible carrying capacity.

(2) Nothing in sub-rule (1) shall be construed as authorising the carriage of general merchandise in a private service vehicle.

1. Sub. by G. N. H.D. No. MVR. 0588/CR-570/I-TRA-2, dt. 23.10.1992 (M.G.G., Pt. IV-A 1993, p. 235).

85. Renewal of permits - (1) An application for the renewal of permit shall be made in writing to the State Transport Authority or the Regional Transport Authority, as the case may be, by which the permit was issued and shall be accompanied by the permit. The application shall state the period for which the renewal is desired and shall be accompanied by the fee

prescribed in Rule 75.

86. Renewal of countersignature of permits - (1) Subject to the provisions of Rule 87 an application for the renewal of a countersignature on a permit shall be made in writing to the Transport Authority concerned and shall, subject to the provisions of sub-rule (2) of this rule, be accompanied by the permit. The application shall set forth the period for which the renewal of the counter signature is required.

(2) If at the time of application for renewal of a countersignature on a permit, the permit is not available being under renewal by the authority by which it was issued, the application shall state the fact and shall state the number and date of issue of the permit, the name of the authority by which it was granted the date of its expiry and the number and the date of the countersignature to be renewed.

(3) The Transport Authority granting the renewal of a countersignature shall call upon the holder to produce the permit, if it has not been produced and shall endorse the permit accordingly and return the same to the holder.

87. Validation of renewal in respect of countersignature of permit - (1) The authority by which a permit is renewed may, unless any authority by which the permit has been countersigned (with effect not terminating before the date of expiry of the permit) by a general or special order otherwise directed. likewise renew any countersignature of the permit by endorsement on the permit in the manner set forth in the appropriate Form and shall, in such case, intimate the renewal to such Authority.

(2) Unless the permit has been endorsed as provided in sub-rule (1) or unless the period of validity of the counter signature has been endorsed by the authority making the countersignature, the countersignature shall be of no effect beyond the date of expiry stated therein

88. Replacement of a vehicle covered by a permit (1) If a holder of permit desires at any time to replace any vehicle covered by the permit by another vehicle, he shall forward the permit and apply in Form M. V. Rep. A of the First Schedule to the Transport Authority by which the permit was granted, stating the reasons why the replacement is desired and shall also simultaneously, —

(i) if the replacer vehicle is in his possession, forward the certificats of registration of that vehicle: or

(ii) if the replacer vehicle is not in his possession, state any material particulars in respect of which the replacer vehicle shall differ from the vehicle to be replaced.

(2) On receipt of an application under sub-rule (1) the Transport Authority may, subject to the provisions of sub-rule (3) and after ensuring that the other conditions for granting a permit are fulfilled, grant permission for such replacement.

(3) The Transport Authority may, for reasons to be recorded and communicated to the applicant, reject any application made to it under sub-rule (1) if the holder of the permit has contravened any provisions thereof or has been deprived of possession of the vehicle proposed to be replaced under any hire-purchase agreement.

89. Validation of replacement order in respect of countersignature on permit - (1) The Transport Authority granting permission for the replacement of vehicle under Rule 88, shall,

(2) Unless the permit has been endorsed as provided in sub-rule (1) (of this rule) or unless the alteration has been approved by an endorsement by the authority concerned, the countersignature on a permit shall not be valid in respect of any new vehicle.

90. Procedure on cancellation, suspension or expiry of permit - (1) The holder of a permit may, at any time surrender the permit to the Transport Authority by which it was granted and the Transport Authority shall forthwith cancel any permit so surrendered.

(2) Where a Transport Authority suspends or cancels any permit -

(i) the holder shall surrender the permit immediately and the suspension or cancellation shall take effect;

(ii) the Transport Authority suspending or cancelling the permit shall send intimation to any authority by which it has been countersigned with effect at the time of suspension or cancellation and to any authority to whose area the validity has been extended under Rule 87.

(3) Where a Transport Authority suspends any permit, the permit holder shall also surrender the registration certificate in respect of the vehicle and the plates bearing the registration mark assigned there to.

(4) Within fourteen days of the expiry of any permit by efflux of time the holder shall deliver the permit to the Transport Authority by which it was issued and the Transport Authority receiving any such permit shall intimate the fact to the authority or authorities by which it was countersigned with effect upto the date of expiry and to any authority to whose area the validity has been extended under Rule 87.

(5) The holder of the permit shall, if so required by the Transport Authority intimate to it within twenty four hours of the receipt of suspension order, the place where the vehicle in respect of which the order is passed shall be kept during the period of suspension. Subject to the provisions of sub-section (2) of Section 192, such holder shall not remove the vehicle from the place so intimated without the prior permission of the Transport Authority.

91. Transfer of permit ${}^{1}[***]$ - (1) Where the holder of a permit desires to transfer the permit to some other person under sub-section (1) of Section 82, he shall together with the person to whom he desires to make the transfer, make a joint application in writing in Form Tr. PA. of the First Schedule to the Transport Authority by which the permit was issued, setting forth the reasons for the proposed transfer.

(2) On receipt of an application under sub-rule (1), the Transport Authority may require the holder and the other party to state in writing whether any premium, payment or other consideration arising out of the transfer, is to pass or has passed between them and the nature and amount of any such premium, payment or other consideration.

(3) Without prejudice to any other penalties to which the parties may be liable, the Transport Authority may declare void any transfer or a permit made upon such application and thereupon such transfer shall be void and of no effect, if after such enquiry as it thinks fit, the Transport Authority is satisfied that any matter stated to it under sub-rule (2) or any material particular in the application, was false.

(4) The Transport Authority may, summon both the parties to the application to appear before it and may, deal with the application as if it were an application for a permit.

(5) If the Transport Authority is satisfied that the transfer of a permit may properly be made. it shall call upon the holder of the permit in writing to surrender the permit within seven days from the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred to pay a sum of ²[hundred rupees] as transfer fee.

³[(6) In respect of transfer of contract carriage permits issued for motor cabs including autorickshaw.-

(a) where the holder of a permit desires to transfer the permit to some other person under sub-section (1) of section 82, he shall together with the person to whom he desires to make the transfer, make a joint application in writing in Form TRPA of the First, Schedule appended to the Transport Authority by which the permit was issued, setting forth the reasons for the proposed transfer.

(b) the transport Authority shall, by order in writing call upon the holder of the permit to surrender the permit within seven days from the receipt of the order. It shall also call upon the person to whom the permit is to be transferred to produce an affidavit sworn before the Magistrate for the transfer of the permit and to pay fees for transfer of permit, as may be notified by the Government of Maharashtra for Motor cab including autorickshaw, from time to time by an order.

(c) the person to whom the permit is to be transferred shall be resident in the State of Maharashtra for not less than fifteen years as on the date of application and he shall produce a domicile certificate to that effect issued by the Authority competent to issue.

(d) The person to whom the permit is to be transferred shall possess an effective driving licence issued by the licensing Authoiity to him authorizing to drive a motor cab and also possesses necessary badge to drive the public service vehicle.]

l. The words "other than Motor Cab" were deleted by G.N., *l-l.D.*, No. MVR. 0193/751/ CR-225/TRA-2. dt. 30.9.1995.

2. Sub. by G. N., H.D., NO. MVR. 0298/1531/CR-91/TRA-2, dt. 30.7.1999.

3. Sub-rule (6) was substituted by G.N. dated l 1.1.2010.MGG, Pt.IV-B, dt.11.01.2010 p.3. R.93.

NOTIFICATIONS

No. MVR. 0309/545/C.R. 142(Pt. I) TEA-2 MGG, EO Pt IVA P.3 dt.25.03.2010 - In pursuance of the powers conferred by Clause (b) of sub-rule (6) of Rule 91 of the Maharashtra Motor Vehicles Rules, 1989, the Government of Maharashtra hereby notify the fees for transfer of the permit in respect of the Motor Cab including autorickshaw as follows :-

No.	Area	Fees
1.	MumbaiCity and its suburbs Thane And Pune City.	Rs.25,000 (Rupees Twenty Five Thousand Only)
2.	In the State of Mharashtra other the Area mentioned at Serial No.1	Rs.5000 (Rupees Five Thousand Only)

The following persons are exempted from payment of the Transfer fees mentioned above

(1) Transfer of permit in the name of legal heir.

:

(2) Transfer of permit effected by court order.

(3) Transfer of permit within the family viz husband to wife and *vice versa*, / mother to son or unmarried daughter and *vice versa*.

92. Transfer of permit in case of death of permit holder - (1) In case of death of the permit holder, the person succeeding to the possession of the vehicle covered by the permit may. within ¹[sixty days] from the death of the permit holder, inform the Transport Authority which granted the permit about the death of the holder and of his own intention to use the permit in Form Int. D. Tr. of the First Schedule.

(2) The person succeeding to the possession of the vehicle covered by the permit may, submit an application in Form Tr. P.A. of the First Schedule to the Regional Transport Authority for transfer of permit in his name.

(3) Along with the application under sub-rule (2), the applicant shall attach a copy of the newspaper notice published in the local newspaper in Form ND of the First Schedule indicating that he is the person succeeding the permit of the deceased permit holder.

(4) (i) In case where the transfer of permit is allowed by the Transport Authority on account of the demise of the permit holder, a photograph of transferee shall be affixed on the permit and sealed by the authority.

(ii) Upon receipt of the permit and of the prescribed fee of ¹[fifty rupees], the Transport Authority shall make the necessary changes therein, and issue a new permit to the transferee.

(iii) The Transport Authority making a transfer of a permit as aforesaid may endorse the permit with the words "Transfer of permit valid for", inserting the name of the authority by which the permit has been countersigned with effect from the date of transfer.

(iv) Unless the permit has been endorsed as provided in clause (iii) above, the countersignature shall be of no effect after the date of transfer.

1. Sub. by o. N.. 11.0.. No. MVR. 0558/CR-570/l-TRA»2, dt. 23. 10. 1992 (M.G.G.. Pt. IV-A. p. 235).

93. Issue of duplicate permits - (1) When any permit including a temporary permit has been lost or destroyed, the holder shall forthwith intimate the fact to the Transport Authority by which the permit was issued and shall deposit the prescribed fee for the issue of a duplicate permit.

(2) The Transport Authority shall, upon receipt of an application in accordance with subrule (1) issue a duplicate permit ,and to the extent that it is able to verify the facts may cause to be endorsed thereon certified copies of any countersignature by other authority intimating the fact to that authority.

(3) A duplicate permit issued under this rule shall be clearly stamped "Duplicate" in red ink and the certified copy of any countersignature by any other Transport Authority on a permit made under this rule, shall be valid in the region of that other authorities as if it were a countersignature.

(4) Where a permit has become dirty, torn or otherwise so defaced as in the opinion of the

Transport Authority to be illegible, the holder thereof shall surrender the permit to the Transport Authority and apply for the issue of a duplicate to him in accordance with this rule.

(5) The fee for the issue of a duplicate permit shall be ¹[two hundred rupees]. The fee for the issue of a duplicate temporary permit shall be ¹[hundred rupees].

(6) Where a duplicate permit has been issued upon representation that a permit has been lost and the original permit is afterwards found or received by the holder, the holder shall immediately return the duplicate permit to the Regional Transport Authority.

(7) Any other person finding a permit shall deliver it to the nearest Police Station or nearest Regional Transport Authority. The officer-in-charge of the Police Station, on receipt of the permit, shall immediately forward it to the nearest Regional Transport Authority, which shall restore the permit in case the duplicate permit has not been issued and shall substitute it for the duplicate in case such a duplicate has already been issued.

94. Variation of permit -(1) Subject to the provisions of this rule, upon application made in writing by the holder of any permit, the Transport Authority may at any time, in its discretion vary the permit or any of the conditions thereof.

(2) A Transport Authority may vary any condition of any permit in accordance with any particular or general direction issued by the State Transport Authority under sub-section (4) of Section 68 or involves a question of principle which has already been decided by a ruling of the Regional Transport Authority or the State Transport Authority, and such ruling has not been modified upon appeal.

 2 [(3) Fees for making any variation in permit including the extension of permit shall be rupees one hundred for three wheeler auto- rickshaws and for vehicles other than three wheeler auto-rickshaws be rupees two hundred.]

- 1. Sub by G.N.; H.D., No. MVR. 0212/107/CR-91/TRA-2, dated 24.06.2013.
- 2. Sub-rule (3) was added by ibid.

95. Production of permit.— (1) A permit shall always be carried in the vehicle and shall be produced on demand made by an officer of the Regional Transport Authority.

(2) Any Police Officer or an officer of and above the rank of Assistant Inspector of Motor Vehicles of the Motor Vehicles Department in uniform may amount to any transport vehicle for the purpose of inspecting the permit.

96. Temporary authorisation in lieu of permit - (1) When the holder of a permit has submitted the permit to the State Transport Authority or a Regional Transport Authority for renewal, countersignature or for any other purpose, or any police officer or Court or any competent authority has taken temporary possession of such permit from the holder, such authority. officer or the Court, as the case may be, shall furnish to the holder a receipt for the permit and temporary authorisation in Form Tem., P. A. of the First Schedule to ply the vehicle during such period as may be specified therein and during that period, the production of the temporary authorisation on

demand shall be deemed to be production of the permit :

Provided that, the authority granting such authorisation may extend the period of validity of authorisation so however, that the authorisation shall remain valid until the permit is returned or the expiry of the permit, whichever is earlier.

(2) Until the permit is returned to the holder thereof, the vehicle concerned shall not be plied beyond the period including the extended period specified in the temporary authorisation.

(3)No fee shall be payable in respect of such temporary authorisation.

97. Appeals and revision applications against orders of State or Regional Transport Authority - (1) An appeal to the State Transport Appellate Tribunal under Section 89 against the order of the State or a Regional Transport Authority shall be made within thirty days of the date of receipt of the order by the person preferring the appeal. It shall be in the form of a memorandum submitted in duplicate setting forth the grounds of objections to the order of the State Transport Authority or the Regional Transport Authority, and shall be accompanied by a certified copy of the

order appealed against and a fee of ¹[three hundred rupees] in cash. The grounds of objection to the order shall be stated concisely and under distinct heads, without any argument or narrative, and numbered consecutively.

(2) An application under Section 90 to the State Transport Appellate Tribunal by a person aggrieved by an order of the State or a Regional Transport Authority, shall be in the form of a memorandum, submitted in duplicate, setting forth the grounds of objection to the order concisely and under distinct heads, without any argument or narrative and numbered consecutively. it shall be accompanied by a certified copy of the order of the authority sought to be revised.

98. Supply of copies of documents to persons interested in appeal or revision - (1) Where an appeal under Section 90 is made to the State Transport Appellate Tribunal, the Secretary of the State or Regional Transport Authority concerned. shall give to any person on payment of a

fee calculated at the rate of ¹ [twenty rupees] for the first and ¹[five rupees] for each additional page per copy of each such document filed with him.

99. Procedure in appeal or revision - (1) After the State Transport Appellate Tribunal has admitted an appeal under sub-section [1] of Section 89 or a revision application under Section 90, it shall appoint time and place for the hearing of the appeal or revision application, as the case may be, and give an intimation to the authority against whose order the appeal or revision application is made and also to the appellant or applicant concerned and any other person likely to be affected by the grant of the relief prayed for. Such appellant, respondent or the person interested, shall appear before the Tribunal in person or through an authorised representative with original document or record pertaining to the case on the appointed date and place of the hearing if any.

(2) The Secretary of the State or Regional Transport Authority concerned shall within fourteen days of the receipt of such intimation, send all the original documents and record pertaining to any appeal or revision application with proper index and paging to the State Transport Appellate Tribunal when the same are called for by it.

(3) The Tribunal may after following the procedure in sub-section (1) of Section 89 or, as the case may be, Section 90 and after such further inquiries, if any, as it may consider necessary, shall pass such order in relation to the facts of the case as it deems fit, and every such order shall be final.

1. Sub. by G. N., H.D.. NO. MVR. 0212/CR-107/TRA-2, dated.24.06.2013.

100. Fixing in advance hours of work - The Regional Transport Authority shall direct the employer of the drivers of the transport vehicles, such as any stage carriage operating solely within the Region, or from the Region to another Region, to the satisfaction of the authority such time-table, schedule or regulation, as may be necessary to fix in advance the hours of work of persons employed by him, and upon approval by such authority any time-table, schedule or regulation as aforesaid in a suitable format, it shall be the records of hour of work fixed for the persons concerned for the purpose of this section.

101. Definition of period of rest - For the purposes of clause (a) of sub-section 91,-

(i) any time spent by the driver of a vehicle on work other than driving in connection with the vehicle or with the load carried or to be carried on the vehicle, including any time except on the vehicle during a journey, save as a passenger in a public service vehicle shall not be treated as an interval, or rest: and

(ii) any time spent by the driver of a vehicle, on or near the stationary vehicle, when he is at liberty to leave for rest and refreshment although required to remain within sight of the vehicle, shall be deemed to be an interval of rest for the purposes of clause (a) of subsection [1] of Section 91.

102. Conduct of persons using stage carriage operating in Maharashtra State - (1) If at any time, a passenger or person using or intending to use a stage carriage, -

(i) obstructs any authorised employees of the permit holder in the execution of his duties; and

(ii) has bulky luggage of a form or description which obstructs, annoys or inconveniences another passenger or is likely, to do so: or

(iii) carries any animal, bird, flesh or fish (other than tinned food in its original packings) any instrument, implement, substance or any other article which annoys or is offensive to any other passenger or is likely to do, or be, so; or

(iv) without lawful excuse occupies any seat exclusively reserved for ¹ [women, physically handicapped person and senior citizens]; or

(v) signs or plays upon any musical instruments or operates a transistor radio; or

(vi) rings without lawful excuse, or otherwise interferes with, any signal of the stage carriage; or

(vii) is reasonably suspected to be suffering from any contagious or infectious disease: or (viii) knowingly or intentionally enters a stage carriage which is carrying the maximum number of passengers according to 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 in excess of the seating capacity of the vehicle: or

(ix) has dress or clothing which is likely to spoil or damage the seats or the dress or clothing of another passenger or which for any other reason is offensive to other passengers; or

(x) commits or abets any breach of the provisions of the Act or rules made thereunder –

the driver or the conductor may require such person to alight from the vehicle forthwith and may stop the vehicle or keep it stationary until such person has alighted. Such person shall not be entitled to a refund of any fare which he may have paid and any person failing to comply forthwith may be removed by the conductor or the driver or any police officer on being requested by the driver or conductor or any passengers in that behalf, and shall be guilty of an offence.

(2) No passenger, or person using or intending to use a stage carriage shall -

(i) refuse to pay the legal fare: or

(ii) refuse to show any ticket on demand by any authorised person; or

(iii) refuse to pay a fresh fare when he has altered or defaced his ticket so as to render the number or any portion thereof illegible; or

(iv) behave in a disorderly manner; or

(v) behave in a manner likely to cause alarm or annoyance to any female passenger; or

(vi) use abusive language; or

(vii) spit, eject betel nut juice: or

(viii) smoke in any vehicle on which a notice prohibiting smoking is exhibited; or

(ix) enter or leave or attempt to enter or leave any stage carriage while it is in motion except at a bus stop; or

(x) enter or attempt to enter into or alight or attempt to alight from stage carriage except by the entrance or exit provided for the purpose; or

(xi) continue to remain in the vehicle when it is being filled with fuel; or

(xii) interfere with the driving of the vehicle; or

(xiii) use or attempt to use a ticket other than the ticket valid for a particular journey; or

(xiv) wilfully damage or soil or remove any fittings in or on the stage carriage or interfere with any light or any part of the stage carriage or its equipment; or

(xv) board a stage carriage unless he is an employee of the permit holder. or a bonafide passenger or an intending passenger, or hang on to any exterior part of a stage carriage: or

(xvi) travel beyond the destination to which the fare he has paid entitles him to travel without informing and paying to the conductor the legal fare for the additional journey, sufficiently in advance, or when so required refuses to get off the stage carriage in which he is travelling at the terminus of the route for which it is booked; or

(xvii) on demand being made by the driver or conductor or a police officer when reasonably suspected of contravening any of the provisions of this rule, refuses to give his correct name and address to such driver or conductor, or police officer; or

(xviii) on request being made by the conductor, refuses to declare to him the journey he intends to take or has taken in the stage carriage, or before leaving the stage carriage, omits to pay to the conductor the legal fare for the whole journey, as specified in the table of fares exhibited in the stage carriage; or

(xix) smoke in an air-conditioned vehicle.

(3) If at any time a passenger or person using a stage carriage is unable or fails to produce or surrender his ticket on demand during the journey or at the end of journey, by any authorised person, he shall be liable to pay the legal fare from the place the stage carriage originally started or such portion thereof as is required by the authorised person.

(4) Every passenger shall be entitled to receive a ticket from the conductor corresponding to the fare paid.

Explanation - In this rule the expression "ticket" includes an identity card, season ticket, pass or any authorisation issued by the permit holder authorising a person to travel on a stage carriage.

 2 [(5) The passenger who has been directed by the conductor or the driver of the bus to exhibit the contains of his personal luggage or cargo as the case may be, for the inspection as required under clause (xxxi) of Rule 34 and sub-rule (2A) of Rule 20, shall comply with such directions and any such passenger falling to comply with the directions forthwith may be removed by the conductor or the driver or any Police Officer in uniform on being requested by the conductor or the driver or any passenger in that behalf, and shall be held guilty of such offence.]

- 1. The words were substituted for the words "female passengers" by G.N. of 6.9.2005 R.102
- 2. Added by G.N.;H.D. No.MVR.0190/190/TRA-2, dated 20.03.1991 (M.G.G.,Pt. IV-A.p212). R.104

103. Additional provisions relating to conduct of passengers and other persons in buses operating within limits of a Municipal Corporation or Municipality in State of Maharashtra - (1) No person shall enter or leave or attempt to enter or leave any bus whilst it is in motion and except at a bus stop.

(2) No person shall enter or alight from a bus except by the entrance or exit as the case may be provided for the purpose.

(3) No person shall enter a bus without first permitting all passengers leaving the bus to alight.

(4) No passenger or intending passenger or unauthorised person shall mount the driver's platform or talk or interfere with or otherwise distract the attention of the driver of a bus while he is driving.

(5) No passenger shall place his foot upon any seat of a bus.

(6) A ticket shall be valid only for the journey during which and by the bus in which it has been issued.

(7) If at any time, a passenger in a bus occupies more than one seat or reserves or attempts to reserve another seat either for himself or for another passenger, the driver or the conductor, if any, shall request such passenger to desist from doing so, and on the passenger not complying, may require him to alight from the bus forthwith and may stop and keep it standing until the passenger has alighted. Such passenger shall not be entitled to any refund of fare which he may have paid and any person failing to comply forthwith with such a requirement may be forcibly removed by the driver or conductor or on the request of the driver or conductor, or any passenger by any police officer and shall also be guilty of an offence.

(8) The provisions of this rule shall apply in respect of buses, operating within the limits of a Municipal Corporation or a Municipality, in addition to those contained in Rule 102.

(9) A copy of Rule 102 and of this Rule in English and such other languages as the Regional Transport Authority may direct, shall be carried in a prominent place in very bus.

Explanation - For the purposes of this rule. unless there is anything repugnant in the subject or context -

(a) "bus" means a stage carriage for the conveyance of passengers within the limit of a Municipal Corporation or a Municipality;

(b) "ticket" includes an identity card issued by the Undertaking ;

(c) "Undertaking" means any Transport Undertaking duly authorised to ply buses within the limits of a Municipal Corporation or a Municipality.

¹[(10) The provisions of sub-rule (5) of Rule 102 shall apply to passengers travelling in a

bus operating within the municipal limits of the Municipality].

104. Maintenance of complaint books in stage carriages.— (1) A bound complaint book duly ruled, paged. signed and stamped with the seal of the manager of the stage carriage service. and where there is no manager, of the stage carriage permit holder. approved and countersigned by the Regional Transport Authority concerned. shall be maintained by such manager or the permit holder. as the case may be. at such bus stands as may be directed by the Regional Transport Authority and also in every stage carriage to enable passengers to record any legitimate complaint in connection with the stage carriage service.

(2) Such complaint shall be written clearly and in an intelligible manner and complainant shall also clearly and legibly record in the complaint book his full name. address and date on which such complaint is written.
(3) The manager of the stage carriage service or the stage carriage permit holder. as the case may be, shall promptly look into every complaint recorded in the complaint book, remove the cause of the complaint or of its recurrence and submit within a month of the recording of the complaint an explanation to the Regional Transport Authority which granted the permit, together with a copy of the complaint stating the action taken by him in connection with the complaint. A copy of the report shall be forwarded by the manager of the stage carriage service or the stage carriage permit holder, as the case may be, to the complainant.

(4) The complaint book shall be so securely kept in the stage carriage and at the bus stand, as the case may be, as cannot be removed and shall at all times be made available by the driver and the conductor, if any. of the stage carriage to any passenger desiring to record a complaint or to any 1. Added by G.N., H.D.. No. MVR. 0190/190/TRA—2. dated 20-3-1991 (M. G. G.,Pt. IV-A, p. 212). _

officer of the Motor Vehicles Department. not below the rank of an Assistant Inspector of Motor Vehicles for the purposes of inspection.

(5) If the complaint book is lost or destroyed. the manager of the stage carriage service or the stage carriage permit holder. as the case may be. shall within one week of such loss or destruction, intimate the fact in writing to the Regional Transport Authority.

105. Conduct of passengers in motor cabs.— (1) No passenger in motor cab shall,-

(i) wilfully or negligently damage the cab or any of its fittings: or

(ii) on termination of the hiring, refuse or omit to pay the legal fare; (m) smoke.

(2) In the case of a dispute between the driver of a motor cab and the passenger. either party may require the other to proceed to the nearest police station where the officer-in-charge shall, if the dispute is not settled

amicably, record the names and addresses along with the substance of the respective contentions of both parties.

106. Carriage in public service vehicle of children and infants.-

((1)) In relation to the number of persons that may be carried in a public service vehicle, —

(i) a child of not more than twelve years of age shall be reckoned as one half; and

(ii) a child ofnot more than three years of age shall not be reckoned.
2[(2) (a) In relation to the number of persons that may be carried in contract carriages used either part-time or full time for carrying school going students exclusively and in buses used by education institution.(i) a row of two seats shall be deemed to be adequate to accommodate three children of not more than twelve years of age; and
(ii) a row of three seats shall be deemed to be adequate to accommodate four children of not more than twelve years of age.
(b) The provisions of clause (cl of sub-rule [2] of Rule 173 shall not

apply to the contract carriages buses used by educational institutions for carriage of school going students referred to in clause (a).]

107. Disinfection of public service vehicles.— (i) No person shall drive any public service vehicle and no owner of a public service vehicle shall cause or allow such vehicle to be used unless, it is disinfected once in every two months with D.D.T. or any other liquid insecticide, approved for the purpose by the Director of Health Services. Government of Maharashtra. (2) The owner of a public service vehicle shall maintain and on demand by an Inspector of Motor Vehicles. produce for inspection a current register showing the dates on which the public service vehicle was disinfected from time to time, to the satisfaction of the authority.

108. Carriage of persons in goods vehicles.—(1) Subject to the provisions of this rule, no person shall be carried in a goods vehicle: Provided that the owner or the hirer or a bona fide employee of the owner or the hirer of the vehicle carried free of charge or a e Motor Vehicles Department may be carried in a) goodsiehicle the total number 5f persons so carried,— 2 *7'

1. Renumbered by G.N., H.D., NO. MVR. 0191/3062/TRA-2. dt. 28-10-1993. 2. Added by G.N., H.D., No. MVR. 0191/3062/TRA-2. dt. 28-10-1993.

(i) in light transport goods vehicle having registered laden weight less 990 kgs. be not more than one;

(ii) in any other light transport goods vehicle. not more than three; and

(m) in any goods vehicle other than light transport vehicle. not more than seven :

Provided further that, the provisions of sub-clauses (ii) and (m) of the above proviso shall not be applicable to the vehicles plying on inter-State

route or the vehicles carrying goods from one city to another city or the vehicles carrying material in liquid form in tanker.

(2) Notwithstanding anything contained in sub-rule (1). but subject to the provisions of sub-rules (4) and (5). Regional Transport Authority may. by an order in writing permit that a larger number of persons may be carried in the vehicle on condition that no goods at all are carried in addition to such persons, and such persons are carried free of charge in connection with the work for which the vehicle is used, and that such other conditions as may be mentioned by the Regional Transport Authority are observed and where the vehicle is required to be Eoverédby a permit, the c6ridi'tTons of the permission aforesaid are also made conditions of the permit.

(3) Notwithstanding anything contained in sub-rules (1) and (2) but subject to the provisions of sub-rules (4) and (5), -

(a) for the purpose of enabling a c9;Qpegative_g)§iety or class of cooperative societies owning or hiring a goods vehicle to carryfits members under its authority in such goods vehicles when used for the purpose of carrying goods of the society in the ordinary course of its business. the Secretary of the Regional Transport Authority;

'[(al) for the purpose of g_@ connection with the Republic

Day, Independence Day gflndia or Maharashtra Day, the Regional Transport Officer;]

(b) where it is considered expedient in public interest. in respect of vehicles owned or hired by it. and in respect of other vehicles on such inescapable grou'nds_of,urge_nt_nati.i_re,rto be specified in the order. the State Government;

may, by general or special order, p_ermit goods vehicles to be used for the carriage of persons for the purposes aforesaid and subject to such conditions as may be specified in the order.

(4) No person shall be carried in any goods vehicles. —

(a) unless an area of f the floor of the

vehicle is kept open for each person,

(b) in such manner,—

(i) that such person when carried on goods or otherwise is in danger of falling from the vehicle.

(ii) that any part of his body. when he is in a sitting position is at a height exceeding three metres from the surface upon which the vehicle rests.

(5) The provisions of this rule shall not apply to motor vehicles registered under Section 60.

(6) No pe n an/attendant or attendants required by Rule

246 shall be carried on a trail_eLwhich is a goods vehicle. my

l. Inserted by G.N. dt. 23.10.1992.

109. Duty to carry goods by goods carriage.— A goods carriage shall not. save for reasonable and lawful excuse, refuse to carry any goods of any person. tendering the same for not less than the maximum freight. if any. permitted under Section 67.

110. Stands or halting places.—- [1] With the approval in the Greater Bombay, of the Commissioner of Police, and elsewhere of the District Magistrate the Regional Transport Authority. by notification in the Ojjficial Gazette and by the erection of traffic signs which are permitted for the purpose under clause (a) of sub-section (1) of Section 116. and may. in respect of the taking upon. setting down of passengers of the public service vehicles or any specified class of public service vehicle, -

(i) conditionally or unconditionally prohibit the use of any specified place or of any place of a specified nature or a specified class of vehicle;

(ii) require that certain specified stands or halting places only shall be so used within the limits of any Municipal Corporation. Municipality, notified area of cantonment or within such other limits as may be specified in the notification :

Provided that, no place which is privately owned shall be so notified except with the previous consent in writing of the owner thereof. (2) Where a place has been notified and has been demarcated by traffic signs, as being a stand or halting place for the purpose of this rule. then the place shall. subject to the provisions of these rules be deemed to be a public place within the meaning of the Act and the Regional Transport Authority may enter into an agreement with, or grant a licence to any person for the provision or maintenance of such place including the provisions or maintenance of the buildings or works necessary thereto. subject to the termination of the agreement or licence forthwith upon the breach of any condition thereof and may give directions for the conduct of such place

thereby,-

(i) prescribing the fees to be paid by the ovmers of public service vehicles using the place and providing for the receipt and disposal of such fees;

(ii) specifying the public service vehicles or the class of public service vehicles which shall use the place or which shall not use the place;(m) appointing a person to be the manager of the place and specifying the powers and duties of the manager:

(iv) requiring the owner of the land. or the local authority, as the case may be. to erect such shelters, lavatories and latrines and to execute such other works as may be specified in the direction and to maintain the same in a serviceable. clean and sanitary condition:
(v) requiring the owner of the land or the local authority. as the case may be, to arrange for the free supply of drinking water for passengers including intending specified passengers; and
(vi) prohibiting the use of such place by specified persons or by other than specified persons.

(3) Nothing in sub—rule (2) shall require any person owning the land, which has been appointed as a stand or halting place to undertake any work or incur any expenditure in connection therewith without his consent and. in the event of any such person declining to carry out such work or to incur

such expenditure or failing to comply with any rule or direction made or given to him under this rule, the authority competent may prohibit the use of such a place for the purposes of this rule. NOTES

Power of the Regional Transport Authority to prescribe specified stands or halting places of public service vehicles.- The power to prescribe specified stands or halting places for taking or settling down of passengers of public vehicles is not a power which is traceable to section 1 17, but one which was the exercise of rule making power has been vested by rule 110 in the Regional Transport Authority. It is for the Regional Transport Authority to determine as to whether a stand or halting place _should be specified for the purposes of rule 110. For this reasons the decision which has been taken by the Deputy Commissioner of Police is ultra uires. the scope of his powers and cannot be imposed as such without an authoritative decision by the R.T.O. in that respect.- Mumbai-Pune Taxi Tourist Service Centre v. The Pune Taximens Consumer Co-operative Society Ltd. & Ors.. 2006 (4) All M.R. 501 : 2006 (3) Mah. L.J. 686.

1 1 1. Returns to be furnished in respect of transport vehicles.— (l) The Regional Transport Authority may. by general or special order. require the owners of transport vehicles. —

(a) to maintain record, and submit returns in respect of the vehicles in such form and by a such dates as the Regional Transport Authority may specify. and such records and returns may include all or any of the following lars :—-

particu

- (i)
- (ii)
- (m)
- (iv)
- (v)
- (vi) (vii)
- (vm)
- (ix)
- (X)
- (X1)

(xii)

- (xm)
- (xiv)

(Xv)

(Xvi)

the registration number of the vehicles;

the name and address of the permit holder;

the type of permit held : permanent/temporary:

the date of each journey undertaken;

the name and licence number of the driver and conductor and other attendant. if any;

the place of origin and destination of the goods vehicle:

the time of commencement and termination of the journey and of every halt thereon:

the route upon which or the area within which the vehicle is used:

the serial number of the trip:

the description of the goods carried in each trip (each commodity to be shown separately), and the number of packages of each commodity. received from each consignor;

the name and address of the consignor and consignee for each commodity;

the name and address of the booking, forwarding or collecting agencies for each commodity;

the weight in quintals of each commodity;

the total maximum weight of the goods carried in the vehicle in each trip; '

the number of kilometres travelled between the places of origin and destination in respect of each commodity;

the quintal kilometres performed in respect of each commodity (item xm and xv);

(xvii) the freight leviable in respect of each consignor or consignee for each commodity;

(xvm) the freight charged for each commodity;

(xix) the volume of traffic carried by the vehicle during the year in metric tons;

(xx) in the case of goods carried in astage carriage the number of trips and kilometres travelled to be given separately when the goods were carried exclusively in the stage carriage, and when the goods were in addition to passengers; and in the latter

case, also the number of seats available for passengers: and

(b) to issue to each consignor a receipt in respect of every consignment received by or on behalf of the owner of a transport vehicle, showing details regarding the date of receipt of the goods. particulars of such goods commodity-wise. place from which the destination to which the goods are to be carried and the freight charged in respect of each commodity.

(2) No owner or other person shall cause or allow any person to drive a transport vehicle unless the owner or other person. has in his possession a record in writing of the name and address of the driver as set forth in his driving licence, the number of the licence and the name of the authority by which it was issued.

(3) No person shall drive a goods vehicle and no owner or other person shall cause or allow any person to drive such a vehicle unless the driver carries a way-bill containing all or any of the particulars which may be specified by the Regional Transport Authority under sub-rule (1).
(4) The records required to be maintained under this rule shall be produced for inspection on demand by any Police Officer not below the rank of Sub-Inspector or an officer of the Motor Vehicles Department.
1 12. Change of address of permit holder.— (1) If the holder of a permit ceases to reside or to have his place of business as the case may be, at the address set forth in the permit, he shall, unless the change be for a temporary period not exceeding three months, send within fourteen days the permit to the Transport Authority by which the permit was issued intimating the new address.

(2) Upon receipt of intimation under sub-rule (1), the Regional Transport Authority. or the State Transport Authority as the case may be. shall. after making such enquiries as the Transport Authority deems fit, enter in the permit the new address and shall intimate the particulars to the Transport Authority of any region in which the permit is valid by virtue of countersignature or otherwise.

1 13. intimation of damage to or failure of public service vehicle.-

(1) The holder of any stage carriage permit in respect of a particular vehicle by reference to the registration mark shall. within seven days of the occurrence. report in writing to the Transport Authority by which the permit was issued any failure of. or damage to such vehicle or to part thereof, of such a nature as to render the vehicle unfit for use in accordance with the conditions of the permit for a period exceeding three days.

(2) The holder of any permit of service of stage carriages shall, within twelve hours of the occurrence, report in writing to the Transport Authority by which the permit was issued. and failure of, or damage to. any vehicle

used by him under the authority of the permit of such a nature as to prevent the holder from complying with any of the provisions of conditions of the permit for a period exceeding twenty-four hours.

(3) Upon receipt of a report under the preceding sub-rules, the Transport Authority by which the permit was issued may. subject to the provisions of Rule 88.—

(i) direct the holder of the permit within such period. not exceeding two months from the date of the occurrence as the authority

may specify, either to make good the damage to or failure of the vehicle or to provide a substitute vehicle : or

(ii) if the damage to or failure, of the vehicle is such that in the opinion of the said authority it cannot. be made good within a period of two months from the date of the occurrence. direct the holder of the permit to provide a substitute vehicle. and where the holder of the permit fails to comply with such a direction, may suspend, cancel or vary the permit accordingly.

(4) The Transport Authority giving a direction or suspending, cancelling or varying a permit under sub-rule [3] shall send intimation of the fact to the Transport Authority of any other region in which the permit is valid by virtue of counter signature or otherwise.

114. Alteration to motor vehicle.— [1] The owner of a transport vehicle, shall give notice to the registering authority as required under Section 52 (of the Act) and simultaneously report the alteration to the Transport Authority which has granted the relevant permit for the use of the vehicle.

(2) Upon receipt of a report under sub-rule (1). the Transport Authority by which the permit was issued may, if the alteration is such as to contravene any of the provisions or conditions of the permit,-

(i) vary the permit accordingly; or

(ii) require the permit holder to provide a substitute vehicle within such period as the authority may specify and if the holder fails to comply with such requirement, cancel or suspend the permit.

(3) A Transport Authority varying, suspending or cancelling a permit or causing another vehicle to be substituted for a vehicle covered by a permit. shall intimate the particulars to the Transport Authority of any other region in which the permit is valid by virtue of countersignature or otherwise.

115. Conditions for use of trailers.---- (1) Subject to sub-rules [2] and

(3), the operation of goods carriages drawing any trailer shall be permitted in the areas or routes other than.—- w

(i) ghat sections as may be declared by the Public Works Department;

(ii) areas falling within the limits of the Municipal Corporations and Municipal Councils in the State..

(2) The goods carriage drawing trailers shall not be drawn at a speed more than 30 k. per hour et and sun rise.

(Board indicating the extra-length of such vehicle shall

be exhibited on the drawing vehicle in reflecting colours. The Board shall read as follows :-

"v_Caution-Extra longvehicle".

NOTES

For extra long vehicle display of cautionary board necessary.- The

object of Rules 1 15 and 226 of the Rules is to indicate to the persons seeing or following the motor vehicle that it is a long vehicle carrying trolleys. Nonexhibiting of the board apart from violation of the Rules would show negligence on the part of the driver was much as the persons following the tractor with the attached trolleys were not warned that the tractor was a long vehicle with trolleys attached.- Jagadeoppa Muttayappa Birajdar u. Satish Nagnath Gaikwad and another, 2010 (5) Mah LJ 478.

1 16. Distinguishing boards for goods vehicles.— Every goods transport vehicle shall carry in a prominent place on the front of the vehicle a distinguishing board in the regional language or in English with the letters "goods carrier" painted in black on white background. The height and the width ofeach letter shallfiot be less than 127 millimetres and 64 millimetres, respectively. "

1 17. Inspection of transport vehicles and their contents.— (1) Any police officer in uniform not below the rank of Sub—Inspect0r or any officer of the Motor Vehicles Department within his respectivejurisdiction may, at any time when a goods vehicle or a public service vehicle is in a public place. call upon the driver of such vehicle to stop_t_he vehE@

for such time as may be necessary to enable the police officer or the officer of the Motor Vehicles Department to rriggeiasonable examination of the contents of the vehicle and the number of p , if any. so as to satisfy himself that the provisions of the 'Act aridfiese rules and the provisions and econditions of the per ' in respect of the vehicle are beinggompliecl with mit _ .

*_(m"NEffwithstanding anything contained in sub-rule (1), the police officer or officer of the Motor Vehicle Department shall not be entitled to exam_ine the_contents of any goods vehicle unless, —

(i) the permifin resp contains a provision or

condition in respect of the goods which may or which may not be carried on the vehicle;

(ii) the police officer or the officer of the Motor Vehicle Department has reasonfgo believe that the vehicle is being used in contravention of the provisions of theixcticifthese rules.

(3) In the event of a motor vehicle being stopped for examination under sub-rule (1), such officer shall give to the driver or any person in charge of the vehicle a certificate stating the da_.ti on which, the hour at which and the period for which the yellicle was detained. _

118. Inspection of brakes of transport vehicle.— Any officer of the Motor Vehicles Department not below the rank of an Assistant Inspector of Motor Vehicles. specially authorised in this behalf by the State Government, may at any time when a transport vehicle is in public place. call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the 0fflC€l; to inspect the brakes of the vehicle so as to satisfy himself about compliance of the rules prescribed by Central Government in this behalf.

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1 19. Motor cabs fitted with 'ltaxi meters].— (1) A Regional Transport Authority may. by notification in the Official Gazette, require that within the limits of such area as may be specified in the notification all motor cabs or any class of motor cabs shall be fitted with 'ltaxi meter].

(2) Where a notification as aforesaid has been issued. permits in respect of any motor cab covered by'the notification shall not be granted unless fitted with ']taxi meter], except under the following conditions :——

[i] that such ovmer shall provide such garage accommodation for cabs~as is approved by the Regional Transport Authority:

'](ii] the cabs shall not be let on hire from public stands or from public placesil

(m) that the cabs shall have an engine of not less than 750 c.c.

(3) The rule of fitment of 'ltaxi meter] will not be applicable to luxury or tourist or almaxi cab or jeep type of motor cab].

Explanation .— For the purposes of this rule,-

'[i] "luxury cab" means a motor cab with a licensed seating capacity of not less than three adult passengers excluding the driver, in respect of which a permit has been granted under the conditions specified in sub-rule (2).

(ii) "tourist cab" means a motor cab for which a permit has been granted under sub-section (9) of Section 88 [of the Act].

'](m] jeep type of motor cab" meansjeep type of motor vehicle with-(a) either a fibre re-enforced plastic or metal body and not canvas tops;

[b] a seating arrangement especially of the seats on the rear. facing the front and across the width of the vehicle and separate entrances for the rear seats on two sides of the vehicle unless the seat in the front is collapsible and where such an arrangement cannot be provided. the seating arrangement on the rear consists of seats along the length of the vehicle and facing each other, with armrests to provide support for the passengers against the lateral jerks and with two bars running along the length of the vehicle under the roof and fitted with the hanger straps made up of either rexine or leather material and a third entrance at the rear with steps to enable entry into the vehicle without undue difficulty:

(c) the side entrances fitted with either half or full length doors.]

120. Power of Inspector of Motor Vehicles to inspect taxi meters .-Any officer of and above the rank of Assistant Inspector of Motor Vehicles in uniform or any police officer not below the rank of Sub-Inspector. may, if he has reason to believe that a motor cab fitted with a taxi meter has been or is being plied with a meter which is defective or has been tampered with. stop such motor cab and, in order to test such taxi meter, direct the driver

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1. These words were substituted for original words by G.N. of 30.7.2007.

2. Sub. by G.N., H.D.. No. MVR. 0192/5013/TRA-2, dt. 14.6.1993 (M.G.G., Pt. IV—A. 1994, p. 115).

3. Thesewordswere substituted byG.N. of4.4. 1994 (M.G.G., Pt. IV-A, 1994. Ex., p. 252]. 4. Clause (m) was added by G.N., H.D.. No. MVA. 0193/675/CR-57 /TRA-2, dt. 4.4.1994 IM.G.G., Pt. IV-A. pp. 252-2531.

or the person in charge of such motor cab to cover a distance or connect the taxi meter to the measuring equipment to ascertain the accuracy of the taxi meter or to proceed to an institution referred to in sub-rule (1) or Rule 141 and take or cause to be taken such other steps as he may consider proper for the purpose.

121. Licensing and regulation of conduct of agents for sale of tickets for travel by public service vehicles.— (1) Every owner of a public service vehicle to be let or plied for hire shall. intimate to the Regional Transport Authority concerned, the name and address of the person appointed on his behalf as the agent who has been engaged in the sale of tickets .to passengers for travel by such vehicle.

(2) No person shall act as an agent of the owner of such public service vehicle and no owner shall so employ any person unless he has obtained an agent's licence in Form L. Ag. (PSV) of the First Schedule to these rules from the Regional Transport Authority concerned.

Explanation.- For the purposes of this sub-rule. persuading any person. soliciting or attempting to persuade any person to travel in a vehicle shall be deemed to be acting as an agent for the sale of tickets for travel thereby. (3) An agent's licence shall be valid for a period of twelve months from

the date of issue or renewal and shall be effective only in the region wherein it is issued or renewed.

(4) No person under the age of eighteen years shall hold an agent's licence.

(5) Application for an agent's licence shall be made in writing to the Regional Transport Authority of the region wherein the applicant resides. in Form L.Ag. A. (PSV) of the First Schedule to these rules and shall be accompanied by two clear copies of a recent photograph of the applicant and the prescribed fee.

(6) The fee for an agent's licence shall be '(hundred and fifty rupees] and the fee for its renewal or for the issue of a duplicate shall be'[hundred rupees.)

(7) An application for the renewal of an agent's licence shall be in writing enclosing the licence accompanied by the prescribed fee. addressed to the Regional Transport Authority, by which the agent's licence was issued. if the application for renewal accompanied by the appropriate fee prescribed under sub-rule (6) is not received on or before the date of expiry of the licence. the fee payable for the renewal of the licence shall be '(hundred and fifty rupees.)

(8) The Regional Transport Authority may. for reasons to be recorded in writing, decline to issue or renew an agent's licence or grant licence on such conditions as the Regional Transport Authority may consider fit to impose.

(9) (i) The Regional Transport Authority may, for reasons to be recorded in writing. suspend or [cancel] revoke an agent's licence;

(ii) On an agent's licence being suspended. [cancelled] revoked or

not renewed, it shall be surrendered forthwith to the Regional

Transport Authority which issued the licence.

l. Sub. by G.N., H.D., NO. MVR. 0298/1531/CR-91/TRA-2. dt. 30.7.1999.

(10) An agent shall. on demand by any Motor Vehicle Officer in uniform not below the rank of Assistant Inspector of Motor Vehicles produce his agent's licence for inspection.

(1 1) The Regional Transport Authority may. specify that the agent shall wear a uniform of the type approved by it in that behalf.

(12) No person shall hold more than one agent's licence effective in the same region.

(13) The agent shall. while on duty. wear in a conspicuous place on his a metal badge as prescribed in the Second Schedule issued by

t"h'i§*'§"egional Transport Authority on payment of a fee of '(thirty rupees] alongwith his name plate in black letters on white background in bold letters in English or Hindi. No agent shall lend or part with the badge to any other person and he shall surrender it to the Regional Transport Authority in the event of his licence being suspended. revoked or not renewed. If the badge is lost or destroyed, a duplicate badge shall be issued by authority which issued it on payment of '(fifty rupees.)

(14) The provisions of this rule shall apply to such districts. areas or routes and from such dates as the State Government may, by notification in the Official Gazette specify in this behalf.

NOTIFICATION

MVA. 0493/703/TRA-2, dt. 15.1.1994.- In exercise of the powers conferred by sub-rule (14) of Rule 121 of the Maharashtra Motor Vehicles Rules. 1989 the Government of Maharashtra hereby specifies 15th January. 1994 to be date on which the provisions of the said Rule 121 shall apply to all districts in the State of Maharashtra.

M.G.G., Pt. IV-A, 1994, p. 26.

122. Lost property.— (1) Where a permit holder or his employee receives any article under clause (xvii) of Rule 34 or under sub-rule (2) of Rule 20. he shall. keep that article for a period of seven days and shall. if the article is not claimed during that period. hand over the same to the officer-in-charge of the nearest police station :

Provided that. if the article is of a perishable nature. it may be handed over to the officer-in-charge of the nearest police station even before the expiry of seven days.

(2) Where during the period mentioned in the preceding sub-rule.-(a) the article if claimed by not more than one person. the permit holder may. after making such enquiries as he deems fit and if necessary after taking an indemnity agreement from the claimant. hand over the article to the claimant: and(b) the article if claimed by two or more than two persons then the permit holder may hand over the same to the officer-in-charge of the nearest police station.

(3) Where any article is received by an officer-in-charge of a police station under this rule or under sub-rule (xxix) of Rule 21 then the provisions of Sections 82 to 88 of the Bombay Police Act. 1951 (Bom. XXII of 1951) shall, so far as may be apply to such article as they apply in relation to unclaimed property under that Act.

1. Sub. by G.N., H.D., No. MVR. 0298/1531/CR-91/TRA-2, dt. 30.7.1999.

123. Licensing ofagents.— In Rules 124 to 132 (both inclusive) unless the context otherwise requires.—

(a) "agent" means any person who engages in the business of collecting or forwarding and distributing goods carried by road by goods vehicle plying for hire;

(b) "agent's licence" means a licence granted to an agent under sub-rule (4) of Rule 125 for the principal establishment and includes a supplementary licence granted to such agent for any additional establishment, such as branch officers specified in such supplementary licence; and

(c) "Licensing authority" means the Regional Transport Authority of the region in which the applicant intends to carry on the business, and in any other case of the region in which the applicant has his principal place of business.

124. Prohibition to act as Agent except under licence.— No person shall act as an agent unless he holds availd licence authorising the carrying of his business of an agent at the place or places specified in the licence. 125. Agent's licence.— (1) Any person desiring to obtain an agent's

licence shall make an application to the Regional Transport Authority of the region in which he has his place of business or as the case may be. his principal place of business. Such application shall be made in Form L. Ag. A. of the First Schedule.

(2) The application shall be accompanied by the fee prescribed in Rule 1 29.

(3) In considering an application made under this rule. the Licensing authority shall have due regard. among other things to.—(a) the number of goods vehicles. if any. either owned by the

applicant or under his control:

(b) the suitability of accommodation, under the control of the applicant for the storage of goods at every operating place;(c) the facilities provided by the applicant for parking the goods vehicles while loading or unloading without hindrance to the general traffic in the area; and

(d) the financial resources of the applicant and experience in the trade.

(4) The licensing authority shall either grant or renew the licence including a supplementary licence, for a branch office, if any, in Forms L. Ag. P. (Goods) and L.Ag. S. (Goods) of the First Schedule, as the case may be. specifying the place or places where the business may be carried on. or refuse to grant or renew the licence:

Provided that. the licensing authority shall not refuse to grant or renew a licence or. a supplementary licence for a branch office applied for. unless the applicant is given an opportunity of being heard. and the reasons for refusal are recorded and communicated to him in writing.

(5) The licensing authority shall. while granting or renewing a licence including any supplementary licence or at any time during the validity of licence, by order require a licensee to furnish a security in cash of ten thousand rupees and when a licensee has furnished earlier any security in pursuance of an order passed under this sub-rule, additional security not exceeding rupees one thousand.

(6) The licence shall be in two parts. namely. the principal part (hereinafter referred to as "the principal licence"). in which supplementary licence issued for every separate establishment or branch office for loading. unloading or receipt of delivery of consignments is carried on. shall be mentioned. and the supplementary part (hereinafter referred to as "the supplementary licence"). The details of the establishment or branch office such as municipal house number. the nearest road. bye-lane. the postal delivery district and other landmarks in the vicinity to enable identification of the place of licence duly attested by the licensing authority. shall be attached to the licence.

(7) The principal licence shall be kept and displayed promir.ently at the head office. and the supplementary licence shall be kept and displayed prominently at each branch office to which it refers. except when the principal licence or supplementary licence. as the case may be, is forwarded to the licensing authority for effecting renewal, and the licensee is in possession of an acknowledgement to that effect. Such licence or acknowledgement shall be produced before any inspecting officer of the

Motor Vehicles Department.

(8) An agents licence shall be non-transferable.

(9) An agent's licence shall be valid for a period of one year from the date of grant or its renewal. The date of expiry of the supplementary licence shall be co-terminus with the date of expiry of the principal licence irrespective of the date on which the supplementary licence is granted.

126. Renewal of agent's licence.— (1) An agent's licence may be renewed on an application in Form L. Ag. A. (C-oods) of the First Schedule. made to the licensing authority not less than thirty days before the date of its expiry. and shall be accompanied by the principal and all supplementary licences. if any. and the fee specified in Rule 129.

(2) The renewal of a licence shall be made by endorsement of renewal thereof by the licensing authority on the principal and supplementary licences. if any.

127. Cancellation of agent's licence and forfeitui-e.— (1) Without prejudice to any other action which may be taken against a licensee. the licensing authority may. by order in writing. revoke an agent's licence or suspend it for such period as it thinks fit. if in its opinion any of the conditions under which the premises have been approved or under which the licence has been granted have been contravened.

(2) Before making any order of su spension or revocation under sub-rule (1). the licensing authority shall. give the licensee an opportunity of being heard and shall record reasons in writing for such revocation. or suspension.

(3) The licensing authority may order the forfeiture in whole or in part. of the security furnished by the licensee under sub-rule (5) of Rule 125 for comravention of any provision of this Rule or Rules 124. 125. 130. 131 and 132 or for breach of any of the conditions specified in Rule 130 by the licensee :

Provided that, no such forfeiture shall be made unless the licensee is given an opportunity of being heard.

(4) In the event of the forfeiture of security deposit or part thereof. by the licensing authority. the licence shall cease to be valid if the licensee fails

to make payment to bring the security already furnished by him to its original value within thirty days of the receipt of the order of the forfeiture. 128. Issue of duplicate licence.— If at any time an agent's licence is lost, destroyed, torn or otherwise defaced so as to be illegible, the agent shall forthwith apply to the licensing authority for the grant of a duplicate licence. The application shall be accompanied by the fee mentioned in Rule 129, upon receipt of such an application, that authority shall issue a duplicate agent's licence clearly stamped "Duplicate" in red ink. If the duplicate agent's licence is issued on a representation that the licence originally granted has been lost or destroyed and the original licence has been subsequently found, the original licence shall be surrendered to the licensing authority.

129. Fees for licence, etc.— The fee for the grant or renewal of licence

or supplementary licence or for a duplicate thereof, shall be —

[a] for grant of a licence .. '[Rs. 500]

(b) for grant of a supplementary licence of .. '[Rs. 300]

each additional establishment.

(c) for renewal of a licence if application is made in time —

(i) Principal licence .. Rs. '[200]

(ii) Each supplementary licence .. Rs. '[30]

(d) for renewal of a licence if application is made late-

(i) Princpal licence .. Rs. '[300]

(ii) Each supplementary licence .. Rs. '[50]

(el for issue of a duplicate of copy of ----

(i) Principal licence .. Rs. '[30]

(ii) Each supplementary licence .. Rs. '[20]

130. Conditions of agent's licence.— An agent's licence shall be

subject to the following conditions, namely :----

(1) the licensee shall, subject to the provisions of Rule 132, provide

adequate space for the parking of vehicles for the purpose of loading and unloading of goods;

(2) the licensee shall be responsible for proper arrangement for storage of goods collected for despatch or delivery or both;

(3) the licensee shall,-

(al take all necessary steps for proper delivery of the goods to the consignee;

(b) be liable to indemnify the consignee for any loss or damage to goods while in his possession, by adequate insurance cover.

where available, at the cost of the consignor or consignee;

(c) issue to the consignor and consignee a goods transport receipt

only after he actually receives goods for despatch and state

therein the weight, nature of goods, destination, approximate

distance over which the goods are to be carried, the freight

charged, the service charges, if any, such as local transport,

insurance while in his custody and labour charges, if any, for

loading and unloading provided that, the service charges shall

be reasonable and the licensing authority may, require the

agent to prove the said charges to be reasonable;

l. Sub. by G.N.. H.D., No. MVR. 0298/1531/CR-91/TRA-2, dt. 30.7.1999.

(d) not deliver the goods to the consignee without actually receiving the consignee's note or any such note issued by the office which received the goods for despatch or if this note is lost or misplaced. an indemnity bond covering the value of the goods: (e) issue a copy of every goods transport receipt issued to the consignor or consignee to the driver of the goods vehicle transporting the goods and shall not allow any consignment to be loaded without handing over a copy of the receipt in respect thereof to the driver;

(f) maintain in Form A.R.'l'. of the First Schedule, proper record of collection. despatch of delivery of goods. registration mark of the vehicle in which the goods are carried for transport and make the same available for inspection by the licensing authority. or by any person duly authorised by it in this behalf:

(g) maintain proper account of the commission charged by him to every operator of goods vehicles engaged by him;

(h) maintain a weighing device in good condition and capable of weighing at a time not less than 250 kilograms;

(i) not refuse to accept goods for transport without valid reasons; and

(j) comply with the provisions of this Rule and Rules 124. 125, 130. 131 and 132;

(k) not effect the transport unless he verifies the identity of the consignor and also obtains the signature of the consignor or his agent with details of material to be transported and full address of the consignor and shall not deliver the goods to the consignee unless he verifies the identity of the consignee or his agent and also obtains a receipt with signature, names and address in detail of the consignee or his agent, when the goods are booked at consigner-:'s risk with a condition that the consignor shall pay the transport charges.

131. Particulars to be mentioned in contract of agency.— All contracts entered into or way-bills issued by a licensee for the purpose of collecting. forwarding or. distributing goods shall be in writing. and shall contain the following particulars, namely :—

(i) names and addresses of consignors and consignees;

(ii) description and weight of consignment;

(m) destination and its approximate distance in kilometres from the starting station;

(iv) freight on weight—destination or weight—distance or on truckdistance basis for long distance haulage and for local transport for collection at consignor's place or delivery at consignee's place if required;

(v) delivery instructions that is the approximate date by which and the place at which goods are to be delivered to the consignee; and .

(vi) terms of payment separately for long distance transport. local transport. home delivery and collection, labour charges for loading and unloading and the demurrage.

132. Places to be used for loading and unloading of goods etc.— (1)The Regional Transport Authority, may, in consultation with the local municipal authority, or police authority having jurisdiction over the local area concerned. or both, approve any premises owned or to be used by an applicant for an agent's licence for loading, unloading and for parking goods vehicles or for the storage of goods, while in the custody of the licensee having regard to the suitability of the site, traffic conditions obtaining in the locality, sanitary conditions, storage facilities, space for parking vehicles for the purpose of loading or unloading from transporting trucks provided at such premises, as the place of carrying on the business under the licence.

(2) Any approval under sub-rule (1), shall be subject to the following conditions, namely :——

(a) that the premises shall at all times be kept in clean condition and in good state of repair:

(b) that the premises shall be administered in an orderly manner;(c) that the licensee shall not change the premises or make any external alterations to it or in the parking arrangements thereat, as may likely cause obstruction to the general traffic in the vicinity without prior approval, of the licensing authority;

(d) that the licensee shall take suitable precautions to ensure that no breach of any provisions of the Act or of these rules in so far as these provisions relate to the following matters is committed in respect of any vehicle engaged by him and which is entering or leaving or standing at such premises, namely :—

(A) requirements that a goods vehicle shall be covered by ----

(i) valid and effective permit/countersignature for the route or area of travel;

(ii) valid certificate of fitness: zand

(m) valid certificate of insurance: and

(iv) payment oftax under the Bombay Motor Vehicles Tax Act, 1958;

(B) observance of the rules and conditions as to —

(i) construction, equipment and maintenance of motor vehicles to the extent the defects are easily noticeable from the exterior appearance of a motor vehicle;

(ii) limits of weight and prohibitions or restrictions on use of motor vehicles:

(m) loading of goods, overall height. width and projections of load laterally. to the front, to the rear and in height:

(iv) transport of dangerous or explosive substances contraband articles, under any law for the time being in force;

(v) parking or abandonment of motor vehicles on road in such a way as to cause obstruction to traffic or danger to any person or other user of roads;

(vi) leaving vehicles in dangerous position; and

(vii) driving of motor vehicles by persons holding valid and effective driving licence.

(3) Where the Regional Transport Authority refuses to approve any premises under sub-rule (1), it shall communicate in writing the reasons for such refusal.

133. Powers of entry and inspection.-- Any officer of the Motor Vehicles Department in uniform. may enter upon the premises at all reasonable times for inspection of the premises used by the permit holder for the purpose of his business.

134. Prohibition of painting or marking in certain mannci-.— `[(1) No advertising device. figure or writing shall be exhibited on any transport vehicle save as may be permitted by the Regional Transport Authority by general or special order :

Provided that, the Regional Transport Authority. by its Resolution. may exempt certain classes of permit holders or classes of vehicles from the provisions of this sub-rule, in public interest :

Provided further that. the provisions of this sub-rule shall not apply to private service vehicles while displaying advertisements of the products or services produced or rendered by the permit holders.

(IA) The permit holder shall apply to the Secretary. Regional Transport Authority seeking permission or renewal thereof to display advertisements on transport vehicle in Form PDAA along with prescribed fees and the permit.

[IB) The Secretary. Regional Transport Authority shall issue an order in Form PDA permitting the permit holder to display the advertisements in accordance with the guidelines issued by the State Transport Authority or Regional Transport Authority or both that may be for the timebeing in force. The permission shall be valid for a period of one year or till the date of expiry of the permit, whichever is earlier.] V

(2) A transport vehicle when regularly used for carrying Government Mail by or under a contract with the Indian Posts and Telegraphs Department. shall b_e_pa_inted1n_pnsI.al _red_colour and shall exhibit in conspicuous place upon a plain or a plain surface of the motor vehicle the word "MAIL" in red colour on a white background, each letter being not less than fifteen centimeters in height and of a uniform thickness of nineteen millimetres.

(3) Save as aforesaid, no stage carriage or contract carriage shall be painted in postal red colour or display any sign or inscription which includes the word "MAIL":

Provided that. a stage carriage belonging to a municipal transport service be painted in signal red colour. with a band in any colour except postal red colour.

(4) Stage carriages, both city service buses and mofussil service buses

belonging to the Maharashtra State Road Transport Corporation should be painted in the manner approved by the State Transport Authority from time to time.

Explanation.- For the purposes of this rule.-

(i) "city service buses" means buses plying mainly within the limits of any Municipal Corporation, municipality or cantonment constituted under any law for the time being in force; and (ii) "mofussil service buses" means buses plying mainly in other areas.

(5) Save as aforesaid no other transport vehicle plying in the State shall be painted in any of the colour combination prescribed in sub-rules (3) and

(4)-1. Sub-rule (1) was substituted by G.N., H.D., No. MVA. 1190/CR-66/TRA-2, dt. 5.1.1994 (M.G.G., Pt. IV-A, Ex., p. 6].

'[134A. Fees for permission to display advertisernents.— Subject to the provisions of rule 134, the fees in respect of an application for permission to display advertisements on following classes of transport vehicles shall be. as follows. namely :-

(a) Goods carriages '[Rupees two hundred]

(b) Omnibuses 2[Rupees two hundred]

(c) Motor Cabs [Other than

autorickshaws) 2]Rupees hundred]

(cl) Autorickshaws "(Rupees sixty]

135. Painting and marking of motor cabs in certain manner.--- (ll

The lgoocl_of_e_ye_ry_ motor catrshall be painted in cream yellow and the res_t of the body in black colour. '

' o the registration mark. a serial number of permit

allotted by the registering authority shall be painted on the motor cab at each of the following different places. namely :-

(i) tl_1_e_l(_;i"1_hand.top portion of the front windscreen:

(ii) on the rear boot on the left side of the registration mark;

(m) in the middle of the left front dooriand

(iv) in the middle of ghtfrontdoor.

(3) The aforesaid number shall be painted in white and in red circle and the numerals shall not be less than 50 millimetres and 38 millimetres in breadth.

(4) The number on the left portion to the windscreen shall be so painted as to be readable from inside and the number on the rear boot. the left front door and the right front door shall be painted against the black back ground.

(5) Notwithstanding anything contained in these rules but subject to the provisions of sub-rule (7), no permit shall after the coming into force of these rules, be granted or renewed in respect of any motor cab which does

not conform to the provisions of sub-rules (1) to (4).

(6) No motor vehicl

manner prescribed i_n> sub-rule (l]._

' (7TNotwithstanding anything contained in this rule. the State Government may. by general or special order. exempt any motor cab or class of motor cabs, from all or any of the provisions of this rule either generally or in such area or areas. or such rout or routes and subject to such conditions. if any, as may be specified in the Order.

"((8) Notwithstanding anything contained in this rule. the body of every Air-conditioned motor cab s1'3lLl1i-;p2>.ir1tedgirp'll\44:I.alli_c_§i_lver" colour and the rest of the 'lhoodl in "Peacock-Blu,e.]

136. Taxi meters.—- No motor cab required to be fitted under Rule 1 19 that a taxi meter (hereinafter referred to as 'the meter') shall be used. Le. a public place unless.-

. Rule 134A was inserted by G.N., H.D., NO. MVA. 1190/CR-66/TRA-2, dt.5.1.1994 (M.G.G., Pt. IV-A, p. 6).

2. Sub. by G.N., H.D., NO. MVR. 0298/1531/CR—91/TRA—2. dt. 30.7.1999.

3. Sub-rule (8) was added by G. N. dt. 6.9.1996.

4. Corrg. NO. MVR. 0195/1625/CR-196/TRA-2, dt. 25.9.1996.

1∖. A-./U ,

(1) It is fitted with a mechanical metre or an electronic digital metre oi a type. which in the opinion of the Transport Commissioner complies with the provisions of Rule 140. or is so designed or constructed that the constructional requirement as specified in Rule 140 are substantially complied with;

[•][(l-A) Notwithstanding anything contained in sub-rule (1) of this rule and rule 137, the Air-conditioned motor cab shall be fitted with an electronic digital meter inside the cab].

(2) The provisions of Rules 141, 142. 143 and 144' are complied with.

'[137. Fitment of electronic digital taxi meter.- (1) A new motor cab including auto-rickshaw shall be fitted with an electronic digital taxi meter.
(2) In case of existing motor cabs, or any class of motor cabs including auto-rickshaws. having fare meter and registered in the jurisdiction of different Regional Transport Offices. the date for fitment of new electronic digital taxi meter shall be as specified by the State Government. from time to time. by notification in the Official Gazette.l

138. Approval of Type of Meters.— (1) An application for the approval of new modified type of meter shall be sent to the Transport Commissioner and shall be accompanied by two complete specimen of the meters and a detailed description with drawings of its mechanism. A working specimen, the flexible cable by which the meter will be driven shall also be forwarded along with the meters for the test.

(2) The Transport Commissioner. shall send the meters to the 3[Veermata

J ijabai Technological Institute. Mumbai] or any other Institution approved by the State Government for the purpose of testing the meters, where they shall be subjected to an exhaustive test in order to ascertain whether they comply with the requirements specified in Rule 140 and whether they would otherwise be suitable. At least one of the meters shall be opened and such parts removed as may be required for a comprehensive examination of the mechanism.

[3] After the test. one instrument shall be retained at the "[Veermata Jijabai Technological Institute. Mu mbai] or the other Institute. as the case may be, as a sample instrument and the other shall be returned to the Transport Commissioner.

[4] After considering the report received from the '[Veermata -Jijabai Technological Institute. Mumbai] or any other approved Institute. as the case may be, the Transport Commissioner shall, if he is satisfied that the meter complies with the requirements specified in Rule 140 and is suitable for the purpose, approve the meter. He shall inform the applicant of his decision.

1. Clause (IA) was inserted by G. N. of 6.9. 1996.

2. Rule 137 was substituted by G. N. of 30.7.2007.

3. These words were substituted for the words "Victoria Jubilee Technical institute". ibid.

4. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

139. Revocation of approval.— If on receipt of a complaint from any member of the public or a report submitted by the Secretary, Regional Transport Authority or an Inspector of Motor Vehicles or a police officer not below the rank of a Sub-Inspector, the Transport Commissioner is satisfied that the meter or any tape approved by him under sub-rule (4) of Rule 138 do not. record fares correctly or develop defects or go out of order at frequent intervals, or have ceased to conform to the requirements of Rule 140 he may. after giving the person on whose application such type of meter approved reasonable opportunity of being heard and after making such inquiries as he may deem fit or order revoke the approval given to such type of meter shall inform the person aforesaid of his order and the reasons therefor :

Provided that. the order of revocation shall not apply to the meters of such type which are already sealed and in use on the date of such order. 140. Constructional requirements-Method of indicating fare, etc.— [1] Every mechanical or electronic digital meter shall be so constructed as-(a) to indicate upon the dial in suitable slots or on a suitable digital display consisting of light emitting diode (LEDS) as the case

may be. the amount of fare calculated by time and/or by

distance in kilometers: and

(b) to have a flag showing its position or to have a window with illuminated words showing whether or not the meter is in action (that is "Hired" or "For Hire" or "stopped").

(2) The nature of the information given in each slot of a mechanical meter or digital display of an electronic meter shall be indicated by suitable wording immediately above or below the slots or digital display, as the case may be. The words or signs denoting rupee or rupees and paise shall be placed immediately above. below or beside the appropriate disc of drum position.

(3) (i) The letters and figures shown in the slots of a mechanical meter or a digital display of an electronic meter shall be of a size which the Transport Commissioner considers to be reasonable and shall be so placed as to be easily read by the hlrers.

(ii) All letters and figures required to be shown on meter and gear boxes shall be of such size. form and colour as would render them clearly legible.

(4) The flag of a meter shall be of suitable strength and shall bear the words "For Hire" in white letters of plain block type at least 50 millimeters in height and of proportionate thickness on a red coloured ground so that they may be easily read from a distance. The arm lever which carries the flag shall be of such length that when it is kept vertical, the lower edge of the flag is above the highest part of the meter. If it is an electronic digital meter. it shall be provided with two switches that is mcter~switch and stop-switch, for operating the meter and shall also be provided with "Roof Light" synchronized with the operation of the meter.

(5) The mechanism of meters shall be so designed that —

(a) (i) the words "For Hire" are indicated in the appropriate slot when the flage arm is vertical:

[ii] the word "Hired" is indicated when the arm has been depressed through 180 degrees and the time and distance gears are in engagement;

(m) the word "Stopped" is indicated when the arm is arrested in a horizontal positions at 270 degrees.

the flag arm shall not normally remain in any position other than the three positions mentioned in clause (a):

the fare by time ceases to be recorded when the flag is in the "Stopped" position;

the fare by distance is recorded on the meter if the taxi cab is driven with the flag in the "Stopped" position:

the fare recorded is not obscured when the flag is in the "Hired" or "Stopped" position;

it is not possible —

(i) to move the flag back from the "Hired" position to "For Hire", or (ii) to return the flag from "Stopped" position to "Hired" position; when the flag arm is raised to a vertical position that is the "For Hire" position. the previous record offare is cleared and the various mechanisms are brought to their initial positions;

before the flag can again be depressed, the full vertical position shall be reached. and a positive stop made there to ensure that the mechanism comes to rest and that the fare indication is obscured by shutter:

the mechanism for recording the time and distance cannot be engaged or disengaged except by the normal sequence of operation of the flag arm referred to in clauses (a) to (fl; and

the operation of the shutter of obscuring the fare synchronises with the engaging and disengaging of the time and distance mechanism of the meter.

(6) The mechanism of an electronic digital meter shall be so designed that —

(a) (i) "for hire" window is illuminated with the meter switch in "off position" and the roof light [is] in "on position":

(ii) the "Hired" window is illuminated and the roof lights is turned "oft" when the "meter switch" is pressed "on" and the time and distance modes are in engagement;

[m] the "stopped" window is illuminated with the stop switch is pressed "on":

it shall not be possible to set in any position other than the three positions in clause (a] in the meter;

the fare by the time ceases to be recorded when the flag is not in stopped position;

the fare by distance is recorded on the meter if the taxi cab is driven with the meter in "stopped" position;

the rate recorded is not obscured when the meter is in hired and or in stopped position:

when the meter switch is turned of". 'for hire' window is illuminated. the roof light is turned on and the previous recording of fare is acquired and the various mechanism of the meter are brought back

to the initial position; and

the mechanism recording time and distance cannot be engaged or disengaged except by the normal sequence of operation of switches referred to in clauses (a) to (fl.

(7) Every meter shall be so constructed that it gives audible warning by means of a suitable bell or gong whenever the driver moves the lever which operates the recording mechanism.

'[[7-A) Every electronic digital meter to be fitted to a "[motor cab

excluding autorickshaw] shall be either provided with an inbuilt printer or external printer which. can print bill containing the particulars such as the date ofjourney. vehicle number, distance travelled in kilometer, duration ofjourney and actual fare.)

(8) (a) After the meter has been tested and approved, every meter shall be capable of being sealed by seals of the type approved by the Transport Commissioner in this behalf.

(b) When the gear which operates the distance recording apparatus is not contained in the main part of the machine, the case or cover enclosing it shall be so made that it may be sealed either by the inset or wired-on type of seal.

(c) All meter cable connections shall be so made as to be capable ofbeing sealed by means of inset or wired-on lead seals to prevent improper removal.[2] In case of a mechanical meter. the mechanism driving the distance recording gears and in case of electronic digital meters. the mechanism giving signals to the distance recording mechanism of the electronic meters shall be fitted not to the driving wheels of the cab but to the non-driving wheels of the chassis gear box attached to the cab.

(10) (a) A plate of a suitable size and pattern shall be attached to the meter or its gear box in such a manner that it cannot be removed without either removing the seals affixed by the testing institution or opening the meter or the gear box. The plate shall bear raised or sunken words or figures denoting the measurement of the effective circumference of the wheel by which the meter will be driven and by which its action and accuracy may be tested.

(b) The measurements shown on the plate shall be in accordance with the circumference of the wheels of minimum size normally attached to cabs. Explanation .- The effective circumference of the cab wheel to which the meter transmission gearing is attached and by which the meter is driven is the distance which the cab moves forward for one complete revolution of the wheel and may be measured by making a mark on the type of the wheel where it touches the ground and pushing the cab in a straight line until mark is again in contact with the ground. the cab being in its normal working condition and carrying two passengers.

141. Further test of meters of approved type.— (1) A meter of any type approved under Rule 138 shall, before being fitted to a motor cab be sent to the 3lVeermata Jijabai Technological Institute. Mumbai]. or other institution approved by the Regional Transport Authority in this behalf for a rough test whether the meter accurately registers time and distance and 1. Sub~rule (7-A) was inserted by G. N. of 30.7.2007.

2. These words were substituted for the words "motor cab including the autorickshaw" by the Mah. Motor Vehicles (Second Amendment) Rules, 2008. G.N. of 29.3.2008 w.e.f. 1.3.2008.

3. These words were substituted for the words 'Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

also for examination as regards its external appearance, general action and conformity with the approved type.

(2) Every meter in use shall be submitted for test at the 'IVeermata Jijabai Technological Institute. Mumbai] or other institution approved by the Regional Transport Authority under sub-rule (1) at least once in every twelve months in case of mechanical meters and once in every twenty four months in case of electronic meters and also whenever its seals are removed for any repairs or adjustments.

(3) If after test and examination. the meter is found to be suitable it shall be sealed at the '[Veermata Jijabal Technological Institute. Mumbai] or institution, as the case may be. in such a manner that its interior parts cannot be reached without breaking the seal.

142. Method oftest.— (1) Arrangements shall be made at the 'Weermata Jijabai Technological Institute. Mumbai] or other testing institution approved under sub-rule (1) or Rule 141 for the action of the meter to be demonstrated by a person familiar with its construction and technical details. and after such demonstration the person submitting the meter shall supply. for at least one day. a motor cab fitted with such meter or to which one of such meters submitted may be fitted.

(2) Every person submitting meter of an approved type shall be required to give an assurance that the instrument conform with the approved specimen deposited under Rule 138.

(3) Meters submitted for rough test may be opened for interior examinations if deemed necessary. l

143. Requirements as to fittings, etc.— (1) The meter shall be fitted in such position and in such manner as may be approved by the Executive Officer of the Regional Transport Authority. having regard to the design of the motor cab. It shall normally be fixed on the near side of the driver's seat. with the face or dial towards the interior of the cab so as to be clearly visible to the hirer and also capable of being read both by the hirer and the driver: 2[Provided that. the electronic digital taxi meter shall be fixed inside the motor cab including the auto-rickshaw at left side of the driver's seat.] (2) Flexible or driving gears of gear-boxes shall be so affixed that no part of the cable etc.. can be reached by an unauthorised person.

{3} A meter or its gear-box shall not be fitted to a cab the effective circumference of the wheel of which is different from that for which the meter has been designed. geared and tested.

(4) The effective circumference of the wheel by which a meter is driven shall not be more than five per cent (ofl and not less than the measurement shown on the plate attached to the meter under sub-rule (10) of Rule 140.(5) Every cab required to be fitted with meter shall have a light so fixed as to illuminate the meter at night.

144. Sealing of meter fitting after test.— After a meter is affixed to a cab and before the cab is let or plied for hire. it shall be taken to the

l. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

2. Proviso was added by G. N. of 30.7.2007.

Inspector of Motor Vehicles. who shall examine the meter as to the correctness of fittings and submit to a practical road test of about eight kilometers and a time-test ofnot less than halfan hour. If the meter is found to be correct, its fittings to the cab shall be sealed by such Inspector in such manner that they cannot be removed or tampered with without removing the seals.

145. Meter and its seals and Marks not to be tampered with.— (1) No person shall break or in any way tamper with any seals or marks placed on a meter. or. with intent to deceive. tamper with a meter.

(2) No meter shall be altered without the written permission of the Transport Commissioner.

146. Cab fitted with a defective meter not to be used.— (1) No meter which is in any way defective may be fitted to any cab and no cab which is fitted with a defective meter shall be used in any public place.

(2) Upon service of a notice issued by an Inspector of Motor Vehicles on the owner of any cab prohibiting the use of meter fitted to it. the meter shall at once be removed and the cab shall be immediately withdrawn from service.

147. Repairs and repairers.— (1) After it is sealed under Rule 144, no repairs to any meter shall be made except by a maker or repairer authorised by, and registered with. the Executive Officer. Regional Transport Authority.

(2) Any person applying for being authorised and registered as a maker or repairer under sub-rule (1) shall satisfy the Executive Officer, Regional Transport Authority, that —

(1) the applicant is of good character and of good business repute;

(ii) the applicant's financial position is sound;

(m) the applicant maintains an efficient staff and suitable equipment at his premises and has a sufficient supply of spare parts for the repair of meters;

(iv) the applicant is generally a fit and proper person to undertake the repair or adjustment of taxi meters.

Such person shall also agree that the premises where the work of repairs or adjustment of meters is to be carried on. shall be open at all reasonable times for inspection by officers of the Motor Vehicle Department and that he shall notify to the Executive Officer of the Regional Transport Authority if the situation of the premises is at any time changed.

(3) The Executive Officer of a Regional Transport Authority may, in his discretion. cancel the registration of a marketer or repairer if it is proved that such person is unable to comply or has not complied with the

requirement set out in sub-rule (2) or if the business is not carried on in accordance with these rules to the satisfaction of such Executive Officer.

1. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

2. Sub. by G.N.. H.D., NO. MVR. 0298/1531/CR~9l/TRA-2. dt. 30.7.1999.

3. This figure was substituted for the figure "20" by G. N. of 30.7.2007.

CHAPTER VI SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS

149. Form of proposal of transport undertaking.— (1) The proposal to be prepared by a State Government under the provisions of Section 99 shall be in Form S.S.T.U. in the First Schedule to these rules containing all the particulars specified in the said Form and shall be published in that Form in the Official Gazette and cause such proposal regarding Road Transport Service Scheme to be published on the notice boards in the office of the State Transport Authority, Regional Transport Authority and Collector within whose jurisdiction the area or the route or portion thereof lies and in such newspaper or newspapers as the State Government may direct: Provided that, at least one of such newspapers shall be in the regional language circulating in the area and the publication of the proposal regarding Transport Service Scheme shall be accompanied by a notice stating that any person affected thereby may, within 30 days from the date of publication of the proposal in the Official Gazette, file objections thereto before the State Government as provided in Section 100.

150. Manner of filing objections to proposal of the scheme.— (1) Any person affected by the proposal may file any objections thereto, in the form of a memorandum. in duplicate, addressed to the State Government. The memorandum shall set forth concisely the grounds for objections to the proposal, and shall in addition contain the following particulars. namely :—- (a) the name and address of the objector:

(b) the information regarding permit or permits held under the provisions of Chapter V of the Act, together with particulars of the route or routes or area specified in such permits;

[c) the manner in which the objector is affected by the proposal:(d) details of any alternative route or area for which he desires to have permit.

(2) Any person filing objections under Section 100 shall send a copy thereof simultaneously to the State Transport Undertaking which has submitted the proposal.

151. Manner of considering objections.— (I) The State Government may, subject to the provisions of sub-rule (2), consider the proposed scheme and objections at a hearing of which at least seven days notice shall be given to every objector and the State Transport Undertaking.

(2) The notice under sub-rule (1) shall ordinarily be sent at the address of the objector by ordinary post under certificate of posting:

Provided that. where the addresses of the objectors are illegible. the State Government may, instead of giving individual notice to every objector give notice by publication in a local newspaper having vide circulation in the area in which the objectors reside.

152. Publication of approved scheme.— The approved proposal to be published under sub-section (3) of Section 100 shall be in Form A.S.S.'l'.U. of the First Schedule to these rules.

153. Application for permit under Section 103.—(1) Every applica-

tion under sub-section (1) of Section 103 shall be made ----

(i) for stage carriage permit in Form P.S.T.U.S.A.;

(ii) for goods carriers permit in Form P.S.T.U.P.C.A.;

(m) for contract carriage permit in Form P.S.T.U.Co. A.

(2) The State Transport Authority or, as the case may be, the Regional Transport Authority (hereinafter in this Chapter referred to as the relevant Transport Authority] shall, on receipt of an application referred to in sub-rule (1). satisfy itself that the application relates to notified area or a notified route specified in an approved scheme and issue thereafter to the State Transport Undertaking applying therefor a stage carriage permit applied for under sub-section (1) of Section 103, the State Transport Undertaking applying therefore a stage carriage permit in Form P.S.T.U.S. a public carrier's permit in Form P.S.T.U.P.C. a contract carriage permit in Form P.S.T.U. C0.

(3) Notwithstanding anything contained in this rule, pending the issue of a permit applied for under sub-section (1) of Section 103. the State Transport Undertaking may operate the service in the notified area or on a nnrmecl route specified in the approved scheme.

154. Disposal of article found in vehicle.-- (1) The maximum period

for claiming any article left by the owner in any transport vehicle operated by the State Transport Undertaking, shall be fifteen days.

(2) Where any article found in any such vehicle is not claimed by its owner within the said period, the State Transport Undertaking may sell the article by public auctions. A notice of such auction shall be displayed fifteen days in advance of the date of the auction on the notice board at the place where the auction is to be held, and published in local newspaper.

(3) Nothing in this rule shall apply to any article which is of a perishable nature or is in danger of losing the greater part of its value and it shall be lawful for the State Transport Undertaking to dispose of any such article at any time as the circumstances may require.

155. Manner of service of orders under Chapter VI.— Every order under Chapter VI of the Act shall be served,-

(a) by tendering or delivering a copy thereof to the person on whom it is to be served or his agent: if any; or

[bl by sending it by registered post at the known address of the person on whom it is to be served; or

[cl by fixing it to some conspicuous place of his last known residence or place of business in case the above two methods are considered impracticable.

156. Extension or modification of permits.— Where the holder of a permit for a public service vehicle applies to the relevant Transport Authority extending or modifying the operation of the road transport service, so however that such extension or modification results in operation of such service in a notified area or on a notified route or part thereof. specified in an approved scheme, then the relevant Transport Authority shall send a copy of such application to the State Transport Undertaking. The relevant Transport Authority shall. before passing any order on such

application. give an opportunity to the State Transport Undertaking of being heard.

157. Grant of permit under the proviso to Section 104.— The relevant Transport Authority on granting a permit to any person under the proviso to Section 104 shall inform the State Transport Undertaking concerned of the grant of such permit.

158. Notice of applicaton hearing etc.—- The State Transport Undertaking shall. in order to give effect to the provisions of this Chapter intimate to the relevant Transport Authority, the designation and addresses of its officers to whom notice of applications, hearing, orders or any other matter shall be sent and shall also inform them of the changes therein. from time J to time. -~

CHAPTER vn CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES 159. Definitions.— For the purposes of this Chapter, unless there is anything repugnant in the subject or context.—

(a) "generator" means the part of a producer in which gas is produced:

(b) "model" means a model of producer:

(cl "producer" means the whole equipment necessary for generation, cooling and cleaning of gas. and its supply to the engine of a motor vehicle:

(d) "standard specification' means the specification approved as such by the Director of Industries for the construction of a producer;

(e) "test schedule" means the schedule approved by the Director of Industries for inspection and testing of a producer:

'l(fl "sleeper coach" means a public service vehicle constructed or adapted to carry more roviding for sleeper

berth excluding the crew member as per the specifications

prescribed in this behawso known as "Sleeper Bus"].

160. General rules regulating construction etc., of motor ve-

hicles.— (1) No person shall use and no person shall cause or allow to be

used or to be in any publi Vehifilfgwhich does 110i <'0mPlV.

with theiujes contained in this Chapter. o 0t0r Vehicles

*Rules. 1989. or with any order thereunder made by authority competent to pass such order.

(2) Nothing in this rule shall apply to a motor vehicle which has been damaged in an accident while at the place of the accident or to a vehicle so damaged or otherwise rendered defective while being removed to the reasonably nearest place of repair or disposal :

T Added by G.N., H.D., No. MVR. 0100/306/CR-35/TRA-2. dt. 3.1.2002.

Provided that, where a motor vehicle can no longer remain under the effective control of the person driving the same, it shall not be moved except by towing.

161. Mirror.— Every motor vehicle. other than a transport vehicle not being a motor cab or a motor cycle having not more than two wheels and to which a side car is not attached, shall be fitted either internally or externally, and every transport vehiclefother than a motor cab fi_tted externally with a mirror so placed that the driver has a clear and

"distinct vision of vehicles approaching from the rear :

Provided that. the State Government may by general or special order, exempt any transport vehicle or class of transport vehicles from the. provision of this rule on such conditions as may be specified in the order. ~ if it is satisfied, that having regard to the construction of such vehicle or class of vehicles fitting of a mirror does not serve any useful pui:pose."\ 162. Restrictions regarding television set or video in them vehicles.—__;.l§g>_televJsion§_et or video shall be fitted or kept on or near the dash-board of the motor vehicle or shall be kept n the view of the driver. 163. Dangerous projections.— (1) No mascot or other similar fitting or device shall be fitted on any motor vehicle registered in India in any position where it is likely to strike any person with whom the vehicle may collide, unless the mascot is unlikely to cause injury to any person by reason of any projection thereon.

(2) No motor vehicle shall be permitted to be used which is so constructed that any axle hub or hub-cap projects laterally more than four inches beyond rim of wheel to which it is attached. unless the hub or hubcap does not project laterally beyond the body or wings of the vehicle or is provided with an adequate guard.

164. Springs.— Every motor vehicle and ever trailer. drawn thereby shall be equipped with suitable and sufficient means of springing, ad-equately maintained in good and sound condition between the road wheels and the frame of the vehicle :

Provided that. this rule shall not apply to.-

[i) any motor vehicle registered in India before the first day of April. 1940 if any means of springing with which it is fitted are adequately maintained in good and sound condition:

(ii) any tractor not exceeding four thousand five hundred and thirtysix kilograms in weight unladen if all the unsprung wheels of the tractor are fitted with pneumatic tyres:

(m) any land tractor, land implement. agricultural trailer. trailer equipped with pneumatic tyres having axle weight not exceeding 3050 kilograms avoirdupois. or any trailer used solely for the haulage of felled trees or such other heavy loads as cannot be carried on springs:

(iv) vehicles designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another, or to works or premises within a distance of 3.2 kilometers;

such motor vehicle or class of motor vehicles not fitted with the means of springing by the manufacturers which the State Government may, by general or special order. declare to be otherwise suitable for use on public roads on the conditions specified on the order.

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165. Mudguard.— Every motor vehicle except a tractor or a trailer. shall unless adequate protection is afforded by the body of the motor vehicle,_be provided with r other similar fitting to catch. so far as practicable mud or water thrown up by the rotation of the whegls. 166. Attachment to motor cycle.— (1) Every side-car attached to a motor cycle shall be so attached, at left hand side of the motor cycle that the wheel thereof is not outside perpendicular planes at right angles to the longitudinal axis of the motor cycle passing through the extreme projecting points in front and in the rear of the motor cycle.

(2)-Every pillion seat attached to a motor cycle shall have_-

(i) two foot-rests one on either side of and directly below the seat

'fitted in such a manner that a person sitting on the pillion seat

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can res is ee on suc oo -res s;

(qshiqn_seat; and

(ii) a and grip fitted to the front of the seat.

(3) N0[°]pillion seat shall be attached to a motor cycle with less than 45 cc engine.

(4) The rear wheel of every motor cycle on which a pillion seat is fixed, shall be covered by a_ protective device. covering two-third of the are§§_t>f the rear wheel so as to prevent the clothes of the pillion rider from getting en f.

167. Communication with drivel'.— Every motor vehicle for the use of passengers in which therdriver's seat is separated from the passengg; rtme t b a fixed ' ' ' a able of bein readil

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opene s a e furnished with efficient means to enable the passengers in such compartment and the conductor. if any. to signal the driver to stop the vehicle.

168. Use of military and police colours and registration marks

p1'ohibited.— (1) No motor vehicle other than military and police motor vehicle, shall be used. in any public place. unless it is painted in colour scheme different from that usually employed for military and police motor vehicles.

(2) No motor vehicle shall exhibit or carry any military registration mark.

169. General.— Every public service vehicle and all parts thereof including paintwork. varnish and upholstery, shallbe m

ndition a'nd the engine mechanism and all working

s. in reliable working order.

170. Stability.— (1) The stability of a double-decked public service vehicle shall be such that when loaded with weights of 59 kilograms per person placed in the correct relative positions to represent the driver and

conductor (if carried) and a full complement of passengers on the upper deck only, if the surface on which the vehicle stands were tilted to either side to an angle of 28 degrees from the horizontal. the point at which overturning occurs would not be reached.

(2) The stability of a single decked public service vehicle other than a

motor cab or a single-decked trolley bus shall be such that under any conditions of load, at an allowance of 68 kilograms per passenger and his personal luggage. for which the vehicle is registered, if the surface on which the vehicle stands were tilted to either side of an angle of 35 degrees from the horizontal. the point at which over-turning occurs would not be reached.

(3) The stability of a single-decked trolley bus shall be such that under any conditions of load. at an allowance of 68 kilograms per passenger and his personal luggage for which the vehicle is registered, if the surface on which the vehicle stands is tilted to either side to an angle of 32 degrees from the horizontal. the point at which over turning occurs would not be reached.
(4) For the purpose of conducting tests of stability the height of any stop used to prevent wheel of the vehicle from slipping sideways shall not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel is loaded in accordance with the requirements of this rule.

171. Seating l'00m.— (l) In every public service vehicle other than a motor cab, there shall be provided for each passenger except those permitted to be carried as standees. a reasonably comfortable seating space of not less than 381 millimeters measured on straight lines along and at right angles with front of each seat,-

(i) when the seats are placed along the vehicles facing each other the backs of the seats on the side shall be at least 1,372 meters distant from the backs of the seats on the other side: when the seats are placed along the vehicle and are facing in the same direction, there shall be a space of not less than 685 millimeters between the back of the front seat and the back of the rear seat. when measured from the rear most point of the back of the front seat. to the rear most point of the back of thq, rear seat. The front seat shall be in two parts with a gangway of 305 millimeters in three places, two at the two extremes and one is in the middle;

when seats are placed across the vehicle and are facing in the same direction, there shall be a space of not less than 660 millimeters between the back of the front seat and the front of the rear seat when measured at the topmost point of the upholstery;

when seats are placed across the vehicle and are facing each other there shall be a space of not less than 1.27 millimeters between the backs of the facing seats when measured from the topmost point of the upholstery.

(2) The backs of all seats shall be closed to a height of 406 millimeters above seat level.

(3) Notwithstanding anything contained in this rule. no ordinary public service or private service shall have a more area of each seat more than 459 square millimeters.

(ii)

(m)

(iv)

(4) The area to be provided for each seat in a Luxury or Tourist Airconditioned public service vehicle or Air-conditioned private service vehicle shall not exceed 511 square millimeters.

'[(5) The provisions of sub-rules (3) and (4) shall not apply in the case of camper vans, camping trailors, house trailors and minibuses designed or constructed to provide living quarters for recreational, camping or travel purposes].

172. Gangways.— (1) In every compartment of every public service vehicle entrance to which is from the front or rear. there shall be a gangway along the vehicle, as follows :-

[i) where the seats are placed along the vehicles facing each other there shall be a clear space of not less than 610 millimeters measured betwen the front edge of the seats:

Provided that. the maximum width of the gangway shall not be more than 686 mms. :

'[Provided further. that. the provisions of this sub-rule shall not apply to camper vans, camping trailors, house trailors or minibuses designed or constructed to provide living quarters for recreational camping or travel purposes].

(ii) where seats are placed across the vehicle there shall be a clear space of not less than 305 millimeters between any part of adjoining seats or their supports :

Provided that, the maximum width of that gangway shall not be more than 381 mms.:

(m) where a row of seats is placed along one side of the vehicle and the other seats are placed across the vehicle, there shall be a

clear space of not less than 450 millimeters between the front edge of the seats placed along the vehicles and parts of the

adjoining seats or their supports placed across the vehicle :

Provided that the maximum width of the gangway shall not be more than 526 mms.

(2) Where the vehicle has seats placed across the full width of the body with separate doors to each seat. a gangway from the rear of the vehicle shall not be required.

173. Condition regarding permission to carry standees.— (1) Sub-

ject to the provision of sub-rule (2), no passenger shall be permitted to be carried standing in any public service vehicle.

(2) Notwithstanding anything contained in sub-rule (1),-

(a) standing passengers may be carried on the lower deck of any

such public service vehicle if there is a grab-bar fixed with

hanger straps fixed in the roof of the gangway:

(b) where such public service vehicle is operated within the limits of a municipal corporation, or a municipality. constituted under any law for the time being in force in the State. including an area within a radius of eight kilometers from such limits. the Regional Transport Authority, may direct that passengers may be carried standing in such public service vehicle. if there is a 1. Added by No. MVR. 0190/2245/TRA-2. dated 5m March. 1991 (M.G.G.. Pt. IV-B. 1991,p.19si

clear space sewing as a gangway of greater width than that prescribed in Rule 172 as the Regional Transport Authority may specify in this behalf:

(c) the Regional Transport Authority may direct that in addition to the standing passengers permitted to be carried in any public service vehicle referred to in clause la) and (b) above, twelve school children may be permitted to be carried therein, during such periods as may be specified by it, being periods when school going children leave their homes for attending schools or leave their schools for reaching home.

'[(d] the Regional Transport Authority may, direct that passengers may be carried standing in a private service vehicle if there is a minimum head room not less than 1.7 meters and a grabbar ~» with hanger straps fixed in the roof of the gangway. and shall also have a clear space serving as a gangway of such greater width than the prescribed in Rule 172 as the Regional Transport Authority may specify in this behalf and also specify any other conditions as it deems fit.]

174. Head room.— (1) Every public service vehicle other than a motor cab shall have the following internal height or head-room measured along the center of the vehicle from the top of the floor boards or battens to the underside of the roof supports,-

(i) in the case of a single-decked vehicle and the lower-deck of a double decked vehicle not less than 1.75 meters and not more than (2 meters) :

2[Provided that the provisions of clause (1) shall not apply to last row of seats in the public service vehicle having engine at the rear side.] (ii) in case of upper-deck of a double-decked vehicle, not less than 1.7 meters :

Provided that, the Regional Transport Authority may vary the above measurements in respect of any public service vehicle plying solely in any specified municipal or cantonment limits and the environs thereof.(2) Nothing in sub-rule (1) shall apply to motor vehicles constructed

before the 1st day ofJul_v. 1959. in conformity with the provisions of rules

made under the Motor Vehicles Act, 1939, in any part of the State and in force therein before the aforesaid date.

175. Driver's seat.— ll) No public vehicle shall be driven other than from the right hand side of the vehicle.

(2) On every public service vehicle space shall be reserved for the driver's seat so as to allow him to have full and unimpeded control of the vehicle and in particular.-

(i) the part of the seat against which the driver. back rests. shall not be less than 280 millimeters from the nearest point of the steering wheel:

(ii) the width across the vehicle shall be not less than 690 millime-

ters and shall extend to the left of the centre of the steering

1. Clause (d) was inserted by G.N.. H.D., No. MVR. 0190/2076/TRA-2, dt. 18.7.1991 (M.G.G., Pt. IV-A. p. 4551. .

2. Inserted by G. N., H. D., NO. MVA. 0390/1220/TR.A—2. dated 18.7.1991 (M.G.G.. Pt. IV-A, p. 453].

column in no case less than 254 millimeters so that a line

drawn parallel to the axis of the vehicle through the centre of

any gear level, brake lever or other device to which the driver

has to have frequent access lies not less than 50 millimeters

inside the width reserved for the driver's seat.

(3) Arm-rests for the driver, not more than 100 millimeters wide may be provided within the space specified in clause (ii) of sub-rule (2) of this rule.

[4] No public service vehicle shall be so constructed that any person can sit or any luggage can be carried on the right hand side of the driver.

(5) Every public service vehicle other than a motor cab shall be so constructed that there shall be a separate compartment containing proper sitting accommodation for the driver. This compartment may be separated by suitable rigid partition of metal bar or adequately spaced metal bars, both on the side and on the rear so as to isolate the driver without obstructing his vision :

Provided that. in case of a motor cab licenced to carry five passengers, two passengers may be permitted to be carried by the side of the driver's seat.

(6) Every public service vehicle shall be so constructed that, except for the front pillar of the body. of any, the driver shall have a clear vision. both to the front and through an angle of 90 degrees to his right hand side. The front pillar of the body shall be so construced as to obstruct the vision of the driver to least possible extent.

(7) The sub-rule (1) shall not apply to four-wheel-drivejeeps. and motor cabs.

(8) Notwithstanding anything contained in this rule. where the Govern-

ment, having regard to the availability and utility of any vehicles fitted with left hand steering control or the expediency of their use in public interest. is satisfied that it is necessary so to do the Government may by general or special order, exempt any public service vehicles or class of such vehicles with such control from any of the provisions of this class of such vehicles with such control from any of the provisions of this rule, on such terms and conditions, if any, as may be specified in the order.

176. Width of doo1's.— (1) Every entrance and exit of a public service vehicle other than a motor cab shall be at least 540 millimeters in width and of sufficient height.

(2) Every entrance and exit of a stage carriage, not being a stage carriage operating within the limits of a municipal council, municipal corporation or cantonment duly constituted or declared under any law for the time being in force, shall be fitted with doors so as to prevent the passengers from falling out.

177. Grab rail.— (1) Grab rail shall be fitted to every entrance or exit, other than an emergency exit, of a public service vehicle other than a motor cab to assist passengers in holding or alighting from the vehicle.

178. Steps.— (1) Every public service vehicle, other than a motor cab. the top of the tread of the lowest step for any entrance or exit, other than an emergency exit. shall not be at a height of more than 520 millimetres or less than 250 millimetres, above the ground when the vehicle is empty. All

steps shall be fitted with non-slip treads. Fixed steps shall not be less than 230 millimetres wide and shall in no case project laterally beyond the body of the vehicle.

[2] In case of a double decked vehicle,-

(il the risers of all steps leading from the lower to the upper deck shall be closed, and no unguarded aperture shall be left at the landing board;

(ii) all steps leading from the lower to the upper deck shall be fitted with non-slip treads;

(m) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase. excluding any grab rail which does not project more than 75 millimetres from the back of the seat. shall not be less than 660 millimetres; (iv) the outer stringer of an outside staircase shall be so constructed or a band shall be so placed. as to act as a screen to persons ascending or descending and the height of the outer guard rail shall not be less than 990 millimetres above the front of the tread of each step.

179. Cushions.— The seats of public service vehicle shall be provided with fixed or moveable foam or soft cushions. and the cushions shall be

covered with leather cloth of good quality or other suitable material so that they are capable of being kept in a clean and sanitary condition.

180. Body dimensions. guard rail and life gum-ds.— (1) Every public service vehicle. other than a motor cab, shall be so constructed that,(i) in case of a single-decked vehicle with an enclosed body,(a) the height of the body sides from the floor of the height to the sills of the window. as the case may be, shall not be less than 715 millimetres;

(b) if the height of the sides of the body or the sills of the windows. as the case may be, above the highest part of any seat is less than 460 millimetres. provision shall be made by means of guard rails or otherwise. to prevent the arms of seated passengers being thrust through and being injured by passing vehicle, or the extent to which the side windows or venetians can be lowered, is such that when lowered their top-edge is not less than 460 millimetres above the highest part of any seat;

(ii) in the case of a single-decked vehicle with open sides, guard rails shall be provided along the right hand side of the vehicle to prevent any person other than the driver from mounting or alighting from the vehicle on that side;

(m) in the case of a double-decked vehicle with an uncovered top deck. the top deck shall be provided at least 915 millimetres above highest part of any seat, and the top of front and back rails shall be at least 990 millimetres above the deck boards or battens, and shall follow the chamber of the deck.

Explanation.— For the purposes of this rule, seat-back shall not be deemed to be a part of the seat.

(2) A Regional Transport Authority may, in case of stage carriages plying solely in any specified municipal or cantonment limits and the environs

thereof. require that life guards of a type to be approved by the said Authority shall be fitted to the sides of the vehicle between the wheels. 181. Protection of passengers from weather.— (1) Except in case of an uncovered top beck of a double-decked vehicle. every public service vehicle shall be constructed with a fixed and water-tight roof and every motor cab shall be constructed and equipped with fixed and water-tight roof or with a water-tight hood that may be raised or lowered as required.

(2) Except in case of an uncovered top deck of a double-decked vehicle, every public service vehicle shall have suitable windows fitted with glass pannels capable at all times of protecting the passengers from the weather without preventing adequate ventilation of the vehicle.

(3) The glass windows must be provided with effective means to prevent their rattling. '

182. Internal lighting.— Every public service vehicle, other than a

motor cab. having a permanent roof, shall be furnished with one or more electric lights adequate to give reasonable illumination throughout the passengers compartment or compartments including the bending. but of such power or so screened as not to impair the forward vision of the driver. 183. Body construction.— The body of every public service vehicle shall be constructed and fastened to the frame of the vehicle in compliance with such directions as may. from time to time. be issued by the State Transport Authority.

'[183-A. Special provisions for Sleeper Coach.— (1) Subject to Rule
93 read with mutatis mutandis application of the provisions of rule 128(2).
(3). [4]. (5). (6). (9)(i), (12) and (13) of the Central Motor Vehicles Rules,
1989. the special provisions for Sleeper Coach shall be as under :—
(2) Powers to grant relaxation.— The State Government or the

Transport Commissioner. as the case may be. may grant relaxation to the vehicles registered as Sleeper Coach or Sleeper Bus from one or any the above conditions giving reasons in writing.

(A) Age of the Sleeper Coach.—— A permit of a Sleeper Coach shall be deemed to be invalid from the date on which the motor vehicle covered by the permit completes twelve years from the date of its initial registration :

Provided that. the motor vehicle to be replaced shall not be more than five (5) years old on the date of such replacement.

(B) Sleeper/Berth Arrangements.—- (a) The sleeper berth should be provided along with the vehicle with two tier system only. Each berth of length not less than 1750 mm. and width not less than 760 mm. and not more than 900 mm. The thickness of each berth shall not be less than 75 mm.

(bl The width of the gangway shall not be less than 450 millimeters.(c) The width of the structure partition shall not be less than 25 mm. between the two berth.

ld) The lower berth shall be fixed at a minimum height of 150 mm. from the flooring of the vehicle.

1. Ins. by c..r_t7'H.o., No. MVR. 0100/306/CR-35/TRA-2. dated 3.1.2002.

(e) The clear head room for the sitting passenger at lower berth shall not be less than 800 mm.

(f) The clear head room for upper berth shall not be less than 650 mm. except at the side curves of the roof.

(g) The upper berth shall be either fixed type with supports fixed rigidly by means of bolting or welding or pivot mounted at the partition and suspended by two bright steel chains mounted on hinges on berths. These chains shall be fixed rigidly by means of bolting or welding to the roof structural members. The chain shall be located to ensure that the sum total of the overhead

position shall not exceed the centre to center distance of chains measured along the axis of the berths.

(h) Suitable arrangements shall be made for the upper berth passengers to enable them to go up or come down from the upper berth.

(i) An assist handle shall be provided for comfortable occupation of the upper berth at a convenient height.

(j) No seat/berth shall be permitted to be fitted in the gangway except a seat for coach attendant./manager at suitable place.

(k) Each berth shall be provided with fabric covering. which shall be capable of being kept in a clean and sanitary condition.

(1) One pillow and two neat linen shall be provided to each

passenger (one for wrapping and another for spreading).

(m) Safety guards covered with soft material on either side of the upper berths shall be provided.

(C) Other particulars.— (i) Headroom.— The internal height of the vehicle shall not be less than 1850 mm.

(ii) Body Mounting.— (a) In case ofrigid chassis the body of such public service vehicle shall be mounted on the chassis with high tensile. steel bolts with diameter of not less than 16 mm. No holes shall be drilled in the chassis side members (Longitudinal) except where such drilling is technically approved by the chassis manufacturers. Rubberised packing or mounting of adequate thickness shall be used between the body structure and the chassis frame.

(m) Flooring.— Flooring material of such public service vehicle shall be sound proof. anti-skid and washable. The floor shall be safe for the passengers and be covered with rubber or synthetic mattings or carpets. All joints shall be dust proof by suitable packing material.

(iv) Roof.— Roof of ceiling of such public service vehicle shall be provided with soft material or equivalent materials like A.B.S. plastics to prevent impact.

(v) Light.— Individual reading light at convenient location for each berth shall be provided in addition to normal lighting arrangement.

(vi) Painting and finishing.— Such public service vehicle shall be painted in "Notro Cellulase" or "Synthetic Enamel" or other suitable paints of any permissible colour scheme.

(vii) Air-condition Unit Mounting. — Every such public service vehicle shall be equipped with Air-Conditioning unit of adequate cooling capacity. The air-condition engine compartment shall be provided with sound isulating materials so as to damper the engine noise to suitable d.b. level; and with vibrating mounting so as to minimize vibratory factors in the saloon compartment. type slider running smoothly in channels without rattle and with all safety or laminated safety glasses confirming to the standards laid down by the Bureau of Indian Standards. Windows shall be provided with sliding curtains.

(b) In case where the fixed glasses are provided, minimum one hatch should be provided on roof top at suitable place for air circulation.(c) Sliding windows shall be provided to the driver partition immediately behind the driver.

(D) Miscellaneous. — (a) No hat racks shall be permitted in such public service vehicle.

(b) Such public service vehicle shall have weveller suspension or pneumatic suspension.

(c) Reflective tape of canary yellow colour of 50 mm. width shall be provided at rear and front side at skirt level of/on bumper.

(d) Such public service vehicle shall have an attendant/manager to take care of the passengers in addition to the driver/drivers or conductor.] 184. Compulsory electric 1ighting.— No light other than an electric light shall be fitted to any public service vehicle.

185. Fuel tanks.—- (1) No fuel tank shall be placed in any public service vehicle within sixty centimeters of any entrance or exit of a single-decked vehicle or lower deck of a double-decked vehicle.

(2) The fuel tank of every public service vehicle shall be so placed that no overflow therefrom shall fall upon any woodwork or accumulate where it can be readily ignited. The "off" position of the means of operation shall be clearly marked on the outside of the vehicle. The filling points of all fuel tanks shall be outside the body of the vehicle, and the filler caps shall be so designed and constructed that they can be securely fixed in position. 186. Carburettors.— In every public service vehicle, any carburettor and apparatus associated therewith shall be so placed and shielded that no fuel leaking thereform shall fall upon any part of fitting that is capable of igniting it or into any receptacle where it might accumulate. 187. Electric wires.— All electric wires or leads shall be adequately insulated.

188. Fire extinguishers.— Every public service vehicle other than a motor cab shall be equipped with one or more fire extinguishers of such type and capacityf as may specified by the _S_tate Transport Authority and su Q1

"fire extinguishers shall at all times be maintained in working conditions. 189. Locking of nuts.—All moving parts of every public service vehicle and all parts subject to severe vibrations connected by belts or studs and nuts shall be fastened by lock nuts or by nuts with efficient spring or lock nut washers or by castellated nuts and split pins or by some other efficient device so as to prevent them from becoming lose. shall be strong and closely fitted so as to exclude as far as possible draughts and dust.

(2) The floor boards may be pierced for the purpose of drainage but for no other purpose.

191. Spare wheel and tools.— (1) Except as otherwise specified by the Regional Transport Authority in respect of municipal or cantonment areas, every motor vehicle other than motor cycle shall, at all times be equipped with notiess than one spare wheel or rim, 'lifted with a pneumatic tyre in good and sound condition ready and inflated, and mounted in such a way that it can be readily dismounted and fitted to the vehicle, in the place of any one of the road wheels.-

i (2) Sub-rule (1) shall not apply to a motor vehicle. during the completion of anyjourney during which it has been necessary to bring the spare wheel or rim and tyre into use.

(3) Every motor vehicle other than motor cycle shall at all times, be furnished with an efficientjack and other tools necessary to change a wheel or rim and tyre. and with the equipment necessary to repair a puncture.(4) Every public service vehicle shall, at all times be furnished with one screw driver and at least with one spare fuse, one side-light bulb and one head-light bulb and when such vehicle is fitted with sealed beam head-lights be furnished with one spare sealed beam unit and a fan belt, one inspection lamp with ten meters long wire:

Provided that, the State Government may, by general or special order. exempt for such period as may be specified therein any public service vehicle or class of such vehicles in respect of any area, ifit is satisfied that adequate arrangements exists for expeditious and efficient emergency repairs in such area.

L_ d Box.—'[[1]] 2[Ev_el-y stage carriage and goods carriages employed for transportation of huadou

First Aid equipment in the erosol bottles Bfapprovedbyihe Commissioner, Food and Drugs Administration, Mah.] containing medicine for burns, wounds, pain-killers and dressing material as prescribed by the State Transport Authority. and dust proof first-aid box containing the following articles. namely:—

[i) a leaflet containing first-aid instructions approved by the State Government, from time to time:

(ii) twenty-four sterilised finger dressings:

(m) twelve sterilised hand or foot-dressings:

(iv) twelve sterilised large or body dressings;

(v) one extra large, two large and three small sterilised burn dressings;

[vi] two large packets of sterilised cotton wool;

(vii) a bottle of two per cent tincture of iodine or a tube of antiseptic cream containing 0.5 per cent of Centrimide B.P. in a non-greasy base:

1. Existing Rule 192 shall be renumbered as sub rule (1) by G.N. of 8.2.1994.

2. These words were substitued for the words "Every stage carriage" by G.N. of 8.2. 1994.

3. For the words "approved by Bureau of Indian Standard" the words "approved by Commissioner, Food and Drugs Administration, Mah." were sub. by G.N., H.D., No. MVR. 0189/CR-1043/TRA-2 (M.G.G., IV-A, Ex. 1994, p. 405).

(vm) a bottle of Sal Volatile;

(ix) empty bottle fitted with cork and camel hair brush for eye drops: and

(X) two medicine glasses :

Provided that, the State Government may. by a general or special order. exempt from the provisions of this rule, any public service vehicle plying in such area or areas or on such particular route or routes, and on such conditions if any. as may be specified in the order. if it is satisfied that medical aid is readily available in such area or areas or routes.

'((2) The First Aid kit maintained in goods carriages carrying dangerous and hazardous goods shall also contain appropriate antidotes wherever applicable which shall be specially designed with reference to such chemicals].

193. Inspection of motor vehicles.— (1) Notwithstanding the renewal of registration of motor vehicles. other than the transport vehicles. if the registering authority has reason to believe that owing to the mechanical defects. any such vehicle. is in such condition that its use in a public place constitutes a ublic or that it fails to comply with the

requirements of Chapter VII of the Act or of the rules made thereunder he may cause such vehicle to be inspected by an Inspegtgr of Mqtggyghicles and after giving the owner anopportunity of Eikmg any representation as required under sub-section (I) of Section 53. suspend the certificate of registration of the vehicle under the said section till such time as the vehicle is produced for inspection duly repaired.

(2) (a) On such inspection. if the Inspector of Motor Vehicles is satisfied that such vehicle is in a mechanically defective condition he shall issue to the owner memorandum in Form M. V- In.s;L_o£the First Schedule using such items thereof as are applicable to non-transport vehicles, and submit a copy thereof to the registering authority.

(b) If on receipt of a copy of such a memorandum, the registering authority has reason to believe that owing to the mechanical defects. the vehicles is in such condition that its use in a public place constitutes a danger to the public. or that it fails to comply with the requirements of Chapter VII of the Act or of the 'rules made thereunder. he may, after giving the owner an opportunity of making any representation as required under sub-section (1) of Section 53 of the Act. suspend the certificate of registration of the vehicle under the said section till such time as the vehicle is produced for re-inspection duly repaired.

(3) The registering authority shall record below the certificate of registration of the vehicle, the date of every inspection and whether it was

found in mechanically fit or defective condition.

(4) A fee for every such inspection shall be as prescribed by the Central Government and the same shall accompany the application referred to in sub—section (8) of Section 41 of the Act.

194. Clearance.— All under parts of the vehicle inside the pivots of the front axle and steering arms which must be placed as near as possible to road wheel as far back at least as the rear axle, shall be, above the ground. by not less than 254 millimeters, when the vehicle is fully loaded. In 1. Sub-rule (2) was added by G. N. of 8.2.1994.

addition. sufficient allowance shall be made to provide for the wear of the tyres. settling down of the springs, and other causes likely to reduce height. so that the minimum clearance of 254 millimetres is at all times maintained.

195. Springs.— (1) Chassis springs shall be properly hung and must be of sufficient strength and flexibility to meet all likely contingencies. (2) The rear springs shall be attached to or bear upon the back axle casting as near to the road wheels as possible and the distance between the springs from inside to outside shall not be less than 50 per cent of the overall width of the vehicle.

(3) The front springs shall be as wide-apart as possible and the difference between them shall not be less than 37 per cent of the overall width of the vehicle :

Provided that, if the width of the rear springs is 53 per cent of the overall width of the vehicle or more, the minimum distance between the front springs may be less by 2.54 centimetres than that required by this sub-rule. (4) There shall be no cross springs.

196. Wheel track.—- The wheel tracks of both front and rear wheels shall coincide and the distance between the centre lines of the tracks of the front wheels shall not be less than 69 per cent of the overall width of the vehicle.

197. Venti1at1on.— Every stage carriage shall be provided with ad~ equate means of ventilation, so that there shall be proper ventilation even when the windows. if any. are not opened. If the carriage is provided with opening windows, suitable provision shall be made so that opening of the window could be adjusted.

198. Certain rules to be applicable to private vehicles and certain transport vehicles.— The provisions of Rules 169, 170, 171, 172. 173, 174.175.176.177.178.180.181.182.183.185.186.187.188.189 and

190 relating to public service vehicle shall also apply to private service vehicles registered in the name of educational institutions which are recognised by the Government or which are managed by societies registered under Societies Registration Act. 1960 1

Provided that. the '[provisions] under Rules 173 and 174 in respect of

private service vehicles may be relaxed by the Regional Transport Authority and after such relaxation. the internal height (head room) shall not be less than 1.425 metres.

199. Body and loading platform.— Every goods vehicle including a trailer shall be equipped with a strong platform or body so constructed as to be capable of carrying the load for which it is used without danger to other road users, and such that the load can be securely packed within or fastened to the body or the platform.

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1. The word "provisions" was substituted for the word "measurements" by G.N., H.D.. N0. MVR. 0190/2076/TRA-2. dated 18.7.1991 [M.G.G.. 1V-A. p. 455).

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addition, sufficient allowance shall be made to provide for the wear of the tyres, settling down of the springs, and other causes likely to reduce height. so that the minimum clearance of 254 millimetres is at all times main-tained.

195. Springs.---- (1) Chassis springs shall be properly hung and must be of sufficient strength and flexibility to meet all likely contingencies.

(2) The rear springs shall be attached to or bear upon the back axle casting as near to the road wheels as possible and the distance between the springs from inside to outside shall not be less than 50 per cent of the overall width of the vehicle.

(3) The front springs shall be as wide-apart as possible and the difference between them shall not be less than 37 per cent of the overall yvidth of the vehicle :

Provided that, if the width of the rear springs is 53 per cent of the overall width of the vehicle or more, the minimum distance between the front springs may be less by 2.54 centimetres than that required by this sub-rule. (4) There shall be no cross springs.

196. Wheel track.— The wheel tracks of both front and rear wheels shall coincide and the distance between the centre lines of the tracks of the front wheels shall not be less than 69 per cent of the overall width of the vehicle.

197. Vcntilation.— Every stage carriage shall be provided with adequate means of ventilation, so that there shall be proper ventilation even when the windows, if any, are not opened. If the carriage is provided with opening windows, suitable provision shall be made so that opening of the window could be adjusted.

198. Certain rules to be applicable to private vehicles and certain transport vchicles.— The provisions of Rules 169, 170, 171, 172. 173. 174.175.176,177,178,180.181.182,183, 185,186,187.188.189 and 190 relating to public service vehicle shall also apply to private service vehicles registered in the name of educational institutions which are recognised by the Government or which are managed by societies registered under Societies Registration Act, 1960 :

Provided that, the 'lprovisionsl under Rules 173 and 174 in respect of private service vehicles may be relaxed by the Regional Transport Authority and after such relaxation. the internal height (head room) shall not be less than 1.425 metres.

199. Body and loading platfonn.— Every goods vehicle including a trailer shall be equipped with a strong platform or body so constructed as to be capable of carrying the load for which it is used without danger to other road users, and such that the load can be securely packed within or fastened to the body or the platform.

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1. The word "provisions" was substituted for the word "measurements" by G.N.. H.D.. No. MVR. 0190/2076/TRA-2. dated 18.7.1991 (M.G.G., IV-A. p. 455).

s.—[1] In order to prevent a goods vehicle from running

backward on slopes, or otherwise to render it immobile. every such vehicle. not being a light motor vehicle, be equipped with two wedge shaped rigid chocks. each measuring (30 centimetres) in length, (30 centimetres) in breadth and 254 millimetres in height, with one of its sides having a slope making an angle of 45 degree at the end. The plane surface of the sloped side of each chock shall be rendered concave so as to fit the outer circumference of the tyres normally fitted to the rear wheels of the vehicle. (2) Notwithstanding anything contained in sub-rule (1), where such vehicle is fitted with single rear wheel. the breadth of each such chock may be less than 30 centimetres but not less than 15 centimetres.

(3) Each such chock shall have a hook and be kept,-

(a] in a bracket fitted on the outer skirt of the tail-board of the vehicle; or

(bl where the vehicle has no tail-board, in a metal carrier fitted between the frame side members, underneath the body nearest to the rear wheel on the either side.

The tail-board of the vehicle and where the vehicle has no tail-board. the wooden planks above the frame side members shall also have a hook in the centre.

(4) Each such chock shall be linked with the tail-board or where the vehicle has no tail-board with the wooden planks above the frame side members, by means of a metal chain or steel wire rope of sufficient length and strength, fastened to the hook in the chock and also to the hook in the tail-board or the wooden planks, as the case may be.

(5) No person shall use any boulder or any substance of a similar nature in lieu of wooden chocks on slopes or otherwise to prevent the goods vehicle other than light motor vehicle from running backward on slopes or to render it immobile otherwise. (6) Notwithstanding anything contained in this rule. the State Government may, by notification in the Official Gazette exempt from the provisions of this rule. any goods vehicle or class of such vehicles in its opinion are not likely to slip backwards on slopes.

201. Driver's seat.— (Il The provisions of Rule 175 applicable to public service vehicles shall also apply to goods vehicle other than light motor vehicles provided with bucket type seats :

Provided that, where the State Government having regard to the price and utility of any goods vehicle or class of goods vehicles. is satisfied that it is necessary so to do. it may, by general or special order. exempt any goods vehicle or class of goods vehicles fitted with left hand steering control from the provisions of sub-rule (1) of Rule 175.

(2) Where a registering authority registers a goods vehicle in respect of which or belonging to a class in respect of which, an order under sub-rule (1) has been made, he shall note in the certificate of registration. the fact that nothing in Rule 175 in regards to. and consequent upon the provisions requiring that the vehicle shall be driven from the right hand side shall apply to the vehicle.

202. Securing of goods in open goods vehicles.— Goods transported in an open vehicle shall be properly secured within the body of such vehicle in such a manner as so to prevent the goods from falling from such vehicle.

(xvii) the freight leviable in respect of each consignor or consignee for each commodity;

(xvm) the freight charged for each commodity;

(xix) the volume of traffic carried by the vehicle during the year in metric tons;

(xx) in the case of goods carried in astage carriage the number of trips and kilometres travelled to be given separately when the goods were carried exclusively in the stage carriage, and when the goods were in addition to passengers; and in the latter case, also the number of seats available for passengers: and

(b) to issue to each consignor a receipt in respect of every consignment received by or on behalf of the owner of a transport vehicle, showing details regarding the date of receipt of the goods. particulars of such goods commodity-wise. place from which the destination to which the goods are to be carried and the freight charged in respect of each commodity.

(2) No owner or other person shall cause or allow any person to drive a transport vehicle unless the owner or other person. has in his possession a record in writing of the name and address of the driver as set forth in his driving licence, the number of the licence and the name of the authority by which it was issued.

(3) No person shall drive a goods vehicle and no owner or other person

shall cause or allow any person to drive such a vehicle unless the driver carries a way-bill containing all or any of the particulars which may be specified by the Regional Transport Authority under sub-rule (1). (4) The records required to be maintained under this rule shall be produced for inspection on demand by any Police Officer not below the rank of Sub-Inspector or an officer of the Motor Vehicles Department. 1 12. Change of address of permit holder.— (1) If the holder of a permit ceases to reside or to have his place of business as the case may be, at the address set forth in the permit, he shall, unless the change be for a temporary period not exceeding three months, send within fourteen days the permit to the Transport Authority by which the permit was issued intimating the new address.

(2) Upon receipt of intimation under sub-rule (1), the Regional Transport Authority. or the State Transport Authority as the case may be. shall. after making such enquiries as the Transport Authority deems fit, enter in the permit the new address and shall intimate the particulars to the Transport Authority of any region in which the permit is valid by virtue of countersignature or otherwise.

1 13. intimation of damage to or failure of public service vehicle.-

(1) The holder of any stage carriage permit in respect of a particular vehicle by reference to the registration mark shall. within seven days of the occurrence. report in writing to the Transport Authority by which the permit was issued any failure of. or damage to such vehicle or to part thereof, of such a nature as to render the vehicle unfit for use in accordance with the conditions of the permit for a period exceeding three days.

(2) The holder of any permit of service of stage carriages shall, within twelve hours of the occurrence, report in writing to the Transport Authority by which the permit was issued. and failure of, or damage to. any vehicle

used by him under the authority of the permit of such a nature as to prevent the holder from complying with any of the provisions of conditions of the permit for a period exceeding twenty-four hours.

(3) Upon receipt of a report under the preceding sub-rules, the Transport Authority by which the permit was issued may. subject to the provisions of Rule 88.—

(i) direct the holder of the permit within such period. not exceeding two months from the date of the occurrence as the authority may specify, either to make good the damage to or failure of the vehicle or to provide a substitute vehicle : or

(ii) if the damage to or failure, of the vehicle is such that in the opinion of the said authority it cannot. be made good within a period of two months from the date of the occurrence. direct the holder of the permit to provide a substitute vehicle. and where the holder of the permit fails to comply with such a direction, may suspend, cancel or vary the permit accordingly.

(4) The Transport Authority giving a direction or suspending, cancelling or varying a permit under sub-rule [3] shall send intimation of the fact to the Transport Authority of any other region in which the permit is valid by virtue of counter signature or otherwise.

114. Alteration to motor vehicle.— [1] The owner of a transport vehicle, shall give notice to the registering authority as required under Section 52 (of the Act) and simultaneously report the alteration to the Transport Authority which has granted the relevant permit for the use of the vehicle.

(2) Upon receipt of a report under sub-rule (1). the Transport Authority by which the permit was issued may, if the alteration is such as to contravene any of the provisions or conditions of the permit,-

(i) vary the permit accordingly; or

(ii) require the permit holder to provide a substitute vehicle within such period as the authority may specify and if the holder fails to comply with such requirement, cancel or suspend the permit.

(3) A Transport Authority varying, suspending or cancelling a permit or causing another vehicle to be substituted for a vehicle covered by a permit. shall intimate the particulars to the Transport Authority of any other region in which the permit is valid by virtue of countersignature or otherwise.

115. Conditions for use of trailers.---- (1) Subject to sub-rules [2] and

(3), the operation of goods carriages drawing any trailer shall be permitted in the areas or routes other than.—- w

(i) ghat sections as may be declared by the Public Works Department;

(ii) areas falling within the limits of the Municipal Corporations and Municipal Councils in the State..

(2) The goods carriage drawing trailers shall not be drawn at a speed more than 30 k . per hour et and sun rise.

(Board indicating the extra-length of such vehicle shall

be exhibited on the drawing vehicle in reflecting colours. The Board shall read as follows :-

"v_Caution-Extra longvehicle".

NOTES

For extra long vehicle display of cautionary board necessary.- The object of Rules 1 15 and 226 of the Rules is to indicate to the persons seeing or following the motor vehicle that it is a long vehicle carrying trolleys. Non-exhibiting of the board apart from violation of the Rules would show negligence on the part of the driver was much as the persons following the tractor with the attached trolleys were not warned that the tractor was a long vehicle with trolleys attached.- Jagadeoppa Muttayappa Birajdar u. Satish Nagnath Gaikwad and another, 2010 (5) Mah LJ 478.

1 16. Distinguishing boards for goods vehicles.— Every goods transport vehicle shall carry in a prominent place on the front of the vehicle a distinguishing board in the regional language or in English with the letters "goods carrier" painted in black on white background. The height and the width ofeach letter shallfiot be less than 127 millimetres and 64 millimetres, respectively. "

1 17. Inspection of transport vehicles and their contents.— (1) Any police officer in uniform not below the rank of Sub—Inspect0r or any officer of the Motor Vehicles Department within his respective jurisdiction may, at any time when a goods vehicle or a public service vehicle is in a public place. call upon the driver of such vehicle to stop_t_he vehE@

for such time as may be necessary to enable the police officer or the officer of the Motor Vehicles Department to rriggeiasonable examination of the contents of the vehicle and the number of p , if any. so as to satisfy himself that the provisions of the Act aridfiese rules and the provisions and econditions of the per ' in respect of the vehicle are beinggompliecl with mit _ .

*_(m"NEffwithstanding anything contained in sub-rule (1), the police officer or officer of the Motor Vehicle Department shall not be entitled to exam_ine the_contents of any goods vehicle unless, —

(i) the permifin resp contains a provision or

condition in respect of the goods which may or which may not be carried on the vehicle;

(ii) the police officer or the officer of the Motor Vehicle Department has reasonfgo believe that the vehicle is being used in contravention of the provisions of theixcticifthese rules.

(3) In the event of a motor vehicle being stopped for examination under sub-rule (1), such officer shall give to the driver or any person in charge of the vehicle a certificate stating the da_.ti on which, the hour at which and the period for which the yellicle was detained. _

118. Inspection of brakes of transport vehicle.— Any officer of the Motor Vehicles Department not below the rank of an Assistant Inspector of Motor Vehicles. specially authorised in this behalf by the State Government, may at any time when a transport vehicle is in public place. call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the 0fflC€l; to inspect the brakes of the vehicle so as to satisfy himself about compliance of the rules prescribed by Central Government in this behalf.

1 19. Motor cabs fitted with 'ltaxi meters].— (1) A Regional Transport Authority may. by notification in the Official Gazette, require that within the limits of such area as may be specified in the notification all motor cabs or any class of motor cabs shall be fitted with 'ltaxi meter].

(2) Where a notification as aforesaid has been issued. permits in respect

of any motor cab covered by'the notification shall not be granted unless fitted with ']taxi meter], except under the following conditions :—— [i] that such ovmer shall provide such garage accommodation for

cabs~as is approved by the Regional Transport Authority:

'](ii] the cabs shall not be let on hire from public stands or from public placesil

(m) that the cabs shall have an engine of not less than 750 c.c.(3) The rule of fitment of 'ltaxi meter] will not be applicable to luxury or tourist or almaxi cab or jeep type of motor cab].

Explanation .- For the purposes of this rule,-

'[i] "luxury cab" means a motor cab with a licensed seating capacity of not less than three adult passengers excluding the driver, in respect of which a permit has been granted under the conditions specified in sub-rule (2).

(ii) "tourist cab" means a motor cab for which a permit has been granted under sub-section (9) of Section 88 [of the Act].

'](m] jeep type of motor cab" meansjeep type of motor vehicle with-(a) either a fibre re-enforced plastic or metal body and not canvas tops;

[b] a seating arrangement especially of the seats on the rear. facing the front and across the width of the vehicle and separate entrances for the rear seats on two sides of the vehicle unless the seat in the front is collapsible and where such an arrangement cannot be provided. the seating arrangement on the rear consists of seats along the length of the vehicle and facing each other, with armrests to provide support for the passengers against the lateral jerks and with two bars running along the length of the vehicle under the roof and fitted with the hanger straps made up of either rexine or leather material and a third entrance at the rear with steps to enable entry into the vehicle without undue difficulty:

(c) the side entrances fitted with either half or full length doors.]

120. Power of Inspector of Motor Vehicles to inspect taxi meters .-

Any officer of and above the rank of Assistant Inspector of Motor Vehicles in uniform or any police officer not below the rank of Sub-Inspector. may, if he has reason to believe that a motor cab fitted with a taxi meter has been or is being plied with a meter which is defective or has been tampered with. stop such motor cab and, in order to test such taxi meter, direct the driver

1. These words were substituted for original words by G.N. of 30.7.2007.

2. Sub. by G.N., H.D., No. MVR. 0192/5013/TRA-2, dt. 14.6.1993 (M.G.G., Pt. IV—A. 1994, p. 115).

3. Thesewordswere substituted byG.N. of4.4. 1994 (M.G.G., Pt. IV-A, 1994. Ex., p. 252].

4. Clause (m) was added by G.N., H.D.. No. MVA. 0193/675/CR-57 /TRA-2, dt. 4.4.1994 IM.G.G., Pt. IV-A. pp. 252-2531.

or the person in charge of such motor cab to cover a distance or connect the taxi meter to the measuring equipment to ascertain the accuracy of the taxi meter or to proceed to an institution referred to in sub-rule (1) or Rule 141 and take or cause to be taken such other steps as he may consider proper for the purpose.

121. Licensing and regulation of conduct of agents for sale of tickets for travel by public service vehicles.— (1) Every owner of a public service vehicle to be let or plied for hire shall. intimate to the Regional Transport Authority concerned, the name and address of the person appointed on his behalf as the agent who has been engaged in the sale of tickets .to passengers for travel by such vehicle.

(2) No person shall act as an agent of the owner of such public service vehicle and no owner shall so employ any person unless he has obtained an agent's licence in Form L. Ag. (PSV) of the First Schedule to these rules from the Regional Transport Authority concerned.

Explanation.- For the purposes of this sub-rule. persuading any person. soliciting or attempting to persuade any person to travel in a vehicle shall be deemed to be acting as an agent for the sale of tickets for travel thereby.

(3) An agent's licence shall be valid for a period of twelve months from the date of issue or renewal and shall be effective only in the region wherein it is issued or renewed.

(4) No person under the age of eighteen years shall hold an agent's licence.

(5) Application for an agent's licence shall be made in writing to the Regional Transport Authority of the region wherein the applicant resides. in Form L.Ag. A. (PSV) of the First Schedule to these rules and shall be accompanied by two clear copies of a recent photograph of the applicant and the prescribed fee.

(6) The fee for an agent's licence shall be '(hundred and fifty rupees] and the fee for its renewal or for the issue of a duplicate shall be'[hundred rupees.)

(7) An application for the renewal of an agent's licence shall be in writing enclosing the licence accompanied by the prescribed fee. addressed to the Regional Transport Authority, by which the agent's licence was issued. if the application for renewal accompanied by the appropriate fee prescribed under sub-rule (6) is not received on or before the date of expiry of the licence. the fee payable for the renewal of the licence shall be '(hundred and fifty rupees.)

(8) The Regional Transport Authority may. for reasons to be recorded in writing, decline to issue or renew an agent's licence or grant licence on such conditions as the Regional Transport Authority may consider fit to impose.

(9) (i) The Regional Transport Authority may, for reasons to be re-

corded in writing. suspend or [cancel] revoke an agent's licence; (ii) On an agent's licence being suspended. [cancelled] revoked or not renewed, it shall be surrendered forthwith to the Regional Transport Authority which issued the licence.

1. Sub. by G.N., H.D., NO. MVR. 0298/1531/CR-91/TRA-2. dt. 30.7.1999.

(10) An agent shall. on demand by any Motor Vehicle Officer in uniform not below the rank of Assistant Inspector of Motor Vehicles produce his agent's licence for inspection.

(1 1) The Regional Transport Authority may. specify that the agent shall wear a uniform of the type approved by it in that behalf.

(12) No person shall hold more than one agent's licence effective in the same region.

(13) The agent shall. while on duty. wear in a conspicuous place on his a metal badge as prescribed in the Second Schedule issued by

t"h'i§*'§"egional Transport Authority on payment of a fee of '(thirty rupees] alongwith his name plate in black letters on white background in bold letters in English or Hindi. No agent shall lend or part with the badge to any other person and he shall surrender it to the Regional Transport Authority in the event of his licence being suspended. revoked or not renewed. If the badge is lost or destroyed, a duplicate badge shall be issued by authority which issued it on payment of '(fifty rupees.)

(14) The provisions of this rule shall apply to such districts. areas or routes and from such dates as the State Government may, by notification in the Official Gazette specify in this behalf.

NOTIFICATION

MVA. 0493/703/TRA-2, dt. 15.1.1994.- In exercise of the powers conferred by sub-rule (14) of Rule 121 of the Maharashtra Motor Vehicles Rules. 1989 the Government of Maharashtra hereby specifies 15th January. 1994 to be date on which the provisions of the said Rule 121 shall apply to all districts in the State of Maharashtra.

M.G.G., Pt. IV-A, 1994, p. 26.

122. Lost property.— (1) Where a permit holder or his employee receives any article under clause (xvii) of Rule 34 or under sub-rule (2) of Rule 20. he shall. keep that article for a period of seven days and shall. if the article is not claimed during that period. hand over the same to the officer-in-charge of the nearest police station :

Provided that. if the article is of a perishable nature. it may be handed over to the officer-in-charge of the nearest police station even before the expiry of seven days.

(2) Where during the period mentioned in the preceding sub-rule.-(a) the article if claimed by not more than one person. the permit holder may. after making such enquiries as he deems fit and if necessary after taking an indemnity agreement from the

claimant. hand over the article to the claimant: and

(b) the article if claimed by two or more than two persons then the permit holder may hand over the same to the officer-in-charge of the nearest police station.

(3) Where any article is received by an officer-in-charge of a police station under this rule or under sub-rule (xxix) of Rule 21 then the provisions of Sections 82 to 88 of the Bombay Police Act. 1951 (Bom. XXII of 1951) shall, so far as may be apply to such article as they apply in relation to unclaimed property under that Act.

1. Sub. by G.N.. H.D.. No. MVR. 0298/1531/CR-91/TRA-2, dt. 30.7.1999.

123. Licensing ofagents.— In Rules 124 to 132 (both inclusive) unless the context otherwise requires.—

(a) "agent" means any person who engages in the business of collecting or forwarding and distributing goods carried by road by goods vehicle plying for hire;

(b) "agent's licence" means a licence granted to an agent under sub-rule (4) of Rule 125 for the principal establishment and includes a supplementary licence granted to such agent for any additional establishment, such as branch officers specified in such supplementary licence; and

(c) "Licensing authority" means the Regional Transport Authority of the region in which the applicant intends to carry on the business, and in any other case of the region in which the applicant has his principal place of business.

124. Prohibition to act as Agent except under licence.— No person shall act as an agent unless he holds availd licence authorising the carrying of his business of an agent at the place or places specified in the licence. 125. Agent's licence.— (1) Any person desiring to obtain an agent's licence shall make an application to the Regional Transport Authority of the region in which he has his place of business or as the case may be. his principal place of business. Such application shall be made in Form L. Ag.

A. of the First Schedule.

(2) The application shall be accompanied by the fee prescribed in Rule 1 29.

(3) In considering an application made under this rule. the Licensing authority shall have due regard. among other things to.—

(a) the number of goods vehicles. if any. either owned by the applicant or under his control:

(b) the suitability of accommodation, under the control of the applicant for the storage of goods at every operating place;(c) the facilities provided by the applicant for parking the goods vehicles while loading or unloading without hindrance to the general traffic in the area; and

(d) the financial resources of the applicant and experience in the trade.

(4) The licensing authority shall either grant or renew the licence including a supplementary licence, for a branch office, if any, in Forms L. Ag. P. (Goods) and L.Ag. S. (Goods) of the First Schedule, as the case may be. specifying the place or places where the business may be carried on. or refuse to grant or renew the licence:

Provided that. the licensing authority shall not refuse to grant or renew a licence or. a supplementary licence for a branch office applied for. unless the applicant is given an opportunity of being heard. and the reasons for refusal are recorded and communicated to him in writing.

(5) The licensing authority shall. while granting or renewing a licence including any supplementary licence or at any time during the validity of licence, by order require a licensee to furnish a security in cash of ten thousand rupees and when a licensee has furnished earlier any security in pursuance of an order passed under this sub-rule, additional security not exceeding rupees one thousand.

(6) The licence shall be in two parts. namely. the principal part (hereinafter referred to as "the principal licence"). in which supplementary licence issued for every separate establishment or branch office for loading. unloading or receipt of delivery of consignments is carried on. shall be mentioned. and the supplementary part (hereinafter referred to as "the supplementary licence"). The details of the establishment or branch office such as municipal house number. the nearest road. bye-lane. the postal delivery district and other landmarks in the vicinity to enable identification of the place of licence duly attested by the licensing authority. shall be attached to the licence.

(7) The principal licence shall be kept and displayed promir.ently at the head office. and the supplementary licence shall be kept and displayed prominently at each branch office to which it refers. except when the principal licence or supplementary licence. as the case may be, is forwarded to the licensing authority for effecting renewal, and the licensee is in possession of an acknowledgement to that effect. Such licence or acknowledgement shall be produced before any inspecting officer of the Motor Vehicles Department.

(8) An agents licence shall be non-transferable.

(9) An agent's licence shall be valid for a period of one year from the date of grant or its renewal. The date of expiry of the supplementary licence shall be co-terminus with the date of expiry of the principal licence irrespective of the date on which the supplementary licence is granted.

126. Renewal of agent's licence.— (1) An agent's licence may be renewed on an application in Form L. Ag. A. (C-oods) of the First Schedule. made to the licensing authority not less than thirty days before the date of

its expiry. and shall be accompanied by the principal and all supplementary licences. if any. and the fee specified in Rule 129.

(2) The renewal of a licence shall be made by endorsement of renewal thereof by the licensing authority on the principal and supplementary licences. if any.

127. Cancellation of agent's licence and forfeitui-e.— (1) Without prejudice to any other action which may be taken against a licensee. the licensing authority may. by order in writing. revoke an agent's licence or suspend it for such period as it thinks fit. if in its opinion any of the conditions under which the premises have been approved or under which the licence has been granted have been contravened.

(2) Before making any order of su spension or revocation under sub-rule (1). the licensing authority shall. give the licensee an opportunity of being heard and shall record reasons in writing for such revocation. or suspension.

(3) The licensing authority may order the forfeiture in whole or in part. of the security furnished by the licensee under sub-rule (5) of Rule 125 for comravention of any provision of this Rule or Rules 124. 125. 130. 131 and 132 or for breach of any of the conditions specified in Rule 130 by the licensee :

Provided that, no such forfeiture shall be made unless the licensee is given an opportunity of being heard.

(4) In the event of the forfeiture of security deposit or part thereof. by the licensing authority. the licence shall cease to be valid if the licensee fails

to make payment to bring the security already furnished by him to its original value within thirty days of the receipt of the order of the forfeiture. 128. Issue of duplicate licence.— If at any time an agent's licence is lost, destroyed, torn or otherwise defaced so as to be illegible, the agent shall forthwith apply to the licensing authority for the grant of a duplicate licence. The application shall be accompanied by the fee mentioned in Rule 129, upon receipt of such an application, that authority shall issue a duplicate agent's licence clearly stamped "Duplicate" in red ink. If the duplicate agent's licence is issued on a representation that the licence originally granted has been lost or destroyed and the original licence has been subsequently found, the original licence shall be surrendered to the licensing authority.

129. Fees for licence, etc.— The fee for the grant or renewal of licence or supplementary licence or for a duplicate thereof, shall be —

[a] for grant of a licence .. '[Rs. 500]

- (b) for grant of a supplementary licence of ... '[Rs. 300]
- each additional establishment.
- (c) for renewal of a licence if application is made in time —
- (i) Principal licence .. Rs. '[200]

(ii) Each supplementary licence .. Rs. '[30]

(d) for renewal of a licence if application is made late-

(i) Princpal licence .. Rs. '[300]

(ii) Each supplementary licence .. Rs. '[50]

(el for issue of a duplicate of copy of — -

(i) Principal licence .. Rs. '[30]

(ii) Each supplementary licence .. Rs. '[20]

130. Conditions of agent's licence.— An agent's licence shall be subject to the following conditions, namely :----

(1) the licensee shall, subject to the provisions of Rule 132, provide adequate space for the parking of vehicles for the purpose of loading and unloading of goods;

(2) the licensee shall be responsible for proper arrangement for storage of goods collected for despatch or delivery or both;

(3) the licensee shall,-

(al take all necessary steps for proper delivery of the goods to the consignee;

(b) be liable to indemnify the consignee for any loss or damage to goods while in his possession, by adequate insurance cover. where available, at the cost of the consignor or consignee;

(c) issue to the consignor and consignee a goods transport receipt

only after he actually receives goods for despatch and state

therein the weight, nature of goods, destination, approximate

distance over which the goods are to be carried, the freight

charged, the service charges, if any, such as local transport,

insurance while in his custody and labour charges, if any, for

loading and unloading provided that, the service charges shall

be reasonable and the licensing authority may, require the

agent to prove the said charges to be reasonable;

l. Sub. by G.N.. H.D., No. MVR. 0298/1531/CR-91/TRA-2, dt. 30.7.1999.

(d) not deliver the goods to the consignee without actually receiving the consignee's note or any such note issued by the office which received the goods for despatch or if this note is lost or misplaced. an indemnity bond covering the value of the goods:(e) issue a copy of every goods transport receipt issued to the consignor or consignee to the driver of the goods vehicle transporting the goods and shall not allow any consignment to be loaded without handing over a copy of the receipt in respect thereof to the driver;

(f) maintain in Form A.R.'I'. of the First Schedule, proper record of collection. despatch of delivery of goods. registration mark of the vehicle in which the goods are carried for transport and make the same available for inspection by the licensing author-

ity. or by any person duly authorised by it in this behalf:

(g) maintain proper account of the commission charged by him to every operator of goods vehicles engaged by him;

(h) maintain a weighing device in good condition and capable of weighing at a time not less than 250 kilograms;

(i) not refuse to accept goods for transport without valid reasons; and

(j) comply with the provisions of this Rule and Rules 124. 125, 130. 131 and 132;

(k) not effect the transport unless he verifies the identity of the consignor and also obtains the signature of the consignor or his agent with details of material to be transported and full address of the consignor and shall not deliver the goods to the consignee unless he verifies the identity of the consignee or his agent and also obtains a receipt with signature, names and address in detail of the consignee or his agent, when the goods are booked at consigner-:'s risk with a condition that the consignor shall pay the transport charges.

131. Particulars to be mentioned in contract of agency.— All contracts entered into or way-bills issued by a licensee for the purpose of collecting. forwarding or. distributing goods shall be in writing. and shall contain the following particulars, namely :—

(i) names and addresses of consignors and consignees;

(ii) description and weight of consignment;

(m) destination and its approximate distance in kilometres from the starting station;

(iv) freight on weight—destination or weight—distance or on truckdistance basis for long distance haulage and for local transport for collection at consignor's place or delivery at consignee's place if required;

(v) delivery instructions that is the approximate date by which and the place at which goods are to be delivered to the consignee; and .

(vi) terms of payment separately for long distance transport. local transport. home delivery and collection, labour charges for loading and unloading and the demurrage.

132. Places to be used for loading and unloading of goods etc.— (1) The Regional Transport Authority, may, in consultation with the local municipal authority, or police authority having jurisdiction over the local area concerned. or both, approve any premises owned or to be used by an applicant for an agent's licence for loading, unloading and for parking goods vehicles or for the storage of goods, while in the custody of the licensee having regard to the suitability of the site, traffic conditions obtaining in the locality, sanitary conditions, storage facilities, space for parking vehicles for the purpose of loading or unloading from transporting trucks provided at such premises, as the place of carrying on the business under the licence.

(2) Any approval under sub-rule (1), shall be subject to the following conditions, namely :——

(a) that the premises shall at all times be kept in clean condition and in good state of repair:

(b) that the premises shall be administered in an orderly manner;(c) that the licensee shall not change the premises or make any external alterations to it or in the parking arrangements thereat, as may likely cause obstruction to the general traffic in the vicinity without prior approval, of the licensing authority;

(d) that the licensee shall take suitable precautions to ensure that no breach of any provisions of the Act or of these rules in so far as these provisions relate to the following matters is committed in respect of any vehicle engaged by him and which is entering or leaving or standing at such premises, namely :—

(A) requirements that a goods vehicle shall be covered by —

(i) valid and effective permit/countersignature for the route or area of travel;

(ii) valid certificate of fitness: zand

(m) valid certificate of insurance: and

(iv) payment oftax under the Bombay Motor Vehicles Tax Act, 1958;

(B) observance of the rules and conditions as to —

(i) construction, equipment and maintenance of motor vehicles to the extent the defects are easily noticeable from the exterior appearance of a motor vehicle;

(ii) limits of weight and prohibitions or restrictions on use of motor vehicles:

(m) loading of goods, overall height. width and projections of load laterally. to the front, to the rear and in height:

(iv) transport of dangerous or explosive substances contraband articles, under any law for the time being in force;

(v) parking or abandonment of motor vehicles on road in such a way as to cause obstruction to traffic or danger to any person or other user of roads;

(vi) leaving vehicles in dangerous position; and

(vii) driving of motor vehicles by persons holding valid and effective driving licence.

(3) Where the Regional Transport Authority refuses to approve any premises under sub-rule (1), it shall communicate in writing the reasons for such refusal.

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133. Powers of entry and inspection.-- Any officer of the Motor Vehicles Department in uniform. may enter upon the premises at all reasonable times for inspection of the premises used by the permit holder for the purpose of his business.

134. Prohibition of painting or marking in certain mannci-.— `[(1)No advertising device. figure or writing shall be exhibited on any transport vehicle save as may be permitted by the Regional Transport Authority by general or special order :

Provided that, the Regional Transport Authority. by its Resolution. may exempt certain classes of permit holders or classes of vehicles from the provisions of this sub-rule, in public interest :

Provided further that. the provisions of this sub-rule shall not apply to private service vehicles while displaying advertisements of the products or services produced or rendered by the permit holders.

(IA) The permit holder shall apply to the Secretary. Regional Transport Authority seeking permission or renewal thereof to display advertisements on transport vehicle in Form PDAA along with prescribed fees and the permit.

[IB) The Secretary. Regional Transport Authority shall issue an order in Form PDA permitting the permit holder to display the advertisements in accordance with the guidelines issued by the State Transport Authority or Regional Transport Authority or both that may be for the timebeing in force. The permission shall be valid for a period of one year or till the date of expiry of the permit, whichever is earlier.] V

(2) A transport vehicle when regularly used for carrying Government
Mail by or under a contract with the Indian Posts and Telegraphs Department. shall b_e_pa_inted1n_pnsI.al _red_colour and shall exhibit in conspicuous place upon a plain or a plain surface of the motor vehicle the word "MAIL" in red colour on a white background, each letter being not less than fifteen centimeters in height and of a uniform thickness of nineteen millimetres.
(3) Save as aforesaid, no stage carriage or contract carriage shall be

painted in postal red colour or display any sign or inscription which includes the word "MAIL" :

Provided that. a stage carriage belonging to a municipal transport service be painted in signal red colour. with a band in any colour except postal red colour.

(4) Stage carriages, both city service buses and mofussil service buses belonging to the Maharashtra State Road Transport Corporation should be painted in the manner approved by the State Transport Authority from time to time.

Explanation.- For the purposes of this rule.—

(i) "city service buses" means buses plying mainly within the limits of any Municipal Corporation, municipality or cantonment constituted under any law for the time being in force; and

(ii) "mofussil service buses" means buses plying mainly in other

areas.

(5) Save as aforesaid no other transport vehicle plying in the State shall be painted in any of the colour combination prescribed in sub-rules (3) and (4)-

1. Sub-rule (1) was substituted by G.N., H.D., No. MVA. 1190/CR-66/TRA-2, dt. 5.1.1994 (M.G.G., Pt. IV-A, Ex., p. 6].

'[134A. Fees for permission to display advertisernents.— Subject to

the provisions of rule 134, the fees in respect of an application for

permission to display advertisements on following classes of transport

vehicles shall be. as follows. namely :-

(a) Goods carriages '[Rupees two hundred]

(b) Omnibuses 2[Rupees two hundred]

(c) Motor Cabs [Other than

autorickshaws) 2]Rupees hundred]

(cl) Autorickshaws "(Rupees sixty]

135. Painting and marking of motor cabs in certain manner.--- (ll

The lgoocl_of_e_ye_ry_ motor catrshall be painted in cream yellow and the res_t of the body in black colour. '

' o the registration mark. a serial number of permit

allotted by the registering authority shall be painted on the motor cab at

each of the following different places. namely :-

(i) tl_1_e_l(;f1; handtop portion of the front windscreen:

(ii) on the rear boot on the left side of the registration mark;

(m) in the middle of the left front dooriand

(iv) in the middle of ghtfrontdoor.

(3) The aforesaid number shall be painted in white and in red circle and the numerals shall not be less than 50 millimetres and 38 millimetres in breadth.

(4) The number on the left portion to the windscreen shall be so painted as to be readable from inside and the number on the rear boot. the left front door and the right front door shall be painted against the black back ground.

(5) Notwithstanding anything contained in these rules but subject to the provisions of sub-rule (7), no permit shall after the coming into force of these rules, be granted or renewed in respect of any motor cab which does not conform to the provisions of sub-rules (1) to (4).

(6) No motor vehicl

manner prescribed i_n> sub-rule (l]._

' (7TNotwithstanding anything contained in this rule. the State Government may. by general or special order. exempt any motor cab or class of motor cabs, from all or any of the provisions of this rule either generally or in such area or areas. or such rout or routes and subject to such conditions. if any, as may be specified in the Order. "((8) Notwithstanding anything contained in this rule. the body of every Air-conditioned motor cab s1'3lLl1i-;p2>.ir1tedgirp'll\44:I.alli_c_§i_lver" colour and the rest of the 'lhoodl in "Peacock-Blu,e.]

136. Taxi meters.—- No motor cab required to be fitted under Rule 1 19 that a taxi meter (hereinafter referred to as 'the meter') shall be used. Le. a public place unless.-

. Rule 134A was inserted by G.N., H.D., NO. MVA. 1190/CR-66/TRA-2, dt.5.1.1994 (M.G.G., Pt. IV-A, p. 6).

2. Sub. by G.N., H.D., NO. MVR. 0298/1531/CR-9l/TRA-2. dt. 30.7.1999.

3. Sub-rule (8) was added by G. N. dt. 6.9.1996.

4. Corrg. NO. MVR. 0195/1625/CR-196/TRA-2, dt. 25.9.1996.

139. Revocation of approval.— If on receipt of a complaint from any member of the public or a report submitted by the Secretary, Regional Transport Authority or an Inspector of Motor Vehicles or a police officer not below the rank of a Sub-Inspector, the Transport Commissioner is satisfied that the meter or any tape approved by him under sub-rule (4) of Rule 138 do not. record fares correctly or develop defects or go out of order at frequent intervals, or have ceased to conform to the requirements of Rule 140 he may. after giving the person on whose application such type of meter approved reasonable opportunity of being heard and after making such inquiries as he may deem fit or order revoke the approval given to such type of meter shall inform the person aforesaid of his order and the reasons therefor :

Provided that. the order of revocation shall not apply to the meters of such type which are already sealed and in use on the date of such order. 140. Constructional requirements-Method of indicating fare, etc.—

[1] Every mechanical or electronic digital meter shall be so constructed as(a) to indicate upon the dial in suitable slots or on a suitable digital display consisting of light emitting diode (LEDS) as the case may be, the amount of fare calculated by time and/or by distance in kilometers: and

(b) to have a flag showing its position or to have a window with illuminated words showing whether or not the meter is in action (that is "Hired" or "For Hire" or "stopped").

(2) The nature of the information given in each slot of a mechanical meter or digital display of an electronic meter shall be indicated by suitable wording immediately above or below the slots or digital display, as the case may be. The words or signs denoting rupee or rupees and paise shall be placed immediately above. below or beside the appropriate disc of drum position.

(3) (i) The letters and figures shown in the slots of a mechanical meter or a digital display of an electronic meter shall be of a size which the Transport Commissioner considers to be reasonable and shall be so placed as to be easily read by the hlrers.

(ii) All letters and figures required to be shown on meter and gear boxes shall be of such size. form and colour as would render them clearly legible.

(4) The flag of a meter shall be of suitable strength and shall bear the words "For Hire" in white letters of plain block type at least 50 millimeters in height and of proportionate thickness on a red coloured ground so that they may be easily read from a distance. The arm lever which carries the flag shall be of such length that when it is kept vertical, the lower edge of the flag is above the highest part of the meter. If it is an electronic digital meter. it shall be provided with two switches that is mcter~switch and stop-switch, for operating the meter and shall also be provided with "Roof Light" synchronized with the operation of the meter.

(5) The mechanism of meters shall be so designed that —

(a) (i) the words "For Hire" are indicated in the appropriate slot when the flage arm is vertical:

[ii] the word "Hired" is indicated when the arm has been depressed through 180 degrees and the time and distance gears are in engagement;

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(1) It is fitted with a mechanical metre or an electronic digital metre oi a type. which in the opinion of the Transport Commissioner complies with the provisions of Rule 140. or is so designed or constructed that the constructional requirement as specified in Rule 140 are substantially complied with;

^c[(l-A) Notwithstanding anything contained in sub-rule (1) of this rule and rule 137, the Air-conditioned motor cab shall be fitted with an electronic digital meter inside the cab].

(2) The provisions of Rules 141, 142. 143 and 144'are complied wtih.
'[137. Fitment of electronic digital taxi meter.- (1) A new motor cab including auto-rickshaw shall be fitted with an electronic digital taxi meter.
(2) In case of existing motor cabs, or any class of motor cabs including auto-rickshaws. having fare meter and registered in the jurisdiction of different Regional Transport Offices. the date for fitment of new electronic digital taxi meter shall be as specified by the State Government. from time to time. by notification in the Official Gazette.l

138. Approval of Type of Meters.— (1) An application for the approval of new modified type of meter shall be sent to the Transport Commissioner and shall be accompanied by two complete specimen of the meters and a detailed description with drawings of its mechanism. A working specimen, the flexible cable by which the meter will be driven shall also be forwarded along with the meters for the test.

(2) The Transport Commissioner. shall send the meters to the 3[Veermata

J ijabai Technological Institute. Mumbai] or any other Institution approved by the State Government for the purpose of testing the meters, where they shall be subjected to an exhaustive test in order to ascertain whether they comply with the requirements specified in Rule 140 and whether they would otherwise be suitable. At least one of the meters shall be opened and such parts removed as may be required for a comprehensive examination of the mechanism.

[3] After the test. one instrument shall be retained at the "[Veermata Jijabai Technological Institute. Mu mbai] or the other Institute. as the case may be, as a sample instrument and the other shall be returned to the Transport Commissioner.

[4] After considering the report received from the '[Veermata -Jijabai Technological Institute. Mumbai] or any other approved Institute. as the case may be, the Transport Commissioner shall, if he is satisfied that the meter complies with the requirements specified in Rule 140 and is suitable for the purpose, approve the meter. He shall inform the applicant of his decision.

1. Clause (IA) was inserted by G. N. of 6.9. 1996.

2. Rule 137 was substituted by G. N. of 30.7.2007.

3. These words were substituted for the words "Victoria Jubilee Technical institute". ibid.

4. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

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(m) the word "Stopped" is indicated when the arm is arrested in a horizontal positions at 270 degrees.

the flag arm shall not normally remain in any position other than the three positions mentioned in clause (a):

the fare by time ceases to be recorded when the flag is in the "Stopped" position;

the fare by distance is recorded on the meter if the taxi cab is driven with the flag in the "Stopped" position:

the fare recorded is not obscured when the flag is in the "Hired" or "Stopped" position;

it is not possible —

(i) to move the flag back from the "Hired" position to "For Hire", or (ii) to return the flag from "Stopped" position to "Hired" position; when the flag arm is raised to a vertical position that is the "For Hire" position. the previous record offare is cleared and the various mechanisms are brought to their initial positions;

before the flag can again be depressed, the full vertical position shall be reached. and a positive stop made there to ensure that the mechanism comes to rest and that the fare indication is obscured by shutter:

the mechanism for recording the time and distance cannot be engaged or disengaged except by the normal sequence of operation of the flag arm referred to in clauses (a) to U); and

the operation of the shutter of obscuring the fare synchronises with the engaging and disengaging of the time and distance mechanism of the meter.

(6) The mechanism of an electronic digital meter shall be so designed that —

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(i) "for hire" window is illuminated with the meter switch in "off position" and the roof light [is] in "on position":

(ii) the "Hired" window is illuminated and the roof lights is turned "oft" when the "meter switch" is pressed "on" and the time and distance modes are in engagement;

(m) the "stopped" window is illuminated with the stop switch is pressed "on":

it shall not be possible to set in any position other than the three positions in clause (a) in the meter;

the fare by the time ceases to be recorded when the flag is not in stopped position;

the fare by distance is recorded on the meter if the taxi cab is driven with the meter in "stopped" position;

the rate recorded is not obscured when the meter is in hired and or in stopped position:

when the meter switch is turned of". 'for hire' window is illuminated. the roof light is turned on and the previous recording of fare is

acquired and the various mechanism of the meter are brought back to the initial position; and

the mechanism recording time and distance cannot be engaged or disengaged except by the normal sequence of operation of switches (7) Every meter shall be so constructed that it gives audible warning by means of a suitable bell or gong whenever the driver moves the lever which operates the recording mechanism.

'[[7-A) Every electronic digital meter to be fitted to a "[motor cab excluding autorickshaw] shall be either provided with an inbuilt printer or external printer which. can print bill containing the particulars such as the date ofjourney. vehicle number, distance travelled in kilometer, duration ofjourney and actual fare.)

(8) (a) After the meter has been tested and approved, every meter shall be capable of being sealed by seals of the type approved by the Transport Commissioner in this behalf.

(b) When the gear which operates the distance recording apparatus is not contained in the main part of the machine, the case or cover enclosing it shall be so made that it may be sealed either by the inset or wired-on type of seal.

(c) All meter cable connections shall be so made as to be capable ofbeing sealed by means of inset or wired-on lead seals to prevent improper removal.[2] In case of a mechanical meter. the mechanism driving the distance recording gears and in case of electronic digital meters. the mechanism giving signals to the distance recording mechanism of the electronic meters shall be fitted not to the driving wheels of the cab but to the non-driving wheels of the chassis gear box attached to the cab.

(10) (a) A plate of a suitable size and pattern shall be attached to the meter or its gear box in such a manner that it cannot be removed without either removing the seals affixed by the testing institution or opening the meter or the gear box. The plate shall bear raised or sunken words or figures denoting the measurement of the effective circumference of the wheel by which the meter will be driven and by which its action and accuracy may be tested.

(b) The measurements shown on the plate shall be in accordance with the circumference of the wheels of minimum size normally attached to cabs. Explanation .- The effective circumference of the cab wheel to which the meter transmission gearing is attached and by which the meter is driven is the distance which the cab moves forward for one complete revolution of the wheel and may be measured by making a mark on the type of the wheel where it touches the ground and pushing the cab in a straight line until mark is again in contact with the ground. the cab being in its normal working condition and carrying two passengers.

141. Further test of meters of approved type.— (1) A meter of any type approved under Rule 138 shall, before being fitted to a motor cab be sent to the 3lVeermata Jijabai Technological Institute. Mumbai]. or other institution approved by the Regional Transport Authority in this behalf for

a rough test whether the meter accurately registers time and distance and

1. Sub~rule (7-A) was inserted by G. N. of 30.7.2007.

2. These words were substituted for the words "motor cab including the autorickshaw" by the Mah. Motor Vehicles (Second Amendment) Rules, 2008. G.N. of 29.3.2008 w.e.f. 1.3.2008.

3. These words were substituted for the words 'Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

also for examination as regards its external appearance, general action and conformity with the approved type.

(2) Every meter in use shall be submitted for test at the 'IVeermata Jijabai Technological Institute. Mumbai] or other institution approved by the Regional Transport Authority under sub-rule (1) at least once in every twelve months in case of mechanical meters and once in every twenty four months in case of electronic meters and also whenever its seals are removed for any repairs or adjustments.

(3) If after test and examination. the meter is found to be suitable it shall be sealed at the '[Veermata Jijabal Technological Institute. Mumbai] or institution, as the case may be. in such a manner that its interior parts cannot be reached without breaking the seal.

142. Method oftest.— (1) Arrangements shall be made at the 'Weermata Jijabai Technological Institute. Mumbai] or other testing institution approved under sub-rule (1) or Rule l4l for the action of the meter to be demonstrated by a person familiar with its construction and technical details. and after such demonstration the person submitting the meter shall supply. for at least one day. a motor cab fitted with such meter or to which one of such meters submitted may be fitted.

(2) Every person submitting meter of an approved type shall be required to give an assurance that the instrument conform with the approved specimen deposited under Rule 138.

(3) Meters submitted for rough test may be opened for interior examinations if deemed necessary. l

143. Requirements as to fittings, etc.— (1) The meter shall be fitted in such position and in such manner as may be approved by the Executive Officer of the Regional Transport Authority. having regard to the design of the motor cab. It shall normally be fixed on the near side of the driver's seat. with the face or dial towards the interior of the cab so as to be clearly visible to the hirer and also capable of being read both by the hirer and the driver: 2[Provided that. the electronic digital taxi meter shall be fixed inside the motor cab including the auto-rickshaw at left side of the driver's seat.] (2) Flexible or driving gears of gear-boxes shall be so affixed that no part of the cable etc.. can be reached by an unauthorised person.

{3} A meter or its gear-box shall not be fitted to a cab the effective circumference of the wheel of which is different from that for which the

meter has been designed. geared and tested.

(4) The effective circumference of the wheel by which a meter is driven shall not be more than five per cent (ofl and not less than the measurement shown on the plate attached to the meter under sub-rule (10) of Rule 140.(5) Every cab required to be fitted with meter shall have a light so fixed as to illuminate the meter at night.

144. Sealing of meter fitting after test.— After a meter is affixed to a cab and before the cab is let or plied for hire. it shall be taken to the h. These words were substituted for the words "Vietoria Jubilea Technic

l. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

2. Proviso was added by G. N. of 30.7.2007.

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Inspector of Motor Vehicles. who shall examine the meter as to the correctness of fittings and submit to a practical road test of about eight kilometers and a time-test ofnot less than halfan hour. If the meter is found to be correct, its fittings to the cab shall be sealed by such Inspector in such manner that they cannot be removed or tampered with without removing the seals.

145. Meter and its seals and Marks not to be tampered with.— (1) No person shall break or in any way tamper with any seals or marks placed on a meter. or. with intent to deceive. tamper with a meter.

(2) No meter shall be altered without the written permission of the Transport Commissioner.

146. Cab fitted with a defective meter not to be used.— (1) No meter which is in any way defective may be fitted to any cab and no cab which is fitted with a defective meter shall be used in any public place.

(2) Upon service of a notice issued by an Inspector of Motor Vehicles on the owner of any cab prohibiting the use of meter fitted to it. the meter shall at once be removed and the cab shall be immediately withdrawn from service.

147. Repairs and repairers.— (1) After it is sealed under Rule 144, no repairs to any meter shall be made except by a maker or repairer authorised by, and registered with. the Executive Officer. Regional Transport Authority.

(2) Any person applying for being authorised and registered as a maker or repairer under sub-rule (1) shall satisfy the Executive Officer, Regional Transport Authority, that —

(1) the applicant is of good character and of good business repute;

(ii) the applicant's financial position is sound;

(m) the applicant maintains an efficient staff and suitable equipment at his premises and has a sufficient supply of spare parts for the repair of meters;

(iv) the applicant is generally a fit and proper person to undertake

the repair or adjustment of taxi meters.

Such person shall also agree that the premises where the work of repairs or adjustment of meters is to be carried on. shall be open at all reasonable times for inspection by officers of the Motor Vehicle Department and that he shall notify to the Executive Officer of the Regional Transport Authority if the situation of the premises is at any time changed. (3) The Executive Officer of a Regional Transport Authority may, in his discretion. cancel the registration of a marketer or repairer if it is proved that such person is unable to comply or has not complied with the requirement set out in sub-rule (2) or if the business is not carried on in accordance with these rules to the satisfaction of such Executive Officer.

148. Fees.—The following are the maximum fees that may be charged by the '[Veermata Jijabai Technological Institute, Mumbail or other approved institutions for the different tests namely :----

I. Test of new types — Rs.

For a complete examination z[l0O0]

For testing a flexible staff '[6O]

II. Rough test approved type —

For test of a single meter of approved type "[50]

For re-tests . "[25]

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1. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

2. Sub. by G.N.. H.D., NO. MVR. 0298/1531/CR~91/TRA-2. dt. 30.7.1999.

3. This figure was substituted for the figure "20" by G. N. of 30.7.2007.

CHAPTER VI SPECIAL PROVISIONS RELATING TO STATE

TRANSPORT UNDERTAKINGS

149. Form of proposal of transport undertaking.— (1) The proposal to be prepared by a State Government under the provisions of Section 99 shall be in Form S.S.T.U. in the First Schedule to these rules containing all the particulars specified in the said Form and shall be published in that Form in the Official Gazette and cause such proposal regarding Road Transport Service Scheme to be published on the notice boards in the office of the State Transport Authority, Regional Transport Authority and Collector within whose jurisdiction the area or the route or portion thereof lies and in such newspaper or newspapers as the State Government may direct: Provided that, at least one of such newspapers shall be in the regional language circulating in the area and the publication of the proposal regarding Transport Service Scheme shall be accompanied by a notice stating that any person affected thereby may, within 30 days from the date of publication of the proposal in the Official Gazette, file objections thereto before the State Government as provided in Section 100.

150. Manner of filing objections to proposal of the scheme.— (1) Any person affected by the proposal may file any objections thereto, in the form of a memorandum. in duplicate, addressed to the State Government. The memorandum shall set forth concisely the grounds for objections to the proposal, and shall in addition contain the following particulars. namely :—----(a) the name and address of the objector:

(b) the information regarding permit or permits held under the provisions of Chapter V of the Act, together with particulars of the route or routes or area specified in such permits;

[c) the manner in which the objector is affected by the proposal:

(d) details of any alternative route or area for which he desires to have permit.

(2) Any person filing objections under Section 100 shall send a copy thereof simultaneously to the State Transport Undertaking which has submitted the proposal.

151. Manner of considering objections.— (I) The State Government may, subject to the provisions of sub-rule (2), consider the proposed scheme and objections at a hearing of which at least seven days notice shall be given to every objector and the State Transport Undertaking.

(2) The notice under sub-rule (1) shall ordinarily be sent at the address of the objector by ordinary post under certificate of posting:

Provided that. where the addresses of the objectors are illegible. the State Government may, instead ofgiving individual notice to every objector give notice by publication in a local newspaper having vide circulation in the area in which the objectors reside.

152. Publication of approved scheme.— The approved proposal to be published under sub-section (3) of Section 100 shall be in Form A.S.S.'l'.U. of the First Schedule to these rules.

153. Application for permit under Section 103.—(1) Every applica-

tion under sub-section (1) of Section 103 shall be made -----

(i) for stage carriage permit in Form P.S.T.U.S.A.;

(ii) for goods carriers permit in Form P.S.T.U.P.C.A.;

(m) for contract carriage permit in Form P.S.T.U.Co. A.

(2) The State Transport Authority or, as the case may be, the Regional

Transport Authority (hereinafter in this Chapter referred to as the relevant Transport Authority] shall, on receipt of an application referred to in subrule (1). satisfy itself that the application relates to notified area or a notified route specified in an approved scheme and issue thereafter to the State Transport Undertaking applying therefor a stage carriage permit applied for under sub-section (1) of Section 103, the State Transport Undertaking applying therefore a stage carriage permit in Form P.S.T.U.S. a public carrier's permit in Form P.S.T.U.P.C. a contract carriage permit in Form P.S.T.U. C0.

(3) Notwithstanding anything contained in this rule, pending the issue of a permit applied for under sub-section (l) of Section 103. the State Transport Undertaking may operate the service in the notified area or on a nnrmecl route specified in the approved scheme.

154. Disposal of article found in vehicle.-- (1) The maximum period for claiming any article left by the owner in any transport vehicle operated by the State Transport Undertaking, shall be fifteen days.

(2) Where any article found in any such vehicle is not claimed by its owner within the said period, the State Transport Undertaking may sell the article by public auctions. A notice of such auction shall be displayed fifteen days in advance of the date of the auction on the notice board at the place where the auction is to be held, and published in local newspaper.

(3) Nothing in this rule shall apply to any article which is of a perishable nature or is in danger of losing the greater part of its value and it shall be lawful for the State Transport Undertaking to dispose of any such article at any time as the circumstances may require.

155. Manner of service of orders under Chapter VI.— Every order under Chapter VI of the Act shall be served,-

(a) by tendering or delivering a copy thereof to the person on whom it is to be served or his agent: if any; or

[bl by sending it by registered post at the known address of the person on whom it is to be served; or

[cl by fixing it to some conspicuous place of his last known residence or place of business in case the above two methods are considered impracticable.

156. Extension or modification of permits.— Where the holder of a permit for a public service vehicle applies to the relevant Transport Authority extending or modifying the operation of the road transport service, so however that such extension or modification results in operation of such service in a notified area or on a notified route or part thereof. specified in an approved scheme, then the relevant Transport Authority shall send a copy of such application to the State Transport Undertaking. The relevant Transport Authority shall. before passing any order on such

application. give an opportunity to the State Transport Undertaking of being heard.

157. Grant of permit under the proviso to Section 104.— The relevant Transport Authority on granting a permit to any person under the proviso to Section 104 shall inform the State Transport Undertaking concerned of the grant of such permit.

158. Notice of applicaton hearing etc.—- The State Transport Undertaking shall. in order to give effect to the provisions of this Chapter intimate to the relevant Transport Authority, the designation and addresses of its officers to whom notice of applications, hearing, orders or any other matter shall be sent and shall also inform them of the changes therein. from time J to time. -~

CHAPTER vn

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES

159. Definitions.— For the purposes of this Chapter, unless there is anything repugnant in the subject or context.—

(a) "generator" means the part of a producer in which gas is produced:

(b) "model" means a model of producer:

(cl "producer" means the whole equipment necessary for generation, cooling and cleaning of gas. and its supply to the engine of a motor vehicle:

(d) "standard specification' means the specification approved as such by the Director of Industries for the construction of a producer;

(e) "test schedule" means the schedule approved by the Director of Industries for inspection and testing of a producer:

'l(fl "sleeper coach" means a public service vehicle constructed or adapted to carry more roviding for sleeper

berth excluding the crew member as per the specifications prescribed in this behawso known as "Sleeper Bus"].

160. General rules regulating construction etc., of motor ve-

hicles.— (1) No person shall use and no person shall cause or allow to be used or to be in any publi vehicle-,_which does not comply

with theiujes contairgi in this Chapter. o 0t0r Vehicles

*Rules. 1989. or with any order thereunder made by authority competent to pass such order.

(2) Nothing in this rule shall apply to a motor vehicle which has been damaged in an accident while at the place of the accident or to a vehicle so damaged or otherwise rendered defective while being removed to the reasonably nearest place of repair or disposal :

1. Added by G.N., H.D., No. MVR. 0100/306/CR-35/TRA-2. dt. 3.1.2002.

Provided that, where a motor vehicle can no longer remain under the effective control of the person driving the same, it shall not be moved except by towing.

161. Mirror.— Every motor vehicle. other than a transport vehicle not being a motor cab or a motor cycle having not more than two wheels and to which a side car is not attached, shall be fitted either internally or

externally, and every transport vehiclefother than a motor cab fi_tted externally with a mirror so placed that the driver has a clear and "distinct vision of vehicles approaching from the rear : Provided that. the State Government may by general or special order, exempt any transport vehicle or class of transport vehicles from the. provision of this rule on such conditions as may be specified in the order. ~ if it is satisfied, that having regard to the construction of such vehicle or class of vehicles fitting of a mirror does not serve any useful pui:pose."\ 162. Restrictions regarding television set or video in them vehicles.—__;.l§g>_televJsion§_et or video shall be fitted or kept on or near the dash-board of the motor vehicle or shall be kept n the view of the driver. 163. Dangerous projections.— (1) No mascot or other similar fitting or device shall be fitted on any motor vehicle registered in India in any position where it is likely to strike any person with whom the vehicle may collide, unless the mascot is unlikely to cause injury to any person by reason of any projection thereon.

(2) No motor vehicle shall be permitted to be used which is so constructed that any axle hub or hub-cap projects laterally more than four inches beyond rim of wheel to which it is attached. unless the hub or hubcap does not project laterally beyond the body or wings of the vehicle or is provided with an adequate guard.

164. Springs.— Every motor vehicle and ever trailer. drawn thereby shall be equipped with suitable and sufficient means of springing, ad-equately maintained in good and sound condition between the road wheels and the frame of the vehicle :

Provided that. this rule shall not apply to.-

[i) any motor vehicle registered in India before the first day of April. 1940 if any means of springing with which it is fitted are adequately maintained in good and sound condition:

(ii) any tractor not exceeding four thousand five hundred and thirtysix kilograms in weight unladen if all the unsprung wheels of the tractor are fitted with pneumatic tyres:

(m) any land tractor, land implement. agricultural trailer. trailer equipped with pneumatic tyres having axle weight not exceeding 3050 kilograms avoirdupois. or any trailer used solely for the haulage of felled trees or such other heavy loads as cannot be carried on springs:

(iv) vehicles designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another, or to works or premises within a distance of 3.2 kilometers;

(v) such motor vehicle or class of motor vehicles not fitted with the means of springing by the manufacturers which the State Govern-

ment may, by general or special order, declare to be otherwise suitable for use on public roads on the conditions specified on the order.

165. Mudguard.— Every motor vehicle except a tractor or a trailer. shall unless adequate protection is afforded by the body of the motor vehiclexbe provided with r other similar fitting to catch. so far as practicable mud or water thrown up by the rotation of the wheels. 166. Attachment to motor cycle.— (1) Every side-car attached to a motor cycle shall be so attached, at left hand side of the motor cycle that the wheel thereof is not outside perpendicular planes at right angles to the longitudinal axis of the motor cycle passing through the extreme projecting points in front and in the rear of the motor cycle.

(2)-Every pillion seat attached to a motor cycle shall have,—

(i) Ftwo foot-rests one on either side of and directly below the seat fitted in such a manner that a person sitting on the pillion seat can rest his feet on such foot-rests;

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(ii) a and grip fitted to the front of the seat.

(3) N0[•]pillion seat shall be attached to a motor cycle with less than 45 cc engine.

(4) The rear wheel of every motor cycle on which a pillion seat is fixed. shall be covered by ajlrotective device. covering two-third of the(_al@,s_of the rear wheel so as to prevent the clothes of the pillion rider from getting en f.

167. Communication with driver.— Every motor vehicle for the use of passengers in which the driver's seat is separated from the passengg; $cOmp \notin ing readily$

opene s a e furnished with efficient means to enable the passengers in such compartment and the conductor, if any, to signal the driver to stop the vehicle.

168. Use of military and police colours and registration marks prohibited.— (1) No motor vehicle other than military and police motor vehicle, shall be used, in any public place, unless it is painted in colour scheme different from that usually employed for military and police motor vehicles.

(2) No motor vehicle shall exhibit or carry any military registration mark.

169. General.— Every public service vehicle and all parts thereof including paintwork, varnish and upholstery, shallbe II12.i.Dl2liI1fid_iI1_3_ clean and sou dition a'nd the engine mechanism and all working s, in reliable working order.

170. Stability.— (1) The stability of a double-decked public service vehicle shall be such that when loaded with weights of 59 kilograms per person placed in the correct relative positions to represent the driver and

conductor (if carried) and a full complement of passengers on the upper deck only, if the surface on which the vehicle stands were tilted to either side to an angle of 28 degrees from the horizontal. the point at which overturning occurs would not be reached.

(2) The stability of a single decked public service vehicle other than a motor cab or a single-decked trolley bus shall be such that under any conditions of load, at an allowance of 68 kilograms per passenger and his personal luggage. for which the vehicle is registered, if the surface on which the vehicle stands were tilted to either side of an angle of 35 degrees from the horizontal. the point at which over-turning occurs would not be reached.

(3) The stability of a single-decked trolley bus shall be such that under any conditions of load. at an allowance of 68 kilograms per passenger and his personal luggage for which the vehicle is registered, if the surface on which the vehicle stands is tilted to either side to an angle of 32 degrees from the horizontal. the point at which over turning occurs would not be reached. (4) For the purpose of conducting tests of stability the height of any stop used to prevent wheel of the vehicle from slipping sideways shall not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel is loaded in accordance with the requirements of this rule.

171. Seating l'00m.— (l) In every public service vehicle other than a motor cab, there shall be provided for each passenger except those permitted to be carried as standees. a reasonably comfortable seating space of not less than 381 millimeters measured on straight lines along and at right angles with front of each seat,-

(i) when the seats are placed along the vehicles facing each other the backs of the seats on the side shall be at least 1,372 meters distant from the backs of the seats on the other side: when the seats are placed along the vehicle and are facing in the same direction, there shall be a space of not less than 685 millimeters between the back of the front seat and the back of the rear seat. when measured from the rear most point of the (ii)

back of the front seat. to the rear most point of the back of the", rear seat. The front seat shall be in two parts with a gangway of 305 millimeters in three places, two at the two extremes and one is in the middle;

when seats are placed across the vehicle and are facing in the same direction, there shall be a space of not less than 660 millimeters between the back of the front seat and the front of the rear seat when measured at the topmost point of the upholstery;

when seats are placed across the vehicle and are facing each

other there shall be a space of not less than 1.27 millimeters between the backs of the facing seats when measured from the topmost point of the upholstery.

(2) The backs of all seats shall be closed to a height of 406 millimeters above seat level.

(3) Notwithstanding anything contained in this rule. no ordinary public service or private service shall have a more area of each seat more than 459 square millimeters.

(m)

(iv)

(4) The area to be provided for each seat in a Luxury or Tourist Airconditioned public service vehicle or Air-conditioned private service vehicle shall not exceed 511 square millimeters.

'[(5) The provisions of sub-rules (3) and (4) shall not apply in the case of camper vans, camping trailors, house trailors and minibuses designed or constructed to provide living quarters for recreational, camping or travel purposes].

172. Gangways.— (1) In every compartment of every public service vehicle entrance to which is from the front or rear. there shall be a gangway along the vehicle, as follows :-

[i) where the seats are placed along the vehicles facing each other there shall be a clear space of not less than 610 millimeters measured betwen the front edge of the seats:

Provided that. the maximum width of the gangway shall not be more than 686 mms. :

'[Provided further. that. the provisions of this sub-rule shall not apply to camper vans, camping trailors, house trailors or minibuses designed or constructed to provide living quarters for recreational camping or travel purposes].

(ii) where seats are placed across the vehicle there shall be a clear space of not less than 305 millimeters between any part of adjoining seats or their supports :

Provided that, the maximum width of that gangway shall not be more than 381 mms.:

(m) where a row of seats is placed along one side of the vehicle and the other seats are placed across the vehicle, there shall be a clear space of not less than 450 millimeters between the front

edge of the seats placed along the vehicles and parts of the

adjoining seats or their supports placed across the vehicle :

Provided that the maximum width of the gangway shall not be more than 526 mms.

(2) Where the vehicle has seats placed across the full width of the body with separate doors to each seat. a gangway from the rear of the vehicle shall

not be required.

173. Condition regarding permission to carry standees.— (1) Subject to the provision of sub-rule (2), no passenger shall be permitted to be carried standing in any public service vehicle. '
(2) Notwithstanding anything contained in sub-rule (1),(a) standing passengers may be carried on the lower deck of any such public service vehicle if there is a grab-bar fixed with hanger straps fixed in the roof of the gangway:
(b) where such public service vehicle is operated within the limits of a municipal corporation, or a municipality. constituted under any law for the time being in force in the State. including an area within a radius of eight kilometers from such limits. the Regional Transport Authority, may direct that passengers may be carried standing in such public service vehicle. if there is a 1. Added by No. MVR. 0190/2245/TRA-2. dated 5m March. 1991 (M.G.G.. Pt. IV-B. 1991,p.19si)

clear space sewing as a gangway of greater width than that prescribed in Rule 172 as the Regional Transport Authority may specify in this behalf:

(c) the Regional Transport Authority may direct that in addition to the standing passengers permitted to be carried in any public service vehicle referred to in clause la) and (b) above, twelve school children may be permitted to be carried therein, during such periods as may be specified by it, being periods when school going children leave their homes for attending schools or leave their schools for reaching home.

'[(d] the Regional Transport Authority may, direct that passengers may be carried standing in a private service vehicle if there is a minimum head room not less than 1.7 meters and a grabbar ~» with hanger straps fixed in the roof of the gangway. and shall also have a clear space serving as a gangway of such greater width than the prescribed in Rule 172 as the Regional Transport Authority may specify in this behalf and also specify any other conditions as it deems fit.]

174. Head room.— (1) Every public service vehicle other than a motor cab shall have the following internal height or head-room measured along the center of the vehicle from the top of the floor boards or battens to the underside of the roof supports,-

(i) in the case of a single-decked vehicle and the lower-deck of a double decked vehicle not less than 1.75 meters and not more than (2 meters) :

2[Provided that the provisions of clause (1) shall not apply to last row of seats in the public service vehicle having engine at the rear side.]

(ii) in case of upper-deck of a double-decked vehicle, not less than 1.7 meters :

Provided that, the Regional Transport Authority may vary the above measurements in respect of any public service vehicle plying solely in any specified municipal or cantonment limits and the environs thereof.

(2) Nothing in sub-rule (1) shall apply to motor vehicles constructed before the 1st day ofJul_v. 1959. in conformity with the provisions of rules made under the Motor Vehicles Act, 1939, in any part of the State and in force therein before the aforesaid date.

175. Driver's seat.— ll) No public vehicle shall be driven other than from the right hand side of the vehicle.

(2) On every public service vehicle space shall be reserved for the driver's seat so as to allow him to have full and unimpeded control of the vehicle and in particular.-

(i) the part of the seat against which the driver. back rests. shall not be less than 280 millimeters from the nearest point of the steering wheel:

(ii) the width across the vehicle shall be not less than 690 millimeters and shall extend to the left of the centre of the steering

1. Clause (d) was inserted by G.N.. H.D., No. MVR. 0190/2076/TRA-2, dt. 18.7.1991 (M.G.G., Pt. IV-A. p. 4551. .

2. Inserted by G. N., H. D., NO. MVA. 0390/1220/TR.A—2. dated 18.7.1991 (M.G.G., Pt. IV-A, p. 453].

column in no case less than 254 millimeters so that a line drawn parallel to the axis of the vehicle through the centre of any gear level, brake lever or other device to which the driver has to have frequent access lies not less than 50 millimeters inside the width reserved for the driver's seat.

(3) Arm-rests for the driver, not more than 100 millimeters wide may be provided within the space specified in clause (ii) of sub-rule (2) of this rule.

[4] No public service vehicle shall be so constructed that any person can sit or any luggage can be carried on the right hand side of the driver.

(5) Every public service vehicle other than a motor cab shall be so constructed that there shall be a separate compartment containing proper sitting accommodation for the driver. This compartment may be separated by suitable rigid partition of metal bar or adequately spaced metal bars, both on the side and on the rear so as to isolate the driver without obstructing his vision :

Provided that. in case of a motor cab licenced to carry five passengers, two passengers may be permitted to be carried by the side of the driver's seat.

(6) Every public service vehicle shall be so constructed that, except for

the front pillar of the body. of any, the driver shall have a clear vision. both to the front and through an angle of 90 degrees to his right hand side. The front pillar of the body shall be so construced as to obstruct the vision of the driver to least possible extent.

(7) The sub-rule (1) shall not apply to four-wheel-drivejeeps. and motor cabs.

(8) Notwithstanding anything contained in this rule. where the Government, having regard to the availability and utility of any vehicles fitted with left hand steering control or the expediency of their use in public interest. is satisfied that it is necessary so to do the Government may by general or special order, exempt any public service vehicles or class of such vehicles with such control from any of the provisions of this class of such vehicles with such control from any of the provisions of this rule, on such terms and conditions, if any, as may be specified in the order.

176. Width of doo1's.— (1) Every entrance and exit of a public service vehicle other than a motor cab shall be at least 540 millimeters in width and of sufficient height.

(2) Every entrance and exit of a stage carriage, not being a stage carriage operating within the limits of a municipal council, municipal corporation or cantonment duly constituted or declared under any law for the time being in force, shall be fitted with doors so as to prevent the passengers from falling out.

177. Grab rail.— (1) Grab rail shall be fitted to every entrance or exit, other than an emergency exit, of a public service vehicle other than a motor cab to assist passengers in holding or alighting from the vehicle.

178. Steps.— (1) Every public service vehicle, other than a motor cab. the top of the tread of the lowest step for any entrance or exit, other than an emergency exit. shall not be at a height of more than 520 millimetres or less than 250 millimetres, above the ground when the vehicle is empty. All

steps shall be fitted with non-slip treads. Fixed steps shall not be less than 230 millimetres wide and shall in no case project laterally beyond the body of the vehicle.

[2] In case of a double decked vehicle,-

(il the risers of all steps leading from the lower to the upper deck shall be closed, and no unguarded aperture shall be left at the landing board;

(ii) all steps leading from the lower to the upper deck shall be fitted with non-slip treads;

(m) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase. excluding any grab rail which does not project more than 75 millimetres from the back of the seat. shall not be less than 660 millimetres;

(iv) the outer stringer of an outside staircase shall be so constructed or a band shall be so placed. as to act as a screen to persons ascending or descending and the height of the outer guard rail shall not be less than 990 millimetres above the front of the tread of each step.

179. Cushions.— The seats of public service vehicle shall be provided with fixed or moveable foam or soft cushions. and the cushions shall be covered with leather cloth of good quality or other suitable material so that they are capable of being kept in a clean and sanitary condition.
180. Body dimensions. guard rail and life gum-ds.— (1) Every public service vehicle. other than a motor cab, shall be so constructed that,- (i) in case of a single-decked vehicle with an enclosed body,- (a) the height of the body sides from the floor of the height to the sills of the window. as the case may be, shall not be less than 715 millimetres;

(b) if the height of the sides of the body or the sills of the windows. as the case may be, above the highest part of any seat is less than 460 millimetres. provision shall be made by means of guard rails or otherwise. to prevent the arms of seated passengers being thrust through and being injured by passing vehicle, or the extent to which the side windows or venetians can be lowered, is such that when lowered their top-edge is not less than 460 millimetres above the highest part of any seat;

(ii) in the case of a single-decked vehicle with open sides, guard rails shall be provided along the right hand side of the vehicle to prevent any person other than the driver from mounting or alighting from the vehicle on that side;

(m) in the case of a double-decked vehicle with an uncovered top deck. the top deck shall be provided at least 915 millimetres above highest part of any seat, and the top of front and back rails shall be at least 990 millimetres above the deck boards or battens, and shall follow the chamber of the deck.

Explanation.— For the purposes of this rule, seat-back shall not be deemed to be a part of the seat.

(2) A Regional Transport Authority may, in case of stage carriages plying solely in any specified municipal or cantonment limits and the environs

thereof. require that life guards of a type to be approved by the said Authority shall be fitted to the sides of the vehicle between the wheels. 181. Protection of passengers from weather.— (1) Except in case of an uncovered top beck of a double-decked vehicle. every public service vehicle shall be constructed with a fixed and water-tight roof and every motor cab shall be constructed and equipped with fixed and water-tight roof or with a water-tight hood that may be raised or lowered as required. (2) Except in case of an uncovered top deck of a double-decked vehicle, every public service vehicle shall have suitable windows fitted with glass pannels capable at all times of protecting the passengers from the weather without preventing adequate ventilation of the vehicle.

(3) The glass windows must be provided with effective means to prevent their rattling. '

182. Internal lighting.— Every public service vehicle, other than a motor cab, having a permanent roof, shall be furnished with one or more electric lights adequate to give reasonable illumination throughout the passengers compartment or compartments including the bending, but of such power or so screened as not to impair the forward vision of the driver. 183. Body construction.— The body of every public service vehicle shall be constructed and fastened to the frame of the vehicle in compliance with such directions as may, from time to time. be issued by the State Transport Authority.

'[183-A. Special provisions for Sleeper Coach.— (1) Subject to Rule
93 read with mutatis mutandis application of the provisions of rule 128(2),
(3). (4). (5). (6). (9)(i), (12) and (13) of the Central Motor Vehicles Rules,
1989. the special provisions for Sleeper Coach shall be as under :—

(2) Powers to grant relaxation.— The State Government or the

Transport Commissioner. as the case may be. may grant relaxation to the vehicles registered as Sleeper Coach or Sleeper Bus from one or any the above conditions giving reasons in writing.

(A) Age of the Sleeper Coach.—— A permit of a Sleeper Coach shall be deemed to be invalid from the date on which the motor vehicle covered by the permit completes twelve years from the date of its initial registration :

Provided that. the motor vehicle to be replaced shall not be more than five (5) years old on the date of such replacement.

(B) Sleeper/Berth Arrangements.-— (a) The sleeper berth should be provided along with the vehicle with two tier system only. Each berth of length not less than 1750 mm. and width not less than 760 mm. and not more than 900 mm. The thickness of each berth shall not be less than 75 mm.

(b) The width of the gangway shall not be less than 450 millimeters.

(e) The width of the structure partition shall not be less than 25 mm. between the two berth.

(d) The lower berth shall be fixed at a minimum height of 150 mm. from the flooring of the vehicle.

1. lns. by G._1?T~H.D., No. MVR. 0100/306/CR-35/TRA-2. dated 3.1.2002.

(e) The clear head room for the sitting passenger at lower berth shall not be less than 800 mm.

(f) The clear head room for upper berth shall not be less than 650

mm. except at the side curves of the roof.

(g) The upper berth shall be either fixed type with supports fixed rigidly by means of bolting or welding or pivot mounted at the partition and suspended by two bright steel chains mounted on hinges on berths. These chains shall be fixed rigidly by means of bolting or welding to the roof structural members. The chain shall be located to ensure that the sum total of the overhead position shall not exceed the centre to center distance of chains measured along the axis of the berths.

(h) Suitable arrangements shall be made for the upper berth passengers to enable them to go up or come down from the upper berth.

(i) An assist handle shall be provided for comfortable occupation of the upper berth at a convenient height.

(j) No seat/berth shall be permitted to be fitted in the gangway except a seat for coach attendant./manager at suitable place.(k) Each berth shall be provided with fabric covering. which shall

be capable of being kept in a clean and sanitary condition. (1) One pillow and two neat linen shall be provided to each

passenger (one for wrapping and another for spreading).

(m) Safety guards covered with soft material on either side of the upper berths shall be provided.

(C) Other particulars.— (i) Headroom.— The internal height of the vehicle shall not be less than 1850 mm.

(ii) Body Mounting.— (a) In case ofrigid chassis the body of such public service vehicle shall be mounted on the chassis with high tensile. steel bolts with diameter of not less than 16 mm. No holes shall be drilled in the chassis side members (Longitudinal) except where such drilling is technically approved by the chassis manufacturers. Rubberised packing or mounting of adequate thickness shall be used between the body structure and the chassis frame.

(m) Flooring.— Flooring material of such public service vehicle shall be sound proof. anti-skid and washable. The floor shall be safe for the passengers and be covered with rubber or synthetic mattings or carpets. All joints shall be dust proof by suitable packing material.

(iv) Roof.— Roof of ceiling of such public service vehicle shall be provided with soft material or equivalent materials like A.B.S. plastics to prevent impact.

(v) Light.— Individual reading light at convenient location for each berth shall be provided in addition to normal lighting arrangement.

(vi) Painting and finishing.— Such public service vehicle shall be painted in "Notro Cellulase" or "Synthetic Enamel" or other suitable paints of any permissible colour scheme.

(vii) Air-condition Unit Mounting. — Every such public service vehicle shall be equipped with Air-Conditioning unit of adequate cooling capacity. The air-condition engine compartment shall be provided with sound isulating materials so as to damper the engine noise to suitable d.b. level; and with vibrating mounting so as to minimize vibratory factors in the saloon compartment.

(vm) Windows. — (a) The windows shall be provided with double sliding type slider running smoothly in channels without rattle and with all safety or laminated safety glasses confirming to the standards laid down by the Bureau of Indian Standards. Windows shall be provided with sliding curtains.

(b) In case where the fixed glasses are provided, minimum one hatch should be provided on roof top at suitable place for air circulation.(c) Sliding windows shall be provided to the driver partition immediately behind the driver.

(D) Miscellaneous. — (a) No hat racks shall be permitted in such public service vehicle.

(b) Such public service vehicle shall have weveller suspension or pneumatic suspension.

(c) Reflective tape of canary yellow colour of 50 mm. width shall be provided at rear and front side at skirt level of/on bumper.

(d) Such public service vehicle shall have an attendant/manager to take care of the passengers in addition to the driver/drivers or conductor.] 184. Compulsory electric 1ighting.— No light other than an electric light shall be fitted to any public service vehicle.

185. Fuel tanks.—- (1) No fuel tank shall be placed in any public service vehicle within sixty centimeters of any entrance or exit of a single-decked vehicle or lower deck of a double-decked vehicle.

(2) The fuel tank of every public service vehicle shall be so placed that no overflow therefrom shall fall upon any woodwork or accumulate where it can be readily ignited. The "off" position of the means of operation shall be clearly marked on the outside of the vehicle. The filling points of all fuel tanks shall be outside the body of the vehicle, and the filler caps shall be so designed and constructed that they can be securely fixed in position. 186. Carburettors.— In every public service vehicle, any carburettor and apparatus associated therewith shall be so placed and shielded that no fuel leaking thereform shall fall upon any part of fitting that is capable of igniting it or into any receptacle where it might accumulate. 187. Electric wires.— All electric wires or leads shall be adequately insulated.

188. Fire extinguishers.— Every public service vehicle other than a motor cab shall be equipped with one or more fire extinguishers of such type and capacityf as may specified by the _S_tate Transport Authority and su Q1 "fire extinguishers shall at all times be maintained in working conditions. 189. Locking of nuts.—All moving parts of every public service vehicle and all parts subject to severe vibrations connected by belts or studs and

nuts shall be fastened by lock nuts or by nuts with efficient spring or lock nut washers or by castellated nuts and split pins or by some other efficient device so as to prevent them from becoming lose.

190. Floor board.— (1) The floor boards of every public service vehicle shall be strong and closely fitted so as to exclude as far as possible draughts and dust.

(2) The floor boards may be pierced for the purpose of drainage but for no other purpose.

191. Spare wheel and tools.— (1) Except as otherwise specified by the Regional Transport Authority in respect of municipal or cantonment areas, every motor vehicle other than motor cycle shall, at all times be equipped with notiess than one spare wheel or rim, 'lifted with a pneumatic tyre in good and sound condition ready and inflated, and mounted in such a way that it can be readily dismounted and fitted to the vehicle, in the place of any one of the road wheels.-

i (2) Sub-rule (1) shall not apply to a motor vehicle. during the completion of anyjourney during which it has been necessary to bring the spare wheel or rim and tyre into use.

(3) Every motor vehicle other than motor cycle shall at all times, be furnished with an efficientjack and other tools necessary to change a wheel or rim and tyre. and with the equipment necessary to repair a puncture.
(4) Every public service vehicle shall, at all times be furnished with one screw driver and at least with one spare fuse, one side-light bulb and one head-light bulb and when such vehicle is fitted with sealed beam head-lights be furnished with one spare sealed beam unit and a fan belt, one inspection lamp with ten meters long wire:

Provided that, the State Government may, by general or special order. exempt for such period as may be specified therein any public service vehicle or class of such vehicles in respect of any area, ifit is satisfied that adequate arrangements exists for expeditious and efficient emergency repairs in such area.

L_192. First-aid Box.—'[[1]] 2[Ev_el-y stage carriage and goods carriages employedmfiisportation of huado

First Aid equipment in the erosol bottles Bfapprovedbyihe Commissioner, Food and Drugs Administration, Mah.] containing medicine for burns, wounds, pain-killers and dressing material as prescribed by the State Transport Authority. and dust proof first-aid box containing the following articles. namely:—

[i) a leaflet containing first-aid instructions approved by the State Government, from time to time:

(ii) twenty-four sterilised finger dressings:

(m) twelve sterilised hand or foot-dressings:

(iv) twelve sterilised large or body dressings;

(v) one extra large, two large and three small sterilised burn dressings;

[vi] two large packets of sterilised cotton wool;

(vii) a bottle of two per cent tincture of iodine or a tube of antiseptic cream containing 0.5 per cent of Centrimide B.P. in a non-greasy base;

1. Existing Rule 192 shall be renumbered as sub rule (1) by G.N. of 8.2.1994.

2. These words were substitued for the words "Every stage carriage" by G.N. of 8.2. 1994.

3. For the words "approved by Bureau of Indian Standard" the words "approved by

Commissioner, Food and Drugs Administration, Mah." were sub. by G.N., H.D., No.

MVR. 0189/CR-1043/TRA-2 (M.G.G., IV-A, Ex. 1994, p. 405).

(vm) a bottle of Sal Volatile;

(ix) empty bottle fitted with cork and camel hair brush for eye drops: and

(X) two medicine glasses :

Provided that, the State Government may. by a general or special order. exempt from the provisions of this rule, any public service vehicle plying in such area or areas or on such particular route or routes, and on such conditions if any. as may be specified in the order. if it is satisfied that medical aid is readily available in such area or areas or routes.

'((2) The First Aid kit maintained in goods carriages carrying dangerous and hazardous goods shall also contain appropriate antidotes wherever applicable which shall be specially designed with reference to such chemicals].

193. Inspection of motor vehicles.— (1) Notwithstanding the renewal of registration of motor vehicles. other than the transport vehicles. if the registering authority has reason to believe that owing to the mechanical defects. any such vehicle. is in such condition that its use in a gublic;_pLa_c_e constitutes a ublic. or that it fails to comply with the

ents of Chapter VII of the Act or of the rules made thereunder he may cause such vehicle to be inspected by an Inspegtgr of M and after giving the owner anopportunity of Eikmg any representation as required under sub-section (I) of Section 53. suspend the certificate of registration of the vehicle under the said section till such time as the vehicle is produced for inspection duly repaired.

(2) (a) On such inspection. if the Inspector of Motor Vehicles is satisfied that such vehicle is in a mechanically defective condition he shall issue to the owner memorandum . LSchedule using

such items thereof as are applicable to non-transport vehicles, and submit a copy thereof to the registering authority.

(b) If on receipt of a copy of such a memorandum, the registering authority has reason to believe that owing to the mechanical defects. the vehicles is in such condition that its use in a public place constitutes a danger to the public. or that it fails to comply with the requirements of Chapter VII of the Act or of the 'rules made thereunder. he may, after giving the owner an opportunity of making any representation as required under sub-section (1) of Section 53 of the Act. suspend the certificate of registration of the vehicle under the said section till such time as the vehicle is produced for re-inspection duly repaired.

(3) The registering authority shall record below the certificate of registration of the vehicle, the date of every inspection and whether it was found in mechanically fit or defective condition.

(4) A fee for every such inspection shall be as prescribed by the Central Government and the same shall accompany the application referred to in sub—section (8) of Section 41 of the Act.

194. Clearance.— All under parts of the vehicle inside the pivots of the front axle and steering arms which must be placed as near as possible to road wheel as far back at least as the rear axle, shall be, above the ground. by not less than 254 millimeters, when the vehicle is fully loaded. In 1. Sub-rule (2) was added by G. N. of 8.2.1994.

addition. sufficient allowance shall be made to provide for the wear of the tyres. settling down of the springs, and other causes likely to reduce height. so that the minimum clearance of 254 millimetres is at all times main-tained.

195. Springs.— (1) Chassis springs shall be properly hung and must be of sufficient strength and flexibility to meet all likely contingencies. (2) The rear springs shall be attached to or bear upon the back axle casting as near to the road wheels as possible and the distance between the springs from inside to outside shall not be less than 50 per cent of the overall width of the vehicle.

(3) The front springs shall be as wide-apart as possible and the difference between them shall not be less than 37 per cent of the overall width of the vehicle :

Provided that, if the width of the rear springs is 53 per cent of the overall width of the vehicle or more, the minimum distance between the front springs may be less by 2.54 centimetres than that required by this sub-rule. (4) There shall be no cross springs.

196. Wheel track.— The wheel tracks of both front and rear wheels shall coincide and the distance between the centre lines of the tracks of the front wheels shall not be less than 69 per cent of the overall width of the vehicle.

197. Venti1at1on.— Every stage carriage shall be provided with ad~ equate means of ventilation, so that there shall be proper ventilation even when the windows. if any. are not opened. If the carriage is provided with opening windows, suitable provision shall be made so that opening of the window could be adjusted.

198. Certain rules to be applicable to private vehicles and certain

transport vehicles.— The provisions of Rules 169, 170, 171, 172. 173, 174.175.176.177.178.180.181.182.183.185.186.187.188.189 and

190 relating to public service vehicle shall also apply to private service vehicles registered in the name of educational institutions which are recognised by the Government or which are managed by societies registered under Societies Registration Act. 1960 1

Provided that. the '[provisions] under Rules 173 and 174 in respect of private service vehicles may be relaxed by the Regional Transport Authority and after such relaxation. the internal height (head room) shall not be less than 1.425 metres.

199. Body and loading platform.— Every goods vehicle including a trailer shall be equipped with a strong platform or body so constructed as to be capable of carrying the load for which it is used without danger to other road users, and such that the load can be securely packed within or fastened to the body or the platform.

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1. The word "provisions" was substituted for the word "measurements" by G.N., H.D.. N0. MVR. 0190/2076/TRA-2. dated 18.7.1991 [M.G.G.. 1V-A. p. 455).

s.—[1] In order to prevent a goods vehicle from running

backward on slopes, or otherwise to render it immobile. every such vehicle. not being a light motor vehicle, be equipped with two wedge shaped rigid chocks. each measuring (30 centimetres) in length, (30 centimetres) in breadth and 254 millimetres in height, with one of its sides having a slope making an angle of 45 degree at the end. The plane surface of the sloped side of each chock shall be rendered concave so as to fit the outer circumference of the tyres normally fitted to the rear wheels of the vehicle.

(2) Notwithstanding anything contained in sub-rule (1), where such

vehicle is fitted with single rear wheel. the breadth of each such chock may be less than 30 centimetres but not less than 15 centimetres.

(3) Each such chock shall have a hook and be kept,-

(a] in a bracket fitted on the outer skirt of the tail-board of the vehicle; or

(bl where the vehicle has no tail-board, in a metal carrier fitted between the frame side members, underneath the body nearest to the rear wheel on the either side.

The tail-board of the vehicle and where the vehicle has no tail-board. the wooden planks above the frame side members shall also have a hook in the centre.

(4) Each such chock shall be linked with the tail-board or where the vehicle has no tail-board with the wooden planks above the frame side members, by means of a metal chain or steel wire rope of sufficient length and strength, fastened to the hook in the chock and also to the hook in the tail-board or the wooden planks, as the case may be.

(5) No person shall use any boulder or any substance of a similar nature in lieu of wooden chocks on slopes or otherwise to prevent the goods vehicle other than light motor vehicle from running backward on slopes or to render it immobile otherwise.

(6) Notwithstanding anything contained in this rule. the State Government may, by notification in the Official Gazette exempt from the provisions of this rule. any goods vehicle or class of such vehicles in its opinion are not likely to slip backwards on slopes.

201. Driver's seat.— (Il The provisions of Rule 175 applicable to public service vehicles shall also apply to goods vehicle other than light motor vehicles provided with bucket type seats :

Provided that, where the State Government having regard to the price and utility of any goods vehicle or class of goods vehicles. is satisfied that it is necessary so to do. it may, by general or special order. exempt any goods vehicle or class of goods vehicles fitted with left hand steering control from the provisions of sub-rule (1) of Rule 175.

(2) Where a registering authority registers a goods vehicle in respect of which or belonging to a class in respect of which, an order under sub-rule (1) has been made, he shall note in the certificate of registration. the fact that nothing in Rule 175 in regards to. and consequent upon the provisions requiring that the vehicle shall be driven from the right hand side shall apply to the vehicle.

202. Securing of goods in open goods vehicles.— Goods transported in an open vehicle shall be properly secured within the body of such vehicle in such a manner as so to prevent the goods from falling from such vehicle.

203. Application of Rule 191 to goods vehicles.—- The provisions of Rule 191 shall app . 'ehicle. 5 ;"\|z to λ,c,ϕ -I i

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204. Checking of designs of locally manufactured trailer-s.— (1) An application for the approval of a new design of trailer manufactured in India and intended to be used as a transport vehicle shall be sent to the Transport Commissioner. in triplicate by the manufacturer or his authorised assembler in Form TLDA of the First Schedule. Such application shall be accompanied by three copies of each of the following, in addition to other documents mentioned in the form of application —

[i] Full specifications,

[ii] Drawing giving all dimension and details, and

(m) Set of design calculations of,-

(a) Axles,

- (b) Springs.
- (c) Long bearers,
- (d) Cross bearers.

(e) Platform tank or anything that may be carried on the cross

bearers.

(O Tow bar. v

(g) Turn table two axle trailers.

(h) Breaking arrangements, and

(i) Any other item such as shock absorbers. if included.

(2) (a) The Transport Commissioner shall, forward the application and the copies of the documents, to the Victoria Jubilee Technical Institute. Bombay or any other institute approved by the State Government (hereinafter referred to as "the Institute") having competence and technical capacity to check the design and the trailer, for verification and recommendation of the greatest laden and axle weights in respect of the trailer which are compatible with reasonable safety.

(b) The Institute shall then go through the design and calculations. and if the design is found satisfactory, and may certify. the greatest laden and axle weights of the trailer which are compatible with reasonable safety, as per rules framed by State Government or Central Government as per Sections IIO and Ill of the Act.

(cl In case, the design is not found satisfactory. the Institute shall advise the applicant to that effect. and recommend such changes in the designs as may be required, to make the trailers suitable for the desired load. (d) The Institute may call upon the applicant, to furnish details. if required. In such case, the applicant shall furnish fresh specifications and drawings. incorporating alterations, if any.

(e) When a design is found satisfactory, the Institute shall return two copies of the approved design, specifications and calculations with its recommendations as to the maximum laden and axle weights compatible with reasonable safety to the Transport Commissioner. The Transport Commissioner, may, then approve the design and call for as many extra copies of the approved types of the design, specifications and calculations as may be required by him for sending them to different registering authorities for their record.

(3) The maximum fee which may be charged by the Institute for such checking of design should be notified from time to time. The fees shall be decided by the Institute in consultation with the State Government once in

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every three years. The fees as decided and notified shall be paid by the applicant to the Principal and Secretary of the Institute directly on demand by him and the same shall not be refundable.

(4) Notwithstanding anything contained in sub-rules (I), (2) and (3) of this rule. the approval of the design of a trailer manufactured in India by an authority competent in this behalf in any other States in India shall be deemed to be an approval accorded under these rules subject to the condition that similar provisions exist in that State as contained in this

rule.

205. Requirements to be satisfied before a producer gas plant is fitted to a motor vehicle.— No producer of gas plant shall be fitted to a motor vehicle unless the producer,-

(a) is of a model approved by the Director of Industries ;

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has affixed to the generator in such a manner as to be clearly visible, a metal plate having legible upon it. the name of manufacturer. the manufacturer's serial number and the description, name. mark or number assigned in respect of its model under Rule 208 and the type of the vehicle for which it is certified; and

has a certificate of verification in respect of it issued under Rule 209.

206. Application to Director of Industries for approval of model.-

(I) Any person seeking the approval of the Director of Industries in respect of a model of producer shall make an application in writing to the Director of Industries accompanied by duplicate copies of the specifications, clear drawings or prints. and of the instructions for working pertaining to the model, and shall state the type of motor vehicles. the size and horse-power or engine for which the model is designed.

(2) Any person who has made an application under sub-rule (1) shall-

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submit the model for such inspection and tests, in such laboratory or workshop, as the Director of Industries may specify; and

furnish at his own expense a vehicle for which the model is designed fitted with the model for such inspection and test on the road including a road journey not exceeding one hundred and sixty kilometers as the Director of Industries may specify.

207. Model to satisfy certain requirements.— Before according approval to a model, the Director of Industries shall satisfy himself that the design and construction proposed are in accordance with the standard specification and in particular that.—

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the model is reasonably simple and suitable to the type of vehicle for which it is intended;

it can be fitted to the vehicle in such a way that the driver's vision and control of the vehicle are not impeded. and the convenience and safety of passengers are not endangered; the weight of the producer can be reasonably distributed over chassis;

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(e)

the filter, coolers, pipes and other parts requiring frequent cleaning and attention can be fitted in readily accessible places: and

the model satisfied the tests specified in the test schedule approved by the Director of Industries for inspection and listing of a producer.

208. Approval of model and modification of approved model.— (1) When the Director of Industries approves of a model. he shall assign the model a description. name, mark or number.

(2) No modification shall be made in an approved model except with the approval of the Director of industries who may, subject to such tests as he thinks necessary before approving the modification.

209. Certificate of producer.— (1) Any person seeking a certificate of verification under sub-rule (3) of this rule in respect of a producer manufactured in accordance with a model approved under Rule 208. shall submit the producer to the Director of Industries for inspection and test.

(2) The producer so submitted shall be tested in parts or fully assembled in the manner laid down by the Director of Industries in the test schedule.

(3) The Director of Industries shall issue a certificate of verification in respect of the producer if it conforms in all respects to the approved model.
210. Copy of Instructions and certificate to be attached to every producer for sale.— A copy of the instruction for working of the producer in a data with which approved in the set of the producer is a set of the producer of the instruction for working of the producer in the set of the producer is a set of the producer in the set of the producer is a set of the producer in the set of the producer is a set of the producer in the set of the producer is a set of the producer is a set of the producer in the set of the producer is a set of the producer in the set of the producer is a set of the producer in the set of the producer is a set of the producer in the set of the producer is a set of the producer in the set of the producer is a set of the producer in the set of the producer is a set o

and the certificate of verification under sub-rule (3) of Rule 209 issued in respect of it shall be attached to, or tendered with every producer offered for sale. and intended to be fitted to a motor vehicle.

21 1 . Safety requirements in fitting producer to motor vehicle.— A producer shall be fitted to a motor vehicle and maintained with all reasonable care necessary to prevent danger from fire. gas-poisoning and burns and in particular. —

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(b)

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all pipes, joints. valves and all covers to the hoppers. genera» tors. cooling chambers, filters and other accessories shall be kept free from gas or air leaks:

an escape funnel shall be fitted to the generator for use during the blowing of air through the generator. and the mouth of the funnel which must be covered with a wire gauze provided with a shut-off valve shall be placed above the level of the roof of the vehicle; and

a suitable valve or flame trap shall be fitted to the air inlet of

all types of generators to prevent danger from blow-back.

212. Safe location of producer on motor vehicle.— (1) No part of a producer fitted to a motor vehicle shall be placed as to reduce the field of vision of the driver by means of the mirror prescribed in Rule 161 or otherwise or so as to impede the driver in his control of the vehicle.
(2) In a public service vehicle -

(a) no part of a producer shall be placed within the passengers' compartment; and

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(bl where the generator is centrally placed in the rear of the passengers' compartment. it shall be placed either completely ' outside it or recessed into the rear panel and shall be insulated and have the clearance prescribed in sub-rule (2) of Rule 213. In the case of any generator fitted in the rear of a vehicle and to one side of the vehicle, suitable means shall be taken to compensate for the additional weight by inserting one or more leaves in the rear springs of the vehicle at that side :

Provided that. notwithstanding anything contained in the provisions of Rule 242. the producer and a reserve of fuel. latter not exceeding 68 kilogrames in weight may be carried on a trailer attached to a public service vehicle.

(3) No public service vehicle towing a producer shall have any opening or door in the rear end of the vehicle.

213. Insulating motor vehicle from producer.— (1) On any motor vehicle. if any part of the generator is so placed as to be within a distance of 15.2 centimetres in a horizontal plane from any part of the vehicle. the vehicle shall be insulated from the generator by a sheet of asbestos not less than 3 millimetres thick or by such other insulating material as the Director of Industries may, by general or special order, in writing specify in this behalf. and not less in height than the height of the generator (including the hopper] and of such width as.—

la] where the generator is recessed completely to line the recess. and

(b) where the gererator is not recessed. to project for a distance of not less than 15.2 centimetres on either side of the generator.

(2) No part of a generator shall have a clearance between it and the insulating material as prescribed in sub-rule (1). ofless than 50 millimetres.(3) (a) The generator shall be so mounted that all air inlets shall point away from the main fuel tank filler cap which shall not be less than 1.2

metres away from the generator or any pipe line leading from the generator to the gas coolers;

(b) No generator and no pipe line leading from the generator shall be so placed as to have any of their parts within a distance of less than 60

centimetres from any part of the fuel tank :

Provided that, when the fuel tank is located under the driver's cab and the generator is installed behind the line drawn along the back of the driver's cab at right angles to the central line of the vehicle. the generator may be placed within a distance of 60 centimetres but not within less than 15 centimetres from the fuel tank and the area of the cab immediately behind the back of the fuel tank and at the end of the fuel tank next to the generator shall be insulated from the generator with double asbestos sheet of atleast 3 millimetres in thickness.

214. Filters and coolers.— On any transport vehicle the filters and gas coolers of a producer shall be so placed as to be readily accessible for cleaning at any time.

215. Secure fitting.— Every part of a producer fitted to a motor vehicle shall be firmly and securely fixed in place. and all pipes. valves. joints and hopper lids or covers shall, at all time be maintained in gas-tight condition.

216. Overall width, length and height and overhang of motor vehicle in relation to producer.— (1) The projection of any part of a producer beyond the rear of the vehicle shall be deemed not to be a part of the vehicle for the purposes of rules in respect of overall length and overhang framed by the Central Government.

(2) No producer shall be fitted to a motor vehicle in such a way that the vehicle thereby contravenes the provision of the rule in respect of width and overall height prescribed by the Central Government.

217. Certificate of inspection of transport vehicle fitted with producer.— (I) Before a transport vehicle fitted with a producer is used. it shall be submitted for a test to the Director of Industries or the Transport Commissioner, Bombay in this behalf who shall submit it to a road test of 40 kilometres run and for inspection immediately afterwards for any defects.

(2) Ifafter test and inspection, the fitting is found to be suitable, the said authority. as the case may be, shall issue a certificate of inspection in that behalf.

(3) In the event of any defects being found, the ovmer of the motor vehicle. shall be informed in writing of the defects by the authority testing the vehicle.

(4) The vehicle shall not be used as so fitted until the defects are remedied to the satisfaction of the said authority and a certificate is issued under sub-rule (2).

218. Periodical inspection and test.— (I) Every motor vehicle other than a motor car, fitted with a producer shall be submitted for a test once in six months to the Director of Industries or the Transport Commissioner, Bombay, in this behalf who shall submit it to a road test of forty kilometres run and for inspection immediately afterwards for any defects. (2) If after test and inspection the fitting is found to be suitable. the said authority shall issue a certificate of inspection in that behalf.

(3) In the event of any defects being found, the owner of motor vehicle shall be informed of the defects by the authority testing the vehicle.

(4) The vehicle shall not be used as so fitted until the defects are remedied to the satisfaction of the said authority and a certificate issued under sub-rule (2).

2 19. Display of certificate on vehicles.— The certificate of inspection granted under sub-rule (2) of Rule 217 and Rule 218 shall be displayed on a prominent place in a motor vehicle in respect of which it is issued. 220. Fees for inspection and test.— (1) The fee for inspection and test of a model under Rules 206 and 207 and a modification of a model under Rule 208 shall be '(five hunderd rupees].

(2) The fee for inspection and test of producer under Rule 220 shall be '(seventy-five rupees].

(3) The fee for inspection and test of motor vehicle fitted with a producer under Rule 217 or 218, as the case may be. shall be '(seventy-five rupees]. 1. Sub. by G.N., H.D., No. MVR. 0298/I531/CR-91/TRA-2, dt. 30.7.1999.

(4) The fee for a duplicate copy of a certificate issued under Rules 209. 217 and 218 shall be 'lfifty rupes].

(5) All fees payable under this rule. shall be payable in advance and shall not be refunded.

(6) If the inspection and test under Rules 209, 217 or 218 is carried out at the premises of manufacturer or dealer in producers, or at the request of the OWHCI of a motor vehicle at a place other than a place specified by the Director of Industries for carrying out the inspection and test. there shall be charged in respect thereof. in addition to the fee prescribed in subrules [2] and (3). an extra fee equal to the actual expenses incurred by the officer for such inspection and test. including the travelling allowance admissible to him under the Maharashtra Civil Service Rules.

221. Precautions for use and maintenance of motor vehicles fitted with producer.— No driver or other person in charge of a motor vehicle to which a producer fitted shall,-

(a) at any time when there is fire in the generator. cause or allow the vehicle to stop within a distance of ten metres from any other motor vehicle or of less than twenty metres from any fuel pump or place where fuel is supplied in tins;

(b) at any time when there is fire in the generator. pour fuel or cause or allow fuel to be poured into the fuel tank;

[c] carry. or cause or allow to be carried in the vehicle. save in the regular fuel tank thereof, any fuel or other inflammable or explosive substance:

(d) clean or rake out cause or allow any other person to clean or rake

out the generator at any appointed stand or stopping place or within a distance of less than twenty metres from any other motor vehicles; (e) where a park, bus stand or halting place or part of a park, bus stand or halting place is set apart for vehicles fitted with producers. allow the vehicle to stop or remain stationary in any place other than the park. bus stand or halting place or other part thereof. as the case may be;

[f] place the vehicle. or cause or allow it to be placed, in any garage or shed unless the garage or shed is provided with a permanent opening or openings other than doors and windows for sufficient ventilation.

CHAPTER VII CONTROL OF TRAFFIC

222. Vehicle abandoned on road.- (1) If any motor vehicle is allowed to stand in any place, other than a duly appointed parking place, in such a way as to cause obstruction to traffic or danger to any person, any Police Officer, or an Officer of the Motor Vehicle Department not below the rank of Assistant Inspector of Motor Vehicles may.-

- (i) forthwith cause the vehicle to be moved under its own power or otherwise to the nearest place where the vehicle shall not cause undue obstruction to traffic or danger;
- (ii) unless it is moved to a position where it shall not cause obstruction or danger, take all reasonable precautions to indicate the presence of the vehicle; ¹[* * *]
- ²[(ii-a) detain the vehicle if parked in no parking zone, by applying wheel clamps in order to initiate legal proceedings; and]
- (iii) if the vehicle has been stationary in one place for a continuous period of ten hours and adequate steps have not been taken for its repairs or removal by the owner or his representative, remove the vehicle and its contents to the nearest place of safe custody.
- 1. The word "and" was deleted by G. N. of 14.11.1991.
- 2. Clause (ii-a) was subs. by No. MVA.0589/CR-1029/TRA-2, dt. 26.10.1994.

(2) If a motor vehicle has been stationary in a duly appointed parking place for a period exceeding that specified by an authority competent in this behalf, in respect of the said place or, if no such period has been specified, for a period exceeding six hours, any Police Officer may remove the vehicle to the nearest place of safe custody.

(3) Notwithstanding any fine or penalty which may be imposed upon any person upon conviction for the contravention of the provisions of Section 122 or of any regulation made by a competent authority in relation to the use of duly appointed parking places, the owner of the motor vehicle or his heirs or assignees shall be liable to make good any reasonable expense incurred by any Police Officer in connection with the moving, lighting, watching, or removal of a vehicle or its contents in accordance with sub rules (1) and (2) and any Police Officer, or any person into whose custody the vehicle has been entrusted by any Police Officer, shall be entitled to detain the vehicle until he has received payment accordingly and shall upon receiving such payment, give a receipt to the person making the payment.

(4) The penalties prescribed under Section 201 of the Act shall be recoverable by the officer of and above the rank of Assistant Inspector of Motor Vehicles of the Motor Vehicle Department or Sub-Inspector of Police.

223. Installation and use of weighing devices.- (1) A weighing device for the purposes of Section 114, may be -

- (i) a weigh-bridge installed and maintained at any place by or under the order of the State Government or a local authority or railway administration;
- (ii) a weigh-bridge installed and maintained by any person and certified by the registering authority to be a weighing device for the purpose of the Act and these rules; or
- (iii) a portable wheel-weigher of any kind approved by the State Government.

(2) The driver of any goods vehicle shall, upon demand by a competent authority, not below the rank of Assistant Inspector Of Motor Vehicles, drive and manipulate t ace it on any wheel or wheels thereof, as the case may be, upon an weigh-bridge or wheel-weigher in such a manner that the weight of the vehicle or the weight transmitted by any wheel or wheels may be exhibited by the weigh-bridge or wheel-weigher.

(3) If the driver of a motor vehicle fails within a reasonable time to comply with a requisition under sub-rule (2), an officer not below the rank of Inspector of Motor Vehicles may cause any person, being the holder of a licence authorising him to drive the vehicle, so to drive and manipulate the vehicle.

¹[Provided that the application in Form T.O.D.A. shall be accompanied with a fee of rupees two thousand for the motor vehicle with gross vehicle weight upto 49,000 kg. and rupees four thousand for motor vehicle with gross vehicle weight exceeding 49,000 kg.]

(4) When the weight or axle weight of a motor vehicle is determined by separate and independent determination of the weight transmitted by any wheel or wheels of the vehicles, the axle weight and the laden weight of the vehicle shall be deemed to be the sum of the weights transmitted by the wheels of any axle or by all the wheels of the vehicle, as the case may be.

(5) Upon the weighment of a vehicle in accordance with Section 1 14 and this rule, the person who has required the weighment or the person in charge of the weighing device, shall deliver to the driver or other person in charge of the vehicle a statement in writing of weight of the vehicle and of any axle, the weight of which is separately determined.

(6) The charges of weighing the vehicle ${}^{2}[* * *]$ shall be borne by the vehicle owner provided that such charges shall be the charges prevalent in the area which shall be duly certified by the officer of and above the rank of the Assistant inspector of Motor Vehicles.

1. The words "if the weigh bridge is not owned by the State Government" were deleted by G. N. dt.23.10.1992.

2. Sub. by G.N.. H.D.. No.MVR.0298/1531/CR-9l/TRA-2. dt.30.7.1999.

(7) The driver or other person in charge of, or the owner of a vehicle which has been so weighed, may challenge the accuracy of the weighing device, by statement in writing accompanied by a deposit of ³hundred rupees] delivered –

- (i) within one hour of the receipt of the statement referred to in sub-rule (5), to the person by whom the statement was delivered to him; or
- (ii) within fourteen days of the service on him of notice of proceedings against him under Section 1 I3, to the Court issuing such notice.

(8) Upon receipt of a statement challenging the accuracy of weighing device under subrule 7, the person or the Court by whom the statement is received shall write to the registering authority, for the weighing device to be tested, by an Inspector of Weights and Measures and the certificate of such Inspector regarding the accuracy of the weighing device shall be final.

(9) If, upon the testing of a weighing device under sub-rule (8), the weighing device is certified to be accurate or to be inaccurate to an extent less than any weight by which the laden weight or unladen weight of the vehicle is shown in the statement referred to in sub-rule (5) to

have exceeded the registered unladen weight. as the case may be, a contravention of Section 1 13 shall be deemed to have been proved.

(10) If, upon the testing of a weighing device as aforesaid, weighing device is certified to be inaccurate to an extent greater than any weight by which the laden weight or unladen weight of the vehicle is shown in the statement referred to in sub-rule (5) to have exceeded the registered laden

weight or the registered unladen weight, as the case may be, no further proceedings shall be taken in respect of any such laden weight or unladen weight. If the device is certified to be inaccurate to the said extent in respect of every such laden weight or unladen weight or unladen weight actually

weighted, the deposit prescribed in sub-rule (6) shall be refunded.

(11) No person shall by reason of having challenged the accuracy of any weighing device under sub-rule (7), be entitled to refuse to comply with any order in writing under Section 114.

224. Restriction on driving with gear disengaged.- On any hill, marked by traffic sign No. 10 of Part B of the Schedule to the Act, no person shall drive any motor vehicle with the engine free, that is to say, with the gear level in neutral, the clutch level depressed or with any free wheel or other device in operation which frees the engine from the driving wheels and prevents the engine from acting as a brake when the vehicle is travelling down an incline.

225. Prohibition on mounting or taking hold of vehicle in motion.- (l) No person shall mount or attempt to mount on, or dismount from, any motor vehicle in motion.

(2) No person shall take hold of, and no driver of a motor vehicle shall cause or allow any person to take hold of, any motor vehicle when in motion for the purpose of being towed or drawn upon some other wheeled vehicle or otherwise.

226. Towing.- (1) No vehicle other than a mechanically disabled or incompletely assembled motor vehicle, a registered trailer or a side-car shall be drawn or towed, by any motor vehicle.

(2) No motor vehicle shall be drawn or towed by any other motor vehicle unless there is in the driver's seat of the motor vehicle being drawn or unless the steering wheel of the motor vehicle being towed are firmly and securely supported clear of the road surface by some crane or other device on the vehicle which is drawing or towing it.

(3) When a motor vehicle is being towed by another motor vehicle, the clear distance between the rear of the front vehicle and the front of the rear vehicle shall at no time exceed five meters. Steps shall be taken to ensure that the tow rope or chain is easily distinguishable by other users of the road, and there shall be clearly displayed on the rear of the vehicle being towed in block letters, not less than seventy-five millimeters high and on a white back ground the word "ON TOW" :

Provided that, no person shall be liable to be convicted for the contravention of this subrule for failure to display the words "ON TOW" if the motor vehicle which is towing the other is not a motor vehicle adopted and ordinarily used for the purpose and so long as the vehicle is being towed between the place of the break down and the nearest place on the route at which the necessary materials can be obtained.

(4) No motor vehicle when towing another vehicle, other than a trailer or side-car shall be

driven at a speed exceeding twenty kilometres per hour.

227. Driving of tractors on roads.- (1) No tractor, when fitted for being driven on a public road, shall be driven on such road at a speed exceeding ten kilometres hour and no such tractor shall take sharp turns on such road :

Provided that, if such tractor be a crowler tractor, it shall not be driven on an asphalt road between 9 a.m. to 9 p.m.

(2) Every such tractor, when driven on a metalled road, shall be driven as far as possible on the side strips of such road.

228. Footpaths, cycle tracks and traffic segregation.- Where any road or street is provided with footpaths, or tracks, no person shall, save with the sanction of a police officer in uniform, drive any motor vehicle or cause or allow any motor vehicle to be driven on any such footpath or track.

229. Projection of loads.— (1) Nothing shall be placed or carried upon the outside of the roof of a double-decked service vehicle.

(2) No person shall drive, and no person shall cause or allow to be driven in any public place any motor vehicle which is loaded in the manner likely to cause danger to any person or in such a manner that the load or any part thereof or anything extends.—

- i. laterally beyond the side of the body or beyond a vertical plane in prolongation of the side of the body:
- ii. to the front beyond the foremost part of the load body of the vehicle;
- iii. to the rear beyond the rearmost part of the vehicle; and
- iv. in height by a distance which exceeds 3.8 metres in case of a goods vehicle and 3.4 metres in case of any other motor vehicle from the surface upon which the motor vehicle rests :

Provided that, the clause (iii) shall not apply to a goods motor vehicle when loaded with any pole or other projecting thing so long as,-

- a) the projecting load falls within the limit of the body of a trailer being drawn by the goods vehicle: or
- b) the distance by which the pole or other thing projects beyond the rear-most point of the motor vehicle does not exceed 1.85 metres; and
- c) there is attached to the rear of such pole or other thing in such a way as to be clearly visible from the rear at all times a white circular disc of not less than 38 centimetres in diameter; and during the period commencing half an hour after sunset and ending half an hour before sunrise. a lamp in addition to the prescribed lamps on the vehicle so arranged as to show a red light to the rear and also a circular disc of not less than 38 centimetres in diameter painted in tetro-reflected red colour so that the same shall be illuminated in the light of the vehicle approaching from the rear.

(3) The registering authority or any officer not below the rank of Assistant Regional Transport Officer authorised by him by name or by designation may, exempt any motor vehicle, for such purpose. for such period and subject to such conditions as he may specify, from any or all of the provisions of this rule on application submitted in Form T.O.D.A. of the First Schedule.

(4) If the registering authority of the vehicle is located outside the State of Maharashtra,

the registered owner of the vehicle may apply for exemption to the registering authority or any officer not below the rank of Assistant Regional Transport Officer authorised by him in whose jurisdiction the motor vehicle will start journey in the State or enter the State and shall obtain the exemption under sub-rule (3) prior to the entry in the State.

(5) While granting exemption under sub-rules (3) and (4).the registering authority or the officer authorised by him. ¹[may consult if necessary] the authority of the Public Works Department and the State Traffice Police and only if satisfied that such exemption shall not cause any danger to any bridge or obstruction to traffic or danger to other vehicles or passengers travelling in other vehicles, shall grant such exemption.

1. Substituted by G. N. of 5.8.1992 (M.G.G. IV-A, 1993, p. 32].

(6) Such exemption under sub-rule (3) or (4) shall be granted in Form D.O.D.A. of the First Schedule and copies thereof would be dispatched to the registering authorities through whose jurisdiction the motor vehicle will travel.

230. Restriction as to carriage of dangerous substance.- (1) Except for the fuel and lubricants necessary for the use of the vehicle, no explosive, inflammable on otherwise dangerous substance, shall be carried on any public service vehicle and on any motor vehicle unless it is so packed that, even in the case of an accident to the vehicle it is unlikely to cause damage or injury to any person or property.

(2) If in the opinion of an Assistant Inspector of Motor Vehicles or a Police Officer not below the rank that of Sub-inspector, any public service vehicle or a motor vehicle is at any time loaded in contravention of this rule, he may order the driver or other person in charge of the motor vehicle to the inflammable or dangerous substance, and till such time shall not allow the public service vehicle or a motor vehicle to continue its journey.

231. Restriction on use of sound signals.- (1) No driver of a motor vehicle shall sound the horn or other device for giving audible warning with which the motor vehicle is equipped, or shall cause or allow any other person to do so needlessly or continuously or to an extent beyond that which is reasonably necessary to ensure safety.

(2) The Commissioner Police in Greater Bombay and elsewhere, the District Magistrate, may by notification published in the Official Gazette or in one or more newspapers in Greater Bombay or the district, as the case may be, and by the erection in suitable places of traffic sign No. 7, as set forth in Part A of the Schedule to the Act, prohibit the use by drivers of motor vehicles of any horn, gong or other device for giving audible warning in any area within Greater Bombay or the district, and during such hours as may be specified in the notification :

Provided that, when the Commissioner of Police or the District Magistrate, as the case may be prohibits the use of any horn, gong or other device for giving audible warning during certain specified hours, he shall cause a suitable notice, in English, Hindi and Marathi setting the hours within which such use is so prohibited to be affixed below the traffic sign.

232. Prohibition of use of cut-outs.— No driver of a motor vehicle shall in any place, make use of any cut-out or other device by means of which the exhaust gases of the engine are released, save through the silencer.

233. Restriction on travelling backwards.— No driver of a motor vehicle shall cause

the vehicle to travel backwards without first satisfying himself that he shall not thereby cause danger or undue inconvenience to any person or in any circumstances, save in the case of a road roller, for

any greater distance or period of time than may be reasonably necessary in order to turn the vehicle round.

234. Use of lamps when vehicle at rest.— (1) If within the limits of any Municipal Corporation, municipality or cantonment, a motor vehicle is at rest within the hours during which lights are required, at the left-hand side of any road or street or elsewhere in any duly appointed parking place, it shall not be necessary for the motor vehicle to exhibit any light save as may be required generally or specially by the Commissioner of Police, in Greater Bombay, and elsewhere by the District Magistrate.

(2) Outside the limits of any Municipal Corporation, municipality or cantonment, if a motor vehicle is at rest within the hours during which lights are required in such a position as not to cause danger or undue inconvenience to other users of the road, it shall not be necessary for the motor vehicle to display any lights.

235. Restriction of dazzling light — (1) The driver of a motor vehicle shall, at all times when the lights of the motor vehicle are in use so manipulate them that danger or undue inconvenience is not caused to any 'person by dazzle.

(2) The Commissioner of Police in Greater Bombay, and elsewhere the District Superintendent of Police, may, by notification in the Official Gazette and by erection of suitable notices in English and in the local language prohibit the use, within such areas or in such places as may be specified in the notification, of lamps giving a powerful or intense light.

236. Visibility of lamps and registration marks - (1) No load or other things shall be placed at any time on any motor vehicle so as to mask or otherwise interrupt vision of any lamp, registration mark or other mark required to be carried by or exhibited on any motor vehicle by or under the provisions of the Act, unless a duplicate of the lamp or mark so masked or otherwise obscured is exhibited in the manner required by or under the Act for the exhibition of the masked or obscured lamp or mark.

(2) All registration and other marks required to be exhibited on a motor vehicle by or under the provisions of the Act shall, at all times be maintained as far as may be reasonably possible in a clear and legible condition.

237. Stop sign on road surface.- (1) When any line is painted on or inlaid into the surface of any road at the approach to a road junction or to a pedestrian crossing or otherwise, no driver shall drive a motor vehicle so that any part thereof projects beyond that line at any time when a signal to stop is being given by a police officer or by means of traffic control lights or by the temporary display or sign No.3 of Part A of the Schedule to the Act.

(2) A "line" for the purpose of this rule shall be not less than 50 millimetres in width at any part and shall be either in white, black or yellow.

238. Traffic signs to be observed.- Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by a traffic sign, the erection of which is permitted under sub-section (1) of Section 1 16.

239. Duty to comply with traffic control signals.— (1) Every driver of a motor vehicle shall, when driving the vehicle in a public place comply with any traffic control signal given to him by any Police Officer in uniform for the time being engaged in the regulation of traffic in such public place.

(2) In this "Traffic Control Signal" means traffic control signal as illustrated in the Fourth Schedule to these rules and shall also include any electronic or any other device specified and installed by the competent authority.

240. Traffic signs at unguarded Railway level crossing.— Every driver of a motor vehicle shall observe the mandatory sign of the size, colour and type set forth below at each of the approaches of every unguarded railway level crossing :—

MANDATORY SIGN 60 centimetres		
Border		red.
Back-ground		White.
Letters	••••	Rectro-reflecting red.

241. Erection of placing of signs or advertisements on roads prohibited.— No persons shall place or erect or cause or allow to be placed or erected, on any road any sign or advertisement, which in the opinion of the Commissioner of Police or the District Magistrate. District Superintendent of Police or the Transport Commissioner, Maharashtra State, is so placed or erected as to obscure any traffic sign from view or is so similar in appearance to a traffic sign as to be misleading.

242. Special rules applicable to trailers provision as to trailers.- No trailer other than the trailing half of an articulated vehicle shall be attached to a public service vehicle.

243. Prohibition and restriction on use of trailers with motor cycles and invalid carriages.- (1) A motor cycle with not more than two wheels with a side-car shall not draw a trailer.

(2) A motor cycle with not more than two wheels without a side-car shall not draw a trailer unless the combination complies with the following requirements, namely :—

- i. the connection of the trailer to the motor cycle behind the apex of the rear tyre, of, or within, the wheel base ;
- ii. the trailer-motor cycle connection shall allow the motor cycle complete freedom of movement in the lateral plane. It shall rotate freely about the verticle axis preferably through 180 degree;
- iii. the motor cycle remains always in a vertical or in a lined plane without a rider having to balance it.

iv.

244. Prohibition of attachment of trailer to certain vehicles.— No motor vehicle which exceeds 8.4 meters in length not being a motor vehicle used for towing a disabled motor vehicle shall draw a trailer.

245. Restriction on number of trailers to be drawn.— (1) No tractor shall draw more than three trailers.

(2) No tractor shall draw on a public road,-

- i. a trailer exceeding half metric ton in weight unladen and fitted with solid steel wheels less than 60 centimeters in diameter; and
- ii. a disc harrow without trolley wheels used as training implements behind a tractor.

(3) No other goods vehicle shall draw more than one trailer.

246. Attendants on trailer.— (1) Where a trailer is or trailers are being drawn by a motor vehicle, there shall be carried in the trailer or trailers or on the drawing motor vehicles, as the case may be, the following person, not being less than twenty years of age and competent to discharge their

'duties. that is to say —

(a) if the brakes of the trailers canngt be operated by the driver of the

drawing motor vehicle or by some other person carried on that vehicle.—

(i) one person on every_tra_iler_gornpetent to apply the brakes; and

(ii) one person placed at or near the rear of the Tast trailer in train

in such a position as to be able to have a clear view of the road

in rear of the trailer to signal to mLd

vehicle§_ancl t9_CQmm th the driver drawing motor velgle;

(b) if the brakes of the trailer can be operated by the driver of motor vehicle or by some person carried on the vehicle, such other person in addition to the driver shall be carried on that vehicle and one person in the last trailer in train in accordance with the provisions of sub-clause (ii) of clause (a);

(cl if the trailer is or trailers are being draum by tractor the unladen weight of which exceeds 7,250 kilogrammes. notwithstanding that the brakes of the trailer or trailers can be operated by the driver or some other person on the tractor not less than one person on each trailer and not less than two persons on the last trailer in train one of whom shall be the person required by the provisions of sub-clause (ii) of clause (a).

(2) This rule shall not apply —

(a) to any trailer having not more than two wheels and not exceed-

ing 771 kilogrammes in weight laden when used singly and not in a train with other trailers;

(b) to the trailing half of an articulated vehicle;

[c] to any trailer used solely for carrying water for the purposes of the drawing vehicle when used singly and not in a train with other trailers: to any agricultural or road-making or road-repairing or roadcleansing implement drawn by a motor vehicle; or to any closed trailer specially constructed for any purpose and specifically exempted from any or all of the provisions of this rule by and order in writing made by the Registering Authority. to the extent so exempted.

(61

247. Restriction on length of train of vehicle and trailer-s.— The sum total of the len th o ' d its atta_c_lled trailer or trailers shall 248. Distinguishing mark for trailers.— (1) No person shall drive. or suffer or cause to be driven, in any public place any motor vehicle to which 31 trailer is or trailers are attached unless there is exhibited on the back of the trailer or of the last trailer in train. as the case may be. a distinguishing mark in the form set out in the diagram contained in the Fifth Schedule to these rules in rectro-reflective red colour and white background.

(2) The mark shall be kept clean and unobscured and shall be so fixed to the trailer that —

(i) the letter on the mark is vertical and easily distinguishable from the rear of the trailer:

(ii) the mark is either on the centre or to the right hand side of the back of the trailer; and

(m) no part thereof is at a height exceeding one hundred and twenty centimetres from the ground.

(3) This rule shall not apply to the case referred to [corresponding in clauses (a). (b). (c) and (d) of sub-rule (2) of Rule 246].

249. Special rules for heavy goods and passenger motor vehicles attendant.— The driver of a heavy goods and passenger motor vehicle shall be accompanied _l;v_an_attendant who shall be in a position to give warning of any traffic approaching from the rear and shall assist the driver by giving signal when the motor vehicle is being taken in reverse.

'I250. Wearing of protective headgear.— The following persons are exempted from the provisions of section 129 of the Motor Vehicles Act. 1988 (59 of 1988]. namely :—

(i) persons driving or riding all motor cycles in municipal areas;

(ii) persons driving or riding all motor cycles on roads, other than the State Highways and National Highways in areas other than the municipal areas; and

(m) persons driving or riding two-wheeled mopeds fitted with engine capacity of less than 50 cubic centimeters on the State Highways and National Highways in areas other than the municipal areas.]

'f "[250-A. Restriction on use of mobile phone.— (1) No driver while driving or riding a motor vehicle (including two wheelers) shall use a mobile phone.

i-am

1. Rule 250 was substituted by G. N. of 28.6.1996 (M.G.G., Pt. IV-A, 1996. p. 266-C).

2. Added by G.N., H.D., NO. MVR. 0499/216/CR-16/TRA-2, dt. 1.6.2000.

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(2) If no other person, other than the driver. is sitting in or on the motor vehicle, the mobile phone, if any. shall be switched off, during thejourney.] 251. Inspection of vehicle Involved in an accident.— '[(1)] Any officer of the Motor Vehicles Department, not below the rank of an Inspector of Motor Vehicles, shall inspect the motor vehicle involved in an accident and for that purpose may enter at any reasonable time any premises where the vehicle may be and may remove the vehicle for inspection. '[(2) The Officer empowered under sub-rule (1) shall, submit his report to the Transport Commissioner, the District Magistrate and Superintendent of Police, Commissioner of Police concerned and the Director General of Police, Maharashtra State in Form R.A.R. of the-First Schedule.)

CHAPTER IX

CLAIMS TRIBUNAL

252. Production of certificate of insurance at the time of paying tax on motor vehicle.- The owner of a motor vehicle applying for transfer of ownership of the vehicle which is exempted from payment of tax under the Bombay Motor Vehicles Tax Act, 1958 (Born. LXV of 1958) when,

applying for exemption token, shall forward with the application, a certificate of insurance, issued in pursuance of sub-section (4) of Section 147 relating to the vehicle and complying with the requirement of Chapter XI of the Act and shall be valid —

- a) if the application is made before the commencement of the period for which tax is tendered, on the first day of that period, or
- b) if the application is made during the period for which the tax is tendered, on the date on which the application is made,
- c) the Regional Transport officer concerned shall make full and, detailed entries in respect of each and every vehicle, recorded with his Office in respect of the insurance particulars, such as
 - (i) the name of Insurance Company. The number of Divisional Branch Officer issuing the Policy:
 - (ii) the number of Insurance Policy: and
 - (iii) the period of validity.

The entries regarding the Insurance particulars shall be preserved for a minimum period of 5 years :

Provided that, the owner of a vehicle exempted under sub-section (2) of Section 147 shall forward, in place of the certificate of insurance issued as aforesaid, the certificate prescribed in Rule 12 of the Motor Vehicles (Third Party Insurance) Rules, 1946.

253. Information to be furnished to Insurance Company by Claimants.-

(a) The Regional Transport Officer shall comply with the requisition from the concerned Divisional Manager, in respect of any motor vehicle involved in an accident.

(b) On receipt of a requisition in Form "Comp AAA" of the First Schedule from a Divisional Manager of an Insurance Company with which a motor vehicle involved in an accident may be insured, the Regional Transport Officer, to whom it may be addressed shall return the same form, duly filled in, in duplicate; within 2 weeks from its receipt.

(c) The Office of the Tribunal shall make available to any applicant on payment of the scheduled charges, a certified copy of the Form 'Comp AA' of the First Schedule required by him. as mentioned in Rule 254(8) and such of the information as may be contained in it may be used as genuine and authentic, by any claimant, for the grant of compensation, on any account.

254. Application for compensation arising out of an accident.- (1) An application for compensation arising out of an accident of the nature specified under this Act shall be made to the Claims Tribunal, having jurisdiction over the area in which the accident occurred, which shall be in Form 'COMP' of the First Schedule to these rules with particulars specified in that

form.

(2) Every such application shall be sent to the said Claims Tribunal or to the Chairman, in case the Tribunal consists of more than one member, by registered post or may be presented to such Claims Tribunal and shall, unless the Claims Tribunal or its Chairman otherwise directs, be made in duplicate and shall be signed by the applicant.

(3) In case the Tribunal consists of more than one member, the State Government shall designate one of them as the Chairman of the Tribunal.

(4) The Chairman of the Tribunal shall have power to transfer any claim petition from the file of any member to the file of any other member.

(5) There shall be appended to every such application, the following documents, namely :-

- i. injury certificate or in case of death. post-mortem report, or Death Certificate;
- ii. True copy of First information Report or Police Station Diary Entry or Traffic Accident Report duly certified by the Police Officer of the Police Station concerned. in respect of the accident; and
- iii. Certified copy of the Form Comp 'AA' of the First Schedule mentioned in sub-rule (8) of this rule.
- iv. ¹[If the accident has occurred out of the jurisdiction of the Claims Tribunal and the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the claimant resides or carries on business or the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the defendant resides. a document showing that the defendant resides within the local limits of jurisdiction of the said Tribunal.]
- 1. Clause (iv) was added by G. N. of 16.8.1996.

(6) The Officer-in-charge of the Police Station shall. on demand by a person who wishes to make an application for compensation and who is involved in an accident arising out of the use of a motor vehicle or the legal successor of the deceased, shall furnish to him such information and particulars mentioned under Section 160 and within 15 days from the date of such demand.

(7) If any of the documents specified in sub-rule (5) are not appended to the application the reasons for not appending them shall be stated, and if the Tribunal is satisfied. it may proceed with the application, and require production thereof at a later stage.

(8) The police station concerned, within whose jurisdiction the accident for any motor vehicle occurs shall submit a detailed report regarding an accident to a Claims Tribunal having jurisdiction over the area under Section 166(4) of the Act and obtain an acknowledgement for it. The information shall be submitted by the Police Station in Form Comp AA within one month from the date of accident. Such information shall be submitted only in respect of accidents which are of fatal or serious in nature.

(9) True copies of the annexures referred to in sub-rule (5) shall also be attached to the copies of the main application to be served on the opposite parties and the Insurance.

Rule 254(5) is directory in nature and not mandatory.- In this case the appellant has alleged that he was in service in a company as a Security Guard and met with an accident. He has

lodged an application for compensation under section 166 of the Motor Vehicles Act. 1988. The claimant lodged a private complaint in the court of learned Judicial Magistrate (F.C.) only on the grounds that, there is no registration of the accident with the police station concerned, within whose jurisdiction, the alleged accident took place. The learned Judge referred to Rule 254 (5) of the Maharashtra Motor Vehicles Rules and dismissed the claim petition.

Sub-rule (5), obligates the claimant that every application for compensation shall be appended to the documents which are mentioned in clauses (i) to (iii) thereof.

It was held by the High Court that, the Claims Tribunal ignored oral evidence "of the claimant, dismissed the claim, which has multiplied the sufferance of the claimant to a large extent. Rules framed by the State are not for cornering the beneficiaries i.e. claimants in the case of personal injuries nor the legal heirs / representatives or successors of the deceased person. They have to be read in view of the object of the constitution of the Claims Tribunal and provisions of the Act of 1988. Rules are hand made of justice and have to be considered and interpreted for advancing the cause of justice, rather to defeat the same. The High Court further held that, Rule

254 (5) is directory and not mandatory. The High Court reversed decree in appeal and quashed and set aside the appeal on the ground of non-compliance of Rule 254 of Rules and without appreciating the oral evidence of the claimant/appellant.- *Rangnath Trimbak Sonawane v. Baban Ganpat Mhaske and others*, 2009 (4) Mah. L.J. 88: 2009(5) Bom. C.R.769 : 2009 (4) All M.R. 789.

255. Application for compensation under Section 140.- (1) Not- withstanding anything contained in Rule 254 every application for a claim under Section 140 shall be filed before the Claims Tribunal, in triplicate, and shall be signed by the applicant and the following documents shall be appended to every such application, namely :—

- i. Panchanama of the accident:
- ii. First information Report or Station Diary Entry or Traffic Accident Report, duly certified by the Police.
- iii. Medical Certificate in Form Comp B of the First Schedule or in case of death. post-mortem report or death certificate: and
- iv. Certified copy of the Form 'Comp AA' of the First Schedule mentioned in Rule 254(8).
- v. ¹[If the accident has occurred out of the jurisdiction of the Claims Tribunal and the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the claimant resides or carries on business or the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the defendant resides, a document showing that the defendant resides within the local limits of jurisdiction of the said Tribunal.]

1. Clause (v) was inserted by G. N. dt. 16.8.1996.

(2) if any of the documents specified in sub-rule (l) are not appended to the application, the reasons for not appending them shall be stated, and

(3) The Claims Tribunal shall strive to dispose off the above application within 45 days from its receipt, and shall if there be any delay in its disposal, record the reasons for the same.

NOTES

Requirement prescribed in sub-rule (1) of rule 255 has got directory force in the nature and it cannot be construed to have mandatory force in order to expel the applicant from the forum.- *Narayan Kothiranyi Bawane v. The Motor Accident Claims Tribunal*, **2005** (1) All M. R. **59**.

¹[255-A. Application for compensation under section 163A.- (1) Notwithstanding anything contained in rule 254. an application for claim under section 163A shall be filed before the Claims Tribunal in Form "COMP-A" in triplicate shall be signed by the applicant or claimant. The following documents shall be appended to every such applications, namely:-

- i. Panchanama of the accident:
- ii. First Information Report or Station Diary Entry or Traffic Accident Report duly certified by the Police;
- iii. Medical Certificate in Form "COMP-B" or injury certificate in case of personal injury or post-mortem report or death certificate in case of death from the hospital concerned;
- iv. Certified copy of Form "COMP-AA", or a certified copy of the Motor Vehicle Card of the vehicle involved in the accident, maintained by the Regional Transport Office concerned;
- v. If the accident has occurred out of the jurisdiction of the Claims Tribunal and the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the claimant resides or carries on business or the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the defendant resides, a document showing that the defendant resides within the local limits of jurisdiction of the said Tribunal;
- vi. Salary certificate or any other documentary proof showing monthly or annual income of the person injured or deceased;
- vii. Proof of age of the person injured or deceased;

(2) If any of the documents specified in sub-rule (1) are not appended to the applicant for claim the reasons for not appending the said documents shall be stated separately in the form of affidavit and if the Claims Tribunal is satisfied with such reasons, it may proceed with the application and require production thereof at a later stage.

(3) The Claims Tribunal shall dispose off such application as far as possible within six months from the date of its receipt. if there is any delay in its disposal. it shall record the reasons for such delay.]

1. Rule 255A was added by G. N. of 16.8.1996.

256. Production of passport size photograph by applicant.- Not withstanding anything contained in ¹[Rule 254. 255 or 255A the applicant shall produce his recent passport size photograph] which shall be attested by the Advocate on record. The photograph shall either be affixed to the original claim application or affixed to a separate sheet of paper, which shall be fastened to the original claim application.

1. Sub. by G. N. dt. 16.8.1996.

²[257. Fees.- (1)There shall be paid with every application for compensation under section 166 or 163-A of the Motor Vehicles Act. 1988 (59 of 1988). a fee, in the form of court fee stamps as indicated in the Table below namely :-

IADLE						
Amount of Compensation	Fee					
For a claim of Compensation -						
i) Not exceeding Rs.5,000/-	Rs.10.00					
ii) Exceeding Rs.5,000/- but not exceeding	Rs.10.00 plus 0.25 percent of the amount by					
Rs.50,000/-	which the claim exceeds Rs.5,000/-					
iii) Exceeding Rs.50,000/- but not	Rs.122.50 plus 0.50 percent of the amount by					
exceeding Rs.1,00,000/-	which the claim exceeds Rs.50,000/-					
iv) Exceeding Rs.1,00,000/-	Rs. 372.50 plus one per cent of the amount by					
	which the amount of claim exceeds rupees one					
	lakh, subject to the maximum of Rs. 15,000/-					

(2) They shall be paid with the application for claim under rule 255 or under section 140, a fee of rupees fifty in the form of court fee stamps.

(3) The Claims Tribunal may exempt an applicant from payment of the fee payable under sub-rule (1). However, if the claim of such applicant has been accepted by the Claims Tribunals, he shall pay the prescribed fee notwithstanding the exemption granted in respect of the said fee. before the amount of compensation is paid to him.)

2. Rule 257 was sub. ibid.

NOTES

Under Rule 257(3) Claims Tribunal can exempt claimants from payment of Court fees.- Under the provisions of second amendment introduced in the Mah. Motor Vehicles Rules, it says that the Claim Tribunal may exempt an applicant from payment of the fee payable on every application for compensation under Sec. 166 of the M. V. Act, 1988.- *Parvatibai Vijaydas Vaishnav v. State of Maharashtra*, **1998 (2) Mah. L. J. 78: 1998 (2) Mah. L. R. 319: 1998 (2) Born. C. R. 593**.

258. Examination of applicant.- On receipt of an application under Rule 254 the Claims Tribunal may examine the applicant on oath, and the substance of such examination, if any, shall be reduced to writing and shall be signed by the Member constituting the Claims Tribunal or, as the case may be, the Chairman.

259. Summary disposal of application.- (i) Any application for compensation received in Claims Tribunal shall be examined within 14 days from its receipt with a view to find out whether the same is in order. Any discrepancies or non-compliance with the statutory requirements may be

notified as "Office objections" on the Notice Board of the Claims Tribunal, and the parties or the Advocate concerned may be called upon to remove them, or to make their submissions in regard to the same within 14 days from the publication or display of the Notice, failing which the concerned

parties/Advocate should be given to understand that the applications in question are liable to

summary dismissal.

(ii) The Claims Tribunal may, after considering the application and the statement of the applicant recorded under Rule 258 dismiss the application summarily, if for reasons to be recorded in writing, the Claims Tribunal is of the opinion that there are no sufficient grounds for proceeding therewith.

260. Notice to the parties involved.- (1) If the application is not dismissed under Rule 259, the Claims Tribunal shall. send to the owner or the driver of the vehicle or both involved in the accident and its insurer, a copy of the application, and the annexures thereto together with the notice of the date on which the parties shall enter their appearance either in person, or through their duly authorised agents, and may also file their written statement, if any, with additional copies of the same, for being furnished to the other parties connected with the matter. It will dispose off the application, and may call upon the parties to produce on that date any evidence which they may wish to tender.

(2) The service of the notice shall be effected on the owner, the driver and the insurer of the vehicle in question. as the case may be, by way of personal service, through the bailiff or by Registered Post A/D or both.

(3) Where the applicant makes a claim for compensation under Section 140, the Claims Tribunal shall give notice to the owner and insurer, if any, of the vehicle involved in the accident directing them to appear on the date, not later than fifteen days from the date of issue of such notice. The date so fixed for such appearance shall also be not later than fifteen days from the receipt of the claim application filed by the claimant. The Claims Tribunal shall state in such notice that in case they fail to appear on such appointed date, the Claims Tribunal shall proceed *ex-parte* on the presumption that they have no contention to make against the award of compensation.

NOTES

Sub-rule (3) of rule 260 of the Maharashtra Motor Vehicles Rules, 1989 requires notice to be given to the Tribunal in respect of the claim or compensation under section 140 to the owner and insurer and there is no need to give notice to the driver.- *Rama Kondiba Khade v. Sk. Sakir s/o Sk. Kachru, 2004 (1) Mah. L. J. 971.*

Decree or Award can be made personally against the driver of the offending vehicle if he is involved in a Claim Petition either as party or at least as witness.- The provisions of Rule 260 (1) and (2) of the Maharashtra Motor Vehicles Rules, 1989 are mandatory and are required to be followed by the Claims Tribunal to involve the owner, driver and insurer of the vehicle in question, in the manner prescribed. The Claims Tribunal has to pass an award under section 168 of the Motor Vehicles Act, 1988 as to the amount of compensation to be paid by the insurer or owner

or driver of the vehicle involved in the accident or by all or in all them, as the case may be.- New India Assurance Company Ltd. v. Suman Bhaskar Pawar and others, **2010(2)** Mah. L.J .177.

261. Appearance and examination of parties.- (1) The opposite party may, and if so required by the Claims Tribunal shall, at or before the first hearing or within such time as the Claims Tribunal may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record, in accordance with the method of recording evidence specified in Rule 267.

(2) If the opposite party contests the claim, the Claims Tribunal may, and if no written statement has been filed, shall, proceed to examine the parties to the claim and shall reduce the result of examination to writing.

262. Summoning of witnesses.- If an application is presented by any party to the proceeding for the summoning of witnesses, the Claims Tribunal shall, on payment of the expenses involved. if any, issue summons for the appearance of such witnesses, unless it considers that their appearance is not necessary for a just decision of the case.

263. Fees for process.- The fees to be 1 [charged by the Claims Tribunal for any process issued to a party shall be fifteen rupees], by way of court-fee :

Provided that, no fee shall be charged for process of application for compensation under Section 140.

1. These words were substituted by G. N. of 16.8.1996.

264. Appearance of legal practitioner.- The Claims Tribunal may, in its discretion, allow any party to appear before it through the legal practitioner.

265. Local inspection.- (1) The Claims Tribunal may, at any time during the course of an enquiry before it, visit the site at which the accident occurred for the purpose of making a local inspection or examining any persons likely to be able to give information relevant to the proceeding.

(2) Any party to a proceeding or the representative of any such party may accompany the Claims Tribunal for a local inspection.

(3) The Claims Tribunal after making a local inspection shall note briefly in a memorandum any facts observed, and such memorandum shall form part of the record of enquiry.

(4) The memorandum shall be made available to any party who desires the same, and shall supply any party with a copy, if applied and shall pay the fee thereof calculated at the rate of rupees ten for the first page and rupees two for each additional page.

266. Power of summary examination.- (1) The Claims Tribunal, during a local inspection or at any other time, save at a formal hearing of a case pending before it, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

267. Method of recording evidence.- The Claims Tribunal shall, as examination of witnesses proceeds, make a brief memorandum of sub-stance of the evidence of each witness and such memorandum shall be written and signed by the members of the Claims Tribunal and shall form part of the record :

Provided that, if the member or the Chairman of the Claims Tribunal is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such Memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record :

Provided further that, the evidence of any medical witness shall be taken down as nearly

as may be, word to word.

268. Adjournment of hearing.- If the Claims Tribunal finds that an application cannot be disposed off at one hearing, it shall record the reasons which necessitate the adjournment and also inform the parties present at the date of adjournment of hearing.

269. Expert.- (1) The Claims Tribunal may for the purpose of adjudicating upon any claim for compensation. other than claims for compensation under Section 140, choose not more than two persons having technical or special knowledge with respect of any matter before the Claims Tribunal for the purpose of assisting it in the holding of the enquiry.

(2) The remuneration, if any, to be paid to the expert shall be determined by the Claims Tribunal.

270. Framing of issues.— After considering any written statement and the result of any local inspection, the Claims Tribunal shall proceed to frame the issues.

271. Determination of issues.— After framing the issues, the Claims Tribunal shall proceed to record evidence thereon which each party may desire of produce.

272. Diary.— The Claims Tribunal shall maintain a brief diary of the proceeding on an application.

273. Judgment and award of compensation.— (1) The Claims Tribunal in passing orders. shall record concisely in a judgment the findings on each of the issues framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the Insurers and the owners of the vehicle who may be found vicariously responsible for causing the accident and also the person or persons to whom compensation shall be paid.

(2) Where compensation is awarded to two or more persons, the Claims Tribunal shall also specify the amount payable to each of them.

(3) Where any lumpsum deposited with the Claims Tribunal is payable to a woman or a person under the legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman on her application or such person during his disability in such manner as the

Claims Tribunal may direct. and where a quarterly payment is payable to any person under the legal disability, it may of its own motion or on any application made to it in this behalf, order that the payment be made during the disability of the person concerned or to any dependent of the injured or heir or the deceased or to any other person whom such Tribunal thinks best fitted to provide for the welfare of the injured or the heir of the deceased.

(4) Where an application made to the Claims Tribunal in this behalf or otherwise, and it is satisfied that on account of neglect of the children on the part of the parent or on account of the variation of the circumstances of any dependent or for any other sufficient cause, an order of the Tribunal, as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependent is to be invested, applied or otherwise dealt with, ought to be varied, the Tribunal, may make such orders for the variation of the former order as it thinks just in the circumstances of the case.

274. Receipt for compensation.- Upon payment of compensation, a receipt shall be

obtained by the Claims Tribunal and such receipt shall be forwarded to the insurer concerned or as the case may be, the owner of the vehicle, for the purpose of record. This receipt shall also constitute a valid discharge of the liability of the Insurers or the owner in whose favour it is issued.

275. Power vested in Civil Court which may be exercised by Claims Tribunal.-

(1) Without prejudice to the provisions of Section 169.—

- [a] Every Claims Tribunal, may exercise all or any of the powers vested in a Civil Court under the following provisions of the Code of Civil Procedure, 1908, in so far as they may be applicable namely-
- Sections 30. 32, 34, 35. 35(a), 75(a) and (cl. 76. 77. ¹[89] 94, 95, 132, 133. 134, 145, 147, 148, 149. 151, 152 and 153;
 - 1. inserted by G. N. of 4.5.2006.
 - [b] In addition to the provisions of Section 174,-
 - (i) Any Claims Tribunal constituted for Greater Bombay where the amount of compensation awarded by it does not exceed twenty-five thousand rupees, shall have all the powers of the City Civil Court. and where such amount exceeds the said sum, shall have all the powers of the High Court, for the purpose of execution of the award, as if the award is a decree for the payment of money made in Suit by City Civil Court or High Court, as the case may be, and the Claims Tribunal shall execute the same through the Sheriff of Greater Bombay as if the same has been executed by the City Civil Court or High Court, as the case may be.
 - (ii) any Claims Tribunal constituted for in or outside Greater Bombay, shall have all the powers of the Court of Civil Judge [Senior Division) for the purpose of execution of any award for compensation made by it, as if the award is a decree for the payment of money made in a suit by such Court.

(2) For the purposes other than those specified in sub-rule (I), the Claims Tribunal may exercise all or any of the powers of a Civil Court as may be, necessary in any case for discharging its functions under the Act and made thereunder rules.

NOTES

Rules do not make Tribunal a Civil Court and conferred all the powers of Civil Court contradictory.- Rules 275 and 276 of the Maharashtra Motor Vehicles Rules deal with vesting of powers of Civil Court and conferred all the powers of Civil Court and procedure to be followed by the Claims Tribunal. This rule do not make Tribunal a Civil Court and conferred all the powers of Tribunal to Civil Court subject to the procedure described in Civil Procedure Code. Rules enumerate specific provisions of Court and schedule thereto which apply to the proceedings before the Tribunal. The High Court (Division Bench) rejected the contention that Claims Tribunal is a Civil Court and its award is "an order".- Asha d/0 Bhalchandra Joshi v. National Insurance Co. Ltd., **2008 (1) Mah. L. J. 724 : 2008 (1) All M.R. 745**.

276. Procedure to be followed by Claims Tribunal in holding enquiries.- (1) The following provisions of the Code of Civil Procedure, 1908 shall, so far as may be, applied to the

proceedings before every Claims Tribunal, namely :---

(a) Sections 28, 79, ¹[82 and 89]

1. These figures and word was substituted for the word and figures "and 82" by G.N. of 4.5.2006.

(b) in the First Schedule, Order V. Rules 9 to 13 (both inclusive) and 15 to 30 (both inclusive), Order VI, Rules 4, 5, 7, 10. II, 16, 17 and I8, and Order VII, Rule 10. Order Rules 2 and 5 (both inclusive), 9 and I0, Order IX, Order XI, Rules I2 and 15 (both inclusive), I7 to 21 (both inclusive) and 23. Order XII. Rules I, 2, 3A, 4, 7 and 9, Order XIII, Rules 3 to 10 (both inclusive), Order XIV, Rules 2 and 5, Order XVI. Order XVII. Order XVIII, Rules 1 to 34 [both inclusive), 10 to 12 [both inclusive) and I5 to 18 (both inclusive), Order XX. Rules I to 3 (both inclusive), 8, 11 and 20, Order XXI, Order XXII, Rules I to 7 (both inclusive) and 9, Order XXIII, Rules I to 3 (both inclusive), Order XXII, Order XXIV. Order XXVI, Rules 1 to 8 (both inclusive) and I5 to 18 (both inclusive), Order XXIX, Order XXX, Rules 1. 3, to 8 (both inclusive) and Rule 10, Order XXXII, Rules I to 5 (both inclusive), Order XXXVII, Rules 1 to IO (both inclusive), and Order XXXIX, Rules I to 5 (both inclusive). In so far as the Act and these rules make no provision or make sufficient provision, the relevant provisions of the Code of Civil Procedure, I908, shall, so far as may be, apply to the proceedings before the Claims Tribunal.

NOTES

Delivery of summons without copy of application or without copy of Claim Petition is not a due service. - In the present case Claim Petition was allowed by learned Member of Motor Accident Claims Tribunal by Judgment and Award granting compensation and directing the investment of amount etc. It was argued that, according to Order I, Rule 10(4) of C.P.C. it is mandatory to serve the amended copy of petition with summons to the newly added parties. The appellant has not received any summons or amended copy of petition after verifying the record. Therefore, the judgment and decree needs to be quashed and set aside.

It was observed by the High Court that no notice of Claim Petition was sent to the original respondent. High Court further held that delivery of summons without copy of application or without copy of Claim Petition is not a due service. Use of procedure for service under Civil Procedure Code is not just a guiding path of procedure, but is mandatory, in absence of any special procedure being provided under Motor Vehicles Act, 1988. Under Rule 276 of the Maharashtra Motor Vehicles Rules, 1989 various provisions of Civil Procedure Code have been made applicable to the procedure to be adopted by the Tribunal.- *Salish s/o Balkrushna Mundle u. Ramdas s/o Pandurang Lunge 8 & Ors.* 2009 (4) All M.R. 570.

277. Savings.- Notwithstanding anything contained in these rules. In the case of minor accidents and claim under Section 140, the Claims Tribunal may follow such summary procedure, as it thinks fit.

278. Registrar.- The State Government may appoint a Registrar of the Claims Tribunal, who shall be the Chief Ministerial Officer of the Tribunal and shall exercise such powers and discharge such duties of a ministerial nature as a member of the Tribunal may by order, direct from time to time or where the Tribunal consists of more than one member, the Chairman of the Tribunal may, from time to time, by order direct.

279. Form of appeal and contents of memorandum.- (1) Every appeal against the award of the Claims Tribunal shall be preferred in the form of a memorandum signed by the appellant or an Advocate or Attorney of the High Court duly authorised in that behalf by the applicant and presented to High Court or to such officer as it appoints in this behalf. This memorandum shall be accompanied by a copy of the award.

(2) The memorandum shall set forth concisely and under distinct heads the grounds of objection to the award appealed from without any argument or narrative, and such grounds shall be numbered consecutively.

(3) Save as provided in sub-rules (1) and (2) the provisions of Order XXI and Order XLI in the First Schedule to the Code of Civil Procedure, 1908 (V of 1 908), shall, mutatis mutandis apply to appeals preferred to High Court under Section 173.

280. Obtaining information and documents necessary for awarding compensation ¹[under Sections 140 and 168A].- The Claims Tribunal shall obtain whatever supplementary information and documents which may be found necessary from the Police. Medical and other Authorities and proceed to award the claim where the parties who were given notice, appear or not, on the appointed date.

1. These words, figures and letter were sub. by G. N. of 16.8.1996.

281. Judgment and award of compensation ¹[under Sections 140 and 168A].- (1) The Claims Tribunal shall proceed to award the claim of compensation under Section 140 on the basis of -

- i. registration certificate of the motor vehicle involved in the accident, or a certificate regarding ownership of the vehicle involved in the accident from the Regional Transport Office or the Police;
- ii. insurance certificate of policy relating to the insurance of the vehicle against the Third Party Risk: or the certificate regarding the insurance particulars of the vehicle from the Regional Transport Office or the Police;
- iii. panchanama and First Information Report;
- iv. post-mortem report or Death Certificate, or certificate in Form COMP B of the First Schedule;
- v. the nature of the treatment given by the Medical Officer who has examined the victim;
- vi. any other documents produced by or on behalf of the parties or obtained in the Tribunal under Rule 280;
- vii. ²[any document which shows that the applicant resides or the defendant resides, as the case may be, within the jurisdiction of the Claims Tribunal before whom the claim application has been filed;
- viii. a certificate or any other documentary proof showing the income of the person injured or the deceased;
- ix. proof of age of the person injured or the deceased.]

(2) The Claims Tribunal in passing orders, shall make an award of compensation of twenty-five thousand rupees in respect of the death and of twelve thousand rupees in respect of the permanent disablement to be paid by the insurer or owner of the vehicle involved in the accident.

(3) The Claims Tribunal in passing order under sub-rule (2), shall direct the insurer or owner of the vehicle involved in the accident to pay the amount of compensation to the claimant within two weeks from the date of the said order.

(4) The Claims Tribunal shall, as far as possible, dispose off the application for compensation within forty-five days from the date of receipt of such application.

1. These words, figures and letter were sub. by G. N. of 16.8.1996.

2. Clauses (vii) (viii) and (ix) were inserted by G. N. of 16.8.1996.

NOTES

Power of Claims Tribunal to make award of compensation to be paid by the insurer or the owner.- The High Court held in the case of *National Insurance Co. Ltd. Mumbai v. Vrushali Sitaram Gavnang, and others,* **2010(5) Mah. L. J. 613** that under section 140 of the Motor Vehicles Act. 1988, the insurer has to indemnify a person who is covered under a policy and he is required to satisfy a judgment made against such person in terms of section 147(5) of the Act. Rule 281 (2) and (3) clearly empowers the Claims Tribunal to make award of compensation to be paid by the insurer or the owner. The rules have been framed by the State Government for the purpose of carrying into effect the provisions of sections 165 to 174 of the Act. Merely because the word 'insurer' is not mentioned under section 140 of the Act, it cannot be said that the liability is cast only on the owner or owners as the case may be. In the case of *Orient Fire and General Insurance Company Limited v. Alixo Fernandes*, **1989 Mah.L.J. 468; 1986 A.C.J. 1137** the Single Judge of the High Court held that. mere omission of the word Insurer under section 92-A of the old Act, cannot exclude Insurer from liability so long as the Vehicle involved in the accident is duly covered by certificate of Insurance granted by the Insurer.

¹[281-A. Judgment and Award of compensation under section 163A.- (1) The Claims Tribunal shall proceed to award the compensation under section 163A on the basis of -

(a) Panchanama of the accident;

(b) First Information Report or Station Diary Entry of Traffic Accident Report duly certified by the police;

(c) Medical Certificate in Form "COMP-P" or a Certificate stating therein the injury caused in case of personal injury or a post-mortem report or death certificate in case of death from the hospital;

(d) Certified copy of Form "COMP-AA" or the Certified copy of Motor Vehicle Card of the Vehicle involved in the accident maintained by the Regional Transport Office concerned; showing the ownership and the insurance particulars;

(e) Insurance Certificate or the Insurance Policy relating to the insurance of the vehicle against the Third Party Risk or the certificate regarding the insurance particulars of the vehicle in question from the Regional Transport Office or from the police;

(f) The nature of treatment given by the Medical Officer who has examined and treated the victim;

(g) Salary Certificate or any other documentary proof which shows either the monthly or annual income of the person injured or deceased;

(h) Proof of age of the person injured or deceased;

(i) Any other document produced by on behalf of the parties or obtained in the Tribunal

under rule 280;

(j) If the accident has occurred out of the jurisdiction of the Claims Tribunal and the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the claimant resides or carries on business or the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the defendant resides. a document showing that the defendant resides within the local limit of jurisdiction of the said Tribunal.

(2) The Claims Tribunal, while making an award for payment of compensation under section 163—A, shall take into consideration the structured formula basis laid down in the Second Schedule to the Act.

(3) The Claims Tribunal while passing order under sub-rule (2) shall direct the insurer or owner of the vehicle involved in the accident or both to pay the amount of compensation to the claimant within two weeks from the date of the said order.

(4) The Claims Tribunal shall. as far as possible dispose of the application for compensation within six months from the date of receipt of such application.]

1. Rule 281-A was inserted by G. N. of 16.8.1996.

282. Procedure of disbursement of compensation under Section 140 to the legal heirs in case of death.- Where the Claims Tribunal feels that the actual amount due to the claimant is likely to take time because of the identification and the fixation of the legal heirs of the deceased. The Claims Tribunal may, call for the amount of compensation awarded to be deposited with the Claims Tribunal and then proceed with the identification of the legal heirs for deciding the payment of compensation to each of the legal heirs.

283. Record.- The record of claims cases finally disposed of by the Claims Tribunal shall be preserved for a period of five years;

Provided that, in case where investments is in favour of women and legally disabled persons are made by the Claims Tribunal, the records shall be preserved till the end of the period ;

Provided further that, in cases where any award of compensation is made and the claimant does not come forwarded within a year of passing the award, the records shall be preserved for five years only from the date of the award and the unclaimed amount shall be transferred to the treasury;

¹[Provided also that if the appropriate provision for maintenance, preservation and destructions of record of claims is not found anywhere else in these rules, the provisions contained in paras 517, 518 & 544 of Chapter XXVII of Civil Manual. 1986. shall apply.]

1. Amended by G.N.. H.D.. No. MVA. 0198/1135/CR-53/TRA-1. dt. 29.3.2000.

CHAPTER X MISCELLANEOUS

284. Refunds. - (1) If the Transport Commissioner, Maharashtra State or the Regional Transport Officer concerned. as the case may be, is satisfied that a refund is due on the ground that,-

(a) it is admissible under sub-rule (3) of Rule 24 or sub-rule [1] of Rule 40;

(b) wherever there is a provision that if the appellant succeeds in appeal, he is entitled to get

the refund of fees in whole or any part; or

(c) it represents the amount paid in excess or erroneously towards the fees under these rules in cash, cheque, demand draft, money order, into the Government Treasury by way of motor vehicles fee stamp; he shall issue to the person entitled to the refund of such amount, a certificate in Form RF of the First Schedule appended to these rules.

(2) Any person to whom a certificate in Form RF of the First Schedule has been issued under sub-rule (1) shall, on presentation of the certificate at the local Government Treasury, the State Bank of India the Reserve Bank of India, or any other bank conducting the cash business of the State Government, shall within 60 days from the date of its issue or from the date of signification of any subsequent renewal of the certificate by the Issuing Authority be entitled to have the refund of the amount mentioned therein.

(3) The Authority mentioned in sub-rule (1) shall maintain a register of refund of the fees and every amount for which a certificate in Form RF of the First Schedule has been issued. shall be entered in such register.

285. Manner of payment of motor vehicle fees.- The payment of fees prescribed under the Act or the rules made thereunder, shall be made to the Taxation Authority, or the Appellate Authority, as the case may be, either in cash, demand draft, money order or by way of motor vehicle fee stamps approved by the State Government for this purpose.

¹[285-A. Manner of maintaining State Register of Motor Vehicles and additional matters to be incorporated in SMART CARD prescribed under Form 23A.- The State Register of Motor Vehicles shall be maintained in electronic form, in the prescribed Form 23A and shall also contain additional information as specified in Part 'B' hereto.]

¹[285-B. Fees for Computerisation of Registration Record.- (1) Every application under sub-rule (1) of rule 47, rules 52. 53. 54, clause (m) of sub-rule (2) and sub-rule (3) of rule 55. clause (a) of sub-rule (2) of rule 56. clause (a) of sub-rule (1) of rule 57, rules 59, 60. sub-rules (1) and (2) of rule 61. sub-rule (2) of rule 62. sub-rule (1) of rules 76 and 78 of the Central Motor Vehicles Rules. 1989; and sub-rule (1) of rule 57, rules 71, 85. 88. 9 1. 92 and sub-rule (1) of rule 93 of the Maharashtra Motor Vehicles Rules, 1989 shall be accompanied by a fee of rupees one hundred and fifty for Part 'B' specified hereunder in addition to the fees prescribed under rule

81 of the Central Motor Vehicles Rules. 1989 and rule 75, sub-rule (5) of rule 91. clause (ii) of

sub-rule (4) of rule 92 and sub-rule (5) of rule 93 of these rules :

Provided that, the provisions of this sub-rule shall not apply to the applications in respect of the vehicles for which the certificate of registration have already been issued and which do not call for modification or updation of the particulars of the Visual Inspection Zone as specified in prescribed Form 23A under the Central Motor Vehicles Rules, 1989 as well as the vehicles registered outside the State and which have not applied for assignment of the new Registration Mark in the State :

Provided further that, the certificates of registration required to be modified or updated with the relevant information in pursuance of the applications mentioned in this sub-rule shall be issued subject to the fees prescribed in this sub-rule].

1. Added by G.N. H.D., NO. MVD. 0500/CR-218/TRA-4. Dt. 27.11.2002 (M.G.G., Pt. IV-C, Ex. Ord. dt. 27.11.2002.

286. Supply, custody, and sale of motor vehicle fee stamps.- The supply custody and sale of motor vehicles fee, stamps shall be regulated in the manner prescribed in the Sixth Schedule appended to these rules.

287. Performance of functions of officer under the Act and the rules made thereunder.- Notwithstanding anything contained in these rules, -

- a) the Transport Commissioner, may at any time perform any of the functions of a Regional Transport Officer, Inspector of Motor Vehicles or Assistant Inspector of Motor Vehicles, under these rules;
- b) the Regional Transport Officer may at any time perform any of the functions of Inspector of Motor Vehicles or Assistant Inspector of Motor Vehicles under these rules;
- c) an Assistant Inspector of Motor Vehicles may at any time, if so required by a Regional Transport Officer, perform any of the functions of an Inspector of Motor Vehicles under these rules;
- d) any officer of the Motor Vehicles Department not below the rank of Assistant Inspector of Motor Vehicles shall exercise the powers under the provisions of Sections 114, 130, 132, 133, 134, 203, 204, 206 and 207;
- e) any officer of the Motor Vehicles Department not below the rank of Inspector of Motor Vehicles shall exercise the powers under the provisions of Sections 136, 158, 200 and 205;
- f) an officer of and above the rank of Assistant Regional Transport Officer shall exercise the powers under sub-section (2) of Section 207 :

Provided that, the powers under clause (c) shall not be exercised by an officer of and below the rank of Assistant Regional Transport Officer unless he is in uniform.

288. Uniform.- The uniform of the Regional Transport Officer, Deputy Regional Transport Officer. Assistant Regional Transport Officer, Inspectors and Assistant Inspectors of Motor Vehicles shall be as follows -

i. khaki forage cap or khaki peaked cap or khaki turban or beret in navy blue colour. Each of these head dresses to have a monogram as illustrated in the Seventh Schedule to these rules;

- ii. khaki shirt, khaki bush-shirt. or khaki tunic with tie:
- iii. shorts or trousers of police pattern of khaki colour;
- iv. whistle cord of khaki colour;
- v. whistle and brown buttons;
- vi. cross belt of police pattern of same brown leather with silver fittings;
- vii. shoes (Brown);
- viii. khaki stockings or socks;
- ix. a set of epaulettes and badges and head-badge as illustrated in the Seventh Schedule appended to these rules;
- x. (a) the Deputy Regional Transport Officers to wear one silver colour national emblem. The shoulder badges with letters as illustrated in the English Schedule to these rules, will be worn at the base of the shoulder strap. The National emblem will be of white metal;

(b) the Assistant Regional Transport Officers shall wear three stars. The stars shall be five pointed star (Star of India pattern 25.4 mm.) diameter. These stars shall be slightly frosted but without any design in the Centre as illustrated in Eighth Schedule to these rules. The shoulder badge with letters as illustrated in the Eighth Schedule to these rules.

(Updated till 2013)

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THE MAHARASHTRA MOTOR VEHICLES TAX ACT.

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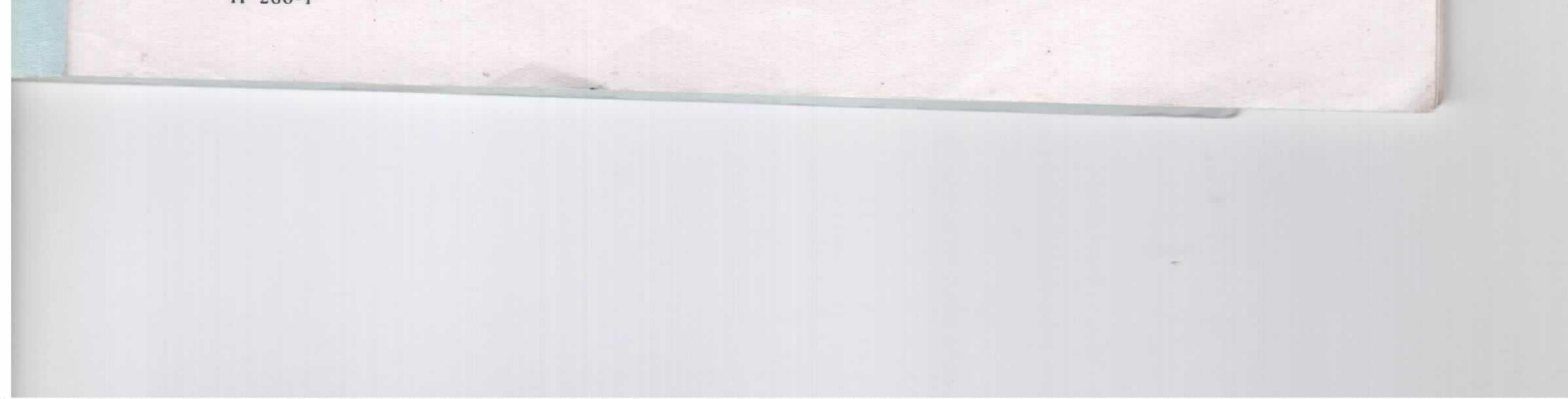
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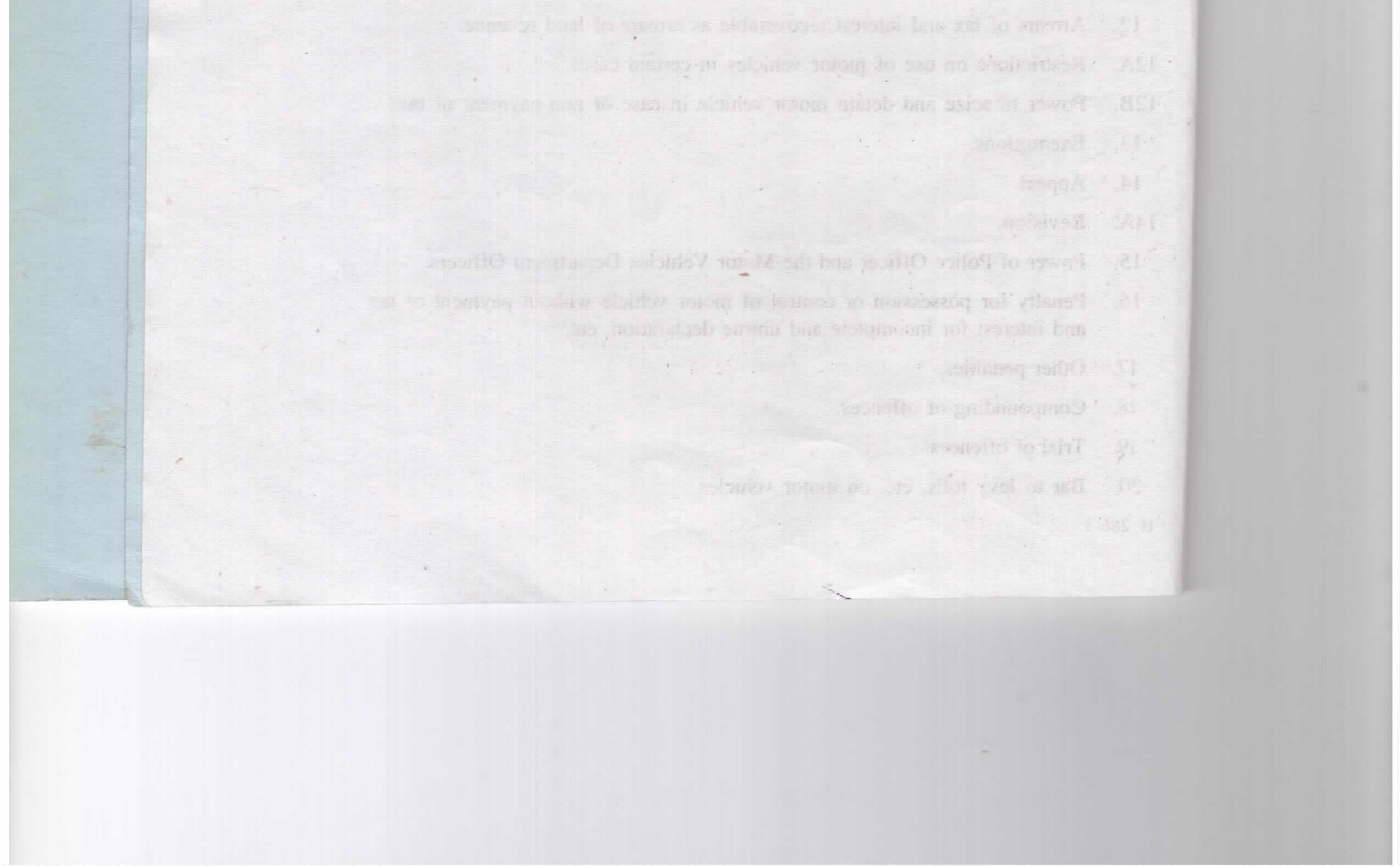
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FOURTH SCHEDULE.

FIFTH SCHEDULE.



BOMBAY ACT No. LXV OF 19581

[The Maharashtra MOTOR VEHICLES TAX ACT]

[Received the assent of the President on the 23rd day of August 1958; assent first published in the Bombay Government Gazette, Part IV, on the 29th day of August 1958.]

Amended by Bom. 63 of 1959.

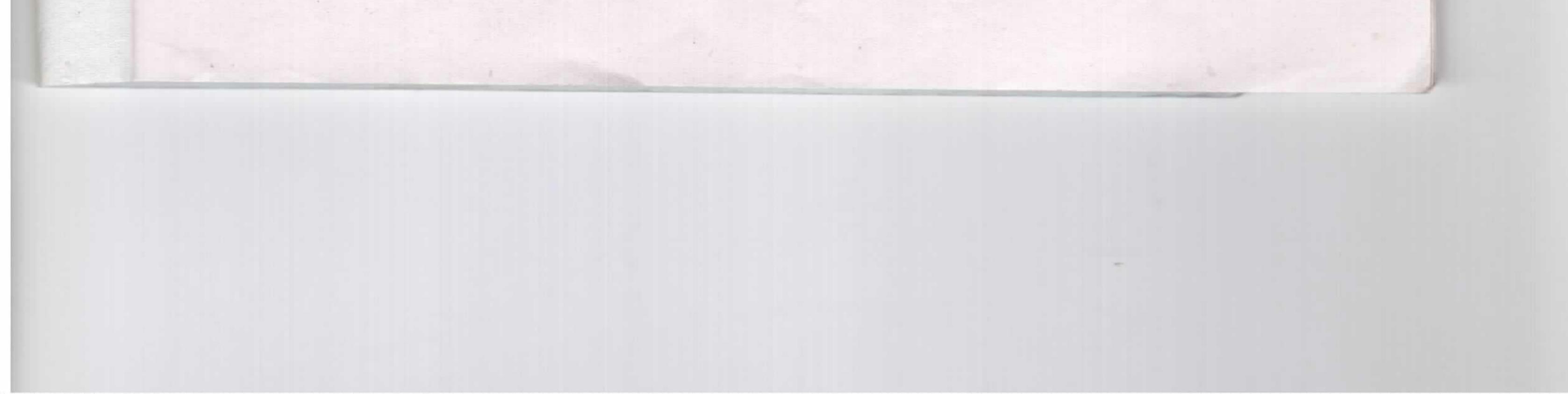
Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

, ., .,	""	14 of 1974*(1-4-1974)	Ť .			13 of 198/	(24-4-1987)1	
· · · · · · · · · · · · · · · · · · ·	"	17 of 1975(10-6-1975)	- "	"	"	14 of 1987**	(24-4-1987)†	
* >> >>	"	22 of 1977	"	"	"	33 of 1987***	(26-10-1987)†	
		28 of 1978	**	"	"	9 of 1988	(22-4-1988)†	
			"	"	"	9 of 1989	(1-4-1989)†	
institutional.)			"	"	"	25 of 1990	(1-4-1991)†	
1(5)((5)8-25)			"	"	"	29 of 1991¶	(23-8-1991)†	
			"	"	"	29 of 1994¶*	(1-5-1994)†	
			"	"	"	16 of 1995*¶	(1-9-1995)†	
			"	"	"	20 of 1996@	(1-6-1996)†	
			••	"	••	9 of 1997¶\$		
			••	"		2 of 1998 \$\$	(28-11-1997)†	

1 For Statement of Objects and Reasons, see Bombay Government Gazette, 1958, Part V Extraordinary page 151.

* Section 6 of Mah. 14 of 1974 reads as under :--

"6. The provisions of the Maharashtra Temporary Increase in Taxes on Motor Vehicles Cesser of Mah. and Passengers Act, 1972, shall, so far as they relate to section 3 of that Act, cease to have section 3 of XI of effect on and from the 1st day of April 1974, and the provisions of section 7 of the Bombay Mah. XI of 1972. General Clauses Act, 1904, shall apply upon section 3 ceasing to be in force as if that section 1972. Bom. I had been repealed by Maharashtra Act.". of 1904. This indicates the date of commencement of Act. ** Section 13 of Mah. 14 of 1987 reads as under :--"13. If any difficulty arises in giving effect to the provisions of the principal Act, as amended Power to by this Act, the State Government may make such orders as may be necessary or expedient for remove removing such difficulty : difficulty. Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act." *** Maharashtra Ordinance No. VII of 1987 was repealed by Mah. 33 of 1987, s. 6. Mah. Ord. X of 1991 was repealed by Mah. 29 of 1991, s. 3. ¶* Section 4 of Mah. 29 of 1994 came into force on the 1st May 1994, vide G.N.F.D. No. STA/ G. R. 37/94/Taxation-1, dated the 30th April 1994. *¶ Sections 1 to 14 of Mah. 16 of 1995 came into force on 1st September 1995, vide G.N.F.D. No. STA 1195/CR. 57/95/Taxation-1, dated the 30th August 1995. @ Mah. Ord. IX of 1996 was repealed by Mah. 20 of 1996, s. 3. ¶\$ Mah. Ord. XII of 1996 was repealed by Mah. 9 of 1997, s. 48, sections 15 to 26 of Mah. 9 of 1997, came into force on 1-10-1996, vide G.N.F.D. No. STA 1196/CR-74, Taxation- 1, dated the 12th September 1996. \$\$ Mah. Ord. XVI of 1997 was repealed by Mah. 2 of 1998, s. 14. Sections 9, 11 to 13 of Mah. 2 of 1998 came into force on 28-11-1997, sections 2 to 5, 7 and 8 came into force on 1-12-1997, vide G.N.H.D. No. MTA 1097/CR-1A/Tran-3, dated the 29th November 1997.



Maharashtra Motor Vehicles Tax Act. [1958 : Bom. LXV

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16 of 1995" [1-9-1955]

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1 of 1998 15 (28-11-1997);

Amended by Mah. 7 of 2000@@ (15-7-1999)† 77 77 77 77 77 77 77 77 77 28 of 2000 (1-5-2000)†† 15 of 2001@@@(31-1-2001)† exclusive or white 23rd day of August 1958; assent light 17 of 2001@+ (23-8-1991)+ et et et et et en das 29th day of the or et et 26 of 2001 + + + (30-5-2001) + 99 99 30 of 2003 (11-8-2003)† 29 53 of 2005 (27-12-2005)† rection Asiapiation of Lows (State and Concretioned 14 of 2006# (8-5-2006)† · · · · · · 22 of 2006 (23-5-2006)† eren bold dold yd berman " " 44 of 2006## (14-9-2006)† 99 99 5 of 2008* $(22 - 2 - 2008)^{\dagger}$ " 99 22 17 of 2009 (1-7-2009)†

* Section 5 of Nan. M of 1974 reads as shdet ----

	TERM ID EI		"	"	"	29 of 2009	(26-10-2009)†
			"	27	??	12 of 2010.	(29-4-2010)†
			"	"	"	13 of 2010	(29-4-2010)†
Argente Lange			22		"	30 of 2010	(15-10-2010)†
ROB01.1.11			>>	"		8 of 2012 -	(1-5-2012)†
			"	"	"	14 of 2012	(26-6-2012)†
	29 of 19919		"	"	"	24 of 2012	(22-8-2012)†
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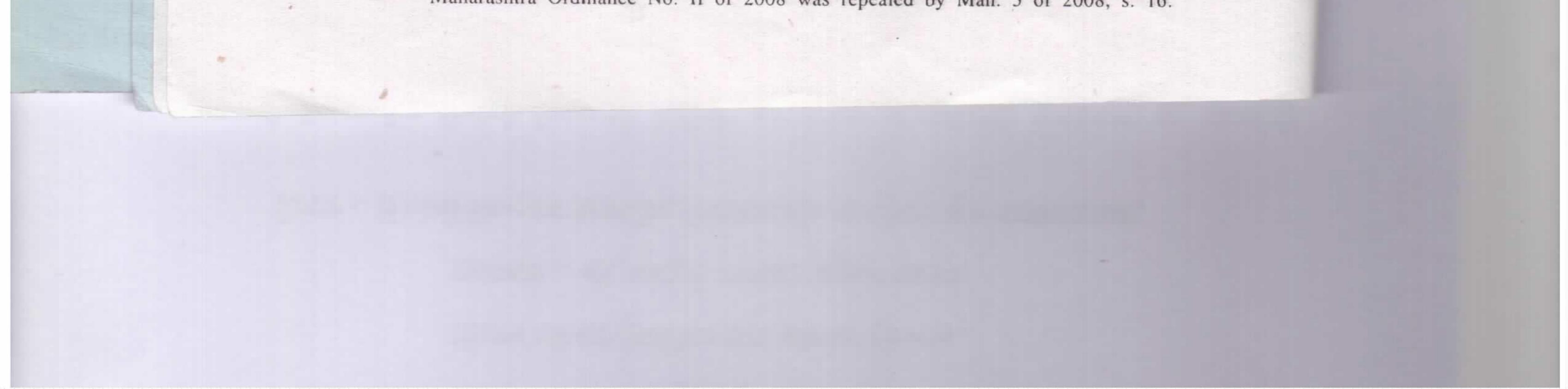
cifed on and iren the lat day of April 1974, and the provisions of section 7 of the Bombary M.d. M. Competed Charles and and and anot section 3 orthon in or in orth 12 in the init westin 1975 Films adleares the date of communocisiant of Act. Section is of Mahr 14 of 1997 school in mailow? I is not difficulty arises to giving all to provisions of the provisions had as an original way, as another to by this Act, the Boyerstnein, muy shake such or at may be occurrery of eaperiest in the det St Hist Refr Fronted that an itch statt shall be made offer the expany of a count of the field of the paint from BE - Walkarashin Ordananco 76. VII of 197 and topenish by Makaina by Makaina 12 of 1987. - - - - -A Make Ord, & of the man material by Make. W of Abo

> @@ Maharashtra Ordinance No. XXVIII of 1999 was repealed by Mah. 7 of 2000, s. 3. † This indicates the date of commencement of the Act.

†† This Act was brought into force by G.N.F.D., No. BUD. 31.00/CR-92/Taxation-1, dated the 28th April, 2000.

@@@ Maharashtra Ordinance No. III of 2001 was repealed by Mah. 15 of 2001, s. 5. @† Maharashtra Ordinance No. XI of 2001 was repealed by Mah. 17 of 2001, s. 3. ††† Maharashtra Ordinance No. XVI of 2001 was repealed by Mah. 26 of 2001, s. 4. # This Act was brought into force by G.N.H.D., No. MTA 1003/CR-10/TRA-3, dated the 5th May, 2006.

Maharashtra Ordinance No. IX of 2006 was repealed by Mah. 44 of 2006, s. 3. * Maharashtra Ordinance No. II of 2008 was repealed by Mah. 5 of 2008, s. 16.



Maharashtra Motor Vehicles Tax Act. 1958 : Bom. LXV]

An Act to consolidate and amend the law relating to the taxation of motor vehicles in the State of Bombay and to provide for certain other matters.

WHEREAS it is expedient to consolidate and amend the law relating to the taxation of motor vehicles in the State of Bombay, and to provide for certain other matters; It is hereby enacted in the Ninth Year of the Republic of India as follows :----

1. (1) This Act may be called 1[the Maharashtra Motor Vehicles Tax Act]. (2) It extends to the whole of the ²[State of Maharashtra]. (3) It shall be deemed to have come into force on the 1st day of April 1958. ment. (2) Taxation Authority of "Authority" many such Othcer of authority as the State

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. Covernment may, by nodlication in the District Cortern, appoint to be the Bayation. Authority for the whole State or far any area to frees for hur purposes of this 2. In this Act, unless the context otherwise requires— Definitions.

 $^{3}[(A1)$ "air conditioned motor vehicle" means a public service vehicle constructed or adapted for use for the carriage of passengers and fitted with air conditioning unit];

(1) "certificate of taxation" means a certificate, issued under section 5, indicating therein the rate at which the tax is leviable, and the periods for which the tax has NE 201831 Transport Communiscient inteans an been paid;

⁴[(1A) "cost of vehicle" in relation to-

(a) a vehicle manufactured in India means cost as per the purchase invoice of the vehicle issued either by the manufacturer or the dealer of the vehicle and shall include the basic manufacturing cost, excise duty and the sales tax payable in the State of Maharashtra; and

(b) a vehicle imported into India irrespective of its place of manufacture means cost as per the landed value of the vehicle consisting of the assessable value under the Customs Act, 1962 and the customs duty paid thereupon, including additional duty paid, if any, as endorsed in the bill of Entry by the Customs Department;] (2) "fleet owner" means a person who is the registered owner of a fleet of one hundred or more transport vehicles used or kept for use in the State ; ⁵[(2A1) "goods carriage" means any motor vehicle constructed or adapted for use

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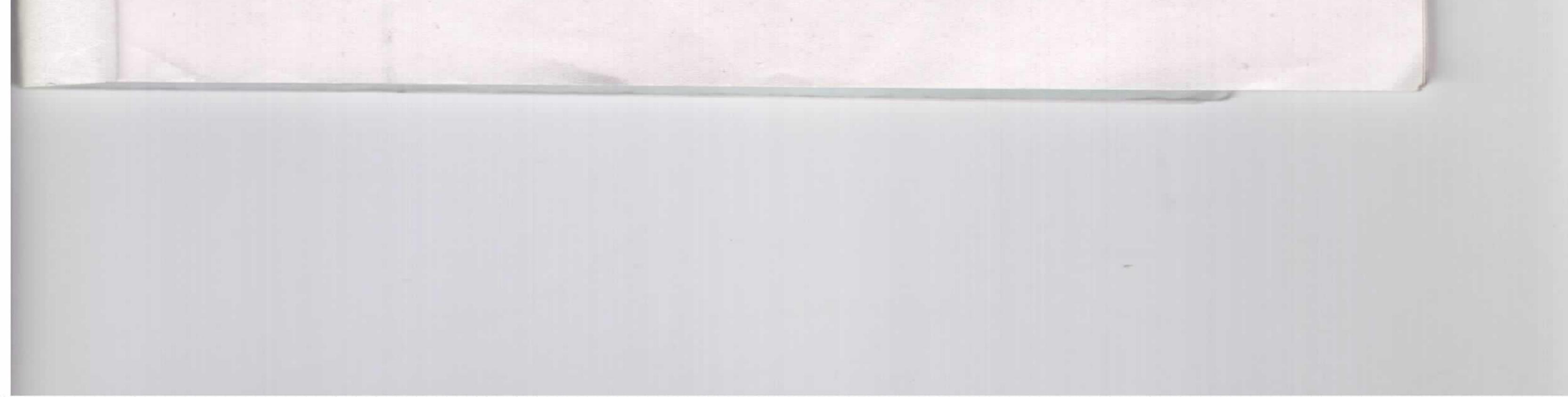
1988.

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solely for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods ;] ⁶[(2A) "interest" means interest payable under section 8A;] ⁷[(2B) "motor vehicles" means a motor vehicle as defined in the ⁸[Motor Vehicles

Act, 1988], whether using motor spirit or using fuel other than motor spirit;] (3) "prescribed" means prescribed by rules made under this Act; * Cause (34) * monored * (Mab) acus()

1 The short title was substituted for "the Bombay Motor Vehicles Tax Act, 1958' by Mah. 24 of 2012, s-2, Schedule, entry 68, w.e.f. 1-5-1960. 2 These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960. () C . 8 . 2001 30 3 Clause (A1) was inserted by Mah. 9 of 1989, s. 2(a). W Priss chanses was missing by Walk 4 Clause (1A) was substituted by Mah. 2 of 1998, s. 2(a). 10 Clause (8) was insorted by Mail 5 Clause (2A1) was inserted by Mah. 25 of 1990, s. 2. 11 This clause was substituted for 6 Clause (2A) was inserted by Mah. 22 of 1979, s. 2(a). 7 Clause (2A) was re-numbered as clause (2B), ibid. THELL ? 8 These words were substituted by Mah. 16 of 1995, s. 4. 9 Clauses (3A) and (3B) were deleted by Mah. 25 of 1990, s. 2.



[1958 : Bom. LXV Maharashtra Motor Vehicles Tax Act.

¹[(4) "quarter" means a period of three months, commencing on the 1st day of the month in which a motor vehicle is registered or a new registration mark is assigned to 59 of it under the ²[Motor Vehicles Act, 1988]; and successive period of three months thereafter; 1988. and the term "quarterly" shall be construed accordingly;] (5) "registered owner" means the person in whose name a motor vehicle is registered 59 of under the ²[Motor Vehicles Act, 1988];

³[(5A) "Schedule" means a Schedule appended to this Act;] ⁴[(6) "tax" means a tax including any ⁵*** ⁶[, additional or one time tax ⁷[or environment tax]] imposed by or under this Act;]

(7) "Taxation Authority" or "Authority" means such Officer or authority as the State Government may, by notification in the Official Gazette, appoint to be the Taxation Authority for the whole State or for any area or areas for the purposes of this Act, and the State Government may appoint more than one Officer or authority as Taxation Authority for the whole State or for any area; ⁸[(7A) "Tax Collection Centre" means a Centre established by the State Government for the purpose of assessment, levy and collection of tax;] 9[(7B) "tourist vehicle" means a tourist vehicle as defined in the 2[Motor Vehicles Act, 59 of

¹⁰[(8) "Transport Commissioner" means an Officer appointed as such by the State 1988;]]

Government;] ¹¹[(9) "year" in relation to a fleet-owner means the financial year; and in any other case, means a period of twelve months commencing on the 1st day of the month in which 59 of a motor vehicle is registered or a new registration mark is assigned to it under the ²[Motor 1988.

Vehicles Act, 1988;]] (10) other words and expressions used, but not defined, in this Act shall have the 59 of meanings respectively assigned to them in the ²[Motor Vehicles Act, 1988]. 3. (1) Subject to the other provisions of this Act, on and from the 1st day of April 52 0 1958, there shall be levied and collected on all motor vehicles used or kept for use in the State, a tax at the rates fixed by the State Government, by notification in the Official Gazette, but not exceeding the maximum rates specified in the First Schedule :

Provided that :-- $^{12}[(a)]$ in the case of motor vehicles kept by a dealer in, or manufacturer of such vehicles, for the purposes of trade, there shall be levied and collected such tax on those 59 of motor vehicles only which are permitted to be used on the roads in the manner prescribed 1988. by rules made under the ²[Motor Vehicles Act, 1988;]

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Levy of tax.

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1 This clause was substituted by Mah. 37 of 1972, s. 2(a). 2 These words and figures were substituted for the words and figures "Motor Vehicles Act, 1939" by Mah. 16 of 1995, s. 4. 3 Clause (5A) was inserted by Mah. 14 of 1987, s. 2(a). 4 Clause (6) was substituted by Mah. 22 of 1979, s. 2(c). 5 The word "further" was deleted by Mah. 2 of 1998, s. 2(b). 6 These words were substituted for the words "or additional tax" by Mah. 14 of 1987, s. 2(b). 7 These words were inserted by mah. 30 of 2010 S. 2. 8 Clause (7A) was inserted and original clause (7A) was renumbered as clause (7B)" by Mah. 2 of 1998, s. 2(c). 9 This clause was inserted by Mah. 9 of 1989, s. 2(b). 10 Clause (8) was inserted by Mah. 22 of 1979, s. 2(d). 11 This clause was substituted for the original by Mah. 37 of 1972, s. 2(c). 12 These brackets and letter were deemed always to have been inserted by Mah. 28 of 1978, 13 The portion begining with the word, bracket and letter, "and (b)" and ending with the words "Official Gazette" was deleted by Mah. 25 of 1990, s. 3(a).

1958 : Bom. LXV] Maharashtra Motor Vehicles Tax Act.

Mah. ¹[Provided further that on and from the ²[commencement of the Bombay Motor Vehicles XX of 1985. ¹[Provided further that on and from the ²[commencement of the Bombay Motor Vehicles Tax (Amendment) Act, 1985] there shall be levied and collected—

(a) on a private service vehicle used or kept for use in the State by a person (not being an individual, a local authority, a public trust, a university or an educational institution) a tax at the rate fixed by the State Government under this section in respect of a vehicle of the same carrying capacity falling under ³[sub-clause IV-A] of clause A ^{4*} * * * * of the First Schedule; and

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(b) on a motor vehicle referred to in ⁵[sub-clause VII] of clause A ^{4***} of the First Schedule (other than a private service vehicle) used or kept for use in the State by a person (not being an individual, a local authority, a public trust, a university or an educational institution) a tax ⁶[at thrice the rate] fixed by the State Government under this section in respect of such motor vehicle.

Explanation.-For the purposes of this section-

(*i*) "educational institution" means an institution recognised as such by a local authority or by Government or any Officer of Government duly authorised in this behalf;

(*ii*) "private service vehicle" means any omnibus constructed or adapted to carry more than nine persons excluding the driver and ordinarily used by or on behalf of the owner of such vehicle for the purposes of carrying persons for or in connection with his trade or business, or otherwise than for hire or reward; but does not include a motor vehicle used solely for police purposes or such other public purposes as the State Government may from time to time by order specify;

Bom. (*iii*) "public trust" means a public trust registered under the Bombay Public Trusts XXIX Act, 1950; and

(iv) "university" means a university established or constituted by or under any law
 for the time being in force.]

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1 Second proviso was added by Mah. 14 of 1974, s. 2. 2 These words, brackets and figures were substituted for the figures and words "1st day of April

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1974" by Mah. 20 of 1985, s. 2(a)(i). 3 These words, letter and figures were substituted for the words and figures "sub-clause IV" by Mah.

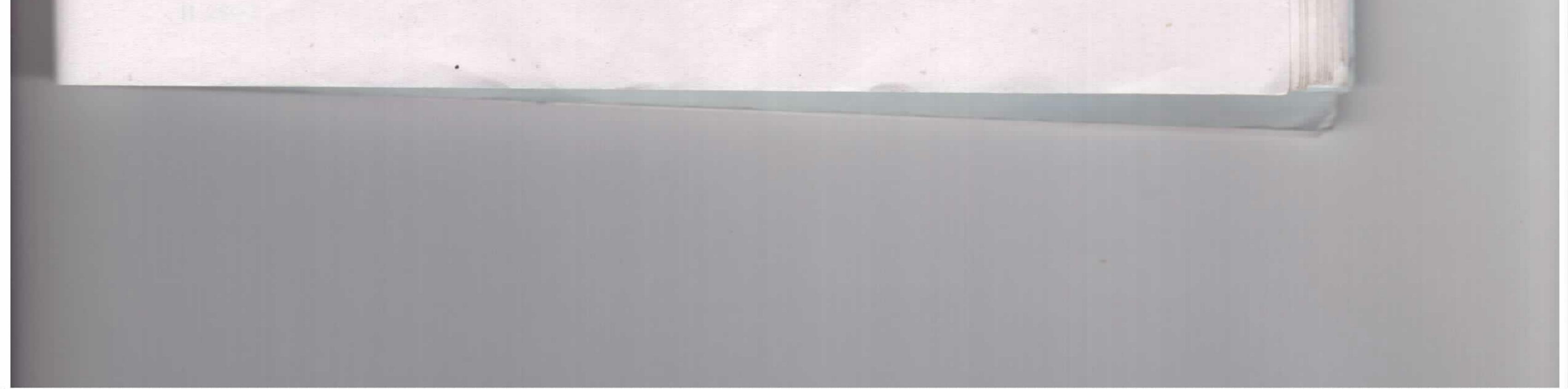
9 of 1989, s. 3. 4 The words and figure "of Part I" were deemed always to have been deleted by Mah. 28 of 1978,

s. 3(a)(iii). 5 These words and figures were substituted for the words and figures "sub-clauses I and VII" by

Mah. 14 of 1987, s 3(a). 6 These words were substituted for the words "at twice the rates" by Mah. 20 of 1985, s. 2(a)(ii)(B).

7 Sub-section (1A) was deleted by Mah. 2 of 1988, s. 3(a).

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Maharashtra Motor Vehicles Tax Act. [1958 : Bom. LXV

1. * * * * * * * * * * *

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 ${}^{2}[(1C) (a)$ Subject to the provisions of this Act, there shall be levied and collected on all motor cycles and tricycles used or kept for use in the State, a one time tax ${}^{3}[$ for the lifetime of such motor cycle and tricycles],—

(i) if registered after the date on which the provisions of this sub-section take effect (hereinafter in this sub-section referred to as "the said date"), at the rates specified in Part I of the 4[Second Schedule] 5 * *;

(*ii*) if already registered before the said date and on which tax is already paid under sub-section (1), at the rates specified in Part II of the ⁴[Second Schedule];

⁶[(*iii*) if first registered in any other State and thereafter on transfer thereof in the State of Maharashtra, a new registration mark is assigned to the same after the said date, then having regard to the month of the first registration in the other State, at the rate specified in Part II of the Second Schedule;]]

Explanation.—For the purposes of this sub-section, the expression "motor cycle and tricycle" includes motor scooter, moped and cycle with attachment for propelling the same by mechanical power].

 ${}^{9}[(1D) (a)$ Subject to the provisions of this Act, there shall be levied and collected on all motor cars ${}^{10}[$ and omni buses] used or kept for use in the State, a one time tax for the lifetime of ${}^{11}[$ such vehicle] :—

¹²[(i) if registered after the date of commencement of the Bombay Motor Vehicles Mah.
 Tax (Amendment) Act, 1997, at the rates specified in Part I of the Third Schedule;] II of (ii) if already registered before the said date and on which tax is already paid under sub-section (1), at the rates specified in ¹³[Part II of the Third Schedule];

¹⁴[(*iii*) if first registered in any other State and thereafter on transfer thereof in the State of Maharashtra, a new registration mark is assigned to the same, after the said date then having regard to the month of first registration in the other State, at the rate specified in Part II of the Third Schedule.]]

- Sub-section (1B) was deleted by Mah. 25 of 1990, s. 3(b).
- 2 Sub-section (1C) was inserted by Mah. 14 of 1987, s. 3(b)
- These words shall be deemed to have been inserted with effect from the 26th day of March 1987 by Mah. 33 of 1987, s. 2(1)(a)(i).
- These words were substituted for the words "Third Schedule" by Mah. 2 of 1998, s. 3(b)(i)(A).
- The words "and the tax so levied and collected shall be for the lifetime of such motor cycles and tricycles" shall be deemed to have been deleted with effect from the 26th day of March 1987 by Mah. 33 of 1987, s. 1(a)(ii).
- Sub-clause (iii) was substituted by Mah. 2 of 1998, s. 3(b)(i)(B).
- Clause (b) was deleted by Mah. 9 of 1997, s. 16(a)(i).
- 8 Clause (c) was substituted by Mah. 2 of 1998, s. 3(b)(ii). 9 Sub-section (1D) was inserted by Mah. 16 of 1995, s. 5.
- 10 These words were inserted by Mah. 9 of 1997, s. 16(b)(ii).
- 11 These words were substituted for the words "such motor cars" by Mah. 2 of 1998, s. 3(c)(i)(A).
- 12 Sub-clause (i) was substituted, *ibid.*, s. 3(c)(i)(B).
- These words and figures were substituted for the words and figures "Part III of the Fifth Schedule", *ibid.*, s. 3(c)(i)(C).
- 14 Sub-clause (iii) was substituted, ibid., s. 3(c)(i)(D).

1958 : Bom. LXV] Maharashtra Motor Vehicles Tax Act.

 ${}^{3}[(c)$ Notwithstanding anything contained in clause (a), there shall be levied and collected the one time tax specified in Part I or Part II of the Third Schedule on a motor car or omni bus—

(*i*) manufactured in India or imported into India and used or kept for use in the State by a person, not being an individual, a local authority, a public trust, a university or an educational institution, ⁴[at twice the rate];

(*ii*) imported into India and used or kept for use in the State by a person, being an individual, a local authority, a public trust, a university or an educational institution, at twice the rate.]

⁵[Provided that, such one time tax at twice the rate under sub-clause (i) or (ii) shall not exceed 20 per cent. of the cost of the vehicle.]

⁷[*Explanation*.—The expression "omni bus" used in this sub-section means an omni bus other than the transport vehicle, the seating capacity of which does not exceed

twelve.] ⁸[(*IE*) Subject to the provisions of this Act, there shall be levied and collected on all goods carriages a one time tax for the lifetime of such goods carriages—

(*i*) if registered after the date on which the provisions of this sub-section take effect (hereinafter in this sub-section referred to as "the said date"), at the rates specified in Part I of the Second Schedule ;

(ii) if already registered before the said date and on which tax is already paid under sub-section (1), at the rates specified in Part II of the Second Schedule ;
(iii) if first registered in any other State and thereafter on transfer thereof in the State of Maharashtra, a new registration mark is assigned to the same after the said date, then having regard to the month of first registration in the other State, at the rate specified in Part II of the Second Schedule :

⁹[Provided that, the tax in respect of the motor vehicles referred to above, except in respect of the light motor vehicles used for carriage of goods, may be collected and paid at the option of the registered owners in accordance with the provisions of subsection (1).]]

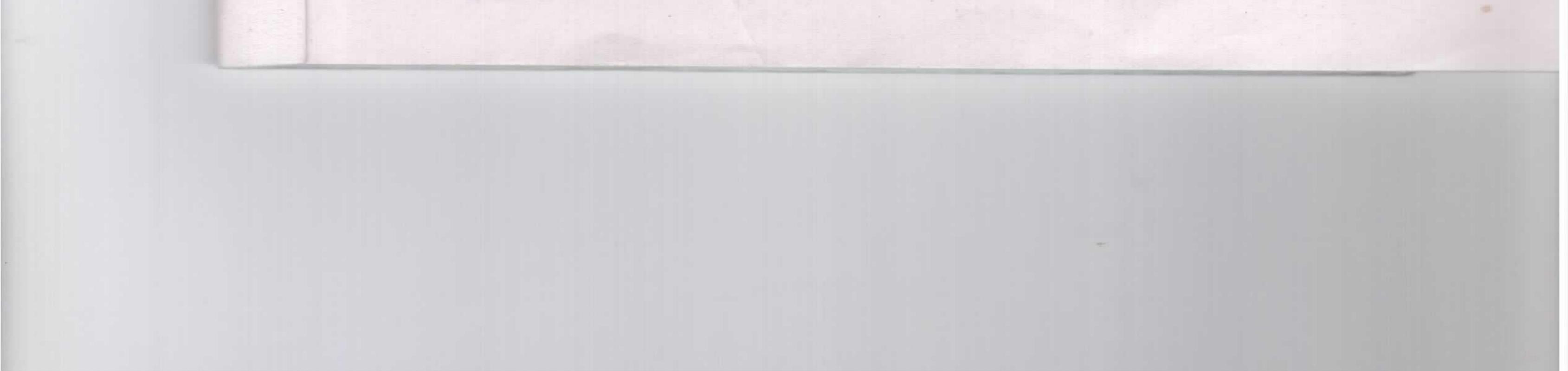
¹⁰[(1F) Subject to the provisions of this Act, there shall be levied and collected on all motor vehicles (including tricycles) plying for hire or reward, fitted with fare meters and used or kept for use in the State for the carriage of not more than six passengers, a one time tax for the life time of such vehicles,—

(i) if registered after the date of commencement of the Maharashtra Tax Laws (Levy and Amendment) Act, 2010 (hereinafter, in this sub-section, referred to as "the said date"), at the rates specified in Part I of the Second Schedule ;
(ii) if already registered before the said date and on which tax is already paid under sub-section (1), at the rates specified in Part II of the Second Schedule ;
(iii) if first registered in any other State and thereafter on transfer thereof in the State of Maharashtra, a new registration mark is assigned to the same the said date, then having regard to the month of the first registration in the other State, at the rates specified in Part II of the Second Schedule.]

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The proviso was deleted by Mah. 9 of 1997, s. 16(b)(ii).
 Clause (b) was deleted by Mah. 2 of 1998, s. 3(c)(ii).
 Clause (c) was substituted, *ibid.*, s. 3(c)(*iii*).
 These words were substituted for the words "at thrice the rate" by Mah. 44 of 2006, s. 2.
 The proviso was added by Mah. 14 of 2012 s.2.
 Clause (d) was deleted by Mah. 44 of 2006, s. 3(c)(*iv*).
 This *Explanation* was added by Mah. 9 of 1997, s. 16(b)(v).
 Sub-section (*1E*) was inserted by Mah. 2 of 1998, s. 3(d).
 The provisio was substituted by Mah. 26 of 2001, s. 2.
 Sub-section (*1F*) was inserted by Mah. 12 of 2010, s. 2.

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Maharashtra Motor Vehicles Tax Act. [1958 : Bom. LXV

¹[(2) For the purposes of this Act, a registered owner or any person having possession or control of a motor vehicle shall be deemed to use or keep such vehicle for use in the State, unless he intimates in writing in advance to the Taxation Authority in the prescribed manner that the vehicle will not be used or kept for use in the State during any period specified in the intimation, and the Taxation Authority has, in the presented manner, certified that such motor vehicle was not used or kept for use in the State during the period specified in the certificate :

Provided that, where a vehicle is rendered incapable of being used or kept for use on account of any accident, mechanical defect or any other sufficient case. which makes it impossible to give an advance intimation as aforesaid, then such interaction may be given in the prescribed manner within a period of seven days from the date of occurrence of such accident, or such other cause] :

²[Provided further that, where the intimation is received by the Taxation Authority after the commencement of the period of non-user or after the expiry of the period specified in the preceding proviso, as the case may be, and the whole of the period specified in the intimation has not expired prior to the date of receipt of the intimation, the Taxation Authority may recover, in full, the tax payable for the period upto the date of receipt of the intimation and certify in the prescribed manner that the motor webcle was not used or kept for use in the State during the remaining part of the period specified in the intimation.]

 $^{3}[(3)$ Notwithstanding anything contained in sub-section (2), even if no intimation has been given under that sub-section, the Transport Commissioner may, where he is satisfied that a motor vehicle was not used or kept for use in the State during any period for reasons to be recorded in writing, certify that such motor vehicle was not used or kept for use in the State during the period specified in the certificate.]

Levy of

8

⁴[3A. (1) There shall be levied and collected a lump sum tax called the environment environment tax in addition to the tax levied under this Act on the motor vehicles used or kept for tax. use in State as specified in column (2) of the Fifth Schedule at the rates specified in column (3) thereof :

> Provided that, where the transport motor vehicle running on the Compressed Natural Gas or Liquefied Petroleum Gas or the non-transport motor vehicle has completed more than 15 years from the date of first registration of such vehicle, on or before the date of commencement of the Bombay Motor Vehicles Tax (Second Amendment) Act, Mah. XXX 2010, such vehicle shall be deemed to have completed 15 years for the purposes of of levy of the environment tax, as specified in the Fifth Schedule : 2010. Provided further that, where the specified transport vehicle, whether running on or not running on the Compressed Natural Gas or Liquefied Petroleum Gas has completed more than 8 years from the date of first registration of such vehicle, on or before the Mah. date of commencement of the Bombay Motor Vehicles Tax (Second Amendment) Act, XXX 2010, such vehicle shall be deemed to have completed 8 years for the purposes of levy of of the environment tax, as specified in the Fifth Schedule. 2010.

(2) The provisions of this Act and the Rules made thereunder excluding those relating to refund of tax, shall mutatis mutandis apply in relation to the levy, assessment and collection of the environment tax payable under sub-section (1).]

Sub-section (2) was substituted by Mah. 37 of 1972, s. 3(2).

- This proviso was added by Mah. 22 of 1979, s. 3(b).
- Sub-section (3) shall be deemed to have been inserted with effect from the 1st April 1973, ibid., s. 3(c).
- 4 section 3A was inserted by mah. 30 of 2010 s. 3.
- 5 Sub-section (4) was deleted by Mah. 33 of 1987, s. 2(2).

1958 : Bom. LXV] Maharashtra Motor Vehicles Tax Act.

4. (1) The tax leviable under ${}^{1}[{}^{2}[sub-section (1)]]$ of section 3] shall be paid in advance Payment by every registered owner or any person having possession or control, of a motor of tax. vehicle,—

(i) annually 3 [at the rates provided by 4 [sub-section (1) of section 3]] (hereinafter referred to as "the annual rate"), or

⁵[(*ii*) for each quarter, at one-fourth of the annual rate referred to in clause (*i*), *plus* ten per centum thereof rounded off in the manner provided in ⁶[sub-section (3)] (the sum so arrived at is hereinafter referred to as "the quarterly rate"), or (*iii*) for more than one quarter, at multiples of the quarterly rate ;]
⁷[(*iv*) for any period less than a quarter expiring on the last day of the quarter, (*a*) at the rate of one-twelth of the annual rate of tax plus 20 per cent. thereof, where the period does not exceed one calendar month ;

bit although

 $^{10}[$ (2) The one time tax payable under sub-sections $^{11}[(IC), (ID), (IE)$ or (IF)] as the case may be, of section 3 shall be paid, in case of motor vehicles referred to,—

(a) in sub-clause (i) of clause (a) of each of the sub-sections ${}^{12}[(IC), (ID), (IE)]$ and (IF)] at the time of registration ;

(b) in sub-clause (*ii*) of clause (a) of each of the sub-sections ${}^{12}[(IC), (ID), (IE)$ and (*IF*)] within one month from the date of expiry of the period for which the tax is paid under sub-section (*I*) of section 3; and

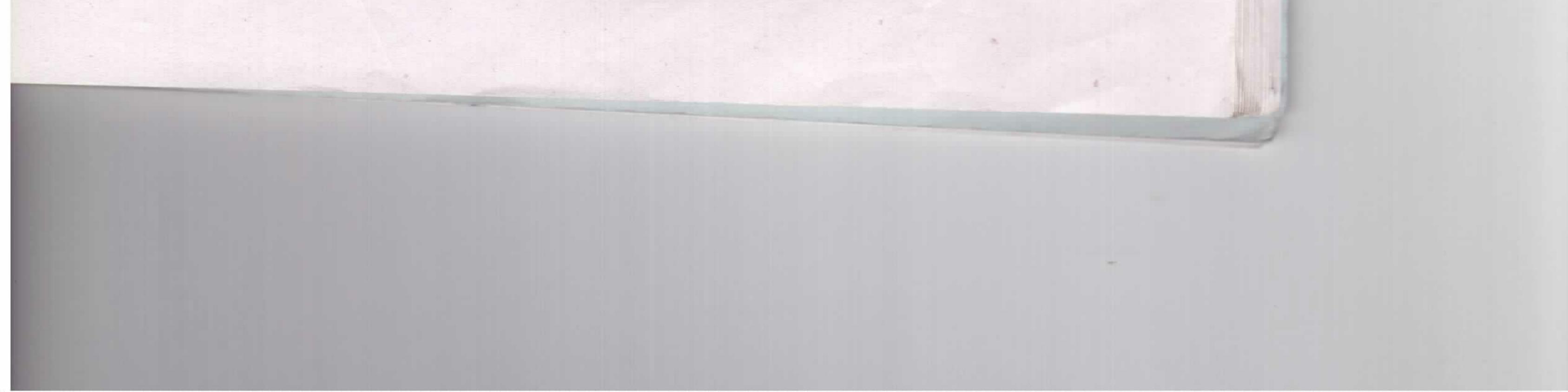
(c) in sub-clause (*iii*) of clause (a) of each of the sub-sections ${}^{12}[(IC), (ID), (IE)$ and (*IF*)] at the time of Registration mark is assigned to the vehicle in the State of Maharashtra.]

These words, brackets, figures and letters were substituted for the word and figure "section 3" by Mah. 14 of 1987, s. 4(a)(i).

2 The word, brackets and figure were substituted for the words, brackets, figures and letter "sub-

section (1) and (1A)" by Mah. 2 of 1998, s. 4(a)(i). These words and figures were substituted for the words and figure "at the rates fixed by the State Government under section 3" by Mah. 17 of 1975, Sch. These words, brackets and figures were substituted for the word and figure "section 3" by Mah. 2 of 1998, s. 4(a)(ii). Clauses (ii) and (iii) were substituted for clause (ii) by Mah. 37 of 1972, s. 4(1). These words, brackets and figures were substituted for the words, brackets and figure "subsection (2)" by Mah. 2 of 1998, s. 4(a)(iii). Clause (iv) was substituted by Mah. 22 of 1979, s. 4. This proviso was deleted by Mah. 14 of 1987, s. 4(a)(ii). Sub-section (1A) was deleted by Mah. 2 of 1998, s. 4(b). 9 1. 1017937 ----This sub-section was substituted for sub-sections (IB) and (IC), ibid., s. 4(c). 10 These brackets, figures, letters and word were substituted for the brackets, figures, letters and word "(IC), (ID) or (IE)" by Mah. 12 of 2010., s. 3(a). These brackets, figures, letters and word were substituted for the brackets, figures, letters and word "(IC), (ID) and (IE)" ibid. s. 3(b). This sub-section was renumbered by Mah. 2 of 1998, s. 4(d). 13 These words were substituted for the words, brackets and figure "sub-section (1)", *ibid.*, s. 4(d). The words "less than one year" were deleted by Mah. 43 of 1969, s. 2. 15 16 These words were substituted for the words "naye paise shall be taken as fifty naye paise, and the fraction of a rupee exceeding fifty naye paise" by Mah. 9 of 1989, s. 4.

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Maharashtra Motor Vehicles Tax Act.

[1958 : Bom. LXV

Provision for payment of tax from month of registration of vehicle etc.

10

¹[4A. Where before the commencement of the Bombay Motor Vehicles Tax (Amendment) Act, 1972, any tax in respect of any motor vehicle has been paid, and from such XXX-VII of commencement, liability to pay tax in respect of that vehicle arises or has arisen from the 1972. Ist day of the month in which such vehicle is registered or new registration mark is assigned to it under the 2[Motor Vehicles Act, 1988], then there shall be paid tax in respect 59 of of such vehicle for the period for which any tax remains unpaid at the rate specified in 1988. clause (ii), (iii) or (iv), as the case may be, of sub-section (1) of section 4. The tax shall be paid within such period as may be prescribed.]

Issue of 7*** certificate of taxation.

5. (1) When the tax leviable under section 3 in respect of any motor vehicle is paid the Taxation Authority shall issue to the person paying the tax,-

(a) a ³[receipt], in the prescribed form, indicating therein that such tax has been paid, and

(b) a certificate of taxation, in the prescribed form, indicating therein 4[whether the motor vehicle is manufactured in India or any place outside India,] the rate at which the tax is leviable and the ⁵[specific period, or as the case may be, lifetime of a vehicle * * *,] for which the tax has been paid.

(2) Where a certificate of taxation has already been issued in respect of such motor vehicle, the Taxation Authority shall, on payment of tax as aforesaid, cause to be made in the certificate of taxation an entry of any such payment.

Tax to be

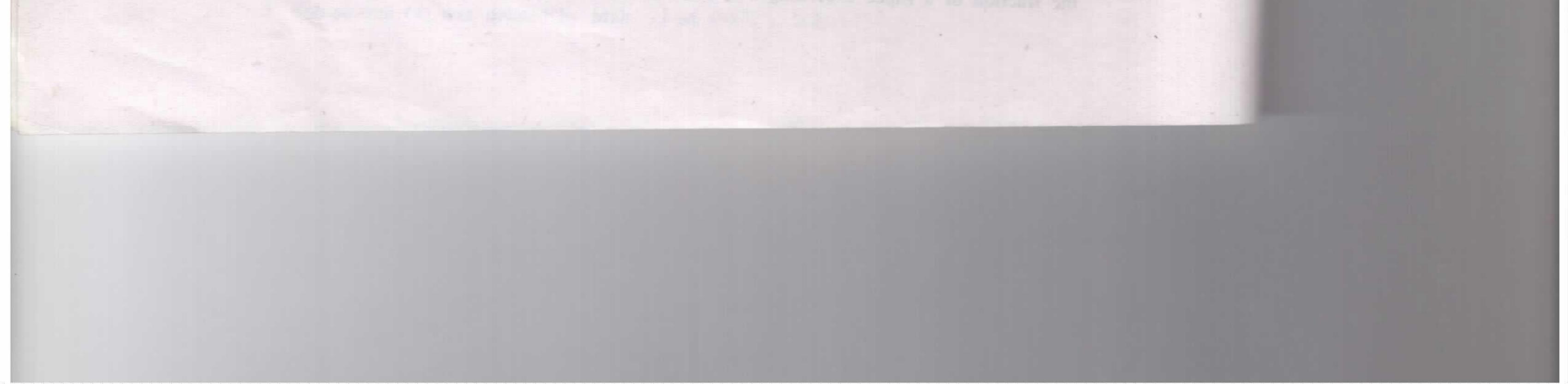
6. (1) Subject to the provisions of this section, every registered owner, or person who paid along with decla- has possession or control, of a motor vehicle used or kept for use in the State shall fill ration. up, sign and deliver, in the manner provided in sub-section (4), declaration, and shall, along with such declaration, pay to the Taxation Authority the Tax which he appears by such declaration to be liable to pay in respect of such vehicle.

(2) Subject to the provisions of this section, when a motor vehicle used or kept for use in the State, is altered or is proposed to be used in such manner as to render the registered owner, or person who has possession or control, of such vehicle liable to the payment of an additional tax under section 7, such owner or person shall fill up, sign and deliver in the manner provided in sub-section (4) an additional declaration and shall, along with such additional declaration (accompanied by 7* * * the certificate of taxation in respect of such motor vehicle), pay to the Taxation Authority the additional tax payable under that section, which he appears by such additional declaration to be liable to pay in respect of such vehicle.

(3) Such owner, or person shall, at the time of making payment of tax under subsection (1), or of the additional tax under sub-section (2), produce before the Taxation Authority a valid certificate of insurance, in respect of the vehicle, which complies with the requirements of a 8[Chapter XI of the Motor Vehicles Act, 1988].

59 of 1988.

- Section 4A was inserted by Mah. 37 of 1972, s. 5.
- These words and figures were substituted for the words and figures "Motor Vehicles Act, 1939", by Mah. 16 of 1995, s. 7.
- This word was substituted for the word "token" by Mah. 37 of 1972, s. 6(a).
- These words were inserted by Mah. 17 of 1975, Sch.
- These words were substituted for the word "period" by Mah. 14 of 1987, s. 5.
- 6 The words "in the case of motor cycle, tricycle, motor car or omni bus" were deleted by Mah. 2
- 7 The words "tax token and" were deleted by Mah. 37 of 1972, s. 7(1).
- 8 These words and figures were substituted for the words and figures "Chapter VIII of the Motor Vehicles Act, 1939", by Mah. 16 of 1995, s. 8.



1958 : Bom. LXV] Maharashtra Motor Vehicles Tax Act.

11

(4) The declaration under sub-section (1), and an additional declaration under subsection (2), shall be in the prescribed form, containing the prescribed particulars, and ¹[shall (together with the certificate of taxation) be delivered] after being duly filled up and signed, within the prescribed time. The additional declaration shall indicate clearly also the nature of the alteration made in the motor vehicle, or as the case may be, the altered use to which the vehicle is proposed to be put.

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Maharashtra Motor Vehicles Tax Act. [1958: Bom. LXV

¹[(5) On receipt of an additional declaration together with the certificate of taxation in respect of any altered motor vehicle, the Taxation Authority may, for the purpose of ascertaining the changed rate of tax, require the vehicle to be inspected by such authority as he may specify in this behalf. On the basis of the report of inspection received by him, the Taxation Authority may assess the changed rate of tax payable in respect of such altered vehicle.

(6) On receipt of the additional tax the Taxation Authority shall ²[issue a receipt in respect of the additional tax], and shall suitably amend the certificate of taxation under his signature and date.]

Payment of additional tax.
7. Where any motor vehicle, in respect of which a tax for any period has been paid, is altered during such period, or proposed to be used during such period in such manner, as to cause the vehicle to become a vehicle in respect of which a higher rate of tax is payable, the registered owner or person who is in possession or control of such vehicle shall pay for the unexpired portion of such period since the vehicle is altered or proposed to be used, an additional tax of a sum equal to the difference between the amount of tax payable for such unexpired portion at the higher rate and the rate at which tax was paid before the alteration or use of the vehicle for that portion ³* * * * * *

Liability to pay arrears of tax ⁵[and interest due, if any,] of persons succeeding to the ownership, possession or control of motor vehicles. 12

8. (1) If the tax leviable in respect of any motor vehicle remains unpaid by any person liable for the payment thereof, and such person before having paid the tax has transferred the ownership of such vehicle or has ceased to be in possession or control of such vehicle, the person to whom the ownership of the vehicle has been transferred or the person who has possession or control of such vehicle shall also be liable to pay the said tax ⁴[and interest due, if any,] to the Taxation Authority.

(2) Nothing contained in this section shall be deemed to affect the liability to pay the said tax ⁴[and interest due, if any,] of the person who has transferred the ownership or has ceased to be in possession or control of such vehicle.

Interest to be paid, if tax is not paid within timelimit. ⁶[8A. (1) If any tax due in respect of any motor vehicle is not paid in time as provided by or under this Act, by any person liable for the payment thereof, such person shall be liable to pay, in addition to the tax payable, an interest from the first day of the period for which the tax is due.

⁷[(2) The interest payable under sub-section (1) shall be calculated for each calendar month or part thereof, during which the tax remains unpaid, at the rate of 2 per cent. of the amount of tax in default :

Provided that, the amount of interest payable under this section shall not exceed the amount of tax in default.]

(3) In calculating the amount of interest payable under sub-section (1), the fraction of a rupee less than fifty paise ⁸[shall be ignored and the fraction of fifty paise or more] shall be taken as a rupee.

(4) The Transport Commissioner may, for reasons to be recorded in writing and subject to such conditions as may be prescribed, remit the whole or any part of the interest payable under this section in respect of any specified period.]

- 1 These sub-sections were substituted for sub-section (5) by Mah. 43 of 1969, s. 3(b).
- 2 These words were substituted for the words "issue a fresh tax token in place of the original token" by Mah. 37 of 1972, s. 7(2).
- 3 The words "and until such additional tax has been paid the Taxation Authority shall not grant a fresh tax token in respect of a vehicle so altered or proposed to be so used" were deleted, *ibid.*, s. 8.
- 4 These words were inserted by Mah. 22 of 1979, s. 5(a).
- 5 These words were inserted, ibid., s. 5(b).
- 6 Section 8A was inserted, ibid., s. 6.
- 7 This sub-section was substituted for the original by Mah. 9 of 1989, s. 5(a).
- 8 These words were substituted for the words "shall be taken as fifty paise, and the fraction exceeding fifty paise" by Mah. 9 of 1989, s. 5(b).



1958 : Bom. LXV] Maharashtra Motor Vehicles Tax Act.

9. ${}^{1}[(1)$ Where any tax is paid in advance for any period in respect of a motor vehicle Refund and where the registered owner surrenders to the Taxation Authority ²[the certificate of taxation issued in respect of such vehicle declaring that he will not, during the whole or part of the unexpired portion of the period for which tax has been paid] use or keep for use in any public place in the State the motor vehicle from the date specified in the declaration, such owner shall, on application made in that behalf, and subject to such conditions (if any), as may be prescribed ³[and on production of a certificate of non-use of the vehicle issued by the Taxation Authority] be entitled to a refund of a sum equal to one-twelth the annual rate of tax levied in respect of such vehicle for every ⁴[completed period of thirty days irrespective of whether such period falls in one calendar month or not.] ^{5*} *

(2) Where any person has paid the tax in advance in respect of a motor vehicle, he shall be entitled, on the production of a certificate signed by ⁶[the Registering Authority stating that the application for the registration of such vehicle has been refused, or the registration thereof has been suspended or cancelled or, to a refund of the tax in full or, as the case may be, for the period for which the registration of such vehicle is suspended or stands cancelled in accordance with the provisions of sub-section (1)]. (3) Where a motor vehicle in respect of which the tax has been paid is altered or is used in such manner as to cause it to become a vehicle in respect of which the tax is leviable at a lower rate, the person who has paid such tax shall be entitled 7* * * on the surrender of 8* * * the certificate of taxation, to a refund of a sum equal to the difference between the amount which would be refundable to him in accordance with the provisions of sub-section (1) and the amount of the tax leviable on such vehicle at the lower rate; and the Taxation Authority 9* * * shall cause an entry of such refund to be made in the certificate of taxation.

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(4) Notwithstanding anything contained in sub-section (1) a person shall be entitled to a refund of the tax as provided in that sub-section ¹⁰[if the Taxation Authority is satisfied that]—

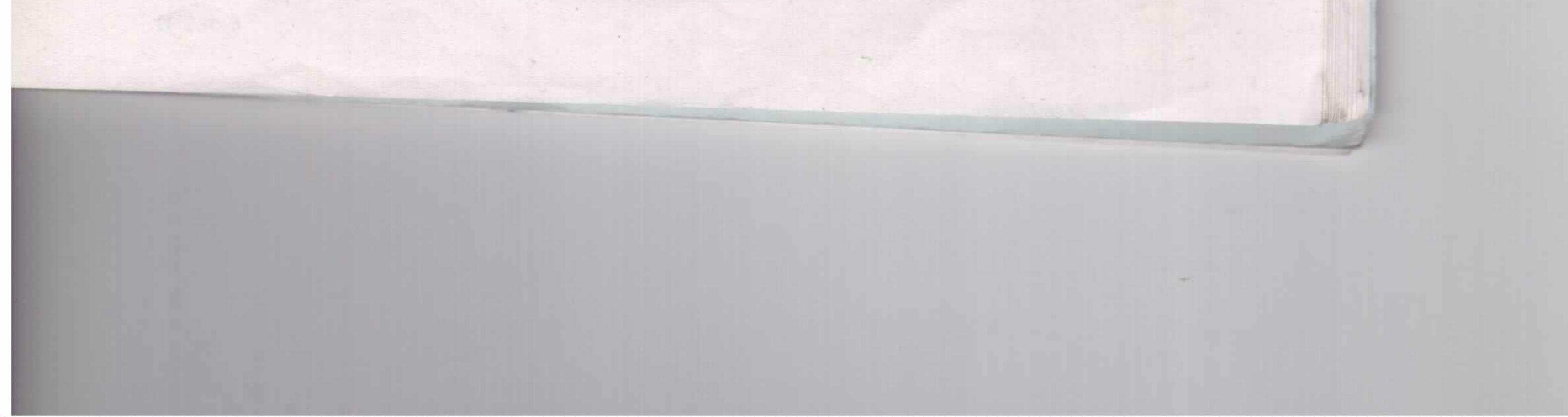
(a) (i) such person for reason beyond his control is not able to surrender * * * * * the certificate of taxation, and

(*ii*) the vehicle in respect of which the refund of the tax is being claimed will not be used in any public place during the period for which such refund is claimed; ^{12*}

(b) (i) the vehicle in respect of which refund of the tax is claimed has not been used in any public place during the period for which such refund is claimed, and

(*ii*) the application for refund could not be made for reasons beyond its control; provided however that such application is made within such period as may be prescribed. 3* * * * * * * * * *

- 1 This sub-section was substituted for the original by Mah. 43 of 1969, s. 4(1).
- 2 These words were substituted for the portion beginning with the words "the tax token" and ending with the words "for which tax has been paid" by Mah. 37 of 1972, s. 9(I)(a).
- 3 These words were inserted *ibid.*, s. 9(1)(b).
- 4 These words were substituted for the words "complete calendar month which has not commenced" by Mah. 2 of 1998, s. 7(a).
- 5 The words and figure "Refund shall be granted after due verification made for the purpose for not more than 3 months at a time" were deleted by Mah. 14 of 1974, s. 3.
- 6 The words, brackets and figure were substituted by Mah. 43 of 1969, s. 4(2).
- 7 The words "on the production of a certificate signed by a Taxation Authority stating that the vehicle has been so altered or used and" were deleted, *ibid.*, s. 4(3).
- 8 The words "the tax token and" were deleted by Mah. 37 of 1972, s. 9(2)(a).
- 9 The words "shall issue to the registered owner, or person who has possession or control of the vehicle a fresh tax token in place of the original token and" were deleted, *ibid.*, s. 9(2)(b).
- 10 These words were substituted for the words "on the production of a certificate signed by Taxation Authority stating that such authority is satisfied that" by Mah. 43 of 1960, s. 4(4)(a).
- 11 The words "the tax token or" were deleted by Mah. 37 of 1972, s. 9(3)(a).
- 12 The word "or" was deleted by Mah. 22 of 1979, s. 7(a)(i).
- 13 The word "or", clause (c) and the two provisos below clause (c) were deleted *ibid.*, s. 7(a)(*ii*), (*iii*) and (*iv*).



Maharashtra Motor Vehicles Tax Act. [1958 : Bom. LXV

¹[(4A) Where a registered owner or any person having possession or control of a motor vehicle has paid tax in excess of the amount due from him, the Taxation Authority shall, after ascertaining that no arrears of tax in respect of such vehicle for any period are due from such registered owner or person, refund the excess amount to such registered owner or person :

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Provided that if such registered owner or person sends an intimation in writing to the Taxation Authority that the amount refundable to him or any portion thereof should be appropriated towards payment of tax in respect of the vehicle for any future period specified in such intimation and submits the certificate of taxation for recording therein such payment of the tax, the Taxation Authority shall, after due verification made for the purpose, cause an entry under his signature to be made in the certificate of taxation and shall specify therein the future period in respect of which the refundable amount or, as the case may be, the portion thereof has been appropriated for payment of tax and shall refund the balance, if any, remaining after such appropriation to such owner or person.]

 ${}^{2}[(5)$ Where any refund of tax in respect of any vehicle is made under this section, the Taxation Authority shall cause entry of such refund to be made in the certificate of taxation and also of the lower rate, and the date from which, such lower rate is levied.]

³[(6) Notwithstanding anything contained in sub-section (1), where a tax has been paid under sub-section ${}^{4}[(1C), (1D), (1E) \text{ or } (1F)]$ of section 3, a registered owner shall be entitled to refund of tax at the rate specified in the Second Schedule, or as the case may be, Third Schedule in case of,—

(a) removal of motor vehicle to any other State on transfer of ownership or change of address; or

(b) suspension or cancellation of registration of motor vehicle on account of scrapping of it due to accident or any other reason :

Provided that, the refund of tax shall be granted by the Taxation Authority,-

(i) in case of removal of motor vehicle outside the State of Maharashtra on transfer of ownership or on change of address, only on production of sufficient proof of its transfer outside the State of Maharashtra; and

(*ii*) in the case of scrapping of motor vehicle only on production of a certificate from the insurance company or any other sufficient documentary evidence that it is beyond repair and cannot be used again.]

⁵[(6A) Notwithstanding anything contained in sub-sections (1) and (3), where a ⁶[motor vehicle] in respect of which tax has been paid under ⁷[sub-section ⁸[(1C), (1D), (1E) or (1F)] as the case may be,] of section 3 is altered or used in such a manner as to cause it to become a ⁶[motor vehicle] in respect of which the tax is leviable at a lower rate, the person who has paid such tax shall be entitled, on surrender of certificate of tax to a refund of a sum equal to the difference between the amount of one time tax that would have been payable in respect of such ⁶[motor vehicle], had the change of use not been effected to qualify it for tax at lower rate, on the date of such use, and amount of tax leviable on the date of such change of use on such ⁶[motor vehicle] at the lower rates; and the Taxation Authority shall cause an entry of such refund to be made in the certificate of taxation.]

- I Sub-section (4A) was inserted by Mah. 22 of 1979, s. 7(b).
- 2 Sub-section (5) was added by Mah. 43 of 1969, s. 4(5).
- 3 Sub-section (6) was substituted by Mah. 2 of 1998, s. 7(b).
- 4 These brackets, figures, letters and words were substituted forthe brackets, figures, letters and word "(1C), (1D) or (1E)" by Mah. 12 of 2010. s.4 (a).
- 5 Sub-section (6A) was substituted by Mah. 16 of 1995, s. 9(2).
- 6 These words were substituted for the words "motor cycle, tricycle, motor car or omni bus" by Mah. 2 of 1998, s. 7(c)(i).
- 7 These words were substituted for the words, brackets, figures and letters "sub-section (1C) or, as the case may be, under sub-section (1D)", *ibid.*, s. 7(c)(ii).
- 8 These brackets, figures, letters and words were substitued for the brackets, figures, letters and word "(IC), (ID) or (IE)" by mah. 12 of 2010, s. 4 (b).

Maharashtra Motor Vehicles Tax Act. 1958 : Bom. LXV]

[(7) Without prejudice to the provisions of sub-section (6), the provisions of sub-sections (1), (2), (4), (4A) and (5) shall apply in the case of refund of tax, paid under sub-sections 2[(1C), (1D), (1E) or, as the case may be, (1F)] of section 3 for temporary non-use of motor vehicle with the following modifications, that is to say-

(a) in sub-section (1),-

(i) for the words " in advance for any period " the words, brackets, figures and letters "under sub-sections ${}^{3}[(IC), (ID), (IE)$ or, as the case may be, (IF)] of section 3" shall be substituted;

(ii) for the portion beginning with the words "a sum" and ending with the words " not commenced ", the following shall be substituted, namely :---

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" tax at the rates specified in the Second Schedule or, as the case may be, the Third Schedule, for every complete quarter ";

(iii) the following Explanation and the proviso shall be inserted, namely :--

"Explanation.-For the purpose of this sub-section, the expression " quarter " means a period of three calendar months commencing on the 1st day of the month following the month in which the intimation of non-use of the motor vehicle is given by the owner to the Taxation Authority :

Provided that a person shall be entitled to a refund of tax for such non-use in respect of a motor vehicle-

(i) for the same period either under this sub-section or under sub-section (6), as the case may be, but not under both the sub-sections ;

(ii) if the total amount of such refund of tax claimed and received from time to time, does not exceed the amount of one time tax paid in respect of such motor vehicle.";

(b) in sub-section (2), for the words "tax in advance" the words "one time tax"

shall be substituted ;

(c) in sub-section (4A), the proviso shall be deleted ;

(d) in sub-section (5), the words " and also the lower rate and the date from which such lower rate is levied " shall be deleted.]

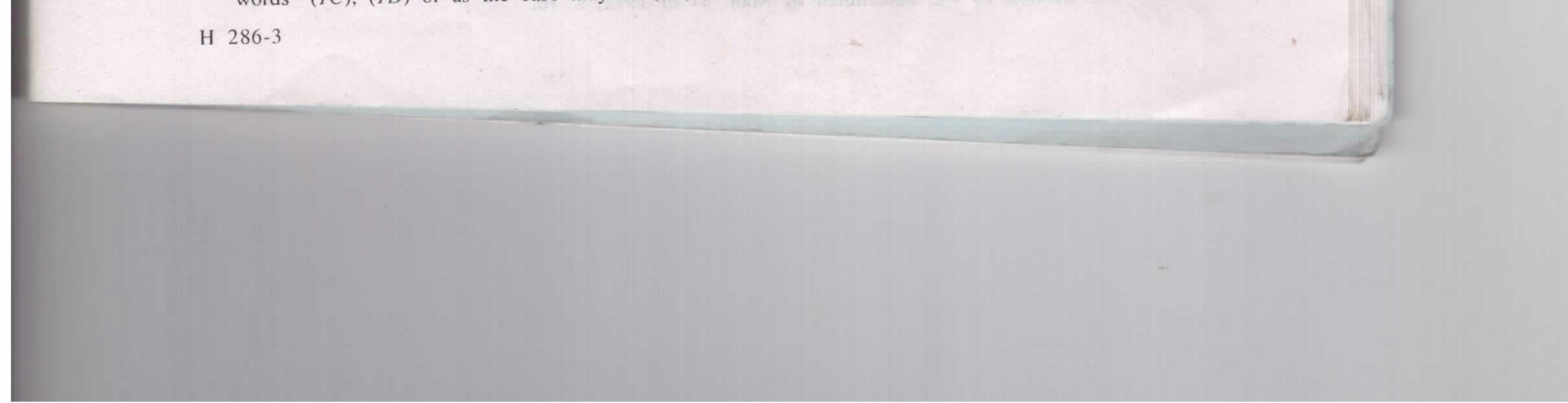
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1 Sub-section (7) was substituted by Mah. 2 of 1998, s. 7(d). 2 These brackets, figures, letters and words were substituded for the brackets figures, letters and words "(1C), (1D) or as the case may be (1E)" by Mah. 12 of 2010. 3. 4 (C)(i). 3 These brackets, figures, letters and words were substituted for the brackets, figures, letters and words "(1C), (1D) or as the case may be (1E)" ibid s. 4 (c) (ii).



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 Maharashtra Motor Vehicles Tax Act.
 [1958:Bom. LXV]

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 Special provision for fleet-owners.
 2[10. In the case of a fleet-owner, the provisions of sections 3, 4, 5, 6 and 9 shall so far as may be, apply subject to the following modifications, namely :—
 *

(1) In order to determine the amount of tax payable by a fleet-owner in respect of the year ending on the 31st day of March 1973 or for any year thereafter, the fleet owner shall, within one month after the expiry of any such year make and deliver to the Taxation Authority a declaration in the prescribed form stating the prescribed particulars, in respect of all transport vehicles used or kept for use by him in the State in that year. Such declaration shall be accompanied by a certificate of provisional payment of tax issued to the fleet-owner under section 10 as it stood immediately before the commencement of the Bombay Motor Vehicles Tax (Amendment) Act, 1972, Mah. or as the case may be, under sub-section (2), and such other documents as may be XXX-VII of

1972.

(2) The fleet-owner shall on the basis of such declaration made and delivered under sub-section (1), make payment of an amount equivalent to the amount of tax payable in accordance with such declaration, as provisional payment of tax for the year following the year to which the declaration relates.

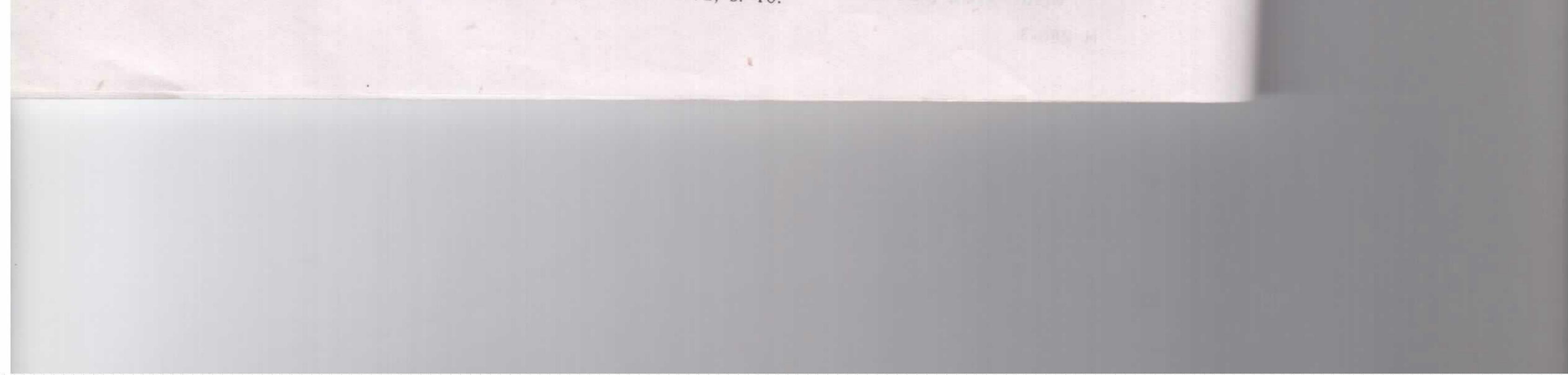
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(3) On receipt of such declaration, the Taxation Authority shall verify the number of transport vehicles used or kept for use by the fleet-owner during the year for which the tax is payable, the licensed carrying capacity in the case of stage carriages and contract carriages, the registered laden weight in the case of goods vehicles, the unladen weight in the case of other transport vehicles, and such other particulars as may be deemed necessary, and shall finally determine the amount of tax leviable at the rates fixed under sub-section (1) of section 3 on the transport vehicles of such fleet-owner and communicate the same to the fleet-owner by issuing a certificate of final assessment of tax for that year, within such period and in such form as may be

Provided that, where the carrying capacity or registered laden weight of a motor vehicle of a fleet-owner is at any time reduced during the year, the tax collected on such vehicle shall not exceed the amount of tax leviable on the basis of the annual rate of tax for the carrying capacity or registered laden weight of such motor vehicle before reduction.

(4) Where the amount of tax is finally determined under sub-section (3), taking into consideration the provisional payment of the tax already made by the fleet owner, the difference (if any) that may be due shall be paid by, or refunded to, the fleet-owner in such manner, and within such time, as may be prescribed :

1 Sub-section (8) was deleted by Mah. 9 of 1997, s. 19(d). 2 Section 10 was substituted by Mah. 37 of 1972, s. 10.



Maharashtra Motor Vehicles Tax Act. 1958 : Bom. LXV]

¹[Provided that the fleet-owner shall be entitled to a proportionate reduction in the amount of tax finally leviable in respect of vehicles which are certified by the Taxation Authority as not used for a period of one calendar month or more.]

(5) Within thirty days of the transfer of ownership of any of his transport vehicles, the fleet-owner shall report the transfer to the Taxation Authority.

(6) The Taxation Authority may, for the purposes of this section, require the fleetowner to produce before him any transport vehicles or any accounts, registers, records or other documents or to furnish any information or may examine the vehicles or the accounts, registers, records or other documents, and the fleet-owner shall comply with at such compact coment was levying to colled any such requisition made of him.

(7) A person who on or after the commencement of the Bombay Motor Vehicles Mah. Tax (Amendment) Act, 1972 becomes a fleet-owner shall, within thirty days of his becoming a fleet-owner, make and deliver to the Taxation Authority a declaration under sub-section (1), and shall also make provisional payment of tax, under sub-section (2)which he, according to such declaration, appears to be liable for.]

XXX-VII of 1972.

 2 [10A. (1) Where a transport vehicle is brought for use or for being kept for use into Tax on the State on the basis of a temporary permit, issued under the 3[Motor Vehicles Act, 1988] Transport 59 of the tax shall be levied and collected 4[as provided in section 4] for the whole of the period 1988. for which it is used or kept for use in the State :

vehicles brought in the State on temporary permits.

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⁵[Provided that, if the period for which the transport vehicle is used or kept for use in the State does not exceed seven days, the tax to be levied and collected shall be onethird of the tax payable for one month.]

(2) The amount of tax shall be paid to the Taxation Authority within whose jurisdiction the vehicle is used or kept for use in the State, by the owner or the person having possession or control of the vehicle, within seven days, of the entry of the vehicle into the State or on demand by the Taxation Authority or any other Officer authorised by it in this behalf, whichever is earlier.

Explanation.-For the purposes of this section,-

(a) in calculating the period during which a vehicle is used or kept for use in the State, a part of a calendar month shall be treated as one month ; and

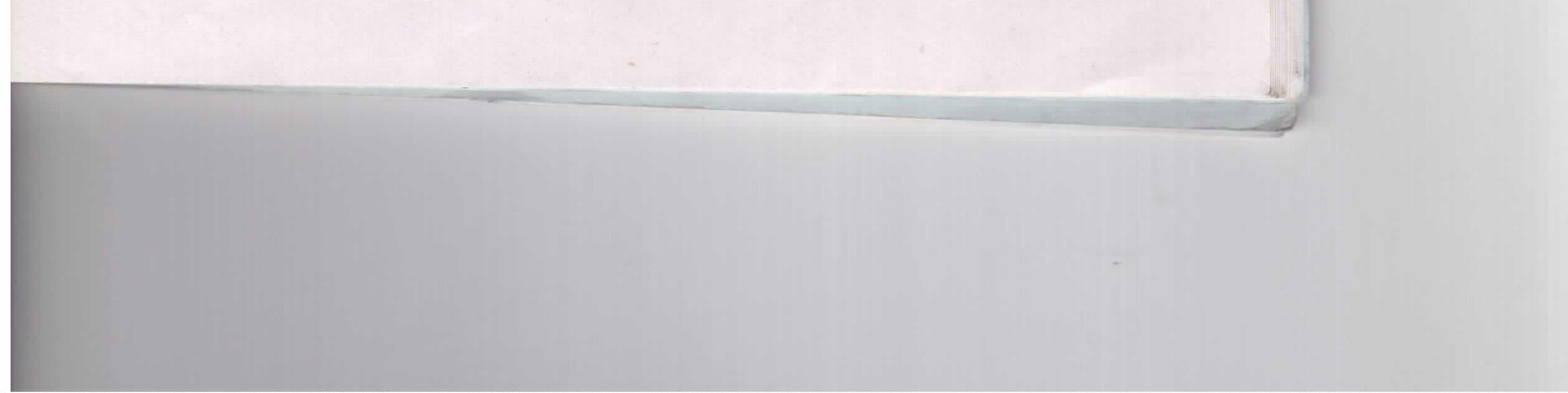
(b) the period for which the tax is to be paid need not necessarily expire at the end of a quarter.]

This proviso was inserted by Mah. 14 of 1974, s. 4

- 2 Section 10A was inserted by Mah. 37 of 1972, s. 11.
- 3 These words and figures were substituted for the words and figures "Motor Vehicle Act, 1939" by Mah. 16 of 1995, s. 4.

4 These words and figures were inserted by Mah. 22 of 1979, s. 8(a)

5 This proviso was added, *ibid.*, s. 8(b).



[1958 : Bom. LXV Maharashtra Motor Vehicles Tax Act.

(2) The State Government shall, ²[out of the proceeds of tax recovered]—

(a) continue to pay annually to each local authority, a sum equal to the amount which was being paid to such local authority immediately before the commencement Bom. XXXof this Act under the provisions of the Bombay Motor Vehicles Tax Act, 1935 or as IV of the case may be, the Central Provinces and Berar Motor Vehicles Taxation Act, 1947; 1935. C.P. & (b) pay annually to each local board which at the commencement of this Act was Berar levying tolls on vehicles or animals or persons and to any other local authority which Act VI at such commencement was levying or collecting tolls of motor vehicles and trailers of 1947. a sum determined by the State Government, after consulting the local board or local

Destination and utilisation of the proceeds of tax.

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authority concerned, as representing the net average annual income of such local board or local authority from such tolls, after deducting the cost of collection, during the three years ending on the 31st day of March 1958 plus 10 per centum of such sum;

(c) pay annually to each of the local authorities specified in the ³[Fourth Schedule] as contribution, the sum mentioned against them in that Schedule :--

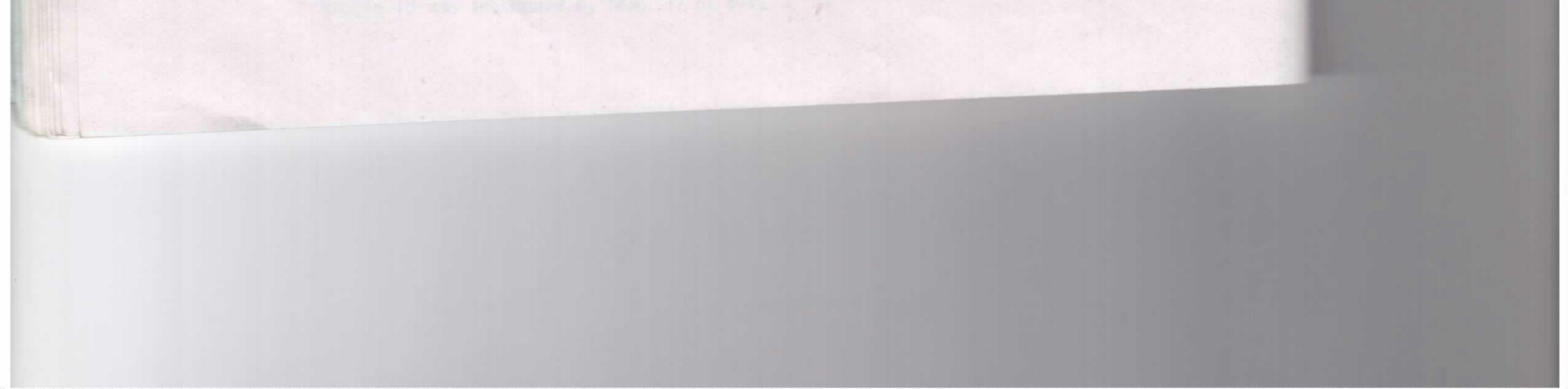
4[(d) pay annually to a local authority which continued to levy and collect any tax on motor vehicles after the commencement of this Act, by virtue of the provisions of clause (a) of the proviso to sub-section (2) of section 20, and has any time thereafter discontinued such levy and collection of that tax, such sum as road grant from the date of the discontinuance as may, from time to time, be determined by the State Government :]

⁵[Provided that, the amount of contribution under this sub-section which was immediately before the 1st day of May 1962, paid to an existing local board shall be paid after that date to the successor Zilla Parishad.]

the state when a fine the public of the first and a first and a state of the best to the one and the the vehicle is tract or fear for use in the State, by the owner or the person bart. forsessent or annot of the vehicle, within seven days, of the entry of the loom of the relation the State or is demand by the Taxation Attendents of any other Officet anti-officet by it. - animes and in sacring and the section. bilities so not man and motions in dealers a dealers a menue point and grandurshes are the wert and a contact of a contact of the mark of the mark of the other and the the And the partner to be the set of the bland here at the part here at the set of the best of the the Sub-section (1) was deleted by Mah. 5 of 2008, s. 2. 2 These words were substituted for the words "out of the State Road Fund" by Mah. 43 of 1969, s. 6(b)(i).

These words were substituted for the words "Seventh Schedule" by Mah. 2 of 1998, s. 8(b). Clause (d) was inserted by Mah. 20 of 1985, s. 4(b).

- 5 This proviso was added by Mah. 43 of 1969, s. 6(b)(ii).



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(3) The contribution to the local authorities made under sub-section (2) shall be paid in such instalments, in such manner, and on such dates, as the State Government may, after consulting the local authorities concerned, prescribe. SEL 3-2 States To million S on H REAL DRAW OF STORE

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1958 : Bom. LXV]

 2 [(4) The State Government shall use the proceeds of the environment tax for the following purposes,-

(a) to establish and develop vehicle inspection centres, (b) to establish and develop network of pollution checking centres, (c) to establish and develop air quality testing centres,

to wer to take than that of an in or the of (d) to encourage use clean fuel, (e) to encourage the use of vehicles running on solar energy or hybrid technology,

(f) to strengthen the public transport system, (g) to train the drivers of the public transport system and enhance their awareness

TROUBLERS IN THE PROPERTY LINE PREMIERS OF ALL DOTSELLOOPT about preservation of environment,

(h) to establish advanced vehicle testing stations to issue or renew certificates of fitness, messed lie a share that a second to a presso in the second seco

(i) to undertake a reserch to suggest various methods and mechanisms to reduce pollution and to improve environment.] Strings 25 Shi to the this of a distant of the ventoirs office than mose failing under sub-section (7.1.), any lacent vehicles beingestesticates

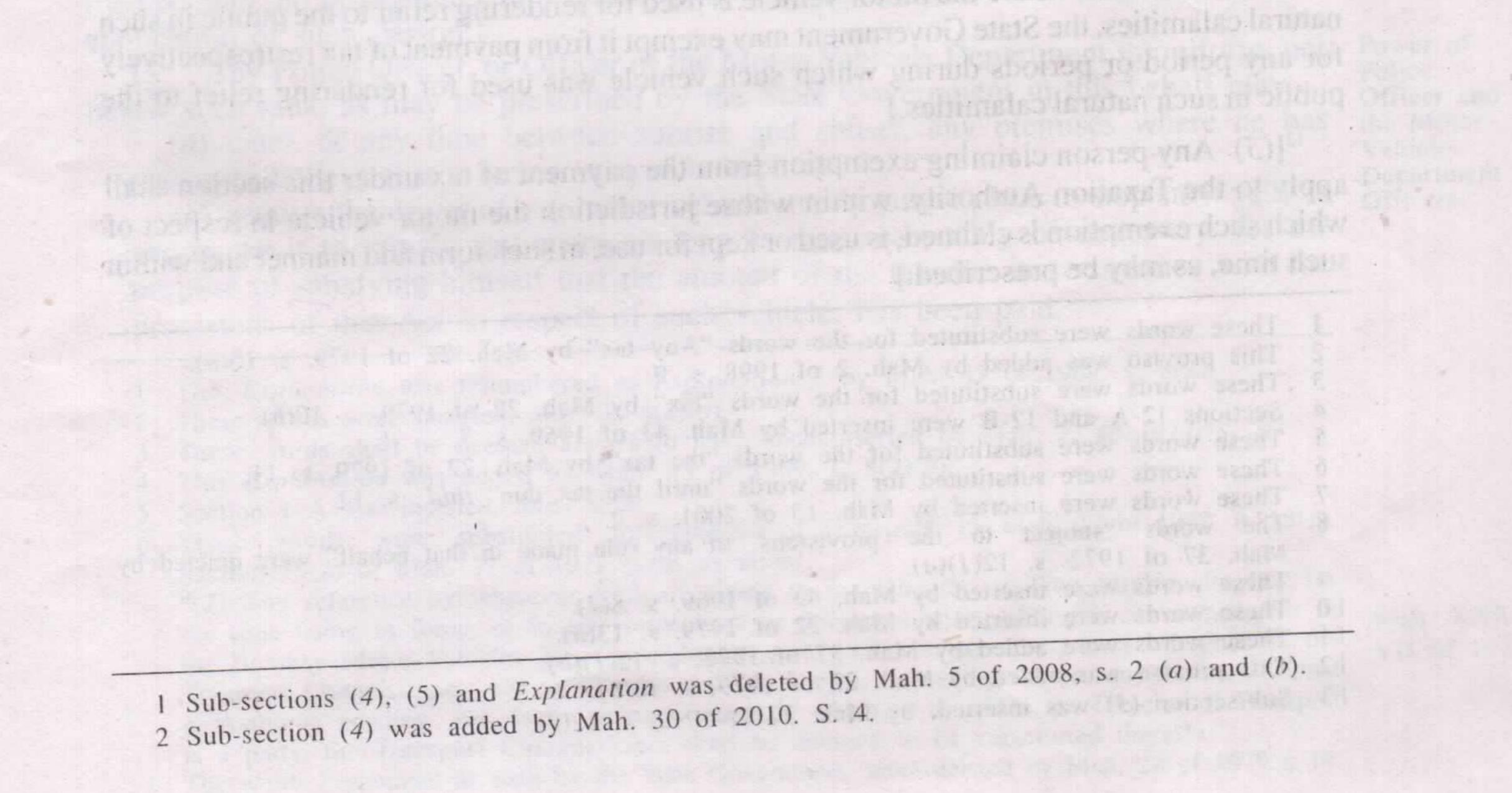
any class of persons. "for any moter wehicle used solely for or in finiterance of the some bic

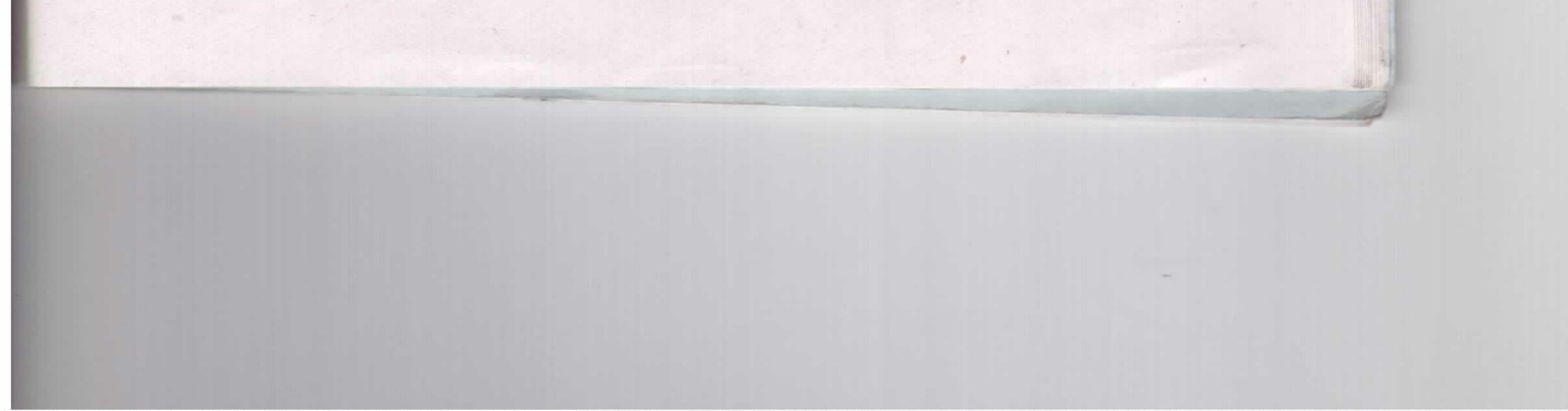
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subject to the other provisions of this Act, be recoverable in the same manner as an arrears

12. ¹[Any tax or interest] due, and not paid as provided by or under this Act shall,

[1958 : Bom. LXV

Arrears of ³[tax and interest] recoverable as arrears of land revenue.

of land revenue : ²[Provided that, if the amount of arrears of tax including interest exceeds rupees ten thousand, the Officer designated in this behalf by the State Government, may, by an order, grant subject to such conditions as may be specified in such order, a facility of making the payment in instalments not exceeding four, within a period of one year.]

Restrictions on use of motor vehicles in certain cases.

⁴[12-A. No motor vehicle used or kept for use in the State shall be used on any road in the State in case any tax payable in respect thereof remains unpaid for more than thirty days after it has become due under the provisions of this Act, until ⁵[the tax and interest, if any due,] is paid.

Power to seize and detain motor vehicle in cases of non-payment of tax. 12-B. Without prejudice to the provisions of sections 12, 12-A and 16, where any tax due in respect of any vehicle has not been paid as specified in section 4, such Officer not lower in rank than that of an Inspector of Motor Vehicles of the Motor Vehicles Department or an Inspector of Police of the Police Department, as the State Government may empower in this behalf, may, subject to rules made in this behalf, seize and detain the motor vehicle in respect of which the tax is due under this Act, and for this purpose, take or cause to be taken all steps for the proper maintenance and safe custody of the vehicle, ⁶[until the tax and interest, if any, due] in respect of the vehicle is paid and may provide for charges, if any, to be recovered for the custody and maintenance of the vehicle.]

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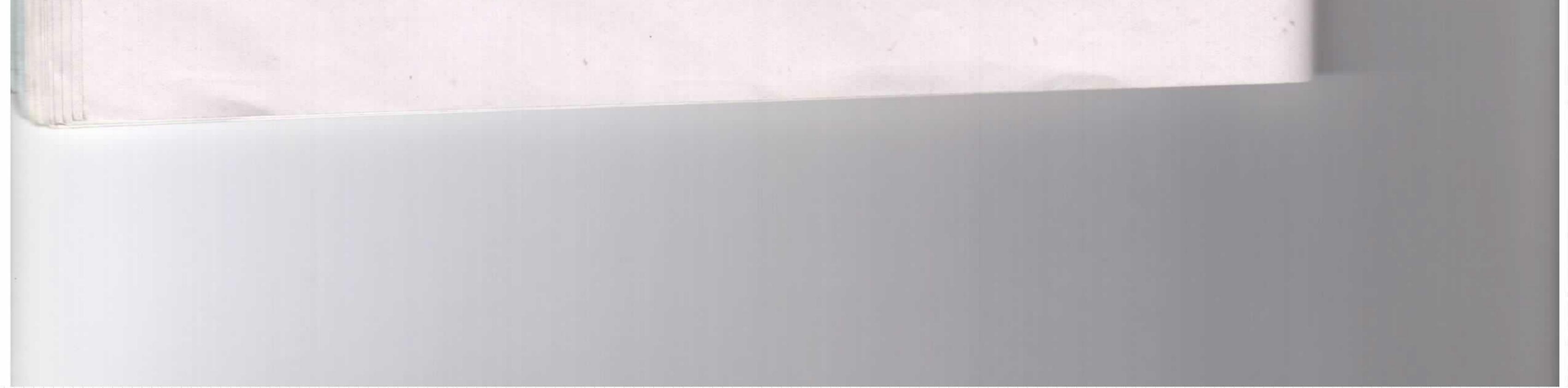
Exemptions. 13. (1) All motor vehicles ⁷[other than trailers drawn by motor vehicles,] designed and used solely for agricultural operations on farms or farm lands, shall be exempt from the payment of the tax.

(2) The State Government may, ^{8*} * * * * * * * * * * * * * by notification in the *Official Gazette*, exempt either totally or partially any class of motor vehicles other than those falling under sub-section (1), or any motor vehicles belonging to any class of persons, ⁹[or any motor vehicle used solely for or in furtherance of any charitable purpose] ¹⁰[or any motor vehicle used for rendering relief to the public in cases of fire, flood, earthquake, drought or other natural calamities], from the payment of the tax ¹¹[subject to such conditions, if any, as may be specified in such notification :]

¹²[Provided that, where the motor vehicle is used for rendering relief to the public in such natural calamities, the State Government may exempt it from payment of tax restrospectively for any period or periods during which such vehicle was used for rendering relief to the public in such natural calamities.]

¹³[(3) Any person claiming exemption from the payment of tax under this section shall apply to the Taxation Authority, within whose jurisdiction the motor vehicle in respect of which such exemption is claimed, is used or kept for use, in such form and manner and within such time, as may be prescribed.]

1 These words were substituted for the words "Any tax" by Mah. 22 of 1979, s. 10(a).
2 This proviso was added by Mah. 2 of 1998, s. 9.
3 These words were substituted for the words "tax" by Mah. 22 of 1979, s. 10(b).
4 Sections 12-A and 12-B were inserted by Mah. 43 of 1969, s. 7.
5 These words were substituted for the words "the tax" by Mah. 22 of 1979, s. 11.
6 These words were substituted for the words "until the tax due" *ibid.*, s. 12.
7 These words were inserted by Mah. 15 of 2001, s. 2.
8 The words "subject to the provisions of any rule made in that behalf" were deleted by Mah. 37 of 1972. s. 12(1)(a).
9 These words were inserted by Mah. 22 of 1979, s. 13(a).
11 These words were added by Mah. 37 of 1972, s. 12(1)(b).
12 This proviso was added by Mah. 37 of 1979, s. 13(b).
13 Sub-section (3) was inserted, by Mah. 37 of 1972. s. 12(2).



1958 : Bom. LXV] Maharashtra Motor Vehicles Tax Act.

Explanation 1[1].—For the purpose of this section the expression "agricultural operation" means tilling, sowing, harvesting, crushing of agricultural produce, or any other similar operation carried out for the purpose of agriculture 2[and includes use of the vehicle from the place of residence of its owner or from the garage or place of repairs to his farm, and from the farm to any of the places aforesaid] ³[and also includes use of the vehicle from the place of purchase to the registering office and to the owner's residence, garage, place of repairs or farm, as the case may be] but does not include the transportation of persons or materials for the purpose of agriculture, or the transportation of agricultural produce.

⁴[Explanation 2.—For the purposes of this section, charitable purpose includes—

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- (1) relief of poverty or distress,
- (2) medical relief,
- (3) education,
- (4) religious teaching or worship,

(5) advancement of other objects of general public utility.]

14. (1) Any person, who is aggrieved by any order of a Taxation Authority, may Appeal. file an appeal before such person or authority, in such manner, within such time, and on payment of such fees, as may be prescribed.

(2) The appeal shall be heard and decided in such manner as may be prescribed.

⁵[14A. (1) The State Government or the ⁶[Transport Commissioner] Revision. 7* or such Officer, not below the rank of a Deputy Secretary to Government, designated by the Government in this behalf may, suo moto or on application, call for and examine the record of any order made by any Taxation Authority under this Act and pass such order thereon as it or he thinks just and proper :

Provided that, no application under this section shall be entertained if it is not made within a period of one hundred and twenty days from the date of the order :

Provided further that, before rejecting any application for the revision of any such order, the State Government, the 6[Transport Commissioner] or as the case may be, the Officer designated shall record reasons for such rejection.

(2) No order shall be passed under this section which is likely to affect any person adversely unless such person is given reasonable opportunity of being heard by the State Government, the ⁶[Transport Commissioner] or, as the case may be, the Officer designated.

(3) Where any person could have appealed under section 14 and no appeal has been filed by him, no proceedings in revision under this section shall be entertained upon the application of such person.]

15. Any Police Officer, or Officer of the Motor Vehicels Department in uniform, not Power of Police below such rank, as may be prescribed by the State Government in this behalf may,-Officer and (a) enter, at any time between sunrise and sunset, any premises where he has the Motor reason to believe that a motor vehicel is kept, or Vehicles Department (b) require the driver of any motor vehicle in any public place to stop such vehicle Officers.

and cause it to remain stationary so long as may reasonably be necessary, for the purpose of satisfying himself that the amount of the tax due in accordance with the provisions of this Act in respect of such vehicle, has been paid.

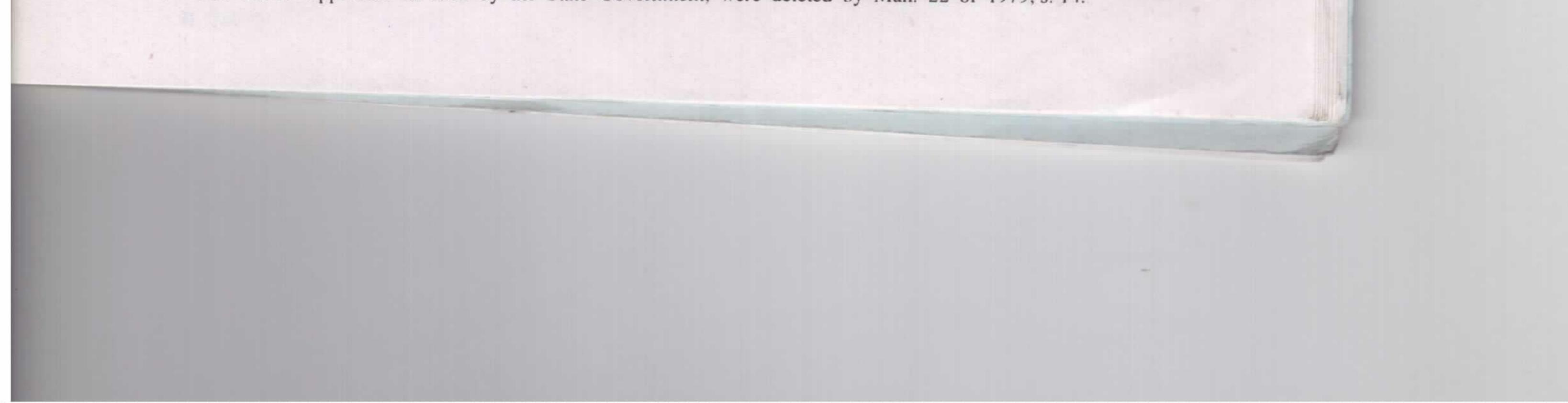
- This Explanation was renumbered as Explanation 1 by Mah. 43 of 1969, s. 8(2).
- These words were inserted, ibid., s. 8(2)(a).
- These words shall be deemed always to have been inserted by Mah. 22 of 1977, s. 2.
- This Explanation was added by Mah. 43 of 1969, s. 8(2)(b).
- Section 14A was inserted, ibid., s. 9.
- These words were substituted for "Director of Transport" by Mah. 37 of 1972, s. 13(1). 6 Section 13(2) of Mah. 37 of 1972 reads as under :

"(2) Any reference by whatever form of words to the Director of Transport in any law for the time being in force, or in any instrument or document shall, after the commencement of the Bombay Motor Vehicles Tax (Amendment) Act, 1972, be construed as a reference to the Transport Commissioner; and in all suits and other legal proceedings before any Court, Tribunal or Authority pending on such commencement in which or to which the Director of Transport is a party, the Transport Commissioner shall be deemed to be substituted therefor." The words "appointed as such by the State Government, were deleted by Mah. 22 of 1979, s. 14.

Mah. XXX-VII of 1972.

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[1958 : Bom. LXV

16. (1) Whoever,—

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(a) as a registered owner or otherwise, has the possession or control of any motor vehicle used or kept for use in the State without having paid the amount of the tax, ¹[for interest,] due in accordance with the provisions of this Act in respect of such vehicle, ²[except as provided in clause (aa),] or

³[(aa) brings or causes to bring a transport vehicle registered in any other State into this State without payment of tax or interest due at the Tax Collection Centre nearest to the point of entry, or]

(b) delivers, a declaration or additional declaration wherein the particulars required by or under this Act to be therein set forth are not fully and truly stated, or (c) obstructs any Officer in the exercise of the powers conferred by clause (a) of

section 15 or fails to stop the motor vehicle when required so to do by such Officer under clause (b) of that section, shall, on conviction, be punished—

Penalty for possession or control of motor vehicle without payment of ¹⁶[tax and interest] for incom-plete and untrue declaration,

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etc.

(i) with fine which shall not be less than a sum 4[equal to the tax payable in respect of such vehicle for two quarters,] and which may extend to a sum equal to the annual tax payable in respect of such vehicle ;

(ii) in the event of such person having been previously convicted of an offence under this section, with fine which shall not be less than a sum 6[equal to the annual tax payable in respect of such vehicle,] and which may extend to a sum equal to twice the annual tax payable in respect of such vehicle ; 7* *

⁸[(*iii*) where a person guilty of an offence is a registered owner of a motor vehicle $^{9} * * *$ on which one time tax is levied under 10 [sub-section (1C), (1D), (1E) or, as the case may be, sub-section (IF)] of section 3, the fine shall not be less than three hundred rupees and which may extend to a sum equal to the one time tax payable in respect of such vehicle ; and in the event of such person having been previously convicted of an offence under this section, the fine shall not be less than five hundred rupees and which may extend to a sum equal to twice the one time tax payable in respect of such vehicle] 11[and]

¹²[(iv) if it is a transport venicle, with fine which shall not be less than a sum of five times the tax payable in respect of such vehicle for contravention of the provisions of clause (aa).]

(2) The amount of ¹³[any tax and interest] due shall be recoverable as if it were a fine.

¹⁴[(3) No prosecution for an offence under clause (a) of sub-section (1) shall be commenced against any person who has paid in full the amount of tax due from him under section 3 and the interest, if any, due from him under section 8A.]

¹⁵[(4) Notwithstandsing anything contained in this section or any rules made under this Act, no prosecution for an offence committed under clause (aa) of sub-section (1)shall be commenced against any person if such person has paid in full, a sum equal to four times the tax payable in respect of such transport vehicle.]

These words were substituted for the words "or additional tax" by Mah. 22 of 1979, s. 15(a)(i). 2 The words, brackets and letters were added by Mah. 2 of 1998 s. 10 (a) (i). clause (aa) was inserted ibid s. 10 (a) (ii). 4 These words were substituted for the words "equal to the quarterly tax payable in respect of

such vehicle", ibid., s. 15(a)(ii).

The word "and" was deleted by Mah. 14 of 1987, s. 8(a).

6 These words were substituted for the words "equal to the tax payable in respect of such vehicle for two quarters" by Mah. 22 of 1979, s. 15(a)(iii).

The word "and" was deleted by Mah. 2 of 1998 s. 10 (a) (iii) (A). 8 Clause (iii) was inserted, by Mah. 14 of 1987, s. 8(c).

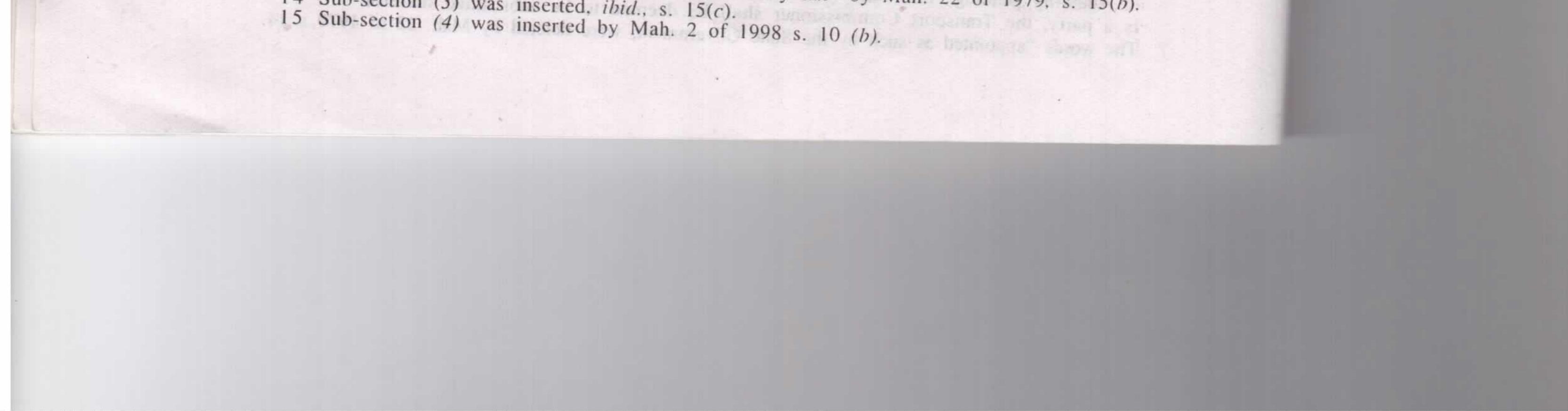
9 The words "which is a motor cycle, tricycle, motor car or omni bus" was deleted by Mah. 2

10 These words, brackets, figures and letters were substituted for the words, brackets, figure and letters "sub-section (1C)" or, or sub-section (10) or as the case may be, sub-section (1E)" by Mah. 12 of 2010, s. 5.

11 The word "and" was added by Mah. 2 of Mah. 1998 s. 10 (a) (iii) B (3).

12 Sub clause (iv) was added by ibid s. 10 (a) (iv).

13 These words were substituted for the words "any tax" by Mah. 22 of 1979, s. 15(b). 14 Sub-section (3) was inserted, ibid., s. 15(c).



1958 : Bom. LXV] Maharashtra Motor Vehicles Tax Act.

¹[²(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 it II of 1974. shall be lawful for a Metropolitan Magistrate or a Judicial Magistrate of the first class to pass on any person convicted of any offence under this Act a sentence of fine as provided in clause (iii) of sub-section (1), in excess of his powers under section 29 of the said Code.]

17. Whoever contravenes any of the provisions of this Act, if no other penalty is Other elsewhere provided therein for such a contravention, shall, on conviction, be ³[punished penalties. with fine which shall, except for special reasons to be recorded, not be less than fifty rupees and which may extend to two hundred rupees, and in the event of such person having been previously convicted of the same offence, with fine which shall not be less than one hundred rupees and which may extend to four hundred rupees].

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18. (1) The prescribed Officer may after the institution Compo-

of proceedings for any offence punishable under clause (a) of sub-section (1) of section 16, unding of offences. accept from any person charged with such offence by way of composition thereof such sum of money as may be prescribed, provided that the sum is paid within the prescribed time.

(2) On payment by such person of such sum together with the amount of ⁵[tax and interest] (if any), due, such person, if in custody, shall be set at liberty, and if any proceedings in any Criminal Court have been instituted against such person in respect of the offence the composition shall be deemed to amount to an acquittal, and no further criminal proceedings shall be taken against such person in respect of such offence.

19. No Court inferior to that of a ⁶[Metropolitan Magistrate or a Judicial Magistrate Trial of offences. of the First Class] shall try an offence punishable under this Act.

Bom. II 20. (1) Except as provided in, the Bombay Ferries and Inland Vessels Act, 1868, Bar to levy of 7* * or the Hyderabad Ferries Act, or the Northern India Ferreis Act, 1878 8[and tolls, etc. on 1868. motor subject to the provisions of sub-sections (1A), (1B), (1C) and (1D) on and after the Hyd. vehicles. commencement of this Act, no tolls shall be levied and collected-Act. No. II of

(a) on any vehicle, animal or person by the State Government or by any local board, 1314-

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of road or by pass which is the opinion of the opinion the state of the best of the

F. (b) on any motor vehicle, by any other local authority : XII of

Sub-section (4) was inserted by Mah. 14 of 1987, s. 8(d).

- Sub-section (4) was renumbered as sub-section (5) by Mah. 2 of 1998 s. 10 (b).
- These words were substituted by Mah. 43 of 1969, s. 10.
- The words "either before or" were deleted by Mah. 22 of 1979, s. 16(a). 4
- These words were substituted for the word "tax", ibid., s. 16(b).
- These words were substituted for the words "Presidency Magistrate or a Magistrate of the first 6 class" by Mah. 14 of 1987, s. 9.
- The words "or that Act as applied to the Kutch area of the State of Bombay" were omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
- These words, figures, brackets and letters were inserted by Mah. 13 of 1987, s. 2(a)(i). 9 This proviso was deleted, *ibid.*, s. 2(a)(ii).

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Maharashtra Motor Vehicles Tax Act. [1958 : Bom. LXV

 ${}^{1}[{}^{2}[(1-A)$ Notwithstanding anything contained in sub-section (1), but subject to the provisions of sub-sections (1-B), (1-C) and (1-D), the State Government may levy and collect tolls on motor vehicles and trailers drawn by such vehicles,—

(i) passing over any bridge or through any tunnel including an approach road thereto or any section of road or any by-pass described hereunder in clauses (a) and (b), or

(*ii*) passing over or through any portion or a part of any of such bridges or tunnels including the approach roads thereto or sections of roads or by-passes, the cluster of which is situated in a well defined zone and declared by the State Government under the said clause (*a*) as one single entity,

including the motor vehicles and trailers drawn by such vehicles benefiting directly or indirectly by the augmentation of the facilities in the use of such bridges, tunnels or approach roads thereto or any sections of roads or any by-passes, although while enjoying benefit of such augmentation of facilities, such vehicles may not be required to pass over or through the entire cluster of such single entity,—

(a) toll may be leived and collected in respect of a bridge or tunnel including an approach road thereto or any section of road or any by-pass or a cluster of such bridges or tunnels including approach roads thereto or sections of roads or bypasses situated in a well defined zone and declared by the State Government, by a notification in the Official Gazette, as one single entity, which is newly constructed, reconstructed, improved or repaired as the case may be, after the commencement of the Bombay Motor Vehicles Tax (Amendment) Act, 1987, at the expense of the Mah. State Government or at the expense of any person or body or association of XIII individuals whether incorporated or not or at the expenses of both, that is to say, the State Government and any such person or body or association ³[or by private 1987. entrepreneur or an agent appointed by the State Government or the State Public Enterprise authorised by the State Government in this behalf, by entering into an agreement with such entrepreneur or agent under the Build, Operate and Transfer (B.O.T.) Projects,] and the total capital outlay of which construction,

reconstrunction, improvement or repairs, as the case may be, is not less than ten lakhs of rupees; or

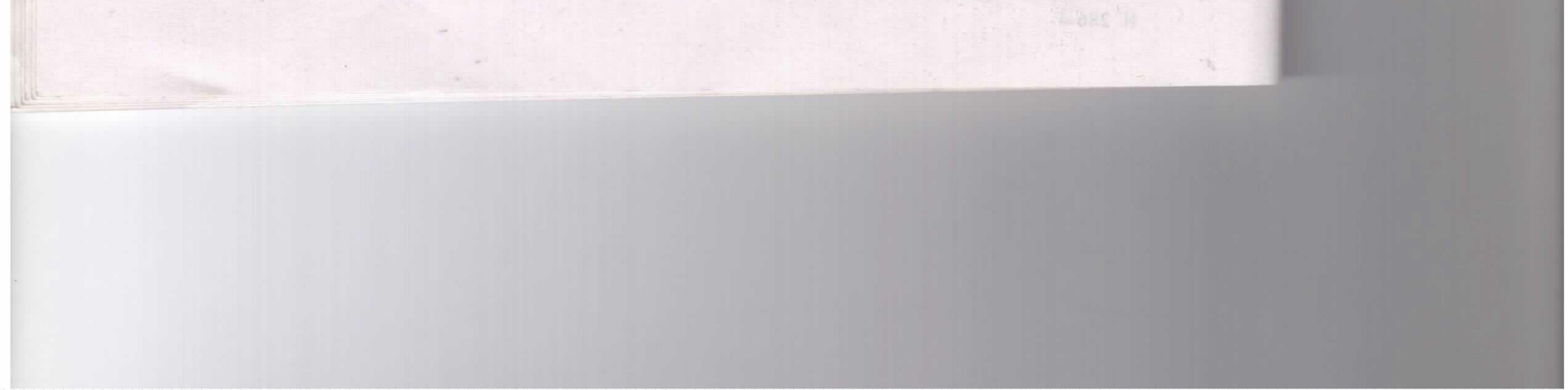
(b) in respect of a bridge or tunnel including approach road thereto or section of road or by-pass which, in the opinion of the State Government, is of special service to the public.

Explanation.—For the purposes of this section, the expression "Capital Outlay" shall include the anticipated cost of certain essential on goings or imminent works like improvements, strengthening, widening, structural repairs, maintenance, management, operation, reasonable returns and interest on such outlay at such rates as the State Government may fix until the full amount of such outlay is recovered.]

Sub-sections (1-A), (1-B), (1-C) and (1-D) were inserted by Mah. 13 of 1987, s. 2 (b).
 Sub-section (1-A) was substituted by Mah. 7 of 2000, s. 2(1).
 These words were inserted by Mah. 17 of 2001, s. 2(a).

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1958 : Bom. LXV] Maharashtra Motor Vehicles Tax Act.

 $(1-B)^{1}[(A)]$ The toll levied under sub-section (1-A) shall be levied at such rate and for such period as the State Government may, from time to time, by notification in the *Official Gazette*, declare.

[(B) the State Government shall, while determining the rate of toll and the period for which such toll shall be levied, have regard to the total capital outlay, the likely collection of toll, the expenses of collection of toll, and the terms and conditions of the agreement, if any, entered into with the private person, body or association of persons (incorporated or not), or agent or entrepreneur by the Government or, as the case may be, the State Public Enterprise, relating to the period of collection and retention of the amount of toll by such person, body, agent or entrepreneur, stipulated in the agreement, including grant of reasonable reward in cash or in any other form as an incentive for the early completion of the project, than the period for completion stipulated in the agreement :

Provided that, the person or body or association of individuals (whether incorporated or not) or the private entrepreneur or agent with whom the Government or the State Public Enterprise has entered into an agreement under the B.O.T. Project or otherwise, for the construction, re-construction, improvement or repairs, etc., of any road, by-pass, bridge, tunnel, R.O.B., R.U.B., including any approach road thereto or any by-pass, etc., as provided in sub-section (1-A), shall be deemed to be the agent entitled to collect and retain the whole or part of the amount of such toll for the services and benefits rendered by such person, as the State Government may, by notification in the *Official Gazette*, specify, having regard to the provisions of clause (B).]

(1-C) The State Government may itself or through its agent collect the toll levied under sub-section (1-B) and, where such collection is made through agent, such agent or his servants ²[or his sub-agents] shall be deemed to be persons empowered to collect tolls under this Act :

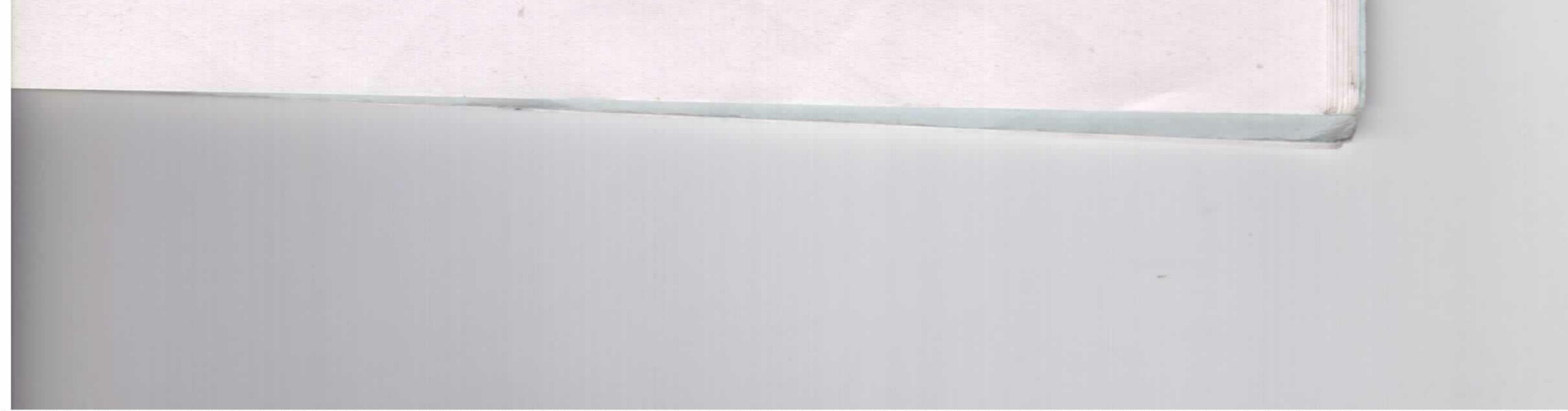
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(1-D) Where any additional bridge or tunnel, being the bridge or tunnel on or below the same stream, river or creek or road or rail-track including any approach road thereto is constructed as augmentation of the facility of the use of the existing bridge, tunnel or road, as the case may be, then the network of such bridges or tunnels including approach roads thereto shall be deemed to be one single entity for the purpose of levy of toll, so however, that not more than the capital outlay of such additional bridge or tunnel including any approach road thereto and the expenses of collection of toll shall be recovered, ⁴[having regard to the provisions made in clause (*B*) of sub-section (1-B).]]

5[(1-E) The State Government may, by notification in the *Official Gazette*, in the public interest, exempt any vehicle or class of vehicles from levy of toll under this section.]

1 The existing sub-section (1-B) was re-lettered as clause (A) thereof and after clause (A) as so re-lettered, clause (B) was added by Mah. 17 of 2001, s. 2(b).

- 2 These words were inserted by Mah. 7 of 2000, s. 2(2).
- 3 This provisos below sub-section (1-C) were deleted, by Mah. 17 of 2001, s. 2(c).
- 4 These words, brackets, letters and figure were inserted, ibid; s. 2(d).
- 5 Sub-section (1-E) was added by Mah. 7 of 2000, s. 2(3).



Maharashtra Motor Vehicles Tax Act. [1958 : Bom. LXV

(2) Notwithstanding anything contained in any law for the time being in force, but subject to the provisions of '[sub-sections (1), (1-A), (1-B), (1-C) and (1-D)] and this subsection, no local authority shall, after the commencement of this Act impose or increase any taxes on motor vehicles :

Provided that-

26

(a) any taxes, other than tolls, on motor vehicles which immediately before the commencement of this Act were being lawfully levied by any local authority, may continue to be levied and collected until provision to the contrary is made by the State Legislature by law;

(b) nothing in this sub-section shall affect the power of any local authority to impose, increase or recover in respect of motor vehicles a tax falling under entry 52 in List II in the Seventh Schedule to the Constitution.

Modification of leases.

21. (1) Where, before the commencement of this Act, the collection of tolls has been Bom. II of leased to any person under any law (other than the Bombay Ferries and Inland Vessels 1868. Act, 1868, ^{2*} * or the Hyderabad Ferries Act, or the Northern India Ferries Act, Hyd. 1878), for the time being in force and the lease relates wholly or in part to any period Act No. subsequent to the commencement of this Act, the amount which the lessee has contracted II of to pay to the local authority concerned or to the State Government shall be reduced by 1314, F. the amount of the loss suffered by him in consequence of this Act having come into XII of 1878. force.

(2) If the lessee and the local authority are unable to agree as to the amount of such loss, or if any other dispute arises between them has to the effect of the Act, and the contract of lease, such dispute shall be decided by the Collector of the district, and any such dispute arising between the State Government and their lessee shall be decided by such authority as may be prescribed. The decision of the Collector or, as the case may be, of the prescribed authority, shall be final.

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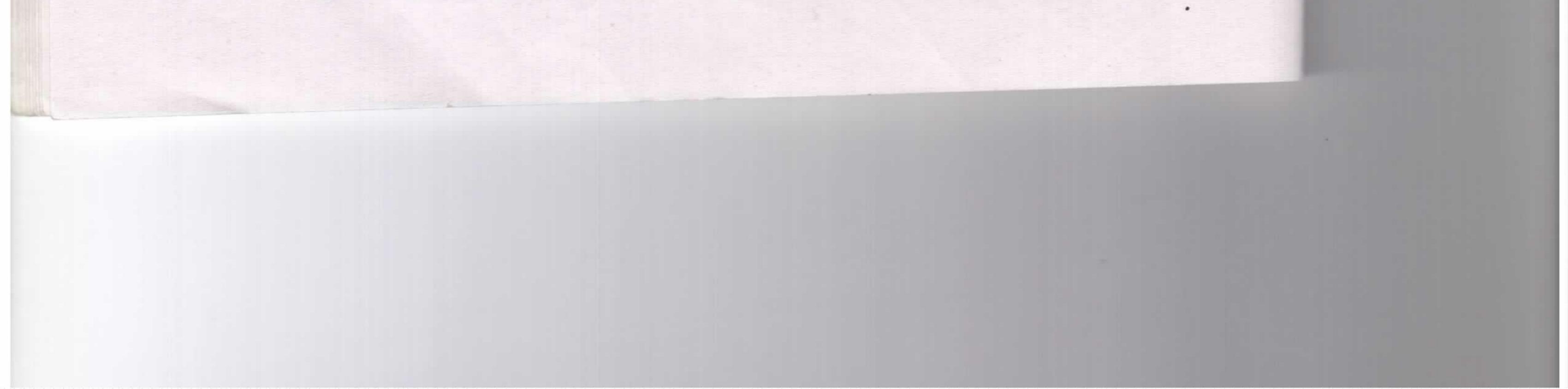
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- These words, brackets, figures and letters were substituted for the word, brackets and figure "sub-section (1)" by Mah. 13 of 1987, s. 2(c).
- 2 The words "or that Act as applied to the Kutch area of State of Bombay" were omitted by Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.



1958 : Bom. LXV]

Maharashtra Motor Vehicles Tax Act.

22. No prosecution, suit or other proceedings shall lie against any person for anyting in good faith done or intended to be done under this Act.

¹[22A. Subject to such conditions and restrictions as may be prescribed by the State Government, the Taxation Authority may, by order in writing, delegate all or any of its powers, functions and duties under this Act, to any officer not below the rank of a Deputy Accountant in the Motor Vehicles Department.]

23. (1) The State Government may, subject to the condition of previous publication, makes rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the State Government may make rules for all or any of the following matters, namely :---

(a) to prescribe the manner in which the tax shall be paid ;

27

Protection for bonafide acts.

Delegation.

Power to make rules.

(b) to prescribe the manner of certifying under sub-section (2) of section 3; (c) to prescribe the form of the 2[receipt] and certificate of taxation under section 5 ³[and to provide for the issue of a duplicate of a ^{4*} * * certificate of taxation which is lost, destroyed or mutilated and the fee to be charged therefor];

(d) to prescribe the form of declaration and additional declaration, the particulars to be stated therein, and the time within which the declarations should be delivered under section 6;

(e) to regulate the manner in which refund of tax may be claimed under section 9;

5[f] to prescribe the form of declaration, the particulars to be stated therein, the other documents which should accompany such declaration, the period within which and the form in which a certificate of final assessment of tax should be issued, and the manner in which and the time within which difference of tax due may be paid or refunded to, the fleet owner, under section 10;]

(g) to prescribe the instalments of contribution and the manner in which and the dates on which they shall be paid under section 11 6* * * *;

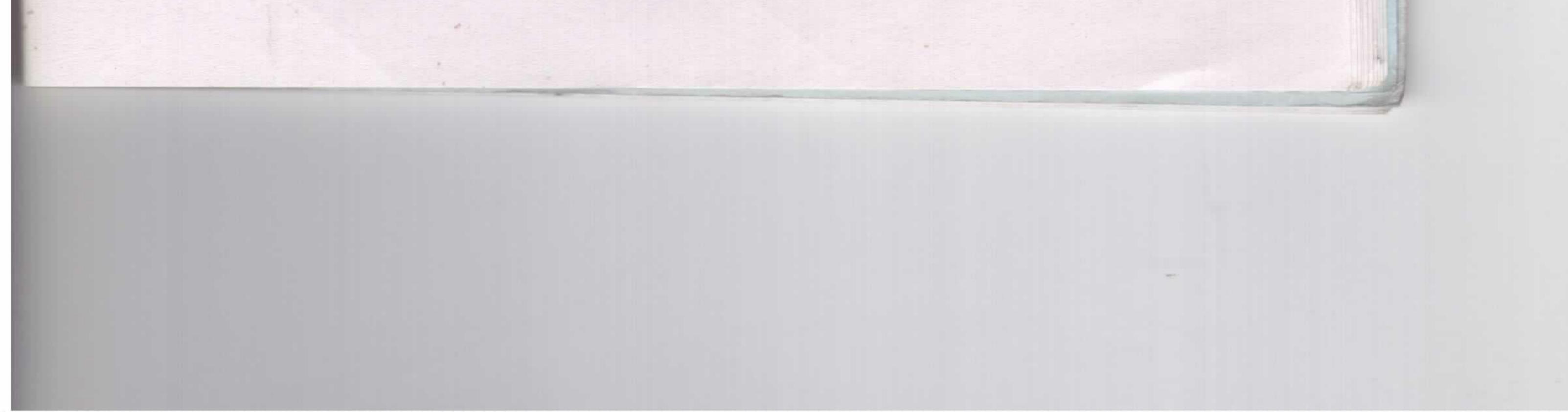
 ${}^{7}[(g-i)$ to prescribe the rules subject to which motor vehicles may be seized and detained under section 12B ;]

 ${}^{8}[(h)$ to prescribe the form and manner in which and the time within which, an application for exemption under sub-section (3) of section 13 may be made to the Taxation Authority ;]

(i) to prescribe the authority before which, the manner in which, the time within which, and the fee on payment of which, an appeal may be filed, and the manner in which such appeal shall be heard and decided, under section 14;

- Section 22A was inserted by Mah. 43 of 1969, s. 13. 2 This word was substituted for the words "tax token" by Mah. 37 of 1972, s. 14(1)(i).
- 3 These words were added by Mah. 43 of 1969, s. 14(a)(i).
- The words "tax token or" were deleted by Mah. 37 of 1972, s. 14(1)(ii).
- 5 Clause (f) was substituted, ibid., s. 14(2):

- 6 The words "and the manner in which the amount standing to the credit of the State Road Fund
- shall be expended under that section" were deleted by Mah. 5 of 2008, s. 3.
- 7 Clause (g-i) was inserted by Mah. 43 of 1969, s. 14(a)(iv).
- 8 Clause (h) was substituted by Mah. 37 of 1972, s. 14(3).



[1958 : Bom. LXV Maharashtra Motor Vehicles Tax Act.

(j) to prescribe the rank of Officer who may exercise powers under section 15; (k) to prescribe the amount of penalty payable under sub-section (1) of section 18, the manner in which, the time within which, and the Officer to whom, such penalty shall be paid under that section, 1[and to make provision for waiving or reducing penalty CANTER PROCEED TO A DETERMINE TO PROVIDE THE PROPERTY OF in suitable cases];

(1) to prescribe the authority which shall decide the dispute between the State Government and their lessee under sub-section (2) of section 21; ${}^{2}[(l-1)]$ to prescribe the conditions and restrictions subject to which the Taxation Authority may delegate its powers, functions and duties under section 22A ;] * * * 3*

(n) to provide for the supply of information regarding payment of tax and prescribe a fee therefor ;

(o) any other matter which may be prescribed.

(3) A rule made under this section may provide that the contravention of any of the provisions which are specified in such rule shall be punishable with fine which may extend to two hundred rupees.

(4) All rules made under this section shall be published in the official Gazette.

⁴[(5) Every rule made under this section shall be laid, as soon as may be after it is made, before each house of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the sessions immediately following both houses agree in making any modification in the rule or both houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of such notification have effect, only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.]

Repeal and savings.

DE BOWER

24. On the commencement of this Act, the following law, that is to say,-(i) the Bombay Motor Vehicles Tax Act, 1935,

Bom. (ii) the Bombay Motor Vehicles Tax Act, 1935, as extended to the Kutch area of XXX-IV of the State of Rombay

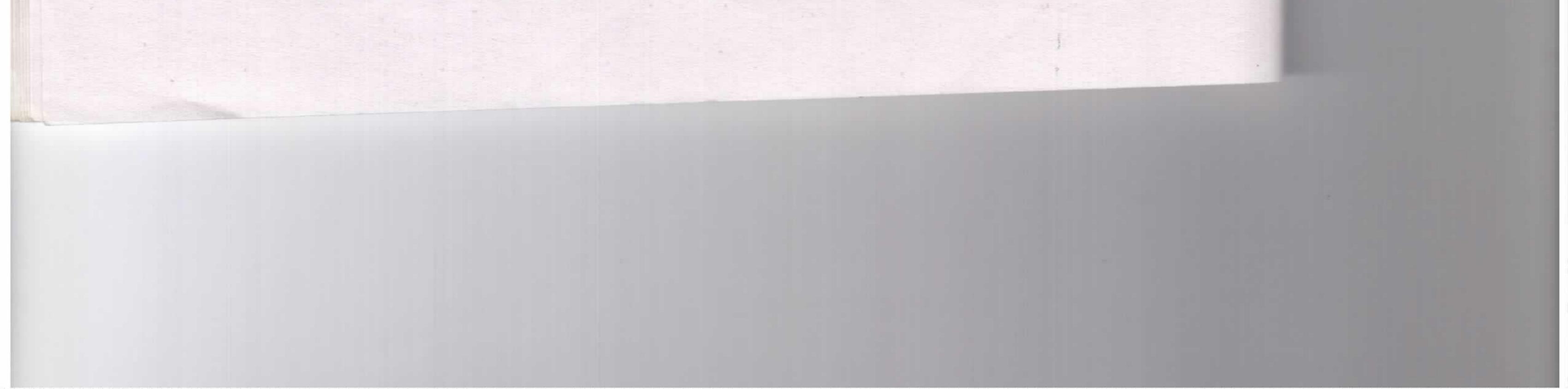
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un	e State of Dombay,
	(iii) the Central Provinces and Berar Motor Vehicles Taxation Act, 1947,
	if is to prevente the authority before which the manner in which, the time of
	(iv) the Saurashtra Motor Vehicles Tax Ordinance, 1948,
	(v) the Hyderabad Motor Vehicles Taxation Act, 1955,
	shall be repealed :
1	These words were added by Mah. 43 of 1969, s. $14(a)(v)$.
2	Clause (1-1) was inserted, ibid., s. 14(a)(vi).
3	Clause (m) was deleted by Mah. 37 of 1972, s. 14(4).
4	Sub-section (5) was inserted by Mah. 43 of 1969, s. 14(b).



Maharashtra Motor Vehicles Tax Act. 1958 : Bom. LXV]

Provided that such repeal shall not affect-

(a) the previous operation of any law so repealed, or anything duly done or suffered thereunder ;

29

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed ;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed ; or

(d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture and punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and punishment may be imposed, as if this Act had not been passed :

Provided further that, subject to the preceeding proviso, anything done or any action taken (including any rules made under the Bombay Motor Vehicles Tax Act, 1935 but, not rules, made under any other law hereby repealed or any notifications or orders issued, rate of tax fixed, the levy, assessment whether provisional or final and collection of tax made, tax token or certificate or taxation issued or surrendered, exemptions granted, application for refund of tax made or refund paid declarations delivered), under any such law shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue to be in force accordingly, unless and until superseded by anything done or any provents a DOG R in that the there there are action taken under this Act.

Repeal of ¹[25. On the commencement of the Bombay Motor Vehicles Tax (Amendment) and Mah. Mah. XXX-Maharashtra Tax on Goods (Carried by Road) (Repeal) Act, 1979, the Maharashtra Tax on XXII III of 1962 Goods (Carried by Road) Act, 1962, shall stand repealed : and savings. 1979.

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Provided that, such repeal shall not affect-

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(a) the previous operation of the Act so repealed, or anything duly done or suffered thereunder ; (b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed ;

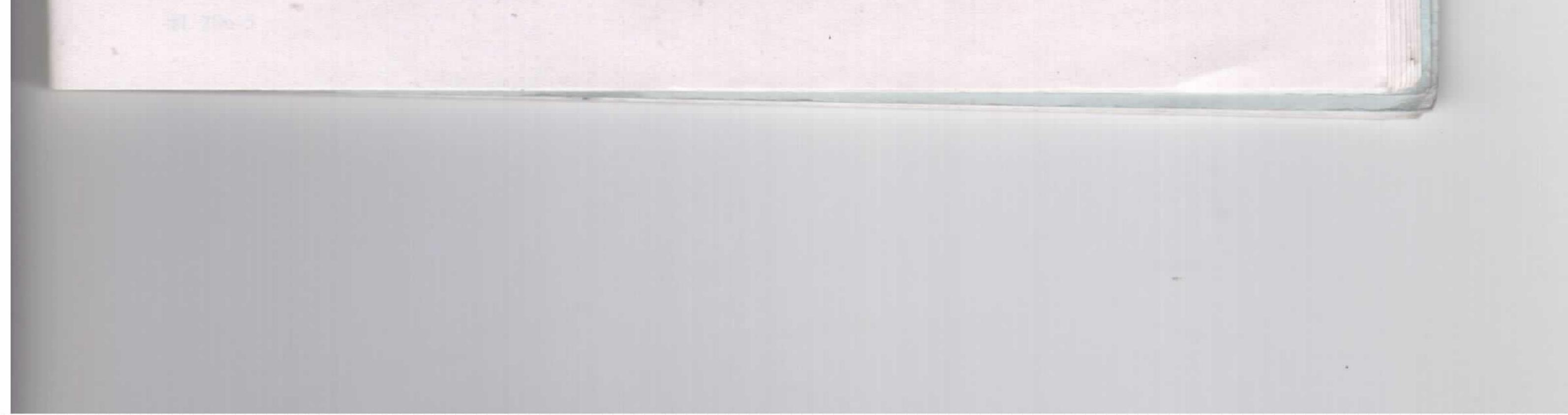
(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture and punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this section had not been enacted :

Provided further that, subject to the preceeding proviso, anything done or any action taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.]

1 This section was inserted by Mah. 22 of 1979, s. 17.



¹[FIRST SCHEDULE

(See section 3)

Description of motor vehicle

Maximum Annual Rate of Tax Rs.

[1958 : Bom. LXV

A. Motor vehicles fitted solely with pneumatic tyres-

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II. Motor vehicles not exceeding 250 Kgs. in weight, BREASSON LESS ADDER TRANK VOL DER unladen adapted and used for invalids. or comproted, and any slitch poneiny to

³[III. Motor Vehicles (including tri-cycles) used for

carriage of goods or materials,-

ndeinige sing that the Denzie, pender and and and other

(a) Vehicles the registered laden weight of which 1,200 . does not exceed 750 Kgs. (b) Vehicles the registered laden weight of which 1,950 exceeds 750 Kgs. but does not exceed 1,500 Kgs. (c) Vehicles the registered laden weight of which exceeds 1,500 Kgs. but does not exceed 3,000 Kgs. (d) Vehicles the registered laden weight of which 3,600 exceeds 3,000 Kgs. but does not exceed 4,500 Kgs. (e) Vehicles the registered laden weight of which exceeds 4,500 Kgs. but does not exceed 6,000 Kgs. (f) Vehicles the registered laden weight of which 5,400 exceeds 6,000 Kgs. but does not exceed 7,500 Kgs. (g) Vehicles the registered laden weight of which 6,450 exceeds 7,500 Kgs. but does not exceed 9,000 Kgs. (h) Vehicles the registered laden weight of which 7,500 exceeds 9,000 Kgs. but does not exceed 10,500 Kgs. (i) Vehicles the registered laden weight of which exceeds 10,500 Kgs. but does not exceed 12,000 Kgs. (j) Vehicles the registered laden weight of which exceeds 12,000 Kgs. but does not exceed 13,500 Kgs. (k) Vehicles the registered laden weight of which 10,950

XXX. 2,700 1935 4,500 8,550 9,750 to III.

exceeds 13,500 Kgs. but does not exceed 15,000 Kgs. (1) Vehicles the registered laden weight of which exceeds 15,000 Kgs. but does not exceed 16,500 Kgs. (m) Vehicles the registered laden weight of which exceeds 16,500 Kgs.

12,150

The rate specified in (1) above plus Rs. 450 for every 500 Kgs. or Part thereof in excess of 16,500 Kgs. :

Provided that, where tax on motor vehicles is levied by any local authority, the maximum rates for motor vehicles registered for use solely within the limits of such local authority shall be twothirds of the aforesaid maximum rates.]

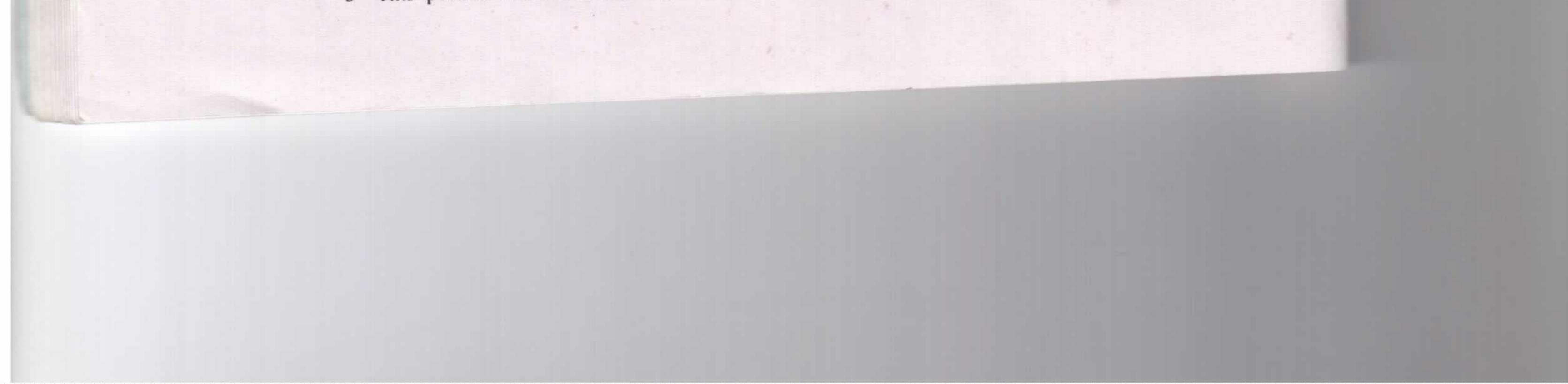
Inken under the Antest

4[IV(1) 5[Motor Vehicles (including tri-cycles) plying for hire and used for the carriage of passengers,-

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This Schedule was substituted for the original by Mah. 20 of 1985, s. 5. NEW DIE AND ALL POL

- Sub-clause I was deleted by Mah. 14 of 1987, s. 10(i).
- Sub-clause III was substituted by Mah. 25 of 1990, s. 6(1).
- Sub-clause IV and IV-A were substituted for sub-clause IV by Mah. 9 of 1989, s. 6(1).
- 5 This portion was substituted by Mah. 29 of 1994, s. 4(a)(i).



(a) vehicles permitted to carry two passengers (b) vehicles permitted to carry three passengers (c) vehicles permitted to carry four passengers (d) vehicles permitted to carry five passengers (e) vehicles permitted to carry six passengers 6[(f) air-conditioned motor vehicles fitted with fare meters (cool cabs) permitted to carry not more than six passengers, excluding the driver, for every passenger that the vehicle is permitted to carry

1958 : Bom. LXV]

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7[3000]. Provided that, where a tax on motor vehicles is levied by any local authority, the maximum rates for motor vehicles registered for use within the limits of such local authority shall be aforesaid two-thirds of the maximum rates :

[1000]

2[1200]

3[1600]

4[2000]

5[2400]

31

9[(g) Jeep type motor cab (black and yellow) permitted to carry more than six passengers but not exceeding twelve passengers, excluding driver, for every passenger : Provided that, different rates of tax may be specified for the different Jeep type motor cab (black and yellow) on the basis of number of passengers permitted to be carried. ¹⁰[(1A) Motor Vehicles (including tri-cycles) plying for hire and used for carriage of passengers, not required to be fitted with fare meters (tourist taxies),---(a) Manufactured in India and permitted to carry not more than six passengers excluding the driver,-(i) other than air-conditioned, for every passenger that the vehicle is permitted to carry (ii) air-conditioned, for every passenger that the vehicle is permitted to carry (b) manufactured in other countries and imported in India and permitted to carry not more than six passengers excluding the driver, for every

Explanation.-Where not more than two children below the age of twelve year are permitted to be carried in a motor vehicle in addition to the number of passengers which the vehicle is permitted to carry, the child or children so carried, shall not be reckoned as passengers;] 5,000]

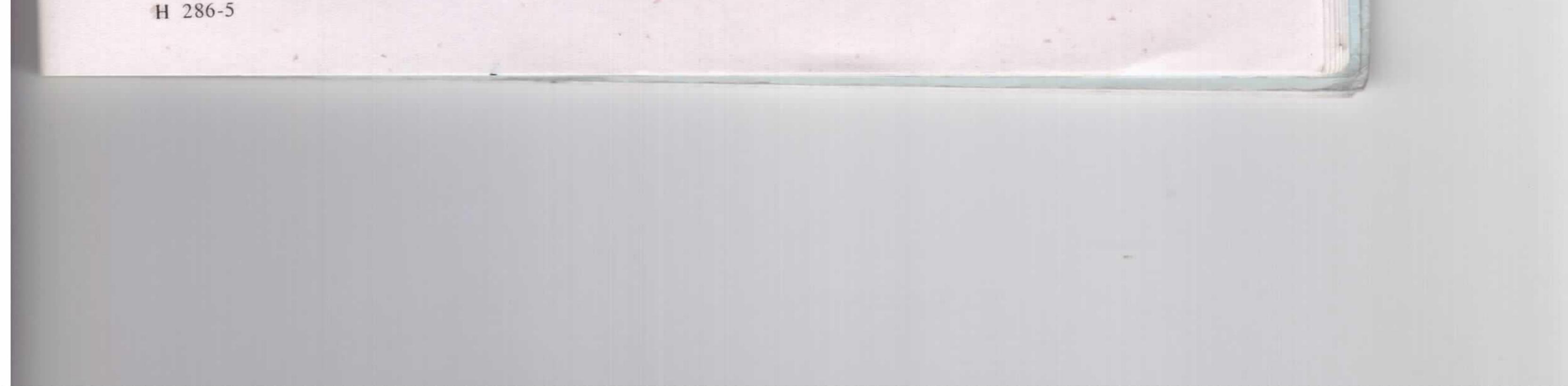
> ¹¹[1,500]; $^{12}[2,000];$

13[3,000].

passenger that the vehicle is permitted to carry

Explanation .- Where not more than two children below the age of twelve years are permitted to be carried in a motor vehicle in addition to the number of passengers which the vehicle is permitted to carry, the child or children so carried, shall not be reckoned as passengers;]

1 These figures were substituted for the figures "250", by Mah. 22 of 2006, s. 2(a)(i)(A). 2 These figures were substituted for the figures "350", *ibid.*, s. 2(a)(i)(B). 3 These figures were substituted for the figures "450", *ibid.*, s. 2(a)(i)(C). 4 These figures were substituted for the figures "550", *ibid.*, s. 2(a)(i)(D). 5 These figures were substituted for the figures "650", *ibid.*, s. 2(a)(i)(E). 6 Sub-entry (f) was added by Mah. 26 of 2001, s. 3 (a)(i). 7 These figures were substituted for the figures "200" by Mah. 22 of 2006, s. 2(a)(i)(F). 8 This proviso was deleted by Mah. 26 of 2001, s. 3(a)(ii). the second se 9 Sub-entry (g) was added by Mah. 29 of 2009 s. 2 (a) (i). 10 Entry (1A) was inserted, ibid., s. 3(b). 11 These figures were substituted for the figures "375" by Mah. 22 of 2006, s. 2(a)(ii)(A)(I). 12 These figures were substituted for the figures "500" *ibid.*, s. 2(a)(ii)(A)(II). 13 These figures were substituted for the figures "750", *ibid.*, s. 2(a)(ii)(B).



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Motor vehicles plying for hire and used as a stage (2)carriage for the carriage of passengers for every passenger permitted to carry.

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Provided that, where a tax on motor vehicles is levied by any local authority, the maximum rates for motor vehicles registered the board and montering for use within the limits of such local authority shall be aforesaid two-thirds of the maximum rates.

1[500]

[1958 : Bom. LXV

Explanation.—Where not more than two children below the age of twelve years are permitted to be carried in a motor vehicle in addition to the number of passengers which the vehicle is permitted to carry, the child or children so carried, shall not be reckoned as passengers;

5[10,000]]

15,000]

(3) Motor vehicles plying for hire or reward used for transport of passengers in respect of which contract carriage permits have been issued under the 2[Motor Vehicles Act, 1988] and permitted to carry more than 6 passengers, excluding the driver, for every passenger that the vehicle is permitted to carry,-

- $^{3}[(a)$ Ordinary omnibuses, permitted to carry more than six passengers, excluding driver, for every passenger : 5,000]
 - Provided that, different rates of tax may be specified for the different ordinary omnibuses on the basis of number of passengers permitted to be carried.
- Tourist vehicles, permitted to carry more than six $^{4}(b)$ passengers, excluding driver, for every passenger.
- ⁶[(bb) Tourist or ordinary vehicles, permitted to carry more than six passengers, excluding driver, for every passenger carried on each sleeper berth.
- Air-conditioned vehicles permitted to carry more than '(c)six passengers, excluding driver, for every passenger. 8[15,000]] ⁹[(cc) Air-conditioned vehicles permitted to carry more than

59 of 1988.

six passengers, excluding driver, for every passenger carried on each sleeper berth.

¹⁰[(3A) Motor vehicles plying for hire or reward used for transport of passengers by private operaters on inter-MARTINES !! State routes in respect of which contract carriage permits have been issued under the Motor Vehicles Act, 1988 and permitted to carry more than six passengers excluding the driver, for every passenger the vehicle is permitted to carry.....

20,000] 59 of 1988.

5,000]

These figures were substituted for the figures "100" by Mah. 22 of 2006, s. 2(a)(iii). These words and figures were substituted for the words and figures "Motor Vehicles Act, 1939", *ibid.*, s. 4(*b*).

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Sub-entry (a) was substituted by Mah. 29 of 2009, s. 2(a)(ii).

4 Clause (b) was substituted by Mah. 25 of 1990, s. 6(2)(a)(ii).

These figures were substituted for the figures "5,000" by Mah. 22 of 2006, s. 2(a)(iv)(B).

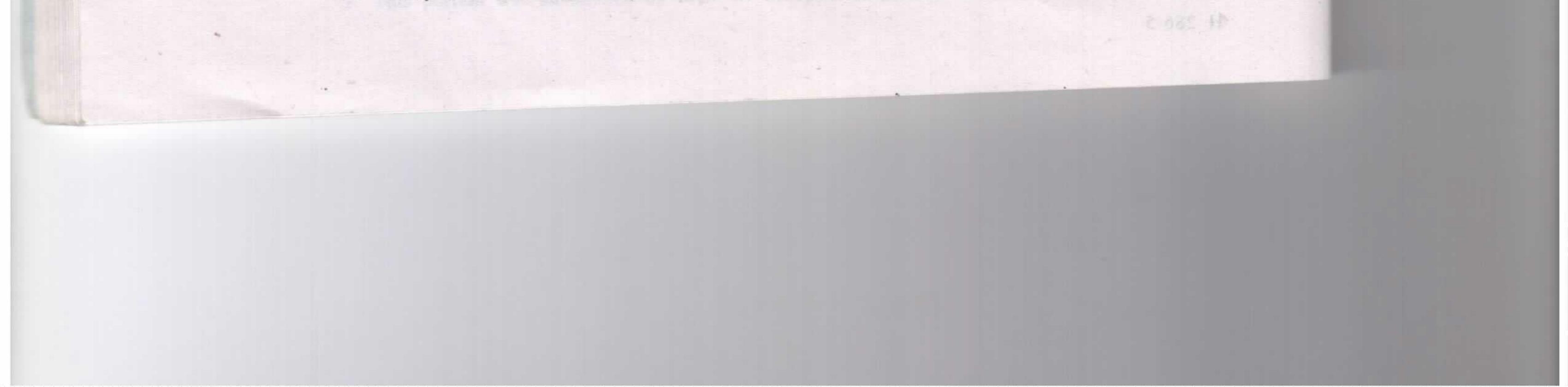
Sub-entry (bb) was inserted by Mah. 30 of 2003, s. 2(a).

Clause (c) was substituted by Mah. 25 of 1990, s. 6(2)(a)(iii).

These figures were substituted for the figures "8,000", by Mah. 22 of 2006, s. 2(a)(iv)(C).

Sub-entry (cc) was inserted by Mah. 30 of 2003, s. 2(b).

Entry (3A) was inserted by Mah. 29 of 1994, s. 4(c).



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1958 : Bom. LXV]

59 of

1988.

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1988.

Maharashtra Motor Vehicles Tax Act.

[(3B) Air-conditioned motor vehicles plying for hire or reward used for transport of passengers by private operators on inter-State routes in respect of which contract carriage permits have been issued under the Motor Vehicles Act, 1988 and permitted to carry more than six passengers excluding the driver, for every passenger that the vehicle is permitted to carry.

The motor vehicles, other than those mentioned in $^{2}[(4)$ item (3), plying for hire or reward and used for transport of passengers, in respect of which special permits have been issued under sub-section (8) of section 88 of the Motor Vehicles Act, 1988 and permitted to carry more than six passengers, excluding driver, for every passenger. Service and the service they will be and the service and

8,000]

5.000]

8,000]

 $^{3}[(4A)$ Air-conditioned motor vehicles other than those mentioned in item (3), plying for hire or reward and used for transport of passengers, in respect of which special permits have been issued under sub-section (8) of section 88 of the Motor Vehicles Act, 1988 and is stall here in section. of the permitted to carry more than six passengers excluding driver, for every passenger that the vehicle indexed on all generalized and a start of a start is permitted to carry. Alexand and and the sources and the sources and so all adverte

Provided that, where a tax on motor vehicles is levied by any local authority, the maximum rates for motor vehicles registered for use within the limits of such local authority shall be two-thirds of the aforesaid maximum rates.

Explanation.-Where not more than two children below the age of twelve years are permitted to be carried in a motor vehicle in addition to the number of passengers which the vehicle is permitted to carry, the child or children so carried, shall not be reckoned as passengers.

IV-A. Private service vehicles,-

which the story with the story which

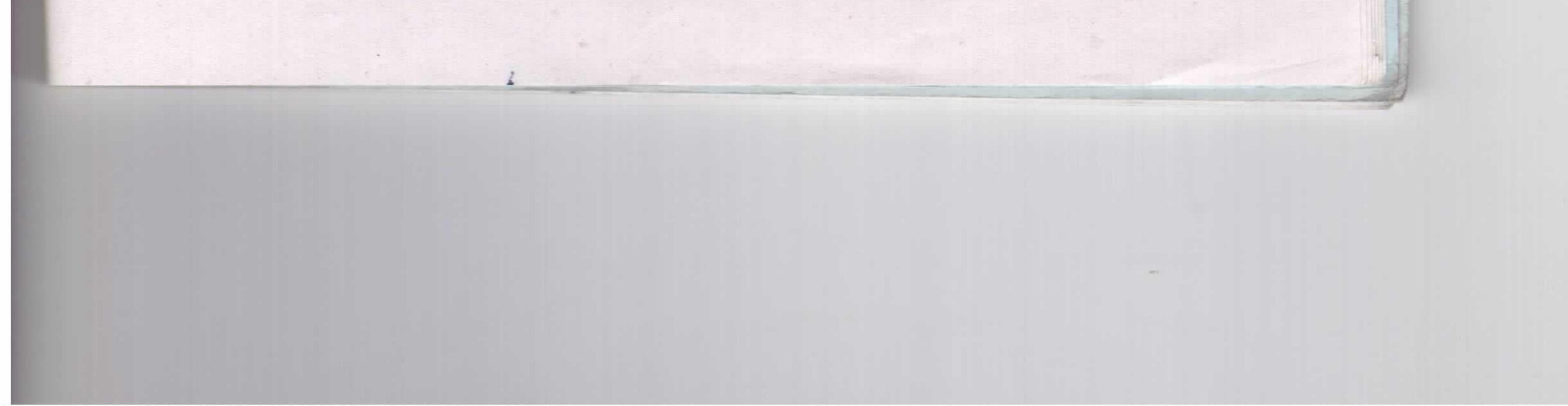
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(a) Air-conditioned private service vehicle, for every person which the vehicle is permitted to carry. 4[5,000] (b) Other than air-conditioned private service vehicles,-(i) for every person which the vehicle is permitted 5[2,500] to carry.

(ii) for every person other than seated person which the vehicle is permitted to carry.

6[1,000]

Entry (3B) was inserted by Mah. 15 of 2001, s. 3(a)(1). Entry (4) was inserted by Mah. 25 of 1990 s. 6(b). Entry (4A) was inserted by Mah. 15 of 2001, s. 3(a)(2). These figures were substituted for the figures "2,000" by Mah. 22 of 2006, s. 2(b)(i). These figures were substituted for the figures "1,000" ibid., s. 2(b)(ii)(A). 6 These figures were substituted for the figures "500" ibid., s. 2(b)(ii)(B).



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[1958 : Bom. LXV

Provided that, where a tax on motor vehicles is levied by any local authority, the maximum rates for motor vehicles registered for use within the limits of such local authority shall be two-thirds of the aforesaid maximum rates.]

600.]

Break-down vans used for towing disabled vehicles 1 [V. ²[VI. (1) Tractors, whether or not fitted with any equipment described in (2) below ; and

Any motor vehicles which are not intended to carry (2)passengers, goods or other load, and which are fitted with any equipment such as cranes, compressors or projectors, and are used for any special services or NAMES OF TAXABLE PARTY OF TAXABLE PARTY. purposes-(a) Vehicles not exceeding 750 kgs. in weight, 300

(b) Vehicles exceeding 750 kgs. but not exceeding 1,500 kgs. in weight, unladen.

(c) Vehicles exceeding 1,500 kgs., but not exceeding 2,250 kgs. in weight, unladen.

(d) Vehicles exceeding 2,250 Kgs. in weight, unladen. The rate specified to (c) above

plus Rs. 300 for every 500 kgs.

600

400

or part thereof in excess or 2,250 kgs.]

³[VI-A. Excavators—

unladen.

34

(a) Vehicles not exceeding 750 kgs. in weight, unladen.

- (b) Vehicles exceeding 750 kgs. but not exceeding 1,500 kgs. in weight, unladen.
- (c) Vehicles exceeding 1,500 kgs. but not exceeding 2,250 kgs. in weight, unladen.
- (d) Vehicles exceeding 2,250 kgs. in weight, unladen.

2000 4000 6000 Rs. 6000 plus Rs. 900 for every

500 kgs. or part thereof in

⁴[VII. Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule or the THIRD SCHEDULE-

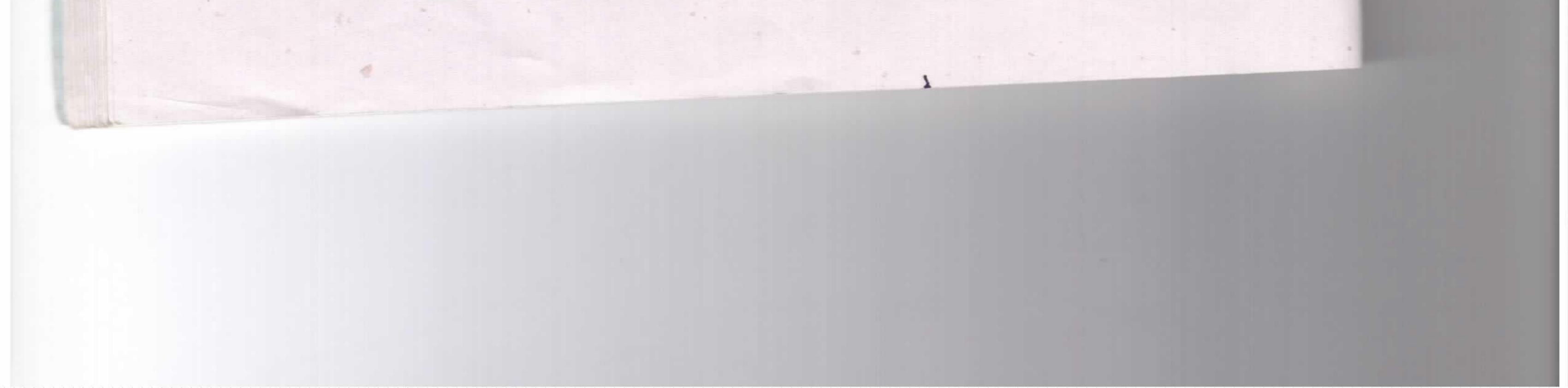
- (1) Permitted to carry not more than six persons, excluding driver :-
- (a) not exceeding 750 kgs. in weight, unladen,
- (b) exceeding 750 kgs. in weight, unladen,
- (2) Permitted to carry more than six persons, but not exceeding twelve persons, excluding driver, for A AND THE PROPERTY AND A THE REAL PROPERTY AND A THE SAME AND every person.

(3)	Permitted	to carry	more	than	twelve	persons.
	excluding	driver, f	for eve	ry pe	rson.	

Sub-clause V was substituted by Mah. 25 of 1990, s. 6(3). 2 Sub-clause VI was substituted, *ibid.*, s. 6(4). Sub-clause VI-A was inserted by Mah. 53 of 2005, s. 2. Sub-clause VII was substituted, by Mah. 13 of 2010 s. 2.

2,000
3,000
4,000

5,000.



Trailers drawn by motor vehicles-VIII.

(a) When a trailer is used for the carriage of goods

(b) when a trailer is used for the carriage of passengers

The rates specified in [subclauses IV and IV-A] above in respect of motor vehicles plying for hire and used for carriage of passengers.

1,500

3,000]

40

²[(bb) when a trailer is used for the agricultural purposes,-

The rates specified in sub-clause III above in respect of motor vehicles used for the carriage of goods or materials.

(i) trailer exceeding 4,500 Kgs. but not exceeding 7,500 Kgs. in weight, laden.

(ii) trailer exceeding 7,500 Kgs. in weight, laden.

(c) when a trailer is used for any other purpose.

B. Motor vehicles other than those fitted solely with The rate shown in clause A plus fifty per centum. pneumatic tyres.

C. Dealers in, or manufacturers of, motor vehicles for a general licence, in respect of each motor vehicle.

3[10,000] 20,000]]

Finds, I had grow he he had then a surfice (1)

AND THE PARTY AND TOT THE STREET STREET STORE

(8) mpte than 8 years but not more than '9 years '

(10) men than 10 years but not many 11 years

(11) mote than 11 years that not anore than 12 years

vehicles n while he as being he wird.

THERE STREET SUCH THE PARTY & HEAD - YEARS

alley & name second for that answer a mail shows

TT BLEFTL H

⁴[(IX) Camper Van— Vehicles per square meter floor area excluding the driver's cabin.

These words, figures and letter were substituted for the word and figures "sub-clause-IV",

Wole - In case the parchage involve of the schield could not be rived for any

reasons the cost at the vehicle for the purpose addressed by athall be and many of an athal be and massent cost

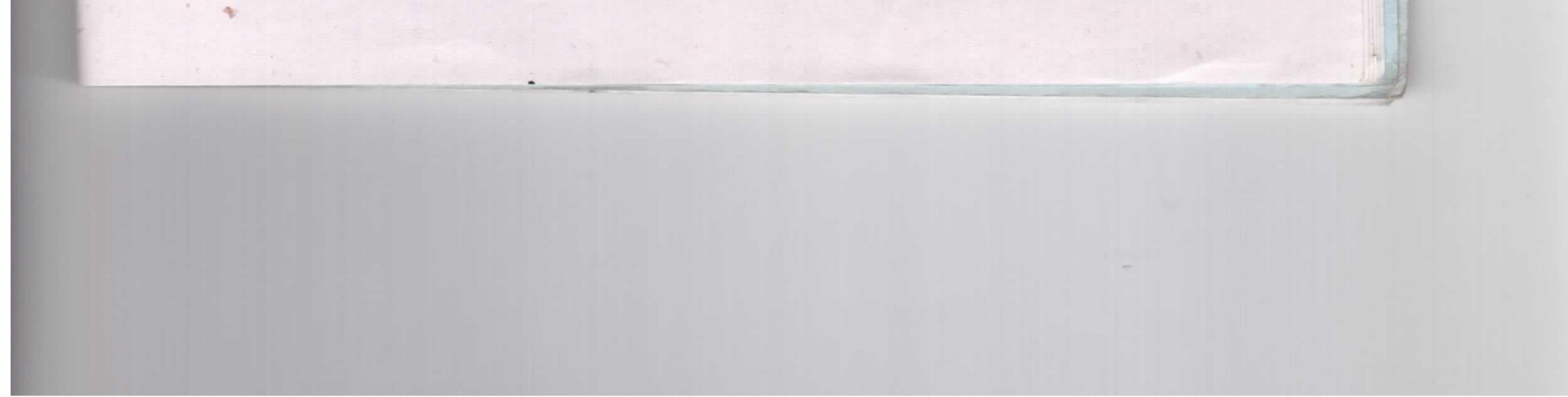
of a vehicle gammannehiller die same manningen is insestion weight is insestion weighten die

by Mah. 9 of 1989, s. 6(3).

2 Entry (bb) was inserted by Mah. 15 of 2001, s. 3(b).

3 These figures were substituted for the figures "300" by Mah. 14 of 2006, s. 2.

4 Sub-clause (ix) was added by Mah. 29 of 2009 g, s. 2 (b).



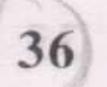
Maharashtra Motor Vehicles Tax Act. [1958: Bom. LXV

¹[SECOND SCHEDULE [See section 3 ${}^{2}[(1-C), (1-E) \text{ and } (1-F)]$ and section 9 (6) and (7)] PART I

Serial	Description of Motor Vehicle	One time tax at the time of
No.		registration
(1)	(2)	(3)

- 1 Motor cycles and tri-cycles, including those used for drawing a trailor or a side car.
- 2 Motor Vehicles (including tri-cycles) used for carriages of goods or materials.

7 per cent. of the cost of vehicle subject to a minimum of Rs. 1,500.
7 times the annual rate of tax payable for the relevant class of registered laden weight under First Schedule.
11 times the annual rate of tax payable for the relevant class of the vehicles mentioned in sub-clause *IV* of clause A under the FIRST SCHEDULE.]



(1)

³[3 Motor Vehicles (including tri-cycles) plying for hire or reward, fitted with fare meters and used for carriage of not more than six passengers.

Serial	Stage of Registration	One time tax payable if tax
No.		vahiala is already registered
(1)	(2)	(3)

(including tri-cycle of tri-cycle of motor vehicle (including tri-cycle) used for carriage of goods or materials ⁴[or for carriage of not more than six passengers for hire or reward and fitted with fare meter] is already registered and its age from the month of first registration is, more than 1 year but not more than 2 years

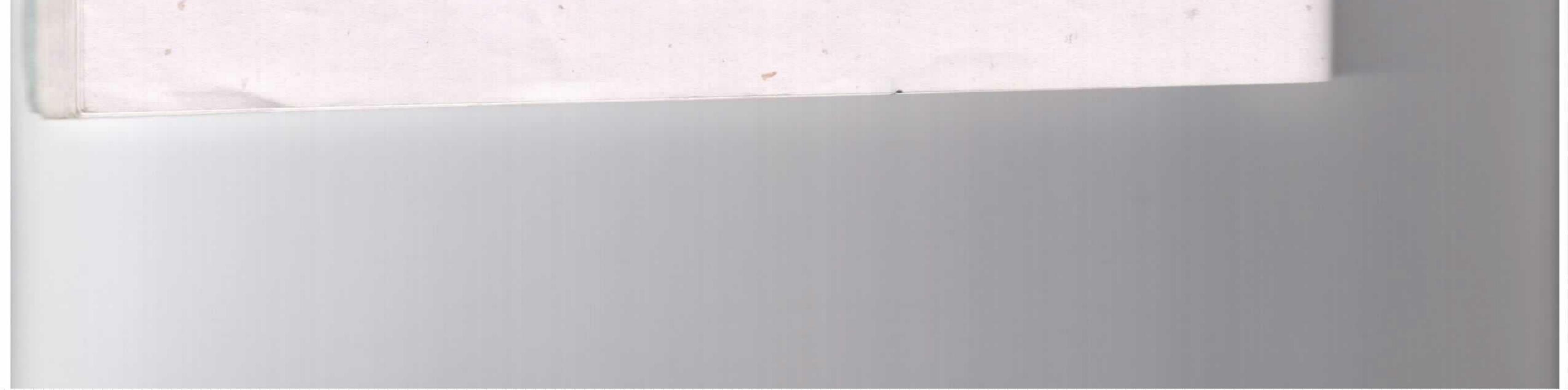
(2) more than 2 years but not more than 3 years
 (3) more than 3 years but not more than 4 years

95.8% of the one time tax leviable under
Part I.
91.3% Do.
86.7% Do

(\mathbf{S})	more than 5 years but not more than 4 years	00.170	D0.
(4)	more than 4 years but not more than 5 years	81.8%	Do.
(5)	more than 5 years but not more than 6 years	76.6%	Do.
(6)	more than 6 years but not more than 7 years	71.2%	Do.
(7)	more than 7 years but not more than 8 years	65.6%	Do.
(8)	more than 8 years but not more than 9 years	59.6%	Do.
(9)	more than 9 years but not more than 10 years	53.4%	Do.
(10)	more than 10 years but not more than 11 years	46.8%	Do.
(11)	more than 11 years but not more than 12 years	39.9%	Do.
(12)	more than 12 years	32.7%	Do.

Note.—In case the purchase invoice of the vehicle could not be produced for any reason, the cost of the vehicle for the purpose of levy of tax shall be the present cost of a vehicle manufactured by the same manufacturer which is closest in weight to the vehicle on which tax is being levied.

- 1 This Schedule was substituted for the Third Schedule and Forth Schedule by Mah. 2 of 1998, s. 11.
- 2 These brackets, figures, letters and word were substituted for the brackets, figures, letters and word "(1C) and (1E)" by Mah. 12 of 2010 S. 6 (a).
- 3 Entry 3 was added by *ibid*, s. 6 (b).
- 4 These word were inserted by *ibid*, s. 6 (c).



PART III

Serial No.	Stage when refund is claimed	Refund for removal, suspension or cancel- lation of registration	(for not using the
(1)	(2)	(3) 101 10	(4)

If the period elapased after payment of one time tax on the motor cycle or . tri-cycle or motor vehicle (including tri-cycle) used for carriage of goods or materials ¹[or for carriage of not more than six

- passengers for hire or reward and fitted with fare meter] is,—
- (1) less than one year

1958 : Bom. LXV]

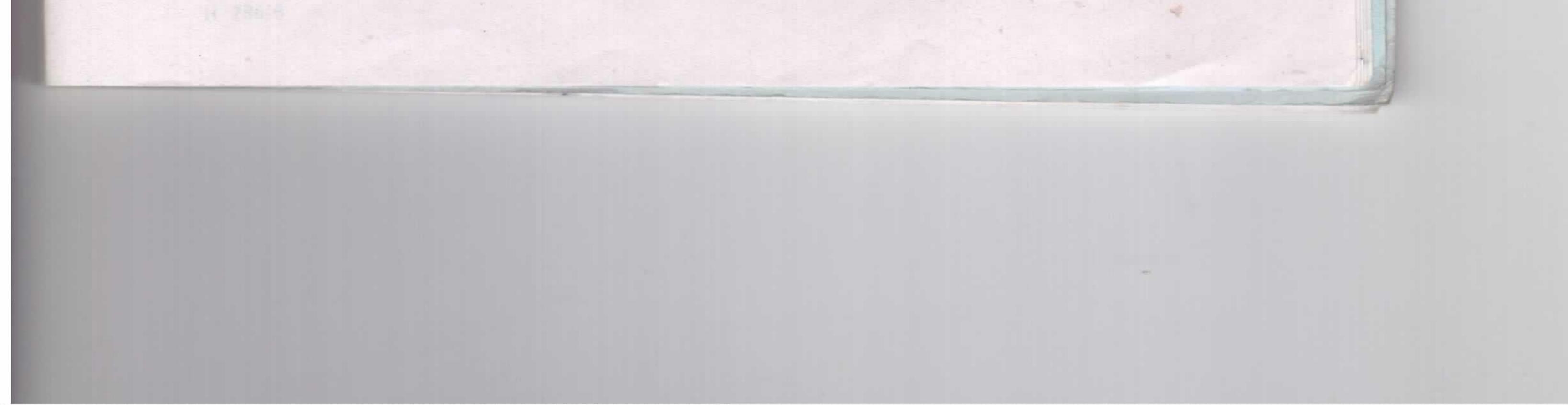
- (2) more than 1 year but not more than 2 years.
- (3) more than 2 year but not more than 3 years.
- (4) more than 3 years but not more 8 than 4 years.
- (5) more than 4 years but not more than 5 years.
- (6) more than 5 years but not more than 6 years.
- (7) more than 6 years but not more 65.6% than 7 years.
- (8) more than 7 years but not more 59.6% Do. 1.0% Do. than 8 years.
 (9) more than 8 years but not more 53.4% Do. 1.0% Do. than 9 years.

95.8%of the one0.9%of the onetime tax paid.time tax paid.time tax paid.91.3%Do.0.9%Do.

37

- 86.7% Do. 0.9% Do. Do. 81.8% Do. 0.9% Do.
 - 81.8% Do. 0.9% Do. 0.9% Do. 76.6% Do. 1.0% Do.
 - 71.2% Do. 1.0%⁻ Do.
 - Do. 1.0% Do.
- (10) more than 9 years but not more 46.8% Do. 1.1% Do. than 10 years.
 (10) more than 9 years but not more 39.9% Do. 1.1% Do.
- (11) more than 10 years but not more 39.9% Do. 1.1% than 11 years.
- (12) more than 11 years but not more 32.7% Do. 1.1% Do.
 (12) more than 12 years.
 (12) than 12 years but not more 25.1% Do. 1.1% Do.
- (13) more than 12 years but not more 25.1% Do. 1.1% than 13 years.
- (14) more than 13 years but not more 17.2% Do. 1.1% Do. than 14 years.
- (15) more than 14 year. Nil ... Nil
 - Note.—No refund would be admissible for a vehicle beyond 14 years of its first registration.]

1 These words were inserted by Mah. 12 of 2010, s. (d)



[1958 : Bom. LXV

¹[THIRD SCHEDULE [See section 3 (1-D) and section 9 (6) and (7)] PART I

Description of Motor Vehicle

(1)

A SERVICE AND A SERVICE SALES AND A SERVICE AND A SERVICE

Motor Cars and omni buses

38

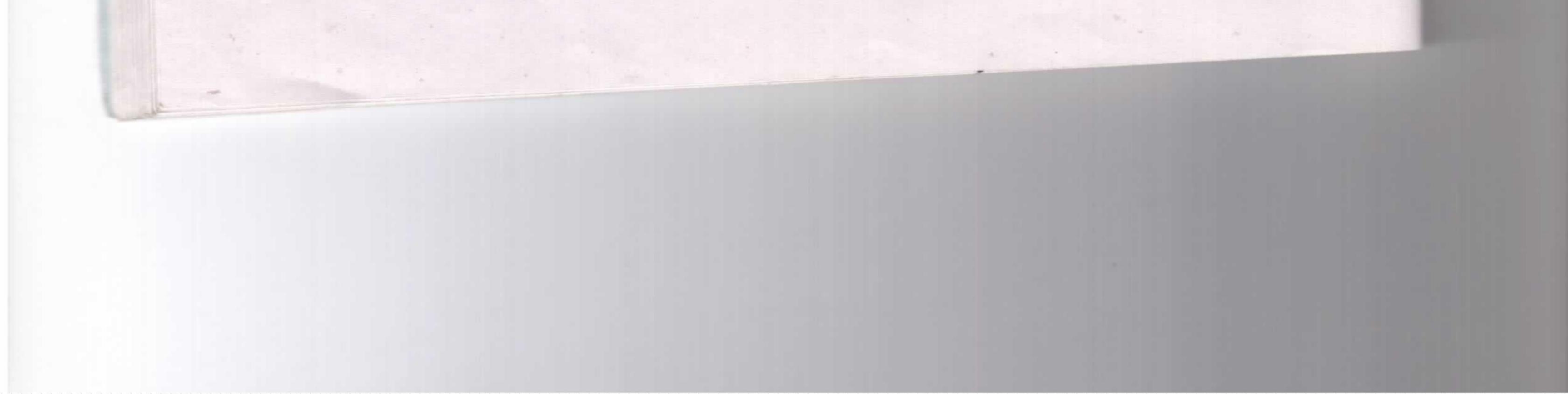
One time tax at the time of registration (2)

²[(1) petrol driven vehicles: (a) 9 per cent. of the cost of vehicle, if the cost of the vehicle is upto Rs. 10 lakhs; (b) 10 per cent. of the cost of vehicle, if the cost of the vehicle exceeds Rs. 10 lakhs but does not exceed Rs. 20 lakhs; (c) 11 per cent. of the cost of vehicle, if the cost of vehicle exceeds Rs. 20 lakhs; (2) Diesel driven vehicles : (a) 11 per cent. of the cost of vehicle, if the cost of the vehicle is upto Rs. 10 lakhs; (b) 12 per cent. of the cost of vehicle, if the cost of the vehicle exceeds Rs. 10 lakhs but does not exceed Rs. 20 lakhs; (c) 13 per cent. of the cost of vehicle, if the cost of the vehicle exceeds Rs. 20 lakhs ; (3) Compressed Natural Gas (CNG) ³[or Liquified petroleum Gas (LPG)]

driven new vehicle with original equipment fitted with CNG Kit ⁴[LPG Kit] by manufacturer : (a) 5 per cent. of the cost of vehicle, if the cost of the vehicle is upto Rs. 10 lakhs; (b) 6 per cent. of the cost of vehicle, if the cost of the vehicle exceeds Rs. 10 lakhs but does not exceed Rs. 20 lakhs; (c) 7 per cent. of the cost of vehicle, if the cost of the vehicle exceeds

Rs. 20 lakhs.]

This Schedule was substituted for the Fifth Schedule and Sixth Schedule by Mah. 2 of 1998, s. 12. 2 These clauses were substituted for clauses (a), (b) and (c) by Mah. 8 of 2012, s. 3. 3 These words were added by Mah. 14 of 2012, s. 3(a). i. Sherr wind, care mentif, by Main 4 These words were added by ibid s. 3 (b).



1958 : Bom. LXV] Maharashtra Motor Vehicles Tax Act.

PART II

VXI molt : 39

SerialStage of RegistrationOne time tax payable if the
vehicle is already registered
(3)No.
(1)(2)(3)

If the motor car or omni bus is already registered and its age from the month of first registration is,—

(1) more than 1 year but not more than 2 years 97.2% of the one time tax payable

Seals but not more 91.2%. Do. Do. 06% printing 191.2% under Part I. Do. more than 2 years but not more than 3 years 94.3% (2) HENRY BRAN & FORTS DULL FOR MORE . 84.5% more than 3 years but not more than 4 years 91.2% Do. (3)(6) more than 57 years but not more \$1.0%. more than 4 years but not more than 5 years 87.9% Do. (4) (7) - more than 6 years but not more 712% Do. more than 5 years but not more than 6 years 84.5% Do. and more than 7 years but not note 73.9% inch was (5) more than 6 years but not more than 7 years 81.0% Do. LOGI PLOD GROGE TON BUT READY & DER STORE (8) (6) (7) more than 7 years but not more than 8 years 77.2% Do. Do. (8) more than 8 years but not more than 9 years 73.3% (9) more than 9 years but not more than 10 years 69.1% Do.

(10) more than 10 years but not more than 11 years 64.8% Do.
(11) more than 11 years but not more than 12 years 60.2% Do.

(12) more than 12 years but not more than 13 years 55.4% Do.

(13) more than 13 years but not more than 14 years 50.4% Do.

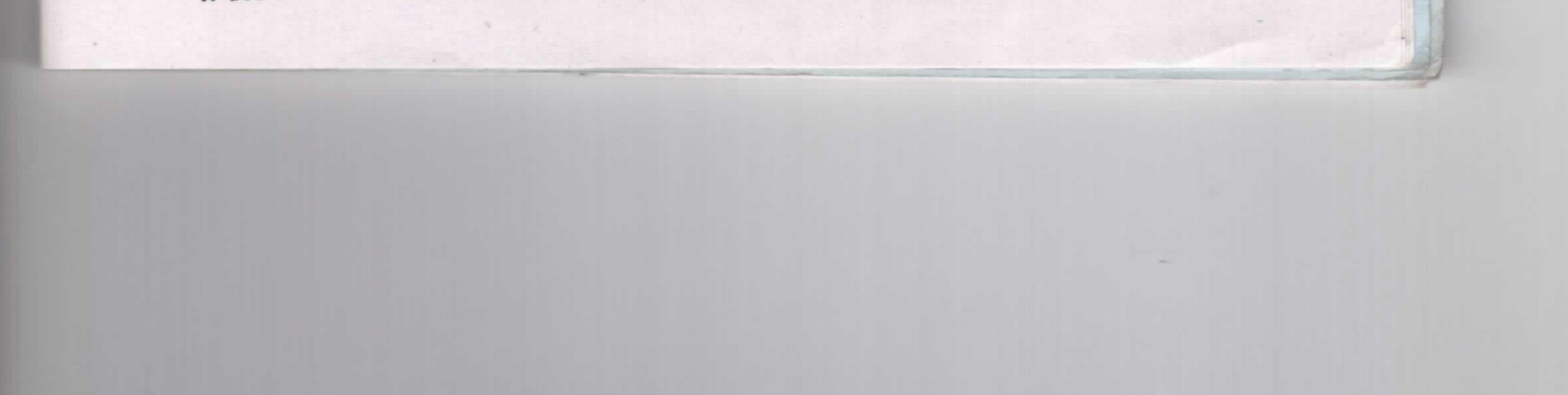
(14) more than 14 years but not more than 15 years 45.1%

(15) more than 15 years but not more than 16 years 39.6% Do.

(16) more than 16 years but not more than 17 years 33.8% Do. 27.7% Do.

(17) more than 17 years. ... 27.7%

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1958 : Bom. LXV] Maharashtra Motor Vehicles Tax Act.

PART III

X.1. mp8 : 840

Serial No.	Stage when refund is claimed	Refund for removal, suspension or cancel- lation of registration	Refund per quarter (for not using the vehicle)
(1)	(2)	(3)	(4)
If	the period elapased after payment of one time tax on	r or omni bus is alread	an ibiom ath M.

- the motor car or omni bus is,-
- less than one year (1)97.2% of the one of the one 0.6% time tax paid. time tax paid. more than 1 year but not more (2)Do. 94.3% 0.6% Do. than 2 years.
- more than 2 years but not more 91.2% (3)Do. 0.6% Do. than 3 years.
- more than 3 years but not more 87.9% Do. 0.7% (4)Do. 14.57
- more than 4 years but not more 84.5% Do. (5)0.7% Do. than 5 years.

Do.

Do.

0.7%

0.7%

0.7%

0.7%

Do.

Do.

Do.

Do.

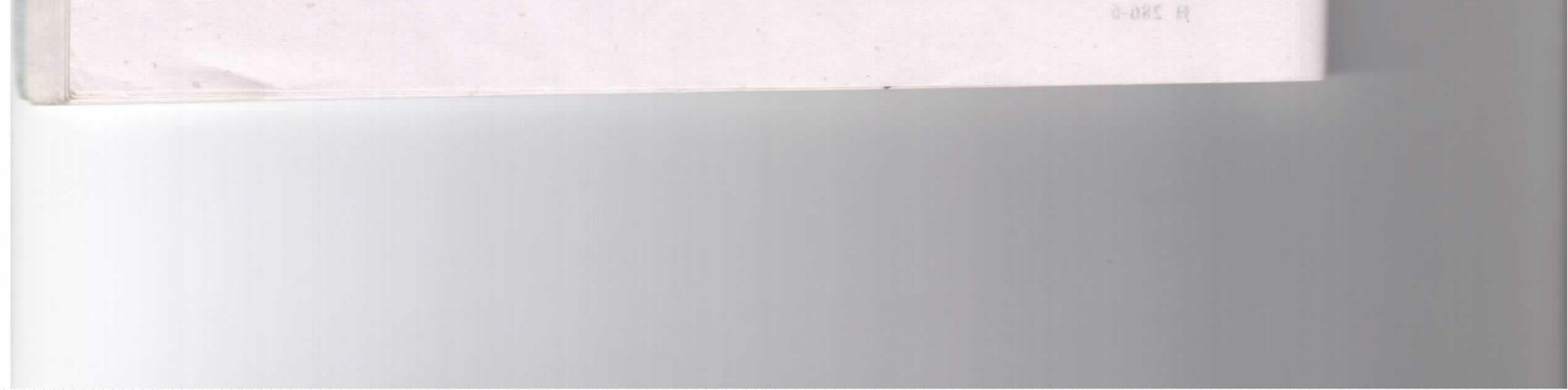
Do.

1217

(41)

- more than 5 years but not more 81.0% (6)than 6 years.
- more than 6 years but not more 77.2% Do. (1)than 7 years.
- more than 7 years but not more 73.3% Do. (8)than 8 years.
- more than 8 years but not more 69.1% (9) than 9 years.
- more than 9 years but not more 64.8% (10)Do. 0.8% than 10 years.
- more than 10 years but not more 60.2% Do. 0.8% (11)Do. than 11 years.
- more than 11 years but not more 55.4% (12)Do. 0.8% Do.
 - than 12 years.
- more than 12 years but not more 50.4% Do. 0.8% Do. (13)than 13 years.
- more than 13 years but not more 45.1% Do. 0.8% Do. (14)than 14 years.
- more than 14 years but not more 39.6% Do. 0.8% (15)Do. than 15 years.
- more than 15 years but not more 33.8% (16)Do. 0.9% Do. than 16 years.
- more than 16 years but not more 27.7% (17)Do. 0.9% Do. than 17 years.
- more than 17 years but not more 21.2% (18)Do. 0.9% Do. (15) more than 15 years but not not more past than 18 years.
- more than 18 years but not more 14.5% (19)Do. 0.9% Do. (46) ' -mein Uhan in years bu not more illon IV years than 19 years.
- more than 19 years. (20)Nil. . . Nil.

Note.-No refund would be admissible for a vehicle beyond ninteen years of its first registration.]



[1958 : Bom. LXV

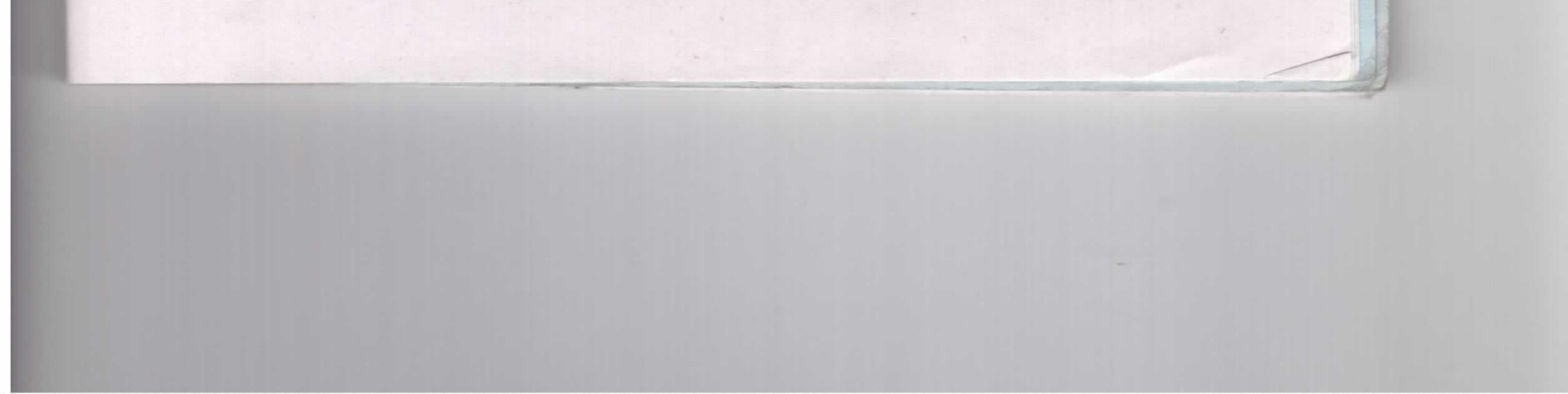
Maharashtra Motor Vehicles Tax Act.

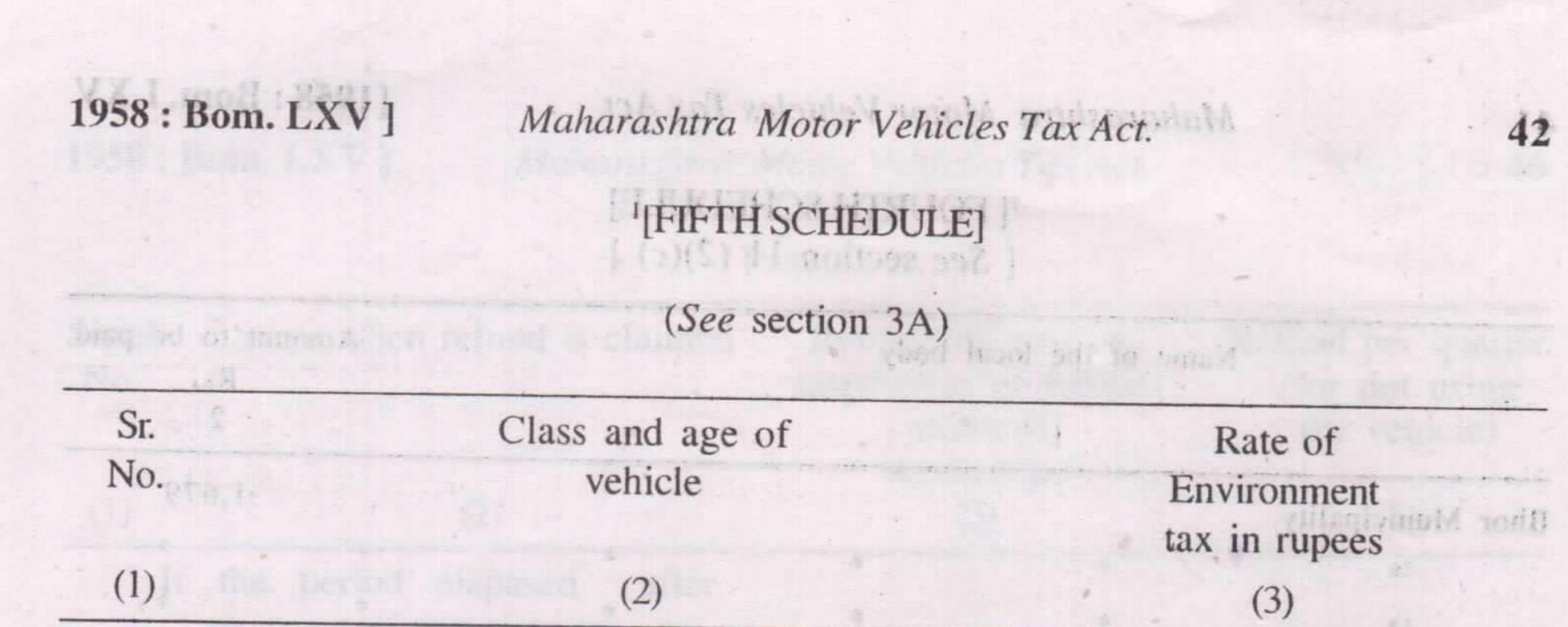
41

[FOURTH SCHEDULE] [See section 11 (2)(c)]

Name of the local body					Amou	nt to be paid Rs.
	Contraction ST.	1		Class and again of	10	2
	In ten felda et			Li melonitiv		1,679
Bhor Mun	icipality		• •	*	*	*
2	*	*	*			*
. 2	* Colând au	*	*	*	*	*
- 2	*	*	lennleine.	which this with	itisv nogandi	3 377
Jawahar N	Municipality	NY Sycar	tor aver	eir first registrati	the dista of the	864
Phaltan N	Aunicipality		th J.D. years	ins to noodigino	Laine annis de	2.828
Mangalwe	edha Municipality				to wheeler	6 4 5 5

6,455 Sangli Municipality ther fight two wheeler (Ferred driven vehicles) 3,469 Budhgaon Village Panchayat testalish navith lassiff gliener ous nall affi 361 Kurundwad Municipality (1)* (1) * instruction vehich hard hard out the solar of the second 2* 235 from the date of their first registrant, and and Murud Municipality Tubring, on Complexed Normal Gas, (CNC) of 181 Shrivardhan Municipality 15,485 Kolhapur Municipality in ionny suin, after a monstellou of such 8 years, 189 Ichalkaranji Municipality walle joint in the dr. 1,614 Vadgaon Municipality 364 Taxis Filted with fare meters and beaufited to sairy Gadhinglaj Municipality not mote than six passengers and leep type ator 497 Malkapur Municipality 1,000 Miraj Municipality 2,07,007 District Local Board, Kolhapur . . * * This heading was substituted for the heading "SEVENTH SCHEDULE" by Mah. 2 of 1998, s. 13. ment sneav fit heisiging The entries relating to the following Municipalities were deleted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960, Schedule :--Amount to be paid Name of the Local Authority Nelstan deals days Rs. 379.00 (a) Himmatnagar Municipality 61.00 (b) Idar Municipality (c) Santrampur Municipality 938.00 (d) Gamdevi Municipality 300.00 (e) Bilimora Municipality · · · 5,576.00 . . (f) Navsari Municipality 275.00 · seithing about vieler (g) Unjha Municipality 145.00 vinder other thing three converted in entry (h) Mehsane Municipality 4,363.00 which have contrainted & wones from the disk (i) Baroda Municipality 121.00 - TEAL VIEWS THAT TENTHERIDATE THE EVENT NATI (j) Dabhoi Municipality 200.00 (k) Degham Municipality





(1) Non-transport vehicles which have completed 15 years from the date of their first registration, for every 5 years in lump sum, after completion of such 15 years,—

Phattan Municipality

Sangle Maincipality

and and another 3000

3500.

Sheivaultan Municipality

Kolltagor Manieland

entingining 750 million

1250

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and Land I Las 2500 mill

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all De chan Manzains II

Minut Manushrippility

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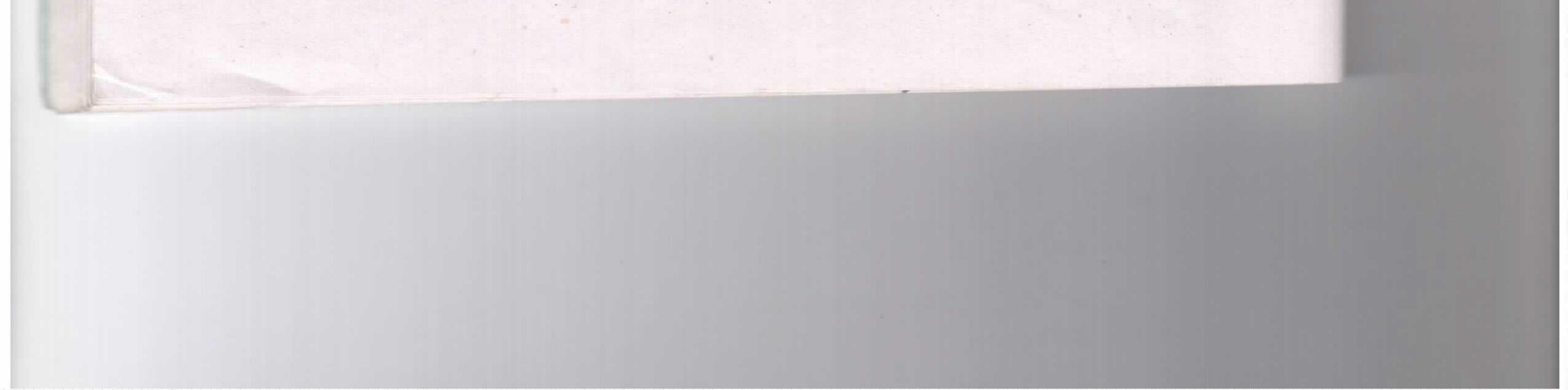
- (a) Two wheeler
- (b) Other than two wheeler (Petrol driven vehicles)
- (c) Other than two wheeler (Diesel driven vehicles)
- (2) (I) Transport vehicles which have completed 8 years from the date of their first registration, and not running on Compressed Natural Gas (CNG) or Liquefied Petroleum Gas (LPG), for every 5 years in lump sum, after completion of such 8 years,—
 - (a) Three wheeler auto-rickshaw
 - (b) Taxis fitted with fare meters and permitted to carry not more than six passengers and Jeep type motor cab (black and yellow).
 - (c) Tourist taxi

(d) Light goods vehicles
 (II) Transport vehicles which have completed 15 years from

the date of their first registration and running on Compressed Natural Gas (CNG) or Liquefied Petroleum Gas (LPG), for every 5 years in lump sum, after completion of such 15 years,—

- (a) Three wheeler auto-rickshaw
- (b) Taxis fitted with fare meters and permitted to carry not more than six passengers and Jeep type motor cab (black and yellow).
- (c) Tourist taxi
- (d) Light goods vehicles 2500.
- (3) Transport vehicles other than those covered in entry
 (2) above, which have completed 8 years from the date of their first registration, thereafter for every year,—

This Schedule was added by Mah. 30 of 2010., s. 5.



[1958 : Bom. LXV

FIFTH SCHEDULE—contd.

(1)	(2)	(3)
() Mad	ium Heavey and Articulated goods	10 per cent.
	also with gross vehicle weight more	of annual tax.

Maharashtra Motor Vehicles Tax Act.

- vehicles with gross vehicle weight more than 7500 kg.
- (b) Contract carriage buses and motor vehicles covered under Clause A-VII of the First Schedule.
- (c) Private service vehicles

2.5 per cent. of annual tax.

2.5 per cent of annual tax.

(d) Thourist buses

43

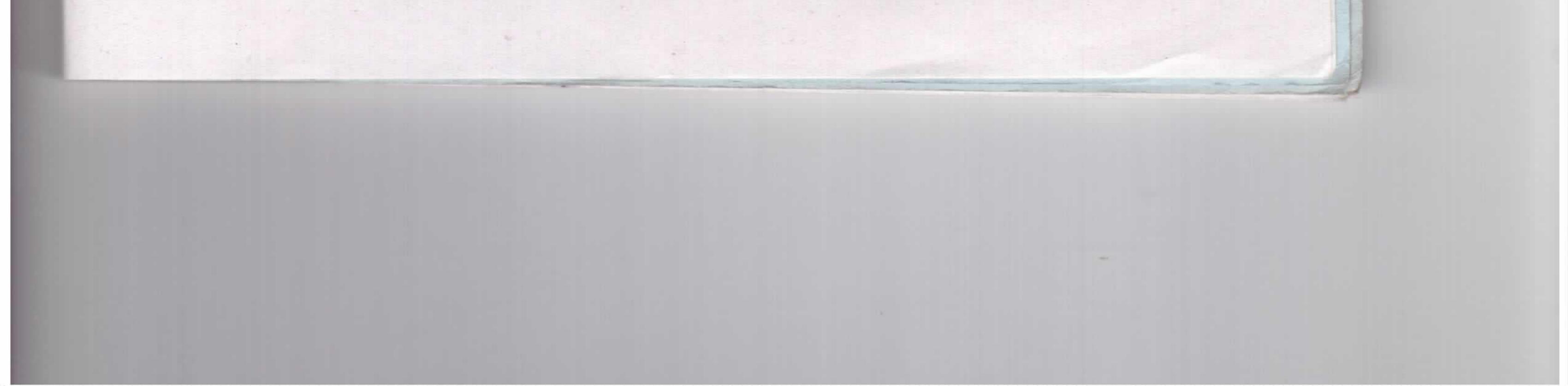
Camper Van (Transport), Stage Carriage (e) Vehicle, Special Purpose Vehicle, Mobile Clinic, Ambulance, X-Ray Van, Library Van, Mobile Workshop, Cash Van, Hearse, Animal Ambulance, Fire Brigade Vehicles and motor vehicles covered under Clause A- VI of the First Schedule.

2.5 per cent. of annual tax.

2.5 per cent. of annual tax.

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THE MAHARASHTRA MOTOR VEHICLES TAX RULES, 1959

- 1. Short title, extent and commencement
- 2. Definitions
- 3. Assessment of rate of tax
- 4. Means of payment of tax
- 5. Certificate for non-user
- 6. Declaration
- 7. Manner of delivery of declaration
- 8. Period within which declaration is to be made
- 9. Additional declaration
- 10. Forms of declaration and additional declaration from whom to be obtained
- 11. Taxation Authority to satisfy itself that declaration or additional declaration is Complete.
- 11-A. Period within which amount of tax payable by reason of enhancement of rate of tax shall be paid
- 11-B. Condition subject to which interest may be remitted under section 8A
- 12. Application for refund under section 9
- 13. Certificate of refund
- 14. Payment of refund
- 15. Register of refund
- 16. Levy of tax, etc. in case of fleet-owner
- 17. Vehicles exempted from tax under section 13
- 18. Power to stop motor vehicle
- 18-A. Procedure for seizure and detention of motor vehicles in case of non-payment of tax
- 19. Composition of offences
- 20. Record of interest and of sums paid by way of composition of offence to be maintained.
- 21. Declaration to be submitted in respect of vehicles brought into State
- 22. Deleted
- 23. Issue of certificate of taxation in case of vehicle brought for use in the State
- 24. Deleted
- 25. Alteration, etc., of receipt or certificate of taxation
- 26. Fraction of rupee
- 27. Register of receipts of tax
- 28. Notice of place and time of business
- 29. Appeal under Section 14 to Appellate Authority
- 29-A. Grant of stay in Appeal and Revision
- 30. Procedure on appeals
- 31. Supply of copies
- 32. Supply of information regarding payment of tax, etc.
- 33. Penalty for contravention of rules.

FORMS

THE MAHARASHTRA MOTOR VEHICLES TAX RULES, 1959

G.N., H.D. NO.MTA.5058-XII, DATED 2ND FEBRUARY, 1959 (B.G., PT. IV-B, P.285)

Amended by G.N., H.D. NO.MTA.5059-XII, DATED 1st JULY, 1959 (M.G., Pt. IV-B, p.873) Amended by G.N., H.D. NO.MTA.3362/50200-XIII, DATED 17th JUNE, 1963 (M.G., Pt. IV-B, p.863) Amended by G.N., H.D. NO.MTA.1164-50513-XII, DATED 20TH OCTOBER, 1965 (M.G., Pt. IV-B, p.1752) Amended by G.N., H.D. NO.MTA.3763/98768-XII, DATED 7th FEBRUARY, 1966 (M.G., Pt. IV-B, p.207) Amended by G.N., H.D. NO.MTA.1667/8039-XII, DATED 31ST AUGUST, 1967 (M.G., Pt. IV-B, p.2140) Amended by G.N., H.D. NO.MTA.3164/44064-XII, DATED 12TH JULY, 1968 (M.G., Pt. IV-B, p.1281) Amended by G.N., H.D. NO.MTA.1370/71196-XII, DATED 28TH DECEMBER. 1971 (M.G., Pt. IV-B, p.134) Amended by G.N., H.D. NO.MTA.1370/71196-XII-C, DATED 28TH JULY, 1972 (M.G., Pt. IV-B, p.1351) Amended by G.N., H.D. NO.MTA.1372/1-XIII-D, DATED 1ST MARCH, 1973 (M.G., Pt. IV-B, p.497) Amended by G.N., H.D. NO.MTA.1372/1-XIII-D, DATED 1ST OCTOBER, 1973 (M.G., Pt. IV-B, p.1664) Amended by G.N., H.D. NO.MTA.2775/1-XXXI-TR, DATED 3RD JANUARY, 1976 (M.G., Pt. IV-B. p.94) Amended by G.N., H.D. NO.MTA.1977/36-TRA-3, DATED 13TH OCTOBER 1978 (M.G., Pt. IV-B, p.963) Amended by G.N., H.D. NO.MTA.1977/36-TRA-3, DATED 27TH OCTOBER, 1978 (M.G., Pt. IV-B. p.1040) Amended by G.N., H.D. NO.MTA.1979/39-TRA-3, DATED 26TH MARCH, 1980 (M.G., Pt. IV-B, p.302) Amended by G.N., H.D. NO.MTA.1088/1/TRA-3, DATED 17.11.1988 (M.G., Pt. IV-B, p.971) Amended by G.N., H.D. NO.MTA.3885/16/TRA-3, DATED 12.1.1989 (M.G., Pt. IV-B, p.64)

In exercise of the powers conferred by section-23 of the Maharashtra Motor Vehicles Tax Act, 1958 (Bom. LXV of 1958), and in supersession of the Maharashtra Motor Vehicles Tax Rules, 1940, continued in force by virtue of the section 24 of that Act, the Government of Maharashtra hereby makes the following rules, namely :-

1. Short title, extent and commencement :- (1) These rules may be called the Maharashtra Motor Vehicles Tax Rules, 1959.

(2) They extend to the whole of the State of Maharashtra.

(3) They shall come into force on the first day of April, 1959.

2. Definitions :- In these rules unless the context otherwise, requires,

(a) "Act" means the Maharashtra Motor Vehicles Tax Act, 1958;

(b) "declaration and additional declaration" means, respectively, a declaration and additional declaration delivered under section 6;

(c) "Form" means a form appended to these rules;

(d) "State" means the State of Maharashtra;

(e) "registered" means registered or deemed to be registered under the Motor Vehicles Act, 1939;

(f) "Section" means a section of the Act;

 $(g)^{1}[* * *]$

(h) words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act or in the Motor Vehicles Act, 1939, or in the ²[Maharashtra Motor Vehicles Rules, 1959]

3. Assessment of rate of tax:- When a motor vehicle is registered within the State, then, -

(a) the Taxation Authority, where it is also the registering authority, shall, after verifying the particulars furnished in the application for registration, determine the rate at which the motor vehicle so registered is liable to be taxed and make an endorsement in ³[the certificate of taxation].

(b) the registering authority, where it is not also the Taxation Authority, shall forthwith intimate the fact of such registration to the Taxation Authority and forward to the Taxation Authority the application for registration in order to enable the Taxation Authority to determine the rate of tax at which the motor vehicle should be taxed and to make an endorsement in ³[the certificate of taxation].

4. Means of payment of tax :- ³[The payment of the tax may be made either with a Government treasury, ⁴[branches of the banks approved by the Government or in cash, by cheque, demand draft, or money order to the Taxation Authority. Such payment shall be made to the Taxation Authority in whose jurisdiction the registered owner or the person having control or possession of the motor vehicle has his place of residence or business as entered in the certificate of taxation (hereinafter referred to as 'the appropriate Taxation Authority'); and into the Government Treasury which is situated in the jurisdiction of such Taxation Authority:

Provided that, if at any time there is a change in the address of the owner or in the ownership of the vehicle, as recorded in the certificate of taxation, The appropriate Taxation Authority shall be informed of such change in writing in the manner indicated below, and the certificate of taxation shall be got endorsed accordingly from the appropriate Taxation Authority in whose jurisdiction the owner or transferee has his place of residence or business, namely:-

Change of address - (i) The owner shall inform in writing, within 30 days of any change of address, his new address to the Taxation Authority if the new space is within the jurisdiction of the same Taxation Authority, or if the new space is within the jurisdiction of another Taxation Authority, to that other Taxation Authority, and shall at the same time forward the certificate of taxation to the appropriate Taxation Authority in order that the

- 1. Deleted by G.N. of 1.3.1973.
- 2. Subs. by G.N. of 26.3.1980.
- 3. Subs. by G.N. of 1.3.1973.
- 4. Inserted by G.N. H.D., No.MTA-1987/10TRA-3, dated 3.3.1988 M.G.G., IV-B.P.160.

new address may be entered therein. The owner shall also simultaneously intimate the change in the address to the Taxation Authority having jurisdiction over the place of his previous address.

(ii) The Taxation Authority within whose jurisdiction the vehicle has migrated shall make such appropriate entry in the certificate of taxation, and shall communicate the altered address to the Taxation Authority from whose area the vehicle has migrated.

(iii) Nothing in sub-clause (i) shall apply where the change of the address of the owner as recorded in the certificate of taxation. 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 taxation.

Transfer of ownership - (i) The transferor shall, within 14 days of the transfer, report the transfer in Form 'TCR' to the Taxation Authority, and shall simultaneously send a copy of the said report to the transferee.

(ii) The transferee has, within thirty days of the transfer, report the transfer in Form 'TCA' to the Taxation Authority within whose jurisdiction he reside or has his place of business, and shall forward the certificate of taxation to that Taxation Authority together with a copy of the report received by him from the transferor in order that the particulars of the transfer of ownership may be entered in the certificate of taxation.

(iii) The Taxation Authority, making any such entry shall communicate the transfer of ownership in Form 'TCI' to the Taxation Authority from whose area the vehicle has migrated];

¹[Provided further that] –

- (a) if the amount is sent by post it shall not be sent except by cheque, or by demand draft or by money order.
- (b) no cheque or demand draft shall be accepted by the Taxation Authority unless it is crossed and is drawn on a bank at the place where the cash business of the Treasury is conducted by the State bank of India, the Reserve bank of India or any other bank conducting the cash business of the State Government at such place.

 2 [(bb) where payment is made by cheque or demand draft the date of actual posting shall be deemed to be the date of payment, if the cheque or demand draft is sent by registered post or under certificate of posting within the period prescribed under Rule 8],

- (c) no money order shall be accepted by the Taxation Authority unless it is addressed to such authority and gives the necessary particulars such as the registration mark of the motor vehicle, the period for which the tax is proposed to be paid and the amount of the tax remitted.
- (d) where payment is made by money order, the date of actual remittance of money into the post office shall be deemed to be the date of payment.
- (e) where payment is made into a Government treasury, the duplicate of the chalan shall be sent to the Taxation Authority.

^{1.} Ins. by G.N. of 1.3.1973.

^{2.} Ins. ibid.

¹[Explanation : For the purposes of this rule, bank means a "new corresponding bank" as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) and in clause (b) of Section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980)].

5. Certificate for non-user:- (1) A registered owner of or any person who has possession or control of, a motor vehicle, not intending to use or keep for use such vehicles in the State ²[or intending to use it exclusively in a place which is not a public place] and desiring to be exempted from payment of tax ²[on that account (and not on account of any of the reasons) ³[falling under the first proviso to sub-section (2) of section 3 shall before the commencement of the period of non-use and before the expiry of the current period for which the tax on such vehicle has been paid, make a declaration in writing to the appropriate Taxation Authority containing the following particulars, namely :-

(i) name and address of the registered owner or, as the case may be, of the person in possession or control of the motor vehicles ;

(ii) registration mark of the motor vehicle;

(iii) the date from which and the date upto which the motor vehicle will not be used ;

(iv) full address of the place where the motor vehicle will be kept during the period of non-use ;

(v) reasons for non-use;

(vi) a declaration to the effect that the motor vehicle will not be moved from the above mentioned place without the prior permission of the Taxation Authority; and

(vii) a declaration to the effect that the certificate of taxation in respect of the vehicle is surrendered along with the declaration.

Such declaration has to be presented to the appropriate Taxation Authority along with the certificate of taxation in person or sent by registered post as per acknowledgement due. Where the declaration is presented in person, the Taxation Authority shall duly acknowledge its receipt. Where the registered owner or, as the case may be, the person who has possession or control of the motor vehicle has already made a declaration that the motor vehicle will not be used or kept for use in the State for a period specified in the declaration and intends to continue such non-use beyond the period so specified, he shall make a fresh declaration as aforesaid to that effect before the expiry of the period beyond which he wants to continue the non-use of the motor vehicle.]

(2) If the Taxation Authority is satisfied that the Motor Vehicle, in respect of which ⁴[a declaration has been made under sub-rule (1)], has not been used or kept for use ⁵[for the whole or part of the period] mention in the declaration and for which tax has not been paid, ⁶[it shall certify in the certificate of taxation] that the motor vehicle has not been used or kept ⁵[for the whole part of such period as the case may be;]

- 2. Ins. by G.N.1.3.1973
- 3. Sub. by G.N. of 26.3.1980
- 4. Subs. by G.N. of 26.3.1980
- 5. Subs. by G.N. of 3.1.1976
- 6. Subs. by G.N. of 1.3.1973

^{1.} Explanation added by G.N.MTA1987/10TRA-3, Dated 3.3.88, M.G.G. IV-B.p.160.

¹[Provided that, nothing contained in this sub-rule shall affect the right of the Taxation Authority to recover the tax due for the period of non-use so certified if, at any time, it is found that the vehicle was actually used or kept for use in the State during such period]

 2 [(3) The intimation of non-use on account of any of the reasons falling under the first proviso to sub-section (2) of section 3 shall also be given by making a declaration as provided in sub-rule (1). Such declaration shall contain additional particulars giving proof of evidencing the reasons for non-use given in the declaration.]

(4) Where the appropriate Taxation Authority on considering the evidence adduced if any, and on making such enquiries as it deems fit refuses to admit the intimation of non-use, or to certify the period of non-use, it shall record, in writing, its reasons therefore and communicate them to the applicant.]

³[* * *]

- Added by G.N. of 3.1.1976
 Subs. by G.N. of 1.3.1973
- 2. Subs. by O.N. 011.3.1973
- 3. Deleted by G.N. of 3.1.1976

6. Declaration :- (1) A declaration shall be in Form 'AT'. It shall state-

(a) the registration mark, if any, of the motor vehicle;

(b) the period for which the tax is to be paid in advance in respect of the motor vehicle;

(c) the fuel used for the motor vehicle;

(d) if the motor vehicle is one which would be liable to be taxed at the rates specified in ¹[sub-clause III or sub-clause IV] of clause A in the First schedule to the Act, whether the motor vehicle is intended to be used-

(i) solely within the limits of a local authority which has levied a tax on motor vehicles, or (ii) both within and without such limits.

(2) A fresh declaration shall be made every time the payment of tax is made.

7. Manner of delivery of declaration :- The declaration shall be delivered either by hand delivery or sent by registered post to the Taxation Authority within whose jurisdiction ²[the registered owner or person having possession or control of the motor vehicle has his place of residence or business]. It shall be sent along with (a) the amount of tax due for the period specified in the declaration of the cheque, the demand-draft, the money order receipt or as the case may be, the treasury chalan in respect of such amount, (b) the certificate of taxation, if any, issued in respect of the motor vehicle, and (c) a valid certificate of insurance in respect of the vehicle.

8. Period within which declaration is to be made :- The declaration shall be delivered. -

- (i) where a motor vehicle is brought for registration, ²[within a day on which the vehicle is registered];
- (ii) where the use of the vehicle was discontinued and the discontinuance duly intimated before the vehicle is again brought into use;

³[(iii)] where the tax has been paid, within ten days from the date of the expiry of the period for which the tax has been paid, in the case of motor vehicles falling under sub-clause I, II and VII of clause A and clause B and C in the First Schedule to the Act, and within twenty days from the said date, in the case of motor vehicle falling under sub-clauses III, IV, V, VI and VIII of the said clause A] and those falling under the Second Schedule to the Act;]

(iv) in other cases, within seven days of the date from which the vehicle is liable to be taxed or on demand by the Taxation Authority whichever is earlier;

⁴[Provided that, the tax payable pursuant to section 4A Shall be paid within the period under clause (iii) on the expiry of the period for which the tax was already paid before the commencement of the Maharashtra Motor Vehicles Tax (Amendment) Act, 1972 (Mah. XXXVII of 1972).]

^{1.} Sub. by G.N MTA 1985(1) TRA-3, dated 25.09.86, M.G.G. IV-B, p.800

^{2.} Subs. by G.N. of 1.3.1973.

^{3.} Subs. by G.N. of 26.3.1980.

^{4.} Sub. by G.N MTA 1985(1) TRA-3, dated 25.09.86, M.G.G. IV-B, p.800

9. Additional declaration – The additional declaration shall be in Form 'BT' and shall state the alterations made to the vehicle or the manner in which it is proposed to be used so as to cause it to become a vehicle in respect of which a higher rate of tax is payable. Such declaration shall be delivered, in case of alterations to the vehicle, within 14 days or the making of such alterations and in case of proposed change in the manner of the use of the vehicle before the vehicle is used in that manner to ¹[the appropriate Taxation Authority together with the] certificate of taxation in respect of the motor vehicle and the amount of additional tax payable under section 7 or the cheque, the demand draft, the money order receipt or, as the case may be, treasury chalan, in respect of such amount.

10. Forms of declaration and additional declaration from whom to be obtained - The forms of declaration and additional declaration may be obtained from the office of any Taxation Authority or registering authority.

11. 2 [(1)] **Taxation Authority to satisfy itself that declaration or additional declaration is complete** – The Taxation Authority shall satisfy itself that every declaration or additional declaration delivered or sent to it is complete in all respects and that proper amount of tax or additional tax, 3 [including additional tax under Rule 11-A)] as the case may be, has been paid, and for this purpose, it may require the registered owner or the person having possession or control of the motor vehicle in respect of which the declaration or additional declaration is made, to produce the motor vehicle before itself or before an Inspector of Motor Vehicles. If the Taxation Authority is satisfied that the correct amount of tax has been paid, 4 [it shall] 5 [issue a receipt and a certificate of taxation in Form 'T' or, in the case of additional declaration amend suitably the certificate of taxation already issued.]

6[(2) The certificate of taxation shall, where the vehicle is used or kept for use in the State, be carried in the motor vehicle at all times and shall be produced for inspection on demand at any reasonable time by any Officer duly empowered in that behalf under the Act]

⁷[11-A period within which amount of tax payable by reason of enhancement of rate of tax shall be paid- where the rate of tax in respect of any motor vehicle for any period is increased during the currency of such period, the registered owner or person who is in possession or control of such vehicle shall pay for the unexpired portion of such period since the date on which rate of tax is increased, an additional tax of a sum equal to the difference between the amount of the tax payable for such unexpired portion at the higher rate and the rate at which the tax was paid or is to be paid before the increase in the rate of tax for that portion ⁶[within the period provided in clause (iii) of Rule 8] from the date from which the rate of tax has been increased or such further period as the State Government may, by notification in the Official Gazette specify. On payment of such additional tax, the Taxation Authority shall make an endorsement to that

- 1. Added by G.N. of 26.3.1980.
 - 2. Renumbered. By G.N. of 1.3.1973
 - 3. Inserted by G.N. of 31.8.1967
 - 4. Sub. by *ibid*.
 - 5. Sub. by G.N. of 1.3.1973
 - 6. Inserted by *ibid*.
 - 7. Inserted by G.N. of 31.8.1967

effect ¹[in the certificate of taxation and issue a receipt for the additional payment received].

²[11B. Condition subject to which interest may be remitted under Section 8A - The Transport Commissioner shall not remit interest wholly or partially unless he is satisfied that the person claiming such remission is not in arrears of any tax for any period. No remission of interest shall be made when the amount of interest applied for remission does not exceed rupees fifty or six per cent of the tax in arrears, whichever is more].

- 1. Subs. by G.N. of 1.3.1973.
 - Subs: by G.N. of 26.3.1980.

12. Application for refund under section $9 - {}^{1}[(1)$ Any person claiming a refund under Section 9 shall submit an application in Form 'DT' to the appropriate Taxation Authority stating the grounds on which the refund is claimed]

(2) Every such application shall be accompanied by the certificate of taxation ${}^{2}[* ***]$ issued in respect of such vehicle.

 $^{1}(3)$ No application claiming refund shall be entertained if it is made more than six months after the date on which non-use is certified the date of removal of the motor vehicle out of the State, or the date of suspension or cancellation of certificate of registration.]

 3 [(4) If the Taxation Authority is satisfied that the motor vehicle in respect of which the refund is claimed is permanently removed out of the state or has ceased to exist, it shall grant refund for the whole of the unexpired portion if the period for which the tax was paid.]

13. Certificate of refund – (1) If on receipt of an application under Rule 12 the Taxation Authority, after making such enquiry, if any, as it deem fit, is satisfied that a refund is admissible, it shall calculate the amount of refund due, issue to the applicant a certificate in Form 'ET' and return to the applicant the certificate of taxation after making entries thereon of any refund admitted ${}^{2}[***]$

(2) If the Taxation Authority refuses to sanction the full amount of the refund claimed, it shall communicate its reason for doing so in writing to the applicant.

⁴[14. Payment of refund – Any person, to whom a certificate in Form 'ET', has been issued under Rule 13 shall, on presentation of parts II and III of the certificate at the State Bank of India, the Reserve Bank of India or any other bank conducting the cash business of the State Government, within ninety days from the date of its issue or from the date or signification of any subsequent renewal of the certificate by the Taxation Authority, be entitled to have the refund of the sum mentioned therein Part III of the certificate shall be returned by the bank branded with "P Stamp" to the Taxation Authority, after encashment of the certificate of refund

15. Register of refunds. – The Taxation Authority shall maintain a register of refunds of the tax and every amount for which a certificate in Form 'ET' has been issued shall be entered in such register. ${}^{3}[***]$

16. Levy of tax, etc. in case of fleet-owner. – In the case of a fleet-owner, the foregoing provisions shall, so far as may be, apply subject to the following modifications, namely :-

⁵[(1) The declaration under sub-section (1) of Section 10 shall be made in Form 'ET' and shall be accompanied by Form 'JT' and proof of payment of tax as required by sub-section (2) of Section 10. It shall be presented to the Taxation Authority in person or sent by registered post on or before the 30th day of April of the year immediately following the year for which such declaration is made.

(2) The certificate of final assessment of tax under sub-section (3) of Section 10 shall be issued in Form 'KT' by the Taxation Authority not later than the last week of July in the year in which the declaration is made.]

1 Serber Lee C. N. 46.1.2, 1072

- 1. Subs. by G.N of 1.3.1973.
- 2. Deleted, by G.N. of 1.3.1973.
- 3. Ins.*ibid*.
- 4. Subs. by G.N. of 20.10.1965.
- 5. Subs. by G.N. of 1.3.1973.

 $(3)^{1}[***]$

 $(4)^{1}[***]$

(5) The amount of additional tax due if any as a result of the final assessment of tax shall be paid by the fleet-owner to the Taxation Authority, within fifteen days from the date of receipt of the certificate of final assessment by him ²[and the amount of additional tax payable under rule 11-A shall be paid by the fleet-owner as provided in that rule.]

(6) (a) In case of excess payment, a certificate for refund of the difference between the amount of tax provisionally paid by the fleet-owner and the amount of tax as finally determined shall be issued by the Taxation Authority to the fleet-owner in Form 'T' within fifteen days from the date of issue of the certificate of final assessment of tax.

(b) A fleet-owner to whom a certificate in Form 'T' has been issued shall, on presentation of the certificate at the local Government treasury, the Reserve Bank of India, the State Bank of India, or any other bank conducting the cash business of the State Government within thirty days from the date of its issue or from the date of signification of any subsequent renewal of the certificate by the Taxation Authority, be entitled to have the refund of the sum mentioned therein.

(c) The Taxation Authority shall maintain a register of refunds and every amount for which a certificate of refund in Form 'T' is issued shall be entered in such register. It shall also make an endorsement of the refund on the certificate of ${}^{1}[* * *]$ assessment issued by it.

(7) Notwithstanding the issue of the certificate of final assessment of tax is subsequently it is found 2 [during the relevant year to which the certificate pertains] that on account of-

(i) use of motor vehicles previously declared as not intended for use, or

- (ii) registration of motor vehicles not specified in the ${}^{1}[* * *]$ declaration, or
- (iii) alterations to motor vehicles not specified in the ${}^{1}[* * *]$ declaration, or

(iv) any other reason,

The additional amount of tax is due from the fleet-owner, the Taxation Authority shall issue a notice to the fleet-owner giving sufficient details for the additional claim and requiring him either-

- (a) To pay the sum demanded in the notice; or
- (b) To show cause to the satisfaction of the Taxation Authority why he is not liable to pay the same,

Within fifteen days from the date of receipt of such notice. If the fleet-owner fails to pay the sum or to show cause to the satisfaction of the Taxation Authority, the Taxation Authority shall issue notice of demand requiring the fleet-owner to pay the sum within fifteen days from the date of receipt of such notice and the fleet-owner shall liable to pay the additional amount of tax accordingly :

Provided that while assessing the additional amount of tax due, the amount of refund of tax found to be due after the issue of the certificate of final assessment of tax on account of-

1. Deleted by G.N. of 1.3.1973

^{2.} Added by G.N. of 31.8.1967

- (i) non-use of motor vehicles previously declared as intended for use, or
- (ii) not carrying out alterations to motor vehicles specified in the ¹[* * *] declaration, or
- (iii) any other reason,

shall be taken into account and deducted from the additional claim, and if it is found that any refund of tax is due to the fleet-owner it has to be adjusted while recovering the amount of provisional tax for the next financial year.

(8) Every fleet-owner shall maintain a record of his transport vehicle in use in Form 'JT'.

17. Vehicles exempted from tax under section 13 - (1) A registered owner of, or person who has possession or control of, a motor vehicle used or kept for use in the State, claiming exemption from payment of tax under Section 13 shall make an application in Form MT ²[within the period prescribed in Rule 8 for an endorsement in the certificate of taxation to that effect] that the motor vehicle is exempted from payment of tax:

³[Provided that any application made after the expiry of the aforesaid period may, for good and sufficient reasons, be entertained.

(a) by the Regional Transport Officer, where the motor vehicle in respect of which the application is made,-

⁴[(i) is of the description given in sub-section (1) of Section 13;

(i-a) is a tractor used for drawing trailers exclusively from the transport of materials required for agriculture purpose or for the transport agriculture produce from the farm to the place of residence of its owner or to the godowns or to any market place ;]

⁵[(i-b) belongs to the United Nations and is exempted from tax under the United Nations (Privileges and Immunities) Act, 1947, (46 of 1947),

(ii) belongs to the United Nations International Children Emergency Fund, New Delhi, and is given on loan to the Government of Maharashtra for carrying out schemes under the Community Project Programme and registered in the State of Maharashtra.

(iii) belongs to the Government of India or to the Government of Maharashtra

(iv) belongs to the Consular and Diplomatic Officers, or

(v) belongs to the Co-operative for American Relief Everywhere Inc. (CARE) and is either imported or purchased locally and used exclusively in connection with the work of that organisation in State of Maharashtra; and

⁶[(b) by the Regional Transport Officer with the previous approval of the Transport Commissioner in any other case.]

- 1. Deleted by G.N. of 1.3.1973
- 2. Ins. by G.N. of 1.3.1973
- 3. Added by G.N. of 13.10.1978
- 4. Added by G.N. of 26.3.1980
- 5. Re-numbered ibid
- 6. Subs. by G.N. of 13.10.1978

(2) The application shall be signed by the applicant and delivered either by hand delivery or by ¹[registered post to the appropriate Taxation Authority,] and shall be accompanied by the certificates of taxation, if any, and a valid certificate of insurance in respect of the vehicles ²[and, necessary proof for claiming exemption to the satisfaction of the Taxation Authority].

 3 [(3) If the Taxation Authority is satisfied that the motor vehicles is exempted for any period from payment of the tax, it shall make an entry in the certificate of taxation to that effect (such period being not more than one year at a time), provided always that the use of the motor vehicle for which the exemption is granted or its ownership does not change.]

$$(4) = [* * *]$$

(5) ⁴[* * *]

⁵[(4) Nothing contained in this rule shall apply to motor vehicles for which declaration in Form 'FT' has been made under Rule 21.

18. Power to stop motor vehicle – Any police officer in uniform, of and above the rank of a constable, or any officer of the Motor Vehicles Department in uniform of and above the rank of an Assistant Motor Vehicles Inspector, may exercise the powers mentioned in Section 15.

⁶[18-A. Procedure for seizure and detention of motor vehicles in case of nonpayment of tax - (1) Where an officer authorised by the State Government under Section 12B (hereinafter referred to as 'the authorised officer') has reason to believe that the tax payable in respect of any motor vehicle has remained unpaid for more than thirty days after it has become due, such officer, by an order in Form 'DA' and served on the registered owner or the person in possession or control of such vehicle or its driver, seize the motor vehicle. After such order is made, the authorised officer shall direct that the vehicle be taken to the nearest police station mentioned in such order, for detention. If there be any goods or articles in such vehicle, the authorised officer shall make an inventory of goods or articles found in the vehicle, and ask the person from whom the motor vehicle is seized, to remove the same. If such person fails or refuse to drive the vehicle to the nearest Police Station mentioned in the order, the authorised officer may arrange to have the vehicle driven to the police station. No officer seizing or detaining a motor vehicle shall be responsible for safe custody of any goods or articles therein, and the registered owner or his representative duly authorised by him in writing shall make such arrangement for their safe custody as he deem fit.

(2) If the registered owner of the motor vehicle so seized and detained or his representative duly authorised by him in writing, if present, fails to pay the ⁷[tax and present, if any,] due or to produce necessary proof or payment of ⁷[tax and interest, if any], before the expiry of ten days from the date of the seizure, the taxation authority shall cause the vehicle to be

1. Added by G.N. of 13.10.1978.

- 2. Added by G.N. of 1.3.1973.
- 3. Subs. ibid
- 4. Deleted b G.N. of 1.3.1973.
- 5. Renumbered ibid
- 6. Ins. by G.N. of 28.12.1971
- 7. Subs. by G.N. of 26.3.1980

further detained till the ¹[tax and interest, if any.] due is paid or proof of payment of the ¹[tax and interest, if any,] due is furnished. Where no such payment is made or proof of payment produced within reasonable period after the expiry of the period aforesaid, the Taxation Authority shall forward a certificate of recovery of the ¹[tax and interest, if any,] as arrears of land revenue to the Collector of the district in which registered owner of the vehicle resides.

(3) If the registered owner of the motor vehicle so seized or detained or his representative duly authorised by him in writing produces before an authorised officer or a Taxation Authority, proof evidencing that the ¹[tax and interest, if any,] due has been paid, the authorised officer or the Taxation Authority, as the case may be, shall issue an order in Form 'DR' to the Officer-in-charge of the Police Station where the vehicle is kept in detention, to release the vehicle.]

¹19. Composition of offences – (1) Where proceedings have been instituted against any person for an offence punishable under clause (a) of sub-section (1) of Section 16, the Taxation Authority in whose jurisdiction the offence has been committed may inform such person in writing that he may compound the alleged offence by paying within three months from the date of institution of such proceedings, the amount of tax and interest, if any due, along with the sum of money by way of composition of such offence computed in accordance with sub-rule (2)

(2) The sum of money payable by way of composition of an offence punishable under clause (a) of sub-section (1) of Section 16 shall be equal to one-twelfth of the annual rate of tax plus 20 per cent thereof:

Provided that where the person by whom such sum is payable has previously been convicted of such offence or has paid any sum by way of composition of such offence and two years have not elapsed since such conviction or payment, as the case may be, then, the sum payable by him shall be equal to two-twelfths of the annual rate of tax plus 15 per cent thereof.]

(3) The amount of penalty recoverable by way of composition of an offence under clause (a) of sub-section (1) of section 16 shall, for each month or part of the month 2 [during] which the tax due has not been paid be –

(a) ²[calculated at 4 per cent of the amount of tax in default] the annual rate in respect of the said motor vehicle if the offence is reported voluntarily by or on behalf of the defaulter.

(b) ²[calculated at 8 per cent of the amount of tax in default] calculated at the annual rate in respect of that motor vehicle if the offence is not reported voluntarily by or on behalf of the defaulter:

Provided that the amount of penalty shall in no case exceed –

(i) twice the amount of tax ²[in default] in respect of the said motor vehicle where the defaulter has previously been convicted of an offence under clause (a) of subsection (1) of Section 16 or has paid any amount by way of composition in accordance with Section 18 or under any law corresponding thereto in force in any part of the State for a similar offence committed within a period of two years

^{1.} Sub. by G.N. of 26.3.1980.

^{2.} Sub. by G.N. of 1.3.1973.

immediately preceding the date of the alleged offence, and

(ii) the amount of 1 [tax in default] in respect of such motor vehicle in other cases.

¹[Explanation – For the purposes of this rule, the amount of tax in default shall be the amount of tax leviable, and not the amount actually due as a result of short payment.]

2[(3) If on an application made to the Director of Transport by the owner or the person in possession or control of the motor vehicle, the ³[Transport Commissioner] is satisfied, that, -

- (i) such person for reasons beyond his control could not remit the tax due within the period prescribed; or
- (ii) the penalty payable is disproportionate to the amount of tax due; or
- (iii) the remittance of tax is short of the amount of tax due;

he may, for reasons to be recorded in writing, order the reduction or waiver of the penalty calculated under sub-rule (2) to such extent, as may be specified, in the order.]

⁴[20. Record of interest and of sums paid by way of composition of offence to be maintained – Every Taxation Authority shall maintain a record of all sums payable as interest under Section 8A and sums payable by way of composition of offence under Rule 19 and of recoveries thereof.]

21. Declaration to be submitted in respect of vehicles brought into State- any person, -

(a) who brings a motor vehicle into the State and kept it for use therein, or

(b) who keeps a motor vehicle outside the State but ordinarily uses such motor vehicle in the State,

- 1 Add db-- CN f 1 2 107
 - Added by G.N. of 1.3.1973.
 In. by G.N. of 28.12.1971.
 - 3. Sub. by G.N. of 1.3.1973.
 - 4. Sub. by G.N. of 26.3.1980.

shall, within seven days of the entry of the motor vehicle into the State or of the commencement of such use, as the case may be, deliver or cause to be delivered to the nearest Taxation Authority a declaration in Form 'FT',

22.1[* * *]

2[23. Issue of certificate of taxation in case of vehicle brought for use in State – Where on receipt of declaration in Form 'FT', the Taxation Authority is satisfied that the vehicle in respect of which such declaration is made is exempted from the payment of tax, or that the amount of tax due in respect of such a vehicle has been paid, it shall issue a certificate of taxation and make an endorsement of exemption or tax payment, in the said certificate, and also issue a receipt for the payment received :

Provided that, no certificate of taxation may be issued in respect of a visiting vehicle intended to be used in the State for less than a year from the date of arrival in the State .]

24.³[* * *]

⁴[25. Alteration, etc., of receipt or certificate of taxation – (1) No person shall alter, deface, mutilate or add anything to a receipt or certificate of taxation issued under these rules, or carry it on a motor vehicle other than the vehicle for which such receipt or certificate has been issued.

(2) If a certificate of taxation is lost or destroyed, or defaced or has become illegible, the person to whom such certificate has been issued shall immediately apply in Form 'TCD' to the Taxation Authority which issued it, for the grant of a duplicate certificate on receipt of such application, Taxation Authority shall issue a duplicate certificate of taxation clearly stamped "Duplicate" in red ink.

(3) The fee for the issue of a duplicate certificate of taxation shall be 5 [Twenty rupees].

(4) If the original certificate of taxation reported to be lost or destroyed is found subsequently, it shall be surrendered immediately to the Taxation Authority which issued it, and thereupon, it shall be cancelled by that Authority by an endorsement duly made on it.]

26. Fraction of rupee – For the purpose of calculating the amount of refund due to any person or the amount of penalty ⁶[due from any person, in any other cases where rounding off is not expressly provided under these rules] the fraction of a rupee less than fifty naye paise shall be taken as fifty naye paise and the portion of rupee exceeding fifty naye paise shall be taken as a rupee.

27. Register of receipts of tax – The Taxation Authority shall maintain a register of receipts of the tax.

- 1. Deleted by G.N. of 26.3.1980.
- 2. Subs. by G.N. of 1.3.1973.
- 3. Deleted by ibid.
- 4. Subs. ibid
- 5. Subs. by G.N. MTA.1088/1/TRA-3, dated 17.11.1988, M.G.G. Pt.IV-B, page 971.
- 6. Subs. by G.N. of 1.3.1973.

28. Notice of place and time of business – The Taxation Authority shall give public notice of the places at which, the date on which and the hours between which payment of the tax may be made and application made and heard under the Act.

29. Appeal under Section 14 to Appellate Authority – (1) Any person aggrieved by an order of a Taxation Authority made under the Act may within thirty days from the date of receipt of such order where such person is fleet owner, appeal to the State Government and in any other case, to the ${}^{1}[* * *] {}^{2}[$ Transport Commissioner, Maharashtra] (hereinafter in these rules referred to as the "appellate authority"). The Secretary, the Joint Secretary, or a Deputy Secretary to the State Government in the Home Department shall hear such appeals on behalf of the State Government.

(2) An appeal under sub-rule (1) shall be preferred in duplicate in the form of a memorandum setting forth concisely the grounds of objection to the order appealed against and shall be accompanied by a certified copy of that order, and a fee of rupees ³[twenty five] in cash.

4[29-A. Grant of stay in Appeal and Revision -(1) No appellate or revisional authority while entertaining and disposing of the appeal or revision application, shall grant a stay against the order of the Taxation Authority unless, -

- (i) the appellate or revisional authority is satisfied that there is an apparent error in interpretation and application of relevant law resulting in undue hardship to the aggrieved person or party; or
- (ii) the aggrieved person or party agrees to pay tax on the basis of his or its own calculation and give an undertaking together with such guarantee as deemed satisfactory by the appellate or revisional authority, that, he or the party as the case may be, shall pay the tax in accordance with the decision of the appellate or revisional authority.

(2) Where the stay is granted under sub-sec. (1), the appellate or revisional authority shall, as far as possible, dispose of the appeal or application for revision, within a period of six months from the date of grant of such stay].

30. Procedure on appeals – Where an appeal is presented under Rule 29, the appellate authority shall give an intimation thereof to the taxation Authority against the order of which the appeal is preferred and may, after giving an opportunity to the parties concerned to be heard and after making such inquiry as it deems fit, either confirm, modify or set-aside the order of the Taxation Authority.

31. Supply of copies - The appellate authority or the Taxation Authority against the order of which an appeal has been preferred under Rule 29 may give to any person interested in the appeal copies of the memorandum of appeal and of any documents produced therewith on payment of ³[a fee calculated at the rate of rupees ten for the first page and rupees two for each additional page of each document.]

- 2. Sub by G.N. of 1.7.1959
- 3. Sub. by G.N. of 26.3.1980
- 4. Rule 29A, inserted by G.N.MTA3885/16/TRA-3, dt.12.1.1989, M.G.G., IV-B, p.64.

^{1.} Deleted by G.N. of 1.3.1973.

32. Supply of information regarding payment of tax, etc. – The Taxation Authority may supply information on all or any of the items specified below regarding any motor vehicle registered in the records maintained by it to any intending purchaser of such vehicle on an application made by him and on payment of 1 [a fee of rupees two per vehicle]

(1) The class and rate of tax payable;

(2) For what period tax has been paid;

(3) Whether tax or additional tax has been paid or is due for a particular period;

(4) Whether non-use of the vehicle has been intimated;

(5) Whether refund of tax has been claimed or allowed;

(6) Whether the vehicle is exempted from payment of tax;

(7) Whether any appeal has been filed under Section 14 of the Act;

(8) Whether the registered owner has been prosecuted for any offence punishable under the Act.

33. Penalty for contravention of rules – Whosoever contravence any of the provision of rules 6, 7, 8, 9, 16, 17, 21, 2[***] and 25 shall, on conviction, be punished with fine which may extend to two hundred rupees, if no penalty is prescribed by the Act for such contravention.

- 1. Sub. ibid.
- 2. Deleted by G.N. dt.1.3.1973.

¹[FORM 'T'***] ²[FORM 'TCR'***] (See Rule 4) Intimation of Transfer of Ownership of a Motor Vehicle by Transferor

То

The Taxation Authority.....

I.....son/daughter/wife(*)......of.......hereby inform you that I have on.....sold motor vehicle bearing number.....the ownership of which stand in my name to.... son/daughter/wife(*)of......addressand request that the certificate of taxation of the said vehicle may now be transferred in his/her name.

Dated1	Signature or thumb
	impression of transferor

• Strike out whichever is inapplicable.

FORM 'TCA'

(See Rule 4)

Intimation of Transfer of Ownership of a motor vehicles by Transferee

I,³.....aged..... son/daughter/wife(*)of⁴.....of ⁵......forward herewith the certificate of taxation of motor vehicle bearing No.⁵......(O) the ownership of which has been transferred to me by ⁶and hereby request that the certificate of taxation of the said vehicle may be transferred in my name and that it be amended accordingly.

Dated.....19

Signature or thumb Impression of transferee

1. Deleted by G.N. of 1.3.1973

2. Ins. i*bid*

3. Here enter full name of transferee.

4. Here enter full address of transferee.

5. Here enter registration mark.

6. Here enter name and address of person from whom the vehicle has been transferred

FORM 'TCI'

(See Rule 4)

Communication of transfer of ownership of a motor vehicle in the Taxation Authority from whose area the vehicle has migrated

То

The Taxation Authority.....

Dated19

Taxation Authority.

(1) Here enter registration mark.

(2) Here enter full name of transferee.

(3) Here enter address of transferee.

(*) Strike out whichever inapplicable.]

¹[FORM 'NT' ***]

²[FORM NT-A* * *]

³FORM 'AT'

[See Rule 6(1)]

Form of Declaration to be made in respect of a Motor Vehicle used or kept for use in the State

I.......(address).......desire to pay in respect of Motor vehicle No...... the tax due from..... upto ² **.....and tender Rs. by * Treasury chalan No. dated.....on.....Treasury/*Cash/*Cheque/*demand draft/*money order, being the tax due ³[for the period on account of partial exemption from payment of tax granted under Government Notification, Home Department, No....... dated the......19....... in support of which documentary proof is attached].

(a) I intend/*do not intend to use the vehicle solely within the limits of **..... which has*/* has not levied a tax on motor vehicles.

*(b) I intend to use the vehicle both within and without the limits of local authorities.

Motor spirit

(c) The fuel used in the vehicle is ------

other than motor spirit.

1. Deleted by G.N. of 26.3.1980.

^{2.} Deleted by G.N. of 1.3.1973

^{3.} Subs. i*bid*

^{*} Strike out whichever inapplicable.

^{**}Here specify name of locality.

(d) Name of Insurer.(e) Insurance Certificate No.(f) Date of validity from...... toDated

signature.

Note:- Under Section 16 of the Maharashtra Motor vehicles Tax Act, 1958, the delivery for the declaration by any person wherein the particulars require by or under the Act are not fully and truly stated render such person liable on first conviction to a fine which shall not be less than a sum equal to ¹ [the tax payable in respect of the vehicle for two quarters] and which may extend to a sum equal to the annual tax payable in respect of the vehicle and in the event of such person having been previously convicted of an offence under that section to a fine which shall not be less than a sum equal to ¹ [the annual tax payable in respect of the vehicle] and which may extend to a sum equal to ¹ [the annual tax payable in respect of the vehicle] and which may extend to a sum equal to ¹ [the annual tax payable in respect of the vehicle. Failure to deliver a declaration duly filled in on or before the proper date renders the person concerned liable on first conviction to a fine upto Rs. ² [200] and for each subsequent conviction to a fine up to Rs. ² [400].

Certified that the above mentioned vehicle is liable to tax under Class....... clause......of the First Schedule to the Maharashtra Motor Vehicles Tax Act, 1958, and that Rs......is due for the period commencing on......and ending on......

³ [To be filled only in case of a motor vehicle which is partially exempted]

Certified that the above mentioned motor vehicle which is ordinarily liable to tax under Class......, Of Clause......of the First Schedule to the Maharashtra Motor Vehicles Tax Act, 1958 is partially exempted in view of the Government Notification mentioned above and is therefore, liable to tax under Class.....of clause......of the said Schedule, and that Rs.....is due for the period commencing on......and ending on......]

(Signature) Taxation Authority.

The tax of Rs.....mentioned above has been duly received by me vide receipt No......dated.....

(Signature) Cashier

⁴[***] ² [T.C. completed]. Index card completed.

> (Signature) Taxation Authority

Intimation to the.....⁵ Municipality

^{1.} Subs. by G.N. of 26.3.1980

^{2.} Subs. by 1.3.1973

^{3.} Ins. by G.N. of 1.3.1973

^{4.} Deleted by G.N. of 1.3.1973

^{5.} Here state name of Municipality.

Мо	tor Vehicle No.
Name and address :	
Government tax paid Rsfor the paid	eriod fromtofor ¹
	Signature of the applicant
Non-use accepted fromto	
	FORM 'BT'
	[See Rule 9)
*Declaration of alt	erations to a motor vehicles
* Declaration stating the manne	r in which a motor vehicle is proposed to be used
Iresiding at	
* have made the foll	owing alterations in
hereby declare that I	my motor vehicle
	use to use
*fri	
	in the following manner :-
*on	
	higher rate of tax under the Maharashtra Motor
Vehicles Tax Act, 1958. ² [* * *]	inglici face of tax ander the manarasitra motor
	of the additional tax due unter lake forward
	of the additional tax due upto I also forward
herewith the certificate of taxation in res	pect of the motor venicle.
* Description of alternations	
* Description of alterations	
<u> </u>	
* Description of manner of proposed use	
Date	Signature.
2	[FORM 'CT']
3	[FORM 'TC'
	See Rule 11)
-	ificate of Taxation
Annual rate of tax	
Quarterly rate of tax	
<u> </u>	
1. Here state area	
 Deleted by G.N. of 1.3.1973 Subs. By G.N. of 1.3.1973 	
* Strike out whichever is in applicable.	
Motor - 82	

Tax Payment							
Period for which tax is paid	Amount of Tax paid	Penalty paid. If any,	Date of payment and receipt number				
Dated							
		Stamp	and Signature of the Taxation Authority				
	R	efund					
Period for which refund Is granted	Amount of refund		Refund order number and date				

Dated

Stamp and Signature of the Taxation Authority *[Note : For particulars to be mentioned in the intimation of non-use, see rule 5(1) of the Maharashtra Motor Vehicles Tax Rules, 1959.]

¹[FORM 'DT']

[See Rule 12)

Application for refund of tax

I	residing at.			C	wnei	of r	notor	vehicles be	earing	, regis	stration
mark	having	paid	the	tax	on	the	said	² [vehicle]	for	the	period
from	to		.here	by -	claim	a re	efund	of the tax	in re	spect	of the
period from	onwa	ards, o	n the	follo	wing	grou	nds :-				

(1)..... (2).....

* Added by G.N. of 26.3.1980.

1. Subs. by G.N. of 28.12.1971.

2. Ins. by G.N, of 1.3.1973

A1. ¹(a) The ²[certificate of taxation] in respect of the vehicle -----

¹was

¹herewith surrendered______together with ³[the declaration made under Rule 5] ⁴[* * *] on......19

certificate of taxation for endorsement ;

(b) ⁴[* * *]

(c) I am unable to surrender 4 [* * *] the certificate of taxation for the following reasons beyond my control. namely :-

(1).....(2).....

will be¹

is

⁵[The following is the address of the place of garage where the vehicle ______

was

kept in non-use during the entire period for which refund is claimed, namely :-

(1).....

(2).....

2. ¹That the registration of motor vehicle......(Chassis No......) was refused on.....

3. ³That the registration of motor vehicle was ³ suspended/cancelled on.....and in pursuance of the order thereof, the registration certificate ²[was surrendered on.....and a certificate from the Registering Authority ¹[suspending/cancelling the registration is attached.

4. ¹That the motor vehicle is subject to a lower rate tax on the ground mentioned in subsection (3) of Section 9.

5. ¹That I have erroneously paid more tax than what was leviable.

B. The following proof for my claim is attached herewith :-Date :

Signature of Applicant.

⁶FORM 'ET'

[See Rule 13(1), 14 and 15]

(Payable within ninety days from the date of issue or any subsequent renewal)

Certificate of Refund

1. Strike out whichever is inapplicable.

2. Subs. by G.N. of 1.3.1973.

3. Subs. by G.N. of 26.3.1980.

4. Deleted by G.N. of 1.3.1973

5. To be filled in where (a) or (b) or (c) applies.

6. Subs. by G.N. of 20.10.1965

PART I

(For the use of office only)

Book No.....Page No.....

То

*The Secretary and Treasurer, State Bank of India.

*The Manager, Reserve Bank of India, Maharashtra.

* The Manager

*.....Bank.

Please pay to *Shri/*Shrimati/*Kumari.....rupees.....rupees.....(in words and figures on account of the above refund).

Date-----

Signature of Taxation Authority,

Permanent address of the person who has paid tax, should be inserted. A brief description of the motor vehicle should be inserted if it has not been registered.

¹FORM 'ET'

[See Rule 13(1), 14 and 15]

(Payable within ninety days from the date of issue or any subsequent renewal)

Certificate of Refund

Part II

(For the use of payee only)

Book No.....Page No.....

То

*The Secretary and Treasurer, State Bank of India.

*The Manager, Reserve Bank of India, Maharashtra.

*The Manager.

*.....Bank

Please pay to *Shri/*Shrimati/*Kumari.....rupees.....rupees.....(in words and figures on account of the above refund).

Date.....

Signature of Taxation Authority,

1. Subs. by G.N. of 20.10.1965

2. Strike out whichever is inapplicable.

Permanent address of the person who has paid tax, should be inserted.

A brief description of the motor vehicle should be inserted if it has not been registered.

¹FORM 'ET'

[See Rule 13(1), 14 and 15]

(Payable within ninety days from the date of issue or any subsequent renewal)

Certificate of Refund

Part III

(For the use of bank only)

¹(To be returned to the issuing authority after encashment branded with bank paid stamp)

Book No.....Page No.....

То

*The Secretary and Treasurer, State Bank of India.

*The Manager, Reserve Bank of India, Maharashtra.

*The Manager.

*.....Bank

I	Taxation	Authority	hereby	certify	that	*Shri/*S	hrimat	ti/*Kum	ari
of	havin	ng paid on	th	e amoui	nt of R	sas t	ax on	the mot	or
vehiclebearing	Registration	Mark No	fo	or	is	entitled	to a	refund	of
RsA note	of refund has	been mad	e in the c	original c	locum	ent.			

Please pay to *Shri/*Shrimati/*Kumari.....rupees.....rupees......(in words and figures on account of the above refund).

Date

Signature of

Taxation Authority,

Permanent address of the person who has paid tax, should be inserted. A brief description of the motor vehicle should be inserted if it has not been registered.

FORM 'HT'

²(x x x) ³[FORM 'IT']

[See Rule 16(1)]

Form of ⁴[Declaration] to be made by a fleet owner in respect of transport vehicles used or kept for use in the State.

1. Subs. by G.N. of 20.10.1965.

2. Deleted by G.N. of 1.3.1973.

3. Subs. by G.N. of 28.12.1971.

4. Subs. by G.N. of 1.3.1973.

* Strike out whichever is inapplicable.

I/We hereby ¹[declare] that transport vehicle as per particulars furnished below, owned by me/us have been used in the State in the preceding year ending 31st March 19.....

Registratior Mark	Seats/star assigned		egistered lader eight assigned	n ² [Carryin ₎ capacity	-	0	
	to the buse	es to	the goods	the goods	s year		Date
		veh	icle	vehicles]		Na	ture
1	2		3	ЗA		4	5
Fuel used	<u>Whethe</u>	er used	Month	Annual	Amount of	R	emarks
MotorSpirit	within	Outside	throughout	rate of	tax due for		
Other than	Municipal	Municipal	which the	tax	the preceding	5	
Notor spirit	limits	limits	vehicle was		year		
			not used				
6	7	8	9	10	11		12

I/We hereby agree to pay within the time prescribed the difference of tax that may be due for the year as per the certificate of final assessment that will be issued by the Taxation Authority.

The 3 [x x x x] statement of the record of the vehicles used, in Form 'JT' is attached herewith.

Dated.....

Signature of the fleet owner

And designation.]

-----[FORM 'KT']

⁴[see Rule 16(2)]

Form of certificate of the amount of tax payable by a fleet-owner

I,..... the Taxation Authority, for.....hereby certify on the basis of the declaration $$^{3}\!\!\ast$

in Form ______and the record of the motor vehicles use in Form

ίΙΤ'

* Strike out whichever is inapplicable.

- 1. Subs. by G.N. og 1.3.1973.
- 2. Inserted by G.N. of 26.3.1980
- 3. Deleted by G.N. of 1.3.1973
- 4. Subs. by G.N. of 26.3.80.

'JT' forwarded to me by the fleet-owner . . . that the 1^* / final. amount of tax payable by him/them for the year ending 19 is Rs (in words)

Place :

Date :

Taxation Authority for

FORM 'LT'

[See Rule 16(6)(a) (b) and (c)] (Payable within thirty days from the date of issue) Certificate for Refund of tax to a fleet-owner

То

Place :

Date :

Taxation Authority for

* Strike out whichever is inapplicable

- 1. Subs. by G.N. of 26.3.80.
- 2. Subs. ibid

[FORM 'JT'] [see Rule 16(8)] Statement regarding transport vehicles in use to be maintained by a fleet owner

Division.....

Depot/Unit.....

Registered	Type of motor vehicle	Whether used on any day in the month of	Place	of If removed to Remark
Mark No.	(whether stage car-	Months	garage if	another Depot
Of motor	riage, contract car-	April May June July Sep. Oct.Nov. Dec.Jan. Feb. March	under	or Unit, how
Vehicle	riage, goods vehicle	n	on-use	when and
	or other transport			where it was
	vehicle)		I	removed

Countersiganature of the fleet-owner, with designation.

Dated.....

Signature of the Officer-in-charge of the Depot/Unit.

Date.....

FORM 'MT'

(See Rule 17(1)]

Form of application for ¹[claiming exemption from payment of tax on] a motor vehicle used or kept for use in the State 2[* * *]

(To be filled in by the applicant)

2. (The certificate of taxation and) (the certificate of insurance) in respect of the vehicle referred to above (are)/(is) enclosed as required by the provisions of Rule 17 of the Maharashtra Motor Vehicles Tax Rules, 1959,

Date :

³The above Motor Vehicle No is exempted from payment of tax for the period commencing on and ending on

(Signature) Taxation Authority.

⁴[FORM 'DA']

[See Rule 18-A(1)] Order of seizure and detention of motor vehicle

Where as tax under the Maharashtra Motor Vehicles Tax Act, 1958 is due in respect of the motor vehicle bearing registration mark for the period from to amounting to Rs.....

And whereas, the said tax has not been paid as required by Section 6 of the said Act, for more than thirty days after it become due;

And whereas the tax due continues to remain unpaid;

Now, therefore, in exercise of the powers conferred on me under Section 12-B of the said Act, read with Government Notification, Home Department No dated I (enter name and designation) hereby order that the motor *vehicle bearing registration mark No shall be seized. and kept in detention at 5 [until the tax due and interest, if any due, are paid].

Designation of Officer.

(Seal)

То

Copy to the Police Station/Taxation Authority/Director of Transport.

.

5. Subs. by G.N. of 26.3.1980

^{*} As per inventory attached.

^{1.} Subs. by G.N. of 1.3.1973.

^{2.} Deleted, ibid.

^{3.} Ins. ibid

^{4.} Forms DA and DR were ins. by G.N. of 28.12.1971.

FORM 'DR'

[See Rule 18-A(3)]

Form of order for release of the motor vehicle from detention

Whereas Shri \dots ¹ the representative of the registered owner of the Motor Vehicle No. which was detained under the Order of detention No dated; issued by Shri (Designation) and held in custody at your Police Station at has ²(produced before me satisfactory proof of having) paid the tax due ³[* * * together with the interest due] under the Maharashtra Motor Vehicles Tax Act, 1958, as mentioned in the order of detention, it is hereby ordered that the motor vehicle in question shall be forthwith released.

The motor vehicle shall be handed over to the registered owner or his representative duly authorised by him in writing and a receipt of his having received the vehicle as per the inventory drawn up at the time of detention obtained from him together with his signature on it in token of discharge of the same.

Report about the time at which and the date on which, the vehicle was released may be made to the undersigned in due course.

Place :

Time :

Date :

Signature and designation of the Taxation Authority or the Authorised Officer.]

То

• • •

Copy forwarded to the owner of the vehicle or his authorised representative, for information.

-----⁴[FORM 'FT']

[See Rules 21 and 23]

(1) Class of motor vehicle

- (2) Registration Mark
- (3) Maker's name
- (4) Type of the body
- (5) Number of chassis
- (6) Number of engine

(7) Unladen weight

- 1. Deleted if not required i.e., when the registered owner himself, is present.
- 2. Deleted if the tax is paid to clear the arrears as a result of detention.
- 3. Subs. by G.N. of 1.3.1973
- 4. Subs. by G.N. of 26.3.1980
- * Strike out whichever is inapplicable.

(8) Whether used for carriage of persons or goods.

(9) If used for carriage of persons -

(a) Whether plying for hire

- (b) Carrying capacity
 - (i) Seated (including driver)

(ii) Standees

Total

(10) If used for carriage of goods -

(a) Whether a private goods vehicle or a public goods vehicle.

(b) Registered laden weight

(c) Carrying capacity, i.e., the difference between the registered laden weight and the unladen weight.

(11) (a) Date on which the motor vehicle was last brought into the State of Maharashtra, and

(b) Date on which it was last removed from the State of Maharashtra.

(12) The fuel used in the vehicle

(13) Name of insurer

(14) Insurance Certificate No.

(15) Date of validity of insurance Certificate.

I tender herewith Rs. by *Cash/*Cheque/*Demand Draft/*Money Order/*Treasury Chalan being the tax due in respect of the vehicle described above.

The said vehicle is exempted from payment of tax by Government Notification, Home Department, No. dated the for the period ending by virtue of having paid the tax for the said period in the State of Dated the

Signature of the declarant.

From to

Note :- Under Section 16 of the Maharashtra Motor Vehicles Tax Act, 1958, where any person delivers a declaration wherein the particulars required by or under the Act are not fully and truly stated, he is liable, on first conviction, to be punished with a fine which shall not be less than a sum equal to the tax payable in respect of the vehicle for two quarters and which a\may extend to a sum equal to the annual tax payable in respect of the vehicle, and in the event of such person having been previously convicted of an offence under that section, with a fine which shall not be less than a sum equal to the annual tax payable in respect of the vehicle and which may extend to a sum equal to twice the annual tax payable in respect of the vehicle. Failure to deliver a declaration duly filled in on or before the proper date renders the person concerned liable, on first conviction, to be punished with a fine which may extend to two hundred rupees and in the event of such person having been previously convicted of the same offence, with fine which may extend to four hundred rupees]

Certified that the above mentioned vehicle is liable to tax under class of clause of the First Schedule to the Maharashtra Motor Vehicles Tax Act, 1958, and that Rs is due for the period commencing on and ending on

Date

(Signature) Taxation Authority.

Cashier.

(To be filled in case of motor vehicle exempted from payment of tax under above Government Notification)

The above motor vehicle has been exempted from payment of tax for the period from to

(Signature)

Taxation Authority.

Dated. Certificate of Taxation completed, Index Card completed

> (Signature) Taxation Authority. ¹Municipality

Motor Vehicle No.

Name and address Government tax paid Rs..... for the period from to to for 2 Non-use accepted from to

Signature of the Applicant.

³[FORM 'TCD']

(See Rule 25)

Intimation of Loss*/Destruction of Certificate of *Taxation and application for issue of a duplicate Certificate of Taxation in place of any Certificate *Loss/Destroyed/Torn/Defaced To,

The Taxation Authority,

The certificate of taxation of my motor vehicle the registration mark of which is has been * lost / destroyed / torn / defaced in the following circumstances :-

I hereby declare that to my knowledge the certificate of registration of the vehicle has not been either suspended or cancelled under any of the provisions of the Motor Vehicles Act, 1939 or rules made thereunder and I herewith deposit 4[the fee of rupees Tem] and apply for the issue of a duplicate certificate of taxation.

Signature or thumb impression of applicant.

First Schedule ⁵* * * FORM 'GT' ⁵* * * Second Schedule ⁵* * *

1. Here state name of Municipality

- 2. Here state area.
- 3. Inserted by G.N. 1.3.1973
- 4. Subs. by G.N. of 26.3.1980
- 5. Deleted by G.N. of 1.3.1973
- * Strike out whichever is inapplicable

THE MOTOR VEHICLES ACT, 1988 (59 OF 1988) (14 Oct. 1988)

An Act to consolidate and amend the law relating to motor vehicles. Be it enacted by parliament in the Thirty-ninth Year of the Republic of India as follows : -

Statement of objects and Reasons. - The motor vehicles Act, 1939 (4 of 1939), consolidates and amends the law relating to motor vehicles. This has been amended several times to keep it up to date. The need was, however, felt that this Act should, now *inter alia*, take into account also changes in the road transport technology, pattern of passenger and freight movements, developments, of the road network in the country and particularly the improved techniques in the motor vehicles management.

2. Various Committees, like, National Transport Policy Committee, National Police Commission, Road Safety Committee, Low Powered Two – Wheelers Committee, as also the Law Commission have gone into different aspects of road transport. They have recommended updating, simplification and rationalization of this law. Several Members of Parliament have also urged for comprehensive review of the Motor Vehicles Act, 1939, to make it relevant to the modern – day requirements.

3. A Working Group was, therefore, constituted in January, 1984 to review all the provisions of the Motor Vehicles Act, 1939 and to submit draft proposals for a comprehensive legislation to replace the existing Act. This Working Group took into account the suggestions and recommendations earlier made by various bodies and institutions like Central Institute of Road Transport (CIRT), Automotive Research Association of India (ARAI), and other transport organisations including, the manufacturers and the general public, Besides, obtaining comments of State Governments on the recommendations of the Working Group, these were discussed in a specially convened meeting of Transport Ministers of all States and Union territories. Some of the more important modifications so suggested related for taking care of - (a) the fast increasing number of both commercial vehicles and personal vehicles in the country;

(b) the need for encouraging adoption of higher technology in automotive sector;

(c) the greater flow of passenger and freight with the least impediments so that islands of isolation are not created leading to regional or local imbalances;

(d) concern for road safety standards, and pollution-control measures, standards for transportation of hazardous and explosive materials;

(e) simplification of procedure and policy liberalization's for private sector operations in the road transport field; and

(f) need for effective ways of tracking down traffic offenders.

4. The Supreme Court in M. K. Kunhimohammed v. P. A. Ahmedkutty (1987) 4 S.C.C. 284, has made certain suggestions to raise the limit of compensation payable as a result of motor accidents in respect of death and permanent disablement in the event of there being no proof of fault on the part of the person involved in the accident and also in hit and run motor accidents and to remove certain disparities in the liability of the insurer to pay compensation depending upon the class or type of vehicles involved in the accident. The above suggestions made by the Supreme Court have been incorporated in the Bill.

5. The proposed legislation has been prepared in the light of the above background. Some of the more important provisions of the Bill provide for the following matters, namely :-

(a) rationalization of certain definitions with additions of certain new definitions of new types of vehicles;

(b) stricter procedures relating to grant of driving licences and the period of validity thereof;

(c) laying down of standards for the components and parts of motor vehicles;

(d) standards for anti-pollution control devices;

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(e) provision for issuing fitness certificates of vehicles also by the authorised testing stations;

(f) enabling provision for updating the system of registration marks;

(g) liberalised schemes for grant of stage carriage permits on nonnationalised routes, all-India Tourist permits and also national permits for goods carriages;

(h) administration of the Solatium Scheme by the General Insurance Corporation;

(i) provision for enhanced compensation in cases of "no fault liability" and in hit and run motor accidents;

(j) provision for payment of compensation by the insurer to the extent of actual liability to the victims of motor accidents irrespective of the class of vehicles;

(k) maintenance of State registers for driving licences and vehicle registration;

(l) constitution of Road Safety Councils.

6. The Bill also seeks to provide for more deterrent punishment in the cases of certain offences.

7. The Notes on clauses explain the provisions of the Bill.

Amendment Act 54 of 1994 - Statement of Objects and Reasons. - The Motor Vehicles Act, 1988 (59 of 1988) consolidated and rationalised various laws regulating road transport. The Act came into force with effect from 1st July, 1989 replacing the Motor Vehicles Act, 1939.

2. After the coming into force of the Motor Vehicles Act, 1988, Government received a number of representations and suggestions from the state govt. transport operators and members of public regarding the inconvenience faced by them because of the operation of some of the provisions of the 1988 Act. A Review Committee was, therefore, constituted by the Government in March, 1990 to examine and review the 1988 Act.

3. The recommendations of the Review Committee were forwarded to the State Governments for comments and they generally agree with these recommendations. The Government also considered a large number of

representations received, after finalisation of the Report of the Review Committee, from the transport operators and public for making amendments in the Act. The draft of the proposals based on the recommendation of the Review Committee and representations from the public were placed before the Transport Development Council for seeking their views in the matter. The important suggestions made by the Transport Development Council relate to, or are on account of, -

(a) The introduction of newer type of vehicles and fast increasing number of both commercial and personal vehicles in the country.

(b) Providing adequate compensation to victims of road accidents without going into longdrawn procedure;

(c) Protecting consumers' interest in Transport Sector;

(d) Concern for road safety standards, transport of hazardous chemicals and pollution control;

(e) Delegation of greater powers to State Transport Authorities and rationalising the role of public authorities in certain matters;

(f) The simplification of procedures and policy liberalisation in the field of Road Transport;

(g) Enchancing penalties for traffic offenders.

4. Therefore, the proposed legislation has been prepared in the light of the above background. The Bill *inter alia* provides for –

(a) modification and amplification of certain definitions of new type of vehicles;

(b) simplification of procedure for grant of driving licences;

(c) putting restrictions on the alteration of vehicles;

(d) certain exemptions for vehicles running on non-polluting fuels;

(e) ceilings on individuals or company holdings removed to curb "benami" holdings;

(f) states authorised to appoint one or more State Transport Appellate Tribunals;

(g) punitive checks on the use of such components that do not conform to the prescribed standards by manufactures, and also stocking / sale by the traders;

(h) increase in the amount of compensation of the victims of hit and run cases;

(i) removal of time limit for filling of application by road accident victims for compensation;

(j) punishment in case of certain offences is made stringent;

(k) a new pre-determined formula for payment of compensation to road accident victims on the basis of age / income, which is more liberal and rational.

5. The Law Commission in its 119th Report had recommended that every application for a claim be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides, at the option of the claimant. The bill also makes necessary provision to give effect to the said recommendation.

Amendment Act 27 of 2000 – Statement of Objects and Reasons. – The Motor Vehicles Act, 1988 consolidated and rationalised various laws regulating road transport. The said Act was amended in 1994.

2. Further amendments in the aforesaid Act have become necessary so as to reduce the vehicular pollution and to ensure the safety of the road users. It is, therefore, proposed to prohibit alteration of vehicles in any manner including change of tyres of higher capacity. However, the alteration of vehicles with a view to facilitating the use of eco-friendly fuel including Liquefied Petroleum Gas (LPG) is being permitted. Further, it is proposed to confer powers on the Central Government to allow the alteration of vehicles for certain specified purposes. 3. At present, the educational institutions are not required to obtain permits for the operation of buses owned by them. It is proposed to bring the buses run by these institutions within the purview of the aforesaid Act by requiring them to obtain permits.

4. It is also proposed to allow renewal of permits, driving licences and registration certificates granted under the Motor Vehicles Act, 1939 to be renewed under the Motor Vehicles Act, 1988, by inserting new section 217 - A.

5. The proposed amendments are essential in the overall interest of securing road safety and maintaining a clean environment.

Amendment Act 39 of 2001 - Statement of Objects and Reasons. – The Motor Vehicles Act, 1988 (59 of 1988) is a Central legislation through which the road transport is regulated in the country. By the Motor Vehicles (Amendment) Act, 1994, *inter alia*, amendments were made for make special provisions under sections 66 & 67 so as to provide that vehicles operating on eco–friendly fuels shall be exempted from the requirements of permits and also the owners of such vehicles shall have the discretion to fix fares and freights for carriage of passengers and goods. The intention in bringing the said amendments was to encourage the operation of vehicles with such eco-friendly fuels.

2. However, it has been observed that during the last several years, not only the supply of eco-friendly fuels like CNG has increased tremendously, a large number of vehicles have come on the road which in terms of sections 66 and 67, as amended by the Motor Vehicles (Amendment) Act, 1994, are operating without any requirement of permits and are, therefore, not subject to any control of the State Governments. The number of such vehicles is likely to further increase substantially.

3. The aforesaid situation is likely to lead to indiscipline on the road and consequent increase in the road accidents. It is, therefore, considered essential to remove exemption provided under sections 66 and 67 of the said Act to CNG operated vehicles so that vehicles which operate on eco-friendly fuels are also covered by the terms and conditions applicable to all other vehicles. 4. The proposed amendments are essential in the overall interest of securing road safety and maintaining a clean environment.

5. The Bill seeks to achieve the above object.

<u>CHAPTER - I</u>

PRELIMINARY

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 date* as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States 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 semi-trailer is attached;

Corresponding Law. – Section 2(2) corresponds to section 2(1-A) of the Motor Vehicles Act, 1939.

(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;

Corresponding Law. – Section 2(3) corresponds to section 2(1-B) of the Motor Vehicles Act, 1939.

(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;

Corresponding Law. – Section 2(4) corresponds to section 2(2) of the Motor Vehicles Act, 1939.

* Brought into force on 1st July, 1989.

(5) "conductor", in relation to a stage carriage, means a person engaged in collecting fares from passengers, regulating their entrance into, or exit from, the stage carriage and performing such other functions as may be prescribed;

Corresponding Law. – Section 2(5) corresponds to section 2(2-B) of the Motor Vehicles Act, 1939.

(6) "conductor's licence" means the licence issued by a competent authority under Chapter III authorising the person specified therein to act as a conductor;

Corresponding Law. – Section 2(6) corresponds to section 2(2-C) of the Motor Vehicles Act, 1939.

(7) "contract carriage" means a motor vehicle which carries a passenger or passengers for hire or reward and is engaged under a contract, whether expressed or implied, for the use of such vehicle as a whole for the carriage of passengers mentioned therein and entered into by a person with a holder of a permit in relation to such vehicle or any person authorised by him in this behalf on a fixed or an agreed rate or sum –

(a) on a time basis, whether or not with reference to any route or distance; or

(b) from one point to another,

and in either case, without stopping to pick up or set down passengers not included in the contract anywhere during the journey, and includes –

(i) a maxicab; and

(ii) a motorcab notwithstanding that separate fares are charged for its passengers;

Corresponding Law. – Section 2(7) corresponds to section 2(3) of the Motor Vehicles Act, 1939.

(8) "dealer" includes a person who is engaged –

(a) 1[***]

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^{1.} Sub.-Cl. (a) omitted by Act 54 of 1994, S. 2 (w.e.f. 14-11-1994). Prior to its omission, sub-Cl.(a) read as under :-

[&]quot;(a) in the manufacture of motor vehicles ; or".

(b) in building bodies for attachment to chassis;

(c) or in the repair of motor vehicles; or

(d) in the business of hypothecation, leasing or hire-purchase of motor vehicle;

Corresponding Law.- Section 2(8) corresponds to section 2(4) of the Motor Vehicle Act, 1939.

(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;

Corresponding Law.- Section 2(9) corresponds to section 2(5) of the Motor Vehicles Act, 1939.

(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;

Corresponding Law.- Section 2(10) corresponds to section 2(5-A) of the Motor Vehicles Act, 1939.

(11) "educational institution bus" means an omnibus, which is owned by a college, school or other educational institution and used solely for the purpose of transporting students or staff of the educational institution in connection with any of its activities;

Corresponding Law.- This is a new provision in the 1998 Act.

(12) "fares" includes sums payable for a season ticket or in respect of the hire of a contract carriage;

Corresponding Law.- Section 2 (12) corresponds to section 2 (6) of the Motor Vehicles Act, 1939.

(13) "goods" includes livestock, 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; *Corresponding Law.*- Section 2 (13) corresponds to section 2 (7) of the Motor Vehicles Act, 1939.

(14) "goods carriage" means any motor vehicle constructed or adapted for use solely for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods;

Corresponding Law.- Section 2 (14) corresponds to section 2 (8) of the Motor Vehicles Act, 1939.

(15) "gross vehicle 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;

Corresponding Law. - This is a new provision in the 1988 Act.

(16) "heavy goods vehicle" means any goods carriage the gross vehicle weight of which, or a tractor or a road-roller the unladen weight of either of which, exceeds 12,000 kilograms;

Corresponding Law.- Section 2 (16) corresponds to section 2 (9) of the Motor Vehicles Act, 1939.

(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.

Corresponding Law.- Section 2 (17) corresponds to section 2 (9-A) of the Motor Vehicles Act, 1939.

(18) "invalid carriage" means a motor vehicle 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;

Corresponding Law.- Section 2 (18) corresponds to section 2 (10) of the Motor Vehicles Act, 1939.

(19) "learner's licence' means the licence issued by a competent authority under Chapter II authorising the person specified therein to drive as a learner, a motor vehicle or a motor vehicle of any specified class or description;

Corresponding Law. - This is a new provision in the 1988 Act.

(20) "licensing authority" means an authority empowered to issue licence under Chapter II or, as the case may be, chapter III ;

Corresponding Law. - Section 2 (20) corresponds to section 2 (12) of the Motor Vehicles Act, 1939.

(21) "light motor vehicle" means a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road-roller the unladen weight of any of which, does not exceed ²[7500] kilograms ;

Corresponding Law. - Section 2 (21) corresponds to section 2 (13) of the Motor Vehicles Act, 1939.

³[(21-A) "manufacturer" means a person who is engaged in the manufacture of motor vehicles ;]

Corresponding Law .- This is a new provision in the 1988 Act.

(22) "maxicab" means any motor vehicle constructed or adapted to carry more than six passengers, but not more than twelve passengers, excluding the driver, for hire or reward ;

Corresponding Law. - This is a new provision in the 1988 Act.

(23) "medium goods vehicle" means any goods carriage other than a light motor vehicle or a heavy goods vehicle ;

Corresponding Law. - Section 2 (23) corresponds to section 2 (14) of the Motor Vehicles Act, 1939.

(24) "medium passenger motor vehicle" means any public service vehicle or private service vehicle, or educational institution bus other than a motor cycle, invalid carriage, light motor vehicle or heavy passenger motor vehicle ;

^{2.} Substituted for "6000" by Act 54 of 1994, S.2.(w.e.f. 14-11-1994).

^{3.} Inserted, ibid (w.e.f. 14-11-1994).

Corresponding Law. - Section 2 (24) corresponds to section 2 (14-A) of the Motor Vehicles Act, 1939.

3. "motorcab" means any motor vehicle constructed or adapted to carry not more than six passengers excluding the driver for hire or reward ;

Corresponding Law. - Section 2 (25) corresponds to section 2 (15) of the Motor Vehicles Act, 1939.

(25) "motor car" means any motor vehicle other than a transport vehicle, omnibus, road-roller, tractor, motor cycle or invalid carriage ;

Corresponding Law. - Section 2 (26) corresponds to section 2 (16) of the Motor Vehicles Act, 1939.

(26) "motor cycle" means a two-wheeled motor vehicle, inclusive of any detachable side-car having an extra wheel, attached to the motor vehicle;

Corresponding Law. - Section 2 (27) corresponds to section 2 (17) of the Motor Vehicles Act, 1939.

(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 ⁴[twenty-five cubic centimeters] ;

Corresponding Law. - Section 2 (28) corresponds to section 2 (18) of the Motor Vehicles Act, 1939.

Tractor-trailer. - A Division Bench of the Punjab and Haryana High Court in United India Insurance Company Ltd. v. Pritpal Singh (1996-2) 113 Punj. L.R. 49 held that even though trailer may be drawn by a motor vehicle if by if self is a motor vehicle and both the Tractor & Trailer taken together would constitute a transport vehicle.

^{4.} Substituted for "thirty-five cubic centimetres" by Act 54 of 1994, S.2 (w.e.f.14-11-1994)

(29) "omnibus" means any motor vehicle constructed or adapted to carry more than six persons excluding the driver ;

Corresponding Law.- Section 2 (29) corresponds to section 2 (18-A) of the Motor Vehicles Act, 1939.

(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 ;

Corresponding Law.- Section 2 (30) corresponds to section 2 (19) of the Motor Vehicles Act, 1939.

(31) "permit" means a permit issued by a State or Regional Transport Authority or an authority prescribed in this behalf under this Act authorising the use of motor vehicle as a transport vehicle ;

Corresponding Law. - Section 2 (31) corresponds to section 2 (20) of the Motor Vehicles Act, 1939.

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

Corresponding Law. - Section 2 (32) corresponds to section 2 (21) of the Motor Vehicles Act, 1939.

(33) "private service vehicle" means a motor vehicle constructed or adapted to carry more than six persons excluding the driver and ordinarily used by or on behalf of the owner of such vehicle for the purpose of carrying persons for, or in connection with, his trade or business otherwise than for hire or reward but does not include a motor vehicle used for public purposes ;

Corresponding Law. - Section 2 (33) corresponds to section 2 (22) of the Motor Vehicles Act, 1939.

(34) "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 ;

Corresponding Law. - Section 2 (34) corresponds to section 2 (24) of the Motor Vehicles Act, 1939.

(35) "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 maxicab, a motorcab, contract carriage, and stage carriage ;

Corresponding Law. - Section 2 (35) corresponds to section 2 (25) of the Motor Vehicles Act, 1939.

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

Corresponding Law. - Section 2 (36) corresponds to section 2 (26) of the Motor Vehicles Act, 1939.

(37) "registering authority" means an authority empowered to register motor vehicles under Chapter IV ;

Corresponding Law. - Section 2 (37) corresponds to section 2 (28) of the Motor Vehicles Act, 1939.

(38) "route" means a line of travel which specifies the highway which may be traversed by a motor vehicle between one terminus and another ;

Corresponding Law. - Section 2 (38) corresponds to section 2 (28-A) of the Motor Vehicles Act, 1939.

⁵[(39) "semi-trailer" means a vehicle not mechanically propelled (other tan a trailer), which is intended to be connected to a motor vehicle and which is so constructed that a portion of it is super-imposed on, and a part of whose weight is borne by, that motor vehicle ;]

Corresponding Law.- This is a new provision in the 1988 Act.

^{5.} Cl. (39) substituted by Act 54 of 1994, S.2 (w.e.f. 14-11-1994). Prior to its substitution, Cl. (39) read as under :-

[&]quot;(39) 'semi-trailer' means a trailer drawn by a motor vehicle and so constructed that a part of it is super-imposed on, and a part of its weight is borne by, the drawing vehicle;".

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

Corresponding Law.- Section 2 (40) corresponds to section 2 (29) of the Motor Vehicles Act, 1939.

(41) "State Government" in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution ;

Corresponding Law. - This is a new provision in the 1988 Act.

(42) "State transport undertaking" means any undertaking providing road transport service, where such undertaking is carried on by –

(i) the Central Government or a State Government ;

(ii) any Road Transport Corporation established under section3 of the Road Transport Corporations Act, 1950 ;

 (iii) any municipality or any corporation or company owned or controlled by the Central Government or one or more State Governments, or by the Central Government and one or more State Government;

⁶(iv) Zilla Parishad or any other similar local authority.

Explanation. – For the purposes of this clause, "road transport service" means a service of motor vehicles carrying passengers or goods or both by road for hire or reward;

Corresponding Law. – Section 2(42) corresponds to section 68-A(b) of the Motor Vehicles Act, 1939.

(43) "tourist vehicle" means a contract carriage constructed or adapted and equipped and maintained in accordance with such specifications as may be prescribed in this behalf;

Corresponding Law.- Section 2 (43) corresponds to section 2 (29-A) of the Motor Vehicles Act, 1939.

^{6.} Inserted, ibid (w.e.f. 14-11-1994).

(44) "tractor" means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion); but excludes a road-roller;

Corresponding Law.- Section 2 (44) corresponds to section 2 (30) of the Motor Vehicles Act, 1939.

(45) "traffic signs" includes all signals, warning sign posts, direction posts, markings on the road or other devices for the information, guidance or direction of drivers of motor vehicles ;

Corresponding Law.- Section 2 (45) corresponds to section 2 (31) of the Motor Vehicles Act, 1939.

(46) "trailer" means any vehicle, other than a semi-trailer and a sidecar, drawn or intended to be drawn by a motor vehicle ;

Corresponding Law. - Section 2 (46) corresponds to section 2 (32) of the Motor Vehicles Act, 1939.

(47) "transport vehicle" means a public service vehicle, a goods carriage, an educational institution bus or a private service vehicle ;

Corresponding Law. - Section 2 (47) corresponds to section 2 (33) of the Motor Vehicles Act, 1939.

(48) "unladen weight" means the weight of a vehicle or trailer including all equipment ordinarily used with the vehicle or trailer when working, but excluding the weight of a driver or attendant; and where alternative parts or bodies are used the unladen weight of the vehicle means the weight of the vehicle with the heaviest such alternative part or body;

Corresponding Law. - Section 2 (48) corresponds to section 2 (34) of the Motor Vehicles Act, 1939.

(49) "weight" means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests.

Corresponding Law. - This is a new provision in the 1988 Act.

CHAPTER II

LICENSING OF DRIVERS OF MOTOR VEHICLES

3. Necessity for driving licence. - (1) No person shall drive a motor vehicle in any public place unless he holds an effective driving licence issued to him authorising him to drive the vehicle ; and no person shall so drive a transport vehicle [other than ⁷[a motorcab or motor cycle] hired for his own use or rented under any scheme made under sub - section (2) of section 75] unless his driving licence specifically entitles him so to do.

(2) The conditions subject to which sub-section (1) shall not apply to a person receiving instructions in driving a motor vehicle shall be such as may be prescribed by the Central Government.

Corresponding Law.- Section 3 (1) corresponds to section 3 (1) of the Motor Vehicles Act, 1939.

Objects and Reasons.- Clause 3, sub-clause (1), provides for the need to have a licence to drive a motor vehicle & a special authorisation to drive a transport vehicle.

Sub-clause (2) empowers the Central Government to prescribe conditions subject to which a vehicle may be driven by a person receiving instructions in driving.

4. Age limit in connection with driving of motor vehicles. -(1) No person under the age of eighteen years shall drive a motor vehicle in any public place:

Provided that ⁸[a motor cycle with engine capacity not exceeding 50 cc] may by driven in a public place by a person after attaining the age of sixteen year.

(2) Subject to the provisions of section 18, no person under the age of twenty years shall drive a transport vehicle in any public place.

(3) No learner's licence or driving licence shall be issued to any person to drive a vehicle of the class to which he has made an application unless he is eligible to drive that class of vehicle under this section.

^{7.} Substituted for "a motorcab" by Act 54 of 1994, S.3 (w.e.f. 14-11-1994).

^{8.} Substituted for "a motor cycle without gear" by Act 54 of 1994, S. 4 (w.e.f. 14-11-1994).

Corresponding Law. - Section 4 corresponds to section 4 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 4 provides that a person who has completed sixteen years of age may drive a motor cycle without gear. To drive a motor vehicle other than a transport vehicle, the person must have completed eighteen years of age and to drive a transport vehicle a person must have completed twenty year of age. This clause seeks to prohibit the issue of a licence to drive a motor cycle or a motor vehicle to those persons who do not satisfy the above age requirements.

5. Responsibility of owners of motor vehicles for contravention of sections 3 and 4. - No owner or person in charge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of section 3 section 4 to drive the vehicle.

Corresponding Law. - Section 5 corresponds to section 5 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 5 prohibits the owner or person in charge of a motor vehicle permitting any person who does not satisfy the age requirement to drive the vehicle.

6. Restrictions on the holding of driving licences. - (1) No person shall, while he holds any driving licence for the time being in force, hold any other driving licence except a learner's licence or a driving licence issued in accordance with the provisions of section 18 or a document authorising, in accordance with the rules made under section 139, the person specified therein to drive a motor vehicle.

(2) No holder of a driving licence or a learner's licence shall permit it to be used by any other person.

(3) Nothing in this section shall prevent a licensing authority having the jurisdiction referred to in sub-section (1) of section 9 from adding to the classes of vehicles which the driving licence authorises the holder to drive.

Corresponding Law. - Section 6 corresponds to section 6 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 6 seeks to impose certain restrictions on the holding of driving licences by certain persons.

7. Restrictions on the granting of learner's licences for certain vehicles. - ${}^{9}[(1)$ No person shall be granted a learner's licence to drive a transport vehicle unless he has held a driving licence to drive a light motor vehicle for at least one year.]

(2) No person under the age of eighteen years shall be granted a learner's licence to drive motorcycle without gear except with the consent in writing of the person having the care of the person desiring the learner's licences.

Corresponding Law. - This is a new provision in the 1988 Act.

Objects and Reasons.-Clause 7 prescribes certain minimum driving experience in light motor vehicle before a person becomes qualified to drive a medium or heavy passenger motor vehicle or goods carriages. This clause also prohibits the grant of licence to drive a motor cycle without gear to any person who has completed sixteen years of age without production of a consent letter from the guardian.

8. Grant of learner's 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 driving licence may, subject to the provisions of section 7, apply to the licensing authority having jurisdiction in the area –

(i) in which he ordinarily resides or carries on business, or

(ii) in which the school or establishment referred to in section 12 from where he intends to receive instruction in driving a motor vehicle is situate, for the issue to him of a learner's licence.

9. Sub-S. (1) substituted by Act 54 of 1994, S. 5 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (1) read as under .-

"(1) No person shall be granted a learner's licence :-

(a) to drive a heavy goods vehicle unless he has held a driving licence for at least two years to drive a light motor vehicle or for at least one year to drive a medium goods vehicle;

(b) to drive a heavy passenger motor vehicle unless he has held a driving licence for at least two years to drive a light motor vehicle or for at least one year to drive a medium passenger motor vehicle ;

(c) to drive a medium goods vehicle or a medium passenger motor vehicle unless he has held a driving licence for at least one year to drive a light motor vehicle."

(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such documents and with such fee as may be prescribed by the Central Government.

(3) Every application under sub-section (1) shall be accompanied by a medical certificate in such form as may be prescribed by the Central Government and signed by such registered medical practitioner, as the State Government or any person authorised in this behalf by the State Government may, by notification in the Official Gazette, appoint for this purpose.

¹⁰[Provided that no such medical certificate is required for licence to drive a vehicle other than a transport vehicle.]

(4) If, from the application or from the medical certificate referred to in subsection (3) it appears that the applicant is suffering from any 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 learner's 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 learner's licence;

Provided that a learner's 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.

(5) No ,learner's licence shall be issued to any applicant unless he passes to the satisfaction of the licensing authority such test as may be prescribed by the Central Government.

(6) When an application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his physical fitness under sub-section (3) and has passed to the satisfaction of the licensing authority the test referred to in sub-section (5) the licensing authority shall, subject to the provisions of section 7, issue the applicant a learner's licence unless the applicant is disqualified under section 4 for driving a motor vehicle or is for the time being disqualified for holding or obtaining a licence to drive a motor vehicle.

^{10.} Added by Act 54 of 1994, S. 6 (w.e.f. 14-11-1994).

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

(7) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of persons from the provisions of sub-section (3) or sub-section (5), or both.

(8) Any learner's licence for driving a motor cycle in force immediately before the commencement of this Act shall, after such commencement, be deemed to be effective for driving a motor cycle with or without gear.

Corresponding Law. - This is a new provision in the 1988 Act.

Objects and Reasons. - Clause 8 lays down the procedure in making an application for the grant of learner's licence. A pass in the test on the rules on the road and a strict medical test are pre-conditions for the issue of the learner's licence. This clause, however, seeks to empower the Central Government to exempt any class of persons from the above tests.

9. Grant of driving licence. - (1) Any person who is not for the time being disqualified for holding or obtaining a driving licence may apply to the licensing authority having jurisdiction in the area –

(i) in which he ordinarily resides or carries on business, or

(ii) in which the school or establishment referred to in section 12 from where he is receiving or has received instruction in driving a motor vehicle is situated,

for the issue to him of a driving licence.

(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such fee and such documents as may be prescribed by the Central Government. ¹¹[(3) If the applicant passes such test as may be prescribed by the Central Government, he shall be issued the driving licence :

Provided that no such test shall be necessary where the applicant produces proof to show that –

(a) (i) the applicant has previously held a driving licence to drive such class of vehicle and that the period between the date of expiry of that licence and the date of the application does not exceed five years, or

(ii) the applicant holds or has previously held a driving licence to drive such class of vehicle issued under section 18, or

11. Sub-S. (3) substituted by Act 54 of 1994, S. 7 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (3) read as under :-

"(3) No driving licence shall be issued to any applicant unless he passes to the satisfaction of the licensing authority such test of competence to drive as may be prescribed by the Central Government :

Provided that, where the application is for a driving licence to drive a motor cycle or a light motor vehicle, the licensing authority shall exempt the applicant from the test of competence prescribed under this sub-section, if the licensing authority is satisfied :

(a) (i) that the applicant has previously held a driving licence and that the period between the date of expiry of that licence and the date of such application does not exceed five years ; or

(ii)that the applicant holds or has previously held a driving licence issued under section 18 ; or

(ii)that the applicant holds a driving licence issued by a competent authority of any country outside India ; and

(b) that the applicant is not suffering from any disease or disability which is likely to cause the driving by him of a motor cycle or, as the case may be, a light motor vehicle to be a source of danger to the public ; and as the licensing authority may for that purpose require the applicant to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8:

Provided further that where the application is for a driving licence to drive a motor vehicle (not being a transport vehicle), the licensing authority may exempt the applicant from the test of competence to drive prescribed under this sub-section, if the applicant possesses a driving certificate issued by an automobile association recognised in this behalf by the State Government." (iii) the applicant holds a driving licence to drive such class of vehicle issued by a competent authority of any country outside India, subject to the condition that the applicant complies with the provisions of sub-section (3) of section 8,

(b) the applicant is not suffering from any disability which is likely to cause driving by him to be a source of danger to the public ; and the licensing authority may, for that purpose, require the applicant to produce a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8 :

Provided further that where the application is for a driving licence to drive a motor vehicle (not being a transport vehicle), the licensing authority may exempt the applicant from the test of competence to drive a vehicle prescribed under this subsection, if the applicant possesses a driving certificate issued by any institution recognised in this half by the State Government.]

(4) Where the application is for a licence to drive a transport vehicle, no such authorisation shall be granted to any applicant unless he possesses such minimum educational qualification as may be prescribed by the Central Government and a driving certificate issued by a school or establishment referred to in section 12.

 12 [(5) Where the applicant does not pass the test, he may be permitted to reappear for the test after a period of seven days :

Provided that where the applicant does not pass the test even after three appearances, he shall not be qualified to re-appear for such test before the expiry of a period of sixty days from the date of last such test.]

(6) The test of competence to drive shall be carried out in a vehicle of the type to which the application refers:

12. Sub-S. (5) substituted by Act 54 of 1994, S. 7 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (5) reads as under :-

"(5) Where the applicant does not pass to the satisfaction of the licensing authority the test of competence to drive under sub-S. (3), he shall not be qualified to re-appear for such test, -

(a) in the case of first three such tests, before a period of one month from the date of last such test ; and

(b) in the case of such test after the first three tests, before a period of one year from the date of last such test."

Provided that a person who passed a test in driving a motor cycle with gear shall be deemed also to have passed a test in driving a motor cycle without gear.

(7) When any application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his

Competence to drive, the licensing authority shall issue the applicant a driving licence unless the applicant is for the time being disqualified for holding or obtaining a driving licence :

Provided that a licensing authority may issue a driving licence to drive a motor cycle or a light motor vehicle notwithstanding that it is not the appropriate licensing authority :

Provided further that the licensing authority shall not issue a new driving licence to the applicant, if he had previously held a driving licence, unless it is satisfied that there is good and sufficient reason for his inability to obtain a duplicate copy of his former licence.

(8) If the licensing authority is satisfied, after giving the applicant an opportunity of being heard, that he -

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

(b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or

(c) is a person whose licence to drive any motor vehicle has, at any time earlier, been revoked,

It may for reasons to be recorded in writing, make an order refusing to issue a driving licence to such person and any person aggrieved by an order made by a licensing authority under this sub-section may, within thirty days of the receipt of the order, appeal to the prescribed authority.

(9) Any driving licence for driving a motor cycle in force immediately before the commencement of this Act shall, after such commencement, be deemed to be effective for driving a motor cycle with or without gear.

Corresponding Law.- Sub-sections (1),(2),(3),(6) and (7) of section 9 correspond to sub-sections (1),(2),(6), (7) and (8) respectively, of section 7 of the Motor Vehicles Act, 1939. However, sub-sections (4),(5),(8) and (9) of section9, are new provisions.

Objects and Reasons. - Clause 9 sets out the procedures in the grant of driving licences. A pass in the test of competence to drive a motor vehicle of the type to which the application refers, is a pre-condition for the grant of driving licence. This clause also seeks to empower the Central Government to exempt certain class of persons from the test of competence to drive. This clause also seeks to impose a condition that applicants for licence to drive a transport vehicle should produce alongwith the application a driving certificate from a recognised driving institution. It also provides the circumstances under which a licensing authority may refuse to issue a driving licence.

10. Form and contents of licences to drive. - (1) Every learner's licence and driving licence, except a driving licence issued under section 18, shall be in such form and shall contain such information as may be prescribed by the Central Government.

(2) A learner's licence or as the case may be, driving licence shall also be expressed as entitling the holder to drive a motor vehicle of one or more of the following classes, namely :-

- (a) motor cycle without gear;
- (b) motor cycle with gear ;
- (c) invalid carriage ;
- (d) light motor vehicle ;
- ¹³[(e) transport vehicle ;]

- "(e) Medium goods vehicle ;
- (f) medium passenger motor vehicle ;
- (g) heavy goods vehicle ;
- (h) heavy passenger motor vehicle ;"

^{13.} Substituted for sub-Cls. (e) to (h) by Act 54 of 1994, S. 8 (w.e.f. 14-11-1994). Prior to their substitution, sub-Cls. (e) to (h) read as under :-

- (i) road-roller;
 - (ii) motor vehicle of a specified description.

Corresponding Law.- Section 10 corresponds to section 8 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 10 empowers the Central Government to prescribe the form of learner's licence and the form of driving licence.

11. Additions to driving licence. - (1) Any person holding a driving licence to drive any class or description of motor vehicles, who is not for the time being disqualified for holding or obtaining a driving licence to drive any other class or description of motor vehicles, may apply to the licensing authority having jurisdiction in the area in which he resides or carries on his business in such form and accompanied by such documents and with such fees as may be prescribed by the Central Government for the addition of such other class or description of motor vehicles.

(2) Subject to such rules as may be prescribed by the Central government, the provisions of section 9 shall apply to an application under this section as if the said application were for the grant of a licence under that section to drive the class or description of motor vehicles which the applicant desires to be added to his licence.

Corresponding Law. - Section 11 corresponds to section 8-A of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 11 makes provisions for the addition of another class of motor vehicle to any driving licence on application made by the holder of the licence, and lays down the procedure in making the application.

12. Licensing and regulation of schools or establishments for imparting instruction in driving of motor vehicles.- (1) The Central Government may make rules for the purpose of licensing and regulating, by the State Governments, schools or establishments (by whatever name called) for imparting instruction in driving of motor vehicles and matters connected therewith.

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

(a) licensing of such schools or establishments including grant, renewal and revocation of such licences;

(b) supervision of such schools or establishments ;

(c) the form of application and the form of licence and the particulars to be contained therein ;

(d) fee to be paid with the application for such licences ;

(e) conditions subject to which such licences may be granted;

(f) appeals against the orders of refusal to grant or renew such licences and appeals against the orders revoking such licences ;

(g) conditions subject to which a person may establish and maintain any such school or establishment for imparting instruction in driving of motor vehicles;

(h) nature, syllabus and duration of course or courses for efficient instruction in driving any motor vehicle ;

(i) apparatus and equipments (including motor vehicles fitted with dual control) required for the purpose of imparting such instruction ;

(j) suitability of the premises at which such schools or establishments may be established or maintained and facilities to be provided therein ;

(k) qualifications, both educational and professional (including experience), which a person imparting instruction in driving a motor vehicle shall possess ;

(1) inspection of such schools and establishments (including the services rendered by them and the apparatus, equipments and motor vehicles maintained by them for imparting such instruction);

(m) maintenance of records by such schools or establishments;

(n) financial stability of such schools or establishments ;

(o) the driving certificates, it any, to be issued by such schools or establishments and the form in which such driving certificates shall be issued and the

requirements to be complied with for the purposes of issuing such certificates ;

(p) such other matters as may be necessary to carry out the purposes of this section.

(3) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by rules made in this behalf, exempt generally, either absolutely or subject to such conditions as may be specified in the rules, any class of schools or establishments imparting instruction in driving of motor vehicles or matters connected therewith from the provisions of this section.

(4) A school or establishment imparting instruction in driving of motor vehicles or matters connected therewith immediately before the commencement of this Act, whether under a licence or not may continue to impart such instruction without a licence issued under this Act for a period of one month from such commencement, and if it has made an application for such licence under this Act within the said period of one month and such application is in the prescribed form, contains the prescribed particulars and is accompanied by the prescribed fee, till the disposal of such application by the licensing authority.

Corresponding Law. - This is a new provision in the 1988 Act.

Objects and Reasons. - Clause 12 confers upon the Central Government the power to make rules for the licensing of driving schools by the State Government for imparting instruction in driving motor vehicle. The rules provide for the qualifications of the instructors of the driving schools, conditions subject to which the licences may be granted, the authorities to grand the licence, appellate authorities, etc., the time within which the existing establishments, if any, should apply for the licence. It also empowers the Central Government to exempt any persons or establishments from the operation of the provision of this clause.

13. Extent of effectiveness of licences to drive motor vehicles. - A learner's licence or a driving licence issued under this Act shall be effective throughout India.

Corresponding Law.- Section 13 corresponds to section 9(1) of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 13 specified the extent of validity of a learner's licence and a driving licence. The licences are to be valid throughout India.

14. Currency of licences to drive motor vehicles. - (1) A learner's licence issued under this Act shall, subject to the other provisions of this Act, be effective for a period of six months from the date of issue of the licence.

(2) A driving licence issued or renewed under this Act shall –

(a) in the case of a licence to drive a transport vehicle, be effective for a period of three years : ¹⁴ [*]

¹⁵ [Provided that in the case of licence to drive a transport vehicle carrying goods of dangerous or hazardous nature be effective for a period of one year and renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the prescribed syllabus ; and]

(b) in the case of any other licence -

(i) if the person obtaining the licence, either originally or on renewal thereof, has not attained the age of 16 [fifty years] on the date of issue or, as the case may be, renewal thereof –

(A) be effective for a period of twenty years from the date of such issue or renewal ; or

(B) until the date on which such person attains the age of 17 [fifty years], whichever is earlier ;

 18 [(ii) if the person referred to in sub-clause (i), has attained the age of fifty years on the date of issue or, as the case may be, renewal

14. The word "and" omitted by Act 54 of 1994, S.9 (w.e.f. 14-11-1994).

15. Inserted, ibid (w.e.f. 14-11-1994).

16. Substituted, ibid, for "forty years" (w.e.f. 14-11-1994).

17. Substituted, ibid, for "forty years" (w.e.f. 14-11-1994).

18. Sub-Cl. (ii) substituted by Act 54 of 1994, S. 9 (w.e.f. 14-11-1994). Prior to its substitution, sub-Cl. (ii) read as under :-

"(ii) if the person referred to in sub-clause (i) has attained the age of forty years on the date of issue or , as the case may be, renewal thereof, be effective, for a period of five years from the date of such issue or renewal." thereof, be effective, on payment of such fee as may be prescribed, for a period of five years from the date of such issue or renewal :]

Provided that every driving licence shall, notwithstanding its expiry under this sub-section, continue to be effective for a period of thirty days from such expiry.

Corresponding Law. - Section 14 corresponds to section 10 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 14 lays down that a learner's licence shall be valid for six months. It also provides that in respect of persons who have not attained 40 years of age, the issue and renewal of driving licence, to drive non-transport vehicle, shall be for 20 year or until the date on which the holder attains 40 years of age, whichever is earlier and in respect of persons who have attained 40 years of age, for every 5 years. The issue and renewal of driving licence to drive transport vehicle will be for 3 years and the driving licence shall be deemed to continue to be effective for 30 days after the date of its expiry.

15. Renewal of driving licences. - (1) Any licensing authority may, on application made to it, renew a driving licence issued under the provisions of this Act with effect from the date of its expiry :

Provided that in any case where the application for the renewal of a licence is made more than thirty days after the date of its expiry, the driving licence shall be renewed with effect from the date of its renewal :

Provided further that where the application is for the renewal of a licence to drive a transport vehicle or where in any other case the applicant has attained the age of forty years, the same shall be accompanied by a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8, and the provisions of sub-section (4) of section 8 shall, so far as may be apply in relation to every such case as they apply in relation to a learner's licence.

(2) An application for the renewal of a driving licence shall be made in such form and accompanied by such documents as may be prescribed by the Central Government.

(3) Where an application for the renewal of a driving licence is made

previous to, or not more than thirty days after the date of its expiry, the fee payable for

such renewal shall be such as may be prescribed by the Central Government in this behalf.

(4) Where an application for the renewal of a driving licence is made more than thirty days after the date of its expiry, the fee payable for such renewal shall be such amount as may be prescribed by the Central government :

Provided that the fee referred to in sub-section (3) may be accepted by the licensing authority in respect of an application for the renewal of a driving licence made under this sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from applying within the time specified in sub-section (3) :

Provided further that if the application is made more than five years after the driving licence has ceased to be effective, the licensing authority may refuse to renew the driving licence, unless the applicant undergoes and passess to its satisfaction the test of competence to drive referred to in sub-section (3) of section 9.

(5) Where the application for renewal has been rejected, the fee paid shall be refunded to such extent and in such manner as may be prescribed by the Central Government.

(6) Where the authority renewing the driving licence is not the authority which issued the driving licence it shall intimate the fact of renewal to the authority which issued the driving licence.

Corresponding Law. - Sub-section (1),(2),(3),(4),(5) and (6) of section 15 corresponds to sub-section (1),(2),(3),(3-A)(3-B) and (4), respectively, of section 11 of the Motor Vehicles Act, 1939.

Objects and Reasons. - clause 15 provides that if the application for renewal of driving licence is made within 30 days of its expiry, it shall be renewed from the date of its expiry and application for renewal made after 30 days and before 5 years of its expiry, it shall be renewed from the date of such renewal. Application for renewal of driving licence to drive transport vehicle and application for renewal of driving licence to drive transport vehicle from persons who have attained 45 years of age shall be accompanied by a medical certificate.

16. Revocation of driving licence on grounds of disease or disability. - Notwithstanding anything contained in the foregoing sections, any licensing authority may at any time revoke driving licence or may require, as a condition of continuing to hold such driving licence, the holder thereof to produce a medical certificate in the same form and in the same manner as is referred to in subsection (3) of section 8, if the licensing authority has reasonable grounds to believe that the holder of the driving licence is, by virtue of any disease or disability, unfit to drive a motor vehicle and where the authority revoking a driving licence is not the authority which issued the same, it shall intimate the fact of revocation to the authority which issued that licence.

Corresponding Law. - Section 16 corresponds to section 12 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 16 seeks to empower the licensing authorities to revoke the driving licences if the holder of driving licence is found medically unfit to drive by virtue of any disease or disability.

17. Orders refusing or revoking driving licences and appeals there form. - (1) Where a licensing authority refuses to issue any learner's licence or to issue or renew, or revokes, any driving licence, or refuses to add a class or description of motor vehicle to any driving licence, it shall do so by an order communicated to the applicant or the holder, as the case may be, giving the reasons in writing for such refusal or revocation.

(2) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority which made the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority which made the order.

Corresponding Law. - Section 17 corresponds to section 13 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 17 requires that when the licensing authority refuses to renew, issue or revokes a licence, it shall give its reasons in writing to the holder of the licence. This also provides for appeal against the orders of the licensing authority to the prescribed authority.

18. Driving licences to drive motor vehicles, belonging to the Central Government . - (1) Such authority as may be prescribed by the Central Government may issue driving licence valid throughout India to persons who have completed their eighteen year to drive motor vehicles which are the property or for the time being under the exclusive control of the Central Government and are used for Government purposes relating to the defence of the country and unconnected with any commercial enterprise.

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

(3) A driving licence issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle referred to in sub-section (1).

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

Corresponding Law. - Section 18 corresponds to section 14 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 18 confers upon the Central Government the power to prescribe the authority for the grant of driving licences to drive motor vehicles, which are the property of the Central Government, and are used for Government purposes relating to the defence of the country.

19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence . - (1) If a licensing authority is satisfied, after giving the holder of a driving licence an opportunity of being heard, that the –

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

 (b) is a habitual addict to any narcotic drug or psychotropic substance within the meaning of the Narcotic Drugs and Psychotropic Substances
 Act, 1985 ; or

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

(d) 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 ; or

(e) has obtained any driving licence or a licence to drive a particular class or description of motor vehicle by fraud or misrepresentation ; or

(f) has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act; or

(g) has failed to submit to, or has not passed, the tests referred to in the proviso to sub-section (3) of section 22 ; or

(h) being a person under the age of eighteen years who has been granted a learner's licence or a driving licence with the consent in writing of the person having the care of the holder of the licence and has ceased to be in such care,

it may, for reasons to be recorded in writing, make an order -

(i) disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any classes or descriptions of vehicles specified in the licence ; or

(ii) revoke any such licence.

(2) Where an order under sub-section (1) is made, the holder of a driving licence shall forthwith surrender his driving licence to the licensing authority making the order, if the driving licence has not already been surrendered, and the licensing authority shall, -

(a) if the driving licence is a driving licence issued under this Act, keep it until the disqualification has expired or has been removed ; or (b) if it is not a driving licence issued under this Act, endorse the disqualification upon it and send it to the licensing authority by which it was issued ; or

(c) in the case of revocation of any licence, endorse the revocation upon it and if it is not the authority which issued the same, intimate the fact of revocation to the authority which issued that licence ;

Provided that where the driving licence of a person authorises him to drive more than one class or description of motor vehicles and the order, made under subsection (1), disqualifies him from driving any specified class or description of motor vehicles, the licensing authority shall endorse the disqualification upon the driving licence and return the same to the holder.

(3) Any person aggrieved by an order made by a licensing authority under sub-section (1) may, within thirty days of the receipt 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 pass such order as it thinks fit and an order passed by any such appellate authority shall be final.

Corresponding Law. - Section 19 corresponds to section 15 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause19 contains provisions for the disqualification of the holder of the licence, by the licensing authorities, for holding or obtaining the licence for a specified period or for revoking the licence for the reasons enumerated in this clause. It also makes provision for appeal against the orders of the licensing authorities to the prescribed authorities.

20. Power of Court to disqualify. - (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 Act, in addition to imposing any other punishment authorised by law, declare the persons so convicted to be disqualified, for such period as the Court may specify, from holding any driving licence to drive all classes or description of vehicles, or any particular class or description of such vehicles, as are specified in such licence :

Provided that in respect of an offence punishable under section 183 no such order shall be made for the first or second offence.

(2) Where a person is convicted of an offence under clause (c) of subsection (1) of section 132, section 134 or section 185, the Court convicting any person of any such offence shall order the disqualification under sub section (I) and if the offence is relatable to clause (c) of sub-section (1) of section 132 or section 134, such disqualification shall be for a period of not less than one month, and if the offence is relatable to section 185, such disqualification shall be for a period of not less than six months.

(3) A Court shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise, order the disqualification of a person –

(a) who having been convicted of an offence punishable under section 184 is again convicted of an offence punishable under that section,

(b) who is convicted of an offence punishable under section 189, or

(c) who is convicted of an offence punishable under section 192 :

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

(4) A Court ordering the disqualification of a person convicted of an offence punishable under section 184 may direct that such person shall, whether he has previously passed the test of competence to drive as referred to in sub-section (3) of section 9 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.

(5) The Court to which an appeal would ordinarily lie from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made under that sub-section notwithstanding that no appeal would lie against the conviction as a result of which such order of disqualification was made.

Corresponding Law. - Sub-section (1), (2), (3), (4), and (5) of section 20 corresponds to sub-sections (1), (4), (5), (6) and (7) respectively, of section 17 of the Motor Vehicles Act, 1939.

Objects and Reasons. -Clause 20 seeks to authorise the Courts to disqualify the holders of driving licences for a specified period on conviction under this Act.

21. Suspension of driving licence in certain cases . - (1) Where, in relation to a person who had been previously convicted of an offence punishable under section 184, a case is registered by a police officer on the allegation that such person has, by such dangerous driving as is referred to in the said section 184, of any class or description of motor vehicle caused the death of , or grievous hurt to, one or more persons, the driving licence held by such person shall in relation to such class or description of motor vehicle become suspended –

(a) for a period of six months from the date on which the case is registered, or

(b) if such person is discharged or acquitted before the expiry of the period aforesaid, until such discharge or acquittal, as the case may be.

(2) Where, by virtue of the provisions of sub-section (1), the driving licence held by a person becomes suspended, the police officer, by whom the case referred to in sub-section (1) is registered, shall bring such suspension to the notice of he Court competent to take cognizance of such offence, and thereupon, such Court shall take possession of the driving licence, endorse the suspension thereon and intimate the fact of such endorsement to the licensing authority by which the licence was granted or last renewed.

(3) Where the person referred to in sub-section (1) is acquitted or discharged, the Court shall cancel the endorsement on such driving licence with regard to the suspension thereof.

(4) If a driving licence in relation to a particular class or description of motor vehicles is suspended under sub-section (1), the person holding such licence shall be debarred from holding or obtaining any licence to drive such particular class or description of motor vehicles so long as the suspension of the driving licence remains in force.

Corresponding Law. - Section 21 corresponds to section 17-A of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 21 provides for automatic suspension of the driving licence of the person who has caused the death of or grievous hurt to one or more persons, for a period of 6 months or until the person is discharged or acquitted by the Court, whichever is earlier.

22. Suspension or cancellation of driving licence on conviction. - (1) Without prejudice to the provisions of sub-section (3) of section 20 where a person, referred to in sub-section (1) of section 21 is convicted of an offence of causing, by such dangerous driving as is referred to in section 184 of any class or description of motor vehicle the death of or grievous hurt to, one or more persons, the Court by which such person is convicted may cancel, or suspend for such period as it may think fit, the driving licence held by such person insofar as it relates to that class or description of motor vehicle.

(2) Without prejudice to the provisions of sub-section (2) of section 20, if a person, having been previously convicted of an offence punishable under section 185 is again convicted of an offence punishable under that section, the Court, making such subsequent conviction, shall, by order, cancel the driving licence held by such person.

(3) If a driving licence is cancelled or suspended under this section, the Court shall take the driving licence in its custody, endorse the cancellation or, as the case may be, suspension, thereon and send the driving licence so endorsed to the authority by which the licence was issued or last renewed and such authority shall, on receipt of the licence, keep the licence in its safe custody, and in the case of a suspended licence, return the licene to the holder thereof after the expiry of the period of suspension on an application made by him for such return.

Provided that no such licence shall be returned unless the holder thereof has, after the expiry of the period of suspension, undergone and passed, to the satisfaction of the licensing authority by which the licence was issued or last renewed, a fresh test of competence to drive referred to in sub-section (3) of section 9 and produced a

medical certificate in the same form and in the same manner as is referred to in subsection (3) of section 8.

(4) If a licence to drive a particular class or description of motor vehicles is cancelled or suspended under this section, the person holding such a licence shall be debarred from holding, or obtaining, any licence to drive such particular class or description of motor vehicles so long as the cancellation or suspension of the driving licence remains in force.

Corresponding Law. - Section 22 corresponds to section 17-B of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 22 confers upon the Court convicting the holders of licences for certain offences, the powers to suspend or cancel the driving licences. It also provides for a compulsory test of competence to drive and a strict medical test for the drivers involved in fatal accidents before the licence is returned to the holder. Failure in any one of the two tests will entail in cancellation of the licence under clause 19.

23. Effect of disqualification order. - (1) A person in respect of whom any disqualification order is made under section 19 or section 20 shall be debarred to the extent and for the period specified in such order from holding or obtaining a driving licence and the driving licence, if any, held by such person at the date of the order shall cease to be effective to such extent and during such period.

(2) the operation of a disqualification order made under section 20 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, either cancel or vary the disqualification order : Provided that where the Court or other authority refuses to cancel or vary any disqualification order under this section, a second application thereunder shall not be entertained before the expiry of a period of three months from the date of such refusal.

Corresponding Law. - Section 23 corresponds to section 18 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 23 lays down that on the orders of the Courts disqualifying the holder of the licence, the licence shall cease to be effective.

24. Endorsement. - (1) The Court or authority making an order of disqualification shall endorse or cause to be endorsed upon the driving licence, if any, held by the person disqualified, particulars of the order of disqualification and of any conviction of an offence in respect of which an order of disqualification is made ; and particulars of any cancellation or variation of an order of disqualification made under sub-section (3) of section 23 shall be similarly so endorsed.

(2) A Court by which any person is convicted of an offence under this Act as may be prescribed by the Central Government, having regard to the objects of this Act, shall, whether or not a disqualification order is made in respect of such conviction, endorse or cause to be endorsed particulars of such conviction on any driving licence held by the person convicted.

(3) Any person accused of an offence prescribed under sub-section (2) shall when attending the Court bring with him his driving licence if it is in his possession.

(4) Where any person is convicted of any offence under this Act and sentenced to imprisonment for a period exceeding three nonths, the Court awarding the sentence shall endorse the fact of such sentence upon the driving licence of the person concerned and the prosecuting authority shall intimate the fact of such endorsement to the authority by which the driving licence was granted or last renewed.

(5) When the driving licence is endorsed or caused to be endorsed by any Court, such Court shall send the particulars of the endorsement to the licensing authority by which the driving licence was granted or last renewed.

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

Corresponding Law. - Sub-section 1(, (2), and (3) of section 24 corresponds to sub-sections (1), (2) and (3), respectively, of section 19 of the Motor Vehicles Act, 1939. However, sub-sections (4), (5) and (6) of section 24 are new provisions.

Objects and Reasons. - Clause 24 requires the Court or the Authorities making an order of disqualification, to make entries of such disqualifications in the driving licences held by that person.

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

(2) Where a driving licence is required to be endorsed and the driving licence is 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 driving licence, he shall produce the driving licence to the Court or authority within five days, or such longer time as the Court or authority may fix ; or

(b) if, not being then the holder of a driving licence, he subsequently obtains a driving licence, he shall within five days after obtaining the driving licence produce it to the Court or authority ;

and if the driving licence is not produced within the time specified, it shall, on the expiration of such time, be of no effect until it is produced for the purpose of endorsement.

(3) A person whose driving licence has been endorsed shall, if during a continuous period of three years after such endorsement no further endorsement has been made against him, be entitled on surrendering his driving licence and on payment of a fee of five rupees, to receive a new driving licence free from all endorsements :

Provided that if the endorsement is only in respect of an offence contravening the speed limits referred to in section 112, such person shall be entitled to receive a new driving licence free from such endorsements on the expiration of one year of the date of the endorsement :

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

Corresponding Law.- Section 25 corresponds to section 20 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 25 enables the licensing authorities to transfer the endorsements of disqualification to any new or duplicate licences issued to the holder of the licence. It also provides for the issue of fresh driving licence free of endorsements, if during a continuous period of three years from the last endorsement, there has been no further orders of endorsement.

26. Maintenance of State Registers of Driving Licences. - (1) Each State Government shall maintain, in such form as may be prescribed by the Central Government, a register to be known as the State Register of Driving Licences, in respect of driving llicences issued and renewed by the licensing authorities of the State Government, containing the following particulars, namely :-

- (a) names and addresses of holders of driving licences ;
- (b) licence numbers ;
- (c) dates of issue or renewal of licences ;
- (d) dates of expiry of licences ;
- (e) classes and types of vehicles authorised to be driven ; and

(f) such other particulars as the Central government may prescribe.

(2) Each State government shall supply to the Central Government a ¹⁹[printed copy or copy in such other form as the Central Government may require], of the State Register of Driving Licences, and shall inform the Central Government without delay of all additions to and other amendments in such register made from time to time.

(3) The State Register of Driving Licences shall be maintained in such manner as may be prescribed by the State Government.

Corresponding Law. - This is a new provision in the 1988 Act.

Objects and Reasons. - Clause 26 contains provisions for the maintenance of a State register of driving licences by the States in such form as may be prescribed by the Central Government. It also provides that the State Governments shall furnish a copy of the State register on direction by the Central Government.

27. Power of Central Government to make rules. - The Central Government may make rules –

(a) regarding conditions referred to in sub-section (2) of section 3;

(b) providing for the form in which the application for learner's licence may be made, the information it shall contain and the documents to be submitted with the application referred to in sub-section (2) of section 8 ;

(c) providing for the form of medical certificate referred to in subsection 3 of section 8;

(d) providing for the particulars for the test referred to in sub-section (5) of section 8 ;

(e) providing for the form in which the application for driving licence may be made, the information it shall contain and the documents to be submitted with the application referred to in sub-section (2) of section 9. ;

(f) providing for the particulars regarding test of competence to drive, referred to in sub-section (3) of section 9;

19. Substituted for "printed copy" by Act 54 of 1994, S. 10 (w.e.f. 14-11-1994).

(g) specifying the minimum educational qualifications of persons to whom licences to drive transport vehicles may be issued under this Act and the time within which such qualifications are to be acquired by such persons;

(h) providing for the form and contents of the licences referred to in subsection (1) of section 10;

(i) providing for the form and contents of the application referred to in sub-section (1) of section 11 and documents to be submitted with the application and the fee to be charged ;

(j) providing for the conditions subject to which section 9 shall apply to an application made under section 11;

(k) providing for the form and contents of the application referred to in sub-section (1) of section 15 and the documents to accompany such application under sub-section (2) of section 15 ;

(l) providing for the authority to grant licences under sub-section (1) of section 18;

(m) specifying the fees payable under sub-section (2) of section 8, sub-section (2) of section 9 and sub-section (3) and (4) of section 15 for the grant of learner's licences, and for the grant and renewal of driving licences and licences for the purpose of regulating the schools or establishments for imparting instructions in driving motor vehicles ;

(n) specifying the acts for the purposes of clause (f) of sub-section (1) of section 19;

(o) specifying the offences under this Act for the purposes of sub-section(2) of section 24 ;

(p) to provide for all or any of the matters referred to in sub-section (1) of section 26;

(q) any other matter which is, or has to be, prescribed by the Central Government.

Corresponding Law. - Section 27 corresponds to section 20-A of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 27 seeks to empower the Central Government to make rules on certain matters where the Act directs the Central Government to do so.

28. Power of State Government to make rules. - (1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 27.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for –

(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 pain in respect of such appeals and the refund of such fees :

Provided that no fee so fixed shall exceed twenty-five rupees ;

(c) the issue of duplicate licences to replace licences lost, destroyed or mutilated, the replacement of photographs which have become obsolete and the fees to be charged therefor ;

(d) the badges and uniform to be worn by drivers of transport vehicles and the fees to be paid in respect of badges ;

(e) the fee payable for the issue of a medical certificate under subsection (3) of section 8;

(f) the exemption of prescribed persons, or prescribed classes of persons, from payment of all or any portion of the fees payable under this Chapter;

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

(h) the duties, functions and conduct of such persons to whom licences to drive transport vehicles are issued ;

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

(j) the manner in which the State Register of Driving Licences shall be maintained under section 26;

(k) any other matter which is to be, or may be, prescribed.

Corresponding Law. - Section 28 corresponds to section 21 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 28 seeks to empower the State Government to make rules on certain matters where the Act specifically confer the power on the State Governments.

CHAPTER III

LICENSING OF CONDUCTORS OF STAGE CARRIAGES

29. Necessity for conductor's licence. - (1) No person shall act as a conductor of a stage carriage unless he holds an effective conductor's licence issued to him authorising him to act as such conductor, and no person shall employ or permit any person who is not so licensed to act as a conductor of a stage carriage.

(2) A State Government may prescribe the conditions subject to which subsection (1) shall not apply to a driver of a stage carriage performing the functions of a conductor or to a person employed to act a conductor for a period not exceeding one month.

Corresponding Law. - Section 29 corresponds to section 21-A of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 29 provides for the need to have a conductor's licence and prohibits persons in employing as conductor, a person who is not licensed as a conductor. It also confers upon the State Government the power to prescribe conditions subject to which this clause shall not apply to certain persons.

30. Grant of conductor's licence. - (1) Any person who possesses such minimum educational qualification as may be prescribed by the State Government and is not disqualified under sub-section (1) of section 31 and who is not for the time being disqualified for holding or obtaining a conductor's licence may apply to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business for the issue to him of a conductor's licence.

(2) Every application under sub-section (1) shall be in such form and shall contain such information as may be prescribed.

(3) Every application for a conductor's licence shall be accompanied by a medical certificate in such form as may be prescribed, signed by a registered medical practitioner and shall also be accompanied by two clear copies of a recent photograph of the applicant.

(4) A conductor's licence issued under this Chapter shall be in such form and contain such aprticulars as may be prescribed and shall be effective throughout the State in which it is issued.

(5) The fee for a conductor's licence and for each renewal thereof shall be one-half of that for a driving licence.

Corresponding Law.- Section 30 corresponds to section 21-B of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 30 lays down the procedure in making an application for a conductor's licence, the form of the licence and the fee.

31. Disqualifications for the grant of conductor's licence. - (1) No person under the age of eighteen years shall hold, or be granted, a conductor's licence.

(2) The licensing authority may refuse to issue a conductor's licence –

(a) if the applicant does not possess the minumum educational qualification;

(b) if the medical certificate produced by the applicant discloses that he is physically unfit to act as a conductor ; and

(c) if any previous conductor's licence held by the applicant was revoked.

Corresponding Law. - Section 31 corresponds to section 21-C of the Motor Vehicles Act, 1939.

Objects and Reasons. - clause 31 lays down certain norms which will constitute disqualification for the grant of conductor's licence.

32. Revocation of a conductor's licence on grounds of disease or disability. - A conductor's licence may at any time be revoked by any licensing authority if that authority has reasonable grounds to believe that the hold of the licence is suffering from any disease or disability which is likely to render him permanently unfit to hold such a licence and where the authority revoking a conductor's licence is not the authority which issued the same, it shall intimate the fact of such revocation to the authority which issued that licence :

Provided that before revoking any licence, the licensing authority shall give the person holding such licence a reasonable opportunity of being heard.

Corresponding Law. - Section 32 corresponds to section 21-D of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 32 corresponds to clause 16.

33. Orders refusing, etc. conductor's licences and appeals therefrom. - (1) Where a licensing authority refuses to issue or renew, or revokes any conductor's licence, it shall do so by an order communicated to the applicant or the holder, as the case may be, giving the reasons in writing for such refusal or revocation.

(2) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority which made the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority which made the order.

Corresponding Law.- Section 33 corresponds to section 21-E of the Motor Vehicles Act, 1939.

Objects and Reasons .- clause 33 corresponds to clause 17.

34. Power of licensing authority to disqualify .- (1) If any licensing authority is of opinion that it is necessary to disqualify the holder of a conductor's licence for holding or obtaining such a licence on account of hisprevious 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 :

Provided that before disqualifying the holder of a licence, the licensing authority shall give the person holding such licence a reasonable opportunity of being heard.

(2) Upon the issue of any such order, the holder of the conductor's licence shall forthwith surrender the licence to the authority making the order, if the licence has not already been surrendered, and the authority shall keep the licence until the disqualification has expired or has been removed.

(3) Where the authority disqualifying the holder of a conductor's licence under this section is not the authority which issued the licence, it shall intimate the fact of such disqualification to the authority which issued the same.

(4) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority which made the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority which made the order.

Corresponding Law.- Section 34 corresponds to section 21-F of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 34 corresponds to clause 19.

35. Power of Court to disqualify. - (1) 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.

(2) The Court to which an appeal lies from any conviction of an offence under this Act may set aside or vary any order of disqualification made by the Court below, and the Court to which appeals ordinarily lie from such 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.

Corresponding Law.- Section 35 corresponds to section 21-G of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 35 corresponds to clause 20.

36. Certain provisions of Chapter II to apply to conductor's licence. -The provisions of sub-section (2) of section 6, section 14, 15 and 23, sub-section (1) of section 24 and section 25 shall, so far as may be, apply in relation to a conductor's licence, as they apply in relation to a driving licence.

Corresponding Law.- Section 36 corresponds to section 21-H of the Motor Vehicles Act, 1939.

Objects and Reasons.- Clause 36 provides that certain provisions of Chapter II, shall apply to conductor's licence.

37. Savings. - If any licence to act as a conductor of a stage carriage (by whatever name called) has been issued in any State and is effective immediately before the commencement of this Act, it shall continue to be effective, notwithstanding such commencement, for the period for which it would have been effective, if this Act had not been passed, and every such licence shall be deemed to be a licence issued under this Chaper as if this Chapter had been in force on the date on which that licence was granted.

Corresponding Law.- Section 37 corresponds to section 21-I of the Motor Vehicles Act, 1939.

Objects and Reasons.- Clause 37 saves any licence to act as a conductor of a stage carriage issued prior to the commencement of this Act.

38. Power of State Government to make rules. - (1) A State 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 –

(a) the appointment, jurisdiction, control and functions of licensing authorities and other prescribed authorities under this Chapter ;

(b) the conditions subject to which drivers of stage carriages performing the functions of a conductor and persons temporarily employed to act as conductor's may be exempted from the provisions of sub-section (1) of section 29;

(c) the minimum educational qualifications of conductor's ; their duties and functions and the conduct of person to whom conductor's licences are issued ;

(d) the form of application for conductor's licences or for renewal of such licences and the particulars it may contain ;

(e) the form in which conductor's licences may be issued or renewed and the particulars it may contain ;

(f) the issue of duplicate licences to replace licences lost, destroyed or mutilated, the replacement of photographs which have become obsolete and the fees to be charged therefor ;

(g) 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 twenty-five rupees ;

(h) the badges and uniform to be worn by conductor's of stage carriages and the fees to be paid in respect of such badges ;

(i) the grant of the certificates referred to in sub-section (3) of section 30 by registered medical practitioners and the form of such certificates ;

(j) the conditions subject to which, and the extent to which, a conductor's licence issued in another State shall be effective in the State ;

(k) the communication of particulars of conductor's licences from one authority to other authorities ; and

(1) any other matter which is to be, or may be, prescribed.

Corresponding Law.- Section 38 corresponds to section 21-J of the Motor Vehicles Act, 1939.

Objects and Reasons.- Clause 38 confers upon the State Government the power to make rules for the purpose of giving effect to the provisions of this Chapter.

<u>CHAPTER IV</u>

REGISTRAION OF MOTOR VEHICLES

39. Necessity for registration .- No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in anypublic place or in any other place unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not neen suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner:

Provided that nothing in this section shall apply to a motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government.

Corresponding Law.- Section 39 corresponds to section 22 of the Motor Vehicles Act, 1939.

Objects and Reasons.- Clause 39 prohibits the driving of a motor vehicle in any public place or in any other place without registering it under the provisions of this Chapter. It also empowers the State Government to prescribe conditions subject to which the provisions of this clause will not apply to the motor vehicles in possession of dealers.

40. Registration, where to be made. - Subject to the provisions of section 42, section 43 and section 60, every owner of a motor vehicle shall cause the vehicle to be registered by a registering authority in whose jurisdiction he has the residence or place of business wherr the vehicle is normally kept.

Corresponding Law.- Section 40 corresponds to section 23 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 40 lays down that a motor vehicle should be registered by the registering authority in whose jurisdiction the owner of the motor vehicle resides or where the motor vehicle is normally kept.

41. Registration, how to be made. -(1) An application by or on behalf of the owner of a motor vehicle for registration shall be in such form and shall be accompanied by such documents, particulars and information and shall be made within such period as may be prescribed by the Central Government :

Provided that where a motor vehicle is jointly owned by more persons than one, the application shall be made by one of them on behalf of all the owners and such applicant shall be deemed to be the owner of the motor vehicle for the purpose of this Act.

(2) An application referred to in sub-section (1) shall be accompanied by such fee as may be prescribed by the Central Government.

(3) The registering authority shall issue to the owner of a motor vehicle registered by it a certificate of registration in such form and containing such particulars and information and in such manner as may be prescribed by the Central Government.

(4) In addition to the other particulars required to be included in the certificate of registration, it shall also specify the type of the motor vehicle, being a type as the Central Government may, having regard to the design, construction and use of the motor vehicle, by notification in the Official Gazette, specify.

(5) The registering authority shall enter the particulars of the certificate referred to in sub-section (3) in a register to be maintained in such form and manner as may be prescribed by the Central Government.

(6) The registering authority shall assign to the vehicle, for display thereon, a distinguishing mark (in this Act referred to as the registration mark) consisting of one of the groups of such of those letters and followed by such letters and figures as are allotted to the State by the Central Government from time to time by notification in the Official Gazette, and displayed and shown on the motor vehicle in such form and in such manner as may be prescribed by the Central Government.

(7) A certificate of registration issued under sub-section (3), whether before or after the commencement of this Act, in respect of a motor vehicle, other than a transport vehicle, shall, subject to the provisions contained in this Act, be valid only for a period of fifteen years from the date of issue of such certificate and shall be renewable.

(8) An application by or on behalf of the owner of a motor vehicle, other than a transport vehicle, for the renewal of a certificate of registration shall be made within such period and in such form, containing such particulars and information as may be prescribed by the Central Government.

(9) An application referred to in sub-section (8) shall be accompanied by such fee as may be prescribed by the Central Government.

(10) Subject to the provisions of section 56, the registering authority may, in receipt of an application under sub-section (8), renew the certificate of registration for a period of five years and intimate the fact to the original registering authority, if it is not the original registering authority.

(11) If the owner fails to make an application under sub-section (1), or, as the case may be, under sub-section (8) within the period prescribed, the resistering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 177, such

amount not exceeding one hundred rupees as may be prescribed under sub-section

(13);

Provided that action under section 177 shall be taken against the owner where the owner fails to pay the said amount.

(12) Where the owner has paid the amount under sub-section (11), no action shall be taken against him under section 177.

(13) For the purposes of sub-section (11), the State Government may prescribe different amounts having regard to the period of delay on the part of the owner in making an application under sub-section (1) or sub-section (8).

(14) An application for the issue of a duplicate certificate of registration shall be made to the 20 [last registering authority] in such form, containing such particulars and information alongwith such fee as may be prescribed by the Central Government.

Corresponding Law.- Section 41 corresponds to section 24 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 41 provides the form and fee for application for registration of motor vehicle, the form in which the certificate of registration shall be issued by the registering authorities, the form of records in which the particulars of vehicles registered shall be kept by the registering authorities, the distinguishing marks and manner in which such marks consisting of letters and figures shall be exhibited in motor vehicle. It also lays down that the certificate of registration shall be valid for a period of 15 years and shall be renewable for a period of 5 years and the registering authority who is competent to issue duplicate certificate of registration is the original registering authority.

42. Special provision for registration of motor vehicles of diplomatic officers, etc. - (1) Where an application for registration of a motor vehicle is made under sub-section (1) of section 41 by or on behalf of any diplomatic officer or consular officer, then notwithstanding anything contained in sub-section (3) or sub-section (6) of that section, the registering authority shall register the vehicle in such manner and in accordance with such procedure as may be provided by

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rules made in this behalf by the Central Government under sub-section (3) and shall

assign to the vehicle for display thereon a special registration mark in accordance with the provisions contained in those rules and shall issue a certificate (hereafter in this

20. Substituted for "original registering authority" by Act 54 of 1994, S.14 (w.e.f. 14-11-1994).

section referred to as the certificate of registration) that the vehicle has been registered under this section ; and any vehicle so registered shall not, so long as it remains the property of any diplomatic officer or consular officer, require to be registered otherwise under this Act.

(2) If any vehicle registered under this section ceases to be the property of any diplomatic officer or consular officer, the certificate of registration issued under this section shall also cease to be effective, and the provisions of sections 39 and 40 shall thereupon apply.

(3) The Central Government may make rules for the registration of motor vehicles belonging to diplomatic officers and consular officers regarding the procedure to be followed by the registering authority for registering such vehicles, the form in which the certificates of registration of such vehicles are to be issued, the manner in which such certificates of registration are to be sent to the owners of the vehicles and the special registration to marks to be assigned to such vehicles.

(4) For the purposes of this section, "diplomatic officer" or "consular officer" means any person who is recognised as such by the Central Government and if any question arises as to whether a person is or is not such an officer, the decision of the Central Government thereon shall be final.

Corresponding Law.- Section 42 corresponds to section 24-A of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 42 provides procedure for registration of motor vehicles belonging to diplomatic and consular officers. The form in which certificate of registration for such vehicles are to be issued, the manner in which such registration

certificate are to be sent to the owners and the special registration marks to be assigned to such vehicles are to be prescribed by the Central Government.

43. Temporary registration .- (1) Notwithstanding anything contained in section 40 the owner of a motor vehicle may apply to any registering authority or other prescribed authority to have the vehicle temporarily registered in the prescribed manner and for the issued in the prescribed manner of a temporary certificate of registration and a temporary registration mark.

(2) A registration made under this section shall be valid only for a period not exceeding one month, and shall not be renewable :

Provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted ²¹ [with a body or any unforeseen circumstances beyond the control of the owner], the period may, on payment of such fees, if any, as may be prescribed, be extended by such further period or

Periods as the registering authority or other prescribed authority, as the case may be, may allow.

 22 [(3)In a case where the motor vehicle is held under hire-purchase agreement, lease or hypothecation, the registering authority or other prescribed authority shall issue a temporary certificate of registration of such vehicle, which shall incorporate legibly and prominently the full name and address of the person with whom such agreement has been entered into by the owner.]

Corresponding Law. - Section 43 corresponds to section 25 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 43 confers power upon the registering authorities to register a motor vehicle temporarily and the Central Government is to prescribe the manner in which the certificate is to be issued and the manner of exhibition of the registration marks. The registration marks will be valid for a period not exceeding one month and on certain circumstances for such further period as the registering authority may allow.

44. Production of vehicle at the time of registration. - the registering authority shall before proceeding to register a motor vehicle or renew the certificate of registration in respect of a motor vehicle, other than a transport vehicle, require the person applying for registration of the vehicle or, as the case may be, for renewing the certificate of registration to produce the vehicle either before itself or such authority as

21. Substituted for "with a body" by Act 54 of 1994, S. 12 (w.e.f. 14-11-1994).

22. Inserted by Act 54 of 1994, S. 12 (w.e.f. 14-11-1994).

the State Government may be order appoint 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 this Act and of the rules made thereunder.

Corresponding Law.- Section 44 corresponds to section 26 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 44 seeks to empower the registering authorities to require the person applying for registration of a motor vehicle or for the renewal of registration of a motor vehicle to produce the vehicle for inspection to ensure that the particulars given in the form of application are correct and the vehicles comply with the requirements of this Act.

45. Refusal of registration or renewal of the certificate of registration. - The registering authority may, by order, refuse to register any motor vehicle, or renew the certificate of registration in respect of a motor vehicle (other than a transport vehicle), if in either case, the registering authority has reason to believe that it is a stolen motor vehicle or the vehicle is mechanically defective or fails to comply with the requirements of this Act or of the rules made thereunder, or if the applicant fails to furnish particulars of any previous registration of the vehicle or furnishes inaccurate particulars in the application for registration of the vehicle or, as the case may be, for renewal of the certificate of registration thereof and the registering authority shall furnish the applicant whose vehicle is refused registration, or whose application for renewal of the certificate of registration is refused, a copy of such order, together with the reasons for such refusal. *Corresponding Law.*- Section 45 corresponds to section 27 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 45 empowers the registering authorities to refuse to register any motor vehicle or refuse to renew the certificate of registration of a motor vehicle in certain cases and require the registering authorities to record in writing the reason for such refusal.

46. Effectiveness is India of registration. - Subject to the provisions of section 47, a motor vehicle registered in accordance with this Chapter in any State shall not require to be registered elsewhere in India and a certificate of registration issued or in force under this Act in respect of such vehicle shall be effective throughout India.

Corresponding Law.- Section 46 corresponds to section 28 of the Motor Vehicles Act, 1939.

Objects and Reasons.- Clause 46 lays down that the certificate of registration of a motor vehicle shall be effective throughout India.

47. Assignment of new registration mark on removal to another State. - (1) When a motor vehicle registered in One State has been kept in another State, for a period exceeding twelve months, the owner of the vehicle shall, within such period and in such form containing such particulars as may be prescribed by the Central Government, 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 to that registering authority :

Provided that an application under this sub-section shall be accompanied –

- (i) by the no objection certificate obtained under section 48, or
- (ii) in a case where no such certificate has been obtained, by -

(a) the receipt obtained under sub-section (2) of section 48; or

(b) the postal acknowledgement received by the owner of the vehicle if he has sent an application in this behalf by registered post acknowledgement due to the registering authority referred to in section 48,

together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted :

Provided further that, in a case where a motor vehicle is held under a hirepurchase, lease or hypothecation agreement, an application under this sub-section shall be accompanied by a no objection certificate from the person with whom such agreement has been entered into, and the provisions of section 51, so far as may be, regarding obtaining of such certificate from the person with whom such agreement has been entered into, shall apply.

(2) The registering authority, to which application is made under sub-section (1), shall after making such verification, as it thinks fit, of the returns, if any, received under section 62, assign the vehicle a registration mark as specified in sub-section (6) of section 41 to be displayed and shown thereafter on the vehicle and shall enter the mark upon the certificate of registration Before returning it to the applicant and shall, in communication with 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) Where a motor vehicle is held under a hire-purchase or lease or hypothecation agreement, the registering authority shall, after assigning the vehicle a registration mark under sub-section (2), inform the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the hire-purchase or lease or hypothecation agreement (by sending to such person a notice by registered post acknowledgement due at the address of such person entered in the certificate of registration the fact of assignment of the said registration mark).

(4) A State Government may make rules under section65 requiring the owner of a motor vehicle not registered within the State, which is brought into or is

for the time being in the State, to furnish to the prescribed authority in the State such

information with respect to the motor vehicle and its registration as may be prescribed.

(5) If the owner fails to make an application under sub-section (1) within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 177, such amount not exceeding one hundred rupees as may be prescribed under sub-section (7) :

Provided that action under section 177 shall be taken against the owner where the owner fails to pay the said amount.

(6) Where the owner has paid the amount under sub-section (5), no action shall be taken against him under section 177.

(7) For the purposes of sub-section (5), the State Government may prescribe different amounts having regard to the period of delay on the part of the owner in making an application under sub-section (1).

Corresponding Law.- Section 47 corresponds to section 29 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 47 requires that a motor vehicle registered in one State and kept in another State for a period exceeding 12 months shall be assigned a new registration mark in that other State. It lays down the procedure in making the application for assignment of new registration mark, the documents to be enclosed with the application and the procedure to be followed by the registering authorities in assigning the new registration mark. It also empowers the State Government to make rules to require the owners of motor vehicles, required to be re-registered in this State, to furnish such information as may be required.

48. No objection certificate. - (1) The owner of a motor vehicle when applying for the assignment of a new registration mark under sub-section (1) of section 47, or where the transfer of a motor vehicle is to be effected in a State other than the State of its registration, the transferor of such vehicle when reporting the

transfer under sub-section (1) of section 50, shall make an application in such form

and in such manner as may be prescribed by the Central Government to the registering authority by which the vehicle was registered for the issue of a certificate (hereafter in this section referred to as the no objection certificate), to the effect that the registering authority has no objection for assigning a new registration mark to the vehicle or, as the case may be, for entering the particulars of the transfer of ownership in the certificate of registration.

(2) The registering authority shall, on receipt of an application under subsection (1), issue a receipt in such form as may be prescribed by the Central Government.

(3) On receipt of an application under sub-section (1), the registering authority may, after making such inquiry and requiring the applicant to comply with such directions as it deems fit and within thirty days of the receipt thereof, by order in writing, communicate to the applicant that it has granted or refused to grant the no objection certificate :

Provided that a registering authority shall not refuse to grant the no objection certificate unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.

(4) Where within a period of thirty days referred to in sub-section (3), the registering authority does not refuse to grant the no objection certificate or does not communicate the refusal to the applicant, the registering authority shall be deemed to have granted the no objection certificate.

(5) Before granting or refusing to grant the no objection certificate, the registering authority shall obtain a report in writing from the police that no case relating to the theft of the motor vehicle concerned has been reported or is pending, verify whether all the amounts due to Government including road tax in respect of that motor vehicle have been paid and take into account such other factors as may be prescribed by the Central Government.

²³[(6) The owner of the vehicle shall also inform at the earliest, in writing, the registering authority about the theft of his vehicle together with the name of the police station where the theft report was lodged, and the registering authority shall take into account such report while disposing of any application for no objection certification, registration, transfer of ownership or issue of duplicate registration certificate].

Corresponding Law. - Section 48 corresponds to section 29-A of the Motor Vehicles Act, 1939.

23. Inserted by Act 54 of 1994, S. 13 (w.e.f. 14-11-1994).

Objects and Reasons. - Clause 48prescribed that a No Objection Certificate shall be produced alongwith an application for assignment of new registration mark or transfer of ownership. It lays down the procedure to make application for NOC to the registering authority, the procedure to be followed by the registering authority in issuing the NOC and in case of refusal in granting the NOC reasons to be given in writing by the registering authority.

49. Change of residence or place of business. - (1) If the owner of a motor vehicle ceases to reside or have his place of 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 in such form accompanied by such documents as may be prescribed by the Central Government, 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 or, as the case may be, to the other registering authority in order that the new address may be entered therein.

(2) If the owner of a motor vehicle fails to intimate his new address to the concerned registering authority within the period specified in sub-section (1), the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 177, such amount not exceeding one hundred rupees as may be prescribed under sub-section (4) :

Provided that action under section 177 shall be taken against the owner where he fails to pay the said amount.

(3) Where a person has paid the amount under sub-section (2), no action shall be taken against him under section 177.

(4) For the purposes of sub-section (2), a State government may prescribe different amounts having regard to the period of delay in intimating his new address.

(5) On receipt of intimation under sub-section (1), the registering authority may, after making such verification as it may think fit, cause the new address to be entered in the certificate of registration.

(6) A registering authority other than the original registering authority making any such entry shall communicate the altered address to the original registering authority.

(7) Nothing in sub-section (1) shall 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.

Corresponding Law.- Section 49 corresponds to section 30 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 49 requires that the owner of a motor vehicle shall, within 30 days, report the change of his address to the registering authority in whose jurisdiction he has shifted his residence for recording the change of address in the certificate of registration. Failure to do so will entail in prosecution. It also provides that in lieu of prosecution, if the owner of the motor vehicle pays the prescribed amount, no prosecution will be launched. It also provides that if the temporary absence does not exceed 6 months, there is no need to report the change.

50. Transfer of ownership. - (1) Where the ownership of any motor vehicle registered under this Chapter is transferred. –

(a) the transferor shall, -

(i) in the case of a vehicle registered within the same State, within fourteen days of the transfer, report the fact of transfer, in such form with such documents and in such manner, as may be prescribed by the Central Government to the registering authority within whose jurisdiction the transfer is to be effected and shall simultaneously send a copy of the said report to the transferee ; and

(ii) in the case of a vehicle registered outside the State, within forty-five days of the transfer, forward to the registering authority referred to in sub-clause (i)-

(A) the no objection certificate obtained under section 48; or

(B) in a case where no such certificate has been obtained, -

(I) the receipt obtained under sub-section (2) of section 48; or

(II) the postal acknowledgement received by the transferor if he has sent an application in this behalf by registered post acknowledgement due to the registering authority referred to in section 48,

together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted ;

(b) the transferee shall, within thirty days of the transfer, report the transfer to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward the certificate of registration to that registering authority together with the prescribed fee and a copy of the report received by him from the transferor in order that particulars of the transfer of ownership may be entered in the certificate of registration.

(2) Where -

or,

(a) the person in whose name a motor vehicle stands registered dies,

(b) a motor vehicle has been purchased or acquired at a public auction conducted by, or on behalf of, Government,

the person succeeding to the possession of the vehicle or, as the case may be, who has

purchased or acquired the motor vehicle, shall make an application for the purpose of transferring the ownership of the vehicle in his name, to the registering authority in whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, in such manner, accompanied with such fee, and within such period as may be prescribed by the Central Government.

(3) If the transferor or the transferee fails to report to the registering authority the fact of transfer within the period specified in clause (a) or clause (b) of sub-section (1), as the case may be, or if the person who is required to make an application under sub-section (2) (hereafter in this section referred to as the other person) fails to make such application within the period prescribed, the registering authority may, having regard to the circumstances of the case, require the transferor or the transferee, or the other person, as the case may be, to pay, in lieu of any action that may be taken against him under section 177 such amount not exceeding one hundred rupees as may be prescribed under sub-section (5) :

Provided that action under section 177 shall be taken against the transferor or the transferee or the other person, as the case may be, where he fails to pay the said amount.

(4) Where a person has paid the amount under sub-section (3), no action shall be taken against him under section 177.

(5) For the purposes of sub-section (3), a State Government may prescribe different amount having regard to the period of delay on the part of the transferor or the transferee in reporting the fact of transfer of ownership of the motor vehicle or of the other person in making the application under sub-section (2).

(6) On receipt of a report under sub-section (1), or an application under subsection (2), the registering authority may cause the transfer of ownership to be entered in the certificate of registration. (7) A registering authority making any such entry shall communicate the transfer of ownership to the transferor and to the original registering authority, if it is not the original registering authority.

Corresponding Law.- Section 50 corresponds to section 31 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 50 provides for recording the transfer of owner ship of a motor vehicle in the certificate of registration by the registering authorities when the property changes hands due to sale, or inheritance or purchase in public auction conducted by the Government. It also lays down that if the transfer is not reported to the registering authorities within prescribed time, the parties are liable for prosecution and if the party pays the prescribed amount in lieu of prosecution, no further action is to be taken.

51. Special provisions regarding motor vehicle subject to hirepurchase agreement, etc.- (1) Where an application for registration of a motor vehicle which is held under a hire-purchase, lease or hypothecation agreement (hereafter in this section referred to as the said agreement) is made, the registering authority shall make an entry in the certificate of registration regarding the existence of the said agreement.

(2) Where the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into the said agreement with any person, the ²⁴[last registering authority] shall, on receipt of an application in such form as the Central Government may prescribe from the parties to the said agreement, make an entry as to the existence of the said agreement in the certificate of registration ²⁵[and an intimation in this regard shall be sent to the original registering authority if the last registering authority is not the original registering authority.]

(3) Any entry made under sub - section (1) or sub - section (2), may be cancelled by the 26 [last registering authority] on proof of the termination of the said agreement by the parties concerned on an application being made in such form as the Central Government may prescribe 27 [and an intimation in this behalf shall be sent to

the original registering authority if the last registering authority is not the original registering authority.]

(4) No entry regarding the transfer of ownership of any motor vehicle which is held under the said agreement shall be made in the certificate of registration except with the written consent of the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the said agreement.

(5) Where the person whose name has been specified in the certificate of

24. Substituted for "original registering authority" by Act 54 of 1994, S. 14 (w.e.f. 14-11-1994).
25. Added, ibid (w.e.f. 14-11-1994).

26. Substituted, *ibid*, for "original registering authority" (w.e.f. 14-11-1994).

27. Added, ibid (w.e.f. 14-11-1994).

registration as the person with whom the registered owner has entered into the said agreement, satisfies the registering authority that he has taken possession of the vehicle ²⁸[from the registered owner] owing to the default of the registered owner under the provisions of the said agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity to make such representation as he may wish to make (by sending to him a notice by registered post acknowledgement due at his address entered in the certificate of registration) and notwithstanding that the certificate of registration is not produced before it, cancel the certificate and issue a fresh certificate of registration in the name of the person with whom the registered owner has entered into the said agreement.

Provided that a fresh certificate of registration shall not be issued in respect of a motor vehicle, unless such person pays the prescribed fee :

Provided further that a fresh certificate of registration issued in respect of a motor vehicle, other than a transport vehicle, shall be valid only for the remaining period for which the certificate cancelled under this sub-section would have been in force.

(6) The registered owner shall, before applying to the appropriate authority, for the renewal of a permit under section 81 or for the issue of duplicate certificate of registration under sub-section (14) of section 41, or for the assignment of a new registration mark ²⁹[under section 47, or removal of the vehicle to another State, or at the time of conversion of the vehicle from one class to another, or for issue of no objection certificate under section 48, or for change of residence or place of business under section 49, or for the alteration of the vehicle under section 52, make an application] to the person with whom the registered owner has entered into the said agreement (such person being hereafter in this section referred to as the financier) for the issue of a no objection certificate (hereafter in this section referred to as the certificate.)

29. Substituted for "under section 47, make an application" by Act 54 of 1994, S. 14 (w.e.f. 14-11-1994).

Explanation .- For the purposes of this sub-section and sub-section (8) and (9), "appropriate authority" in relation to any permit, means the authority which is authorised by this Act to renew such permit and, in relation to registration means the authority which is authorised by this Act to issue, duplicate certificate of registration or to assign a new registration mark.

(7) Within seven days of the receipt of an application under sub-section (6), the financier may issue, or refuse, for reasons which shall be recorded in writing and communicated to the applicant, to issue the certificate applied for, and where the financier fails to issue the certificate and also fails to communicate the reasons for refusal to issue the certificate to the applicant within the said period of seven days, the certificate applied for shall be deemed to have been issued by the financier.

(8) The registered owner shall, while applying to the appropriate authority for the renewal of any permit under section 81, or for the issue of a duplicate certificate of registration under sub-section (14) of section 41, or while applying for assignment of a new registration mark under section 47, submit with such application the certificate, if any, obtained under sub-section (7) or, where no such certificate has been obtained, the communication received from the financier under that sub-section,

^{28.} Inserted, ibid (w.e.f. 14-11-1994).

or, as the case may be, a declaration that he has not received any communication from the financier within the period of seven days specified in that sub-section.

(9) On receipt of an application for the renewal of any permit or for the issue of duplicate certificate of registration or for assignment of a new registration mark in respect of a vehicle which is held under the said agreement, the appropriate authority may, subject to the other provisions of this act, -

(a) in a case where the financier has refused to issue the certificate applied for, after giving the applicant an opportunity of being heard, either –

(i) renew or refuse to renew the permit, or

(ii) issue or refuse to issue the duplicate certificate of registration, or

(ii)assign or refuse to assign a new registration mark ;

- (b) in any other case, -
 - (j) renew the permit, or

(ii) issue duplicate certificate of registration, or

(iii)assign a new registration mark.

(10) A registering authority making an entry in the certificate of registration regarding-

- (a) hire-purchase, lease or hypothecation agreement of a motor vehicle, or
- (b) the cancellation under sub-section (3) of an entry, or
- (c) recording transfer of ownership of motor vehicle, or
- (d) any alteration in a motor vehicle, or
- (e) suspension or cancellation of registration of a motor vehicle, or
- (f) change of address,

shall communicate ³⁰[by registered post acknowledgement due] to the financier that such entry has been made.

³¹[(11)A registering authority registering the new vehicle, or issuing the duplicate certificate of registration or a no objection certificate or a temporary certificate of registration, or issuing or renewing, a fitness certificate or substituting entries relating to another motor vehicle in the permit, shall intimate the financier of such transaction.

(12) The registering authority where it is not the original registering authority, when making entry under sub-section (1) or sub-section (2), or cancelling the said entry under sub-section (3) or issuing the fresh certificate of registration under sub-section (5) shall communicate the same to the original registering authority.]

30.	Inserted by Act 54 of 1994, S. 14 (w.e.f. 14-11-1994).	
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31. Sub-s. (11) substituted, ibid (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (11) read as under –

"(11) A registering authority issuing a duplicate certificate of registration shall intimate the financier of such issue."

Corresponding Law. - Section 51 corresponds to section 31-A of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 51 contains special provisions regarding motor vehicles subject to the agreements of hire-purchase, lease and hypothecation.

Sub-clauses (1) to (4) make provision that the registering authorities may make a note of such agreement and cancellation of such agreement in the certificate of registration on a joint application by both the parties. It prohibits transfer of ownership of such vehicle without the written consent of the other party to the agreement. Sub-clause (5) provides for the issue of fresh certificate of registration to the financier by the registering authorities whether the financier has taken possession of the vehicle for default of the hirer and hirer has refused to hand over the certificate of registration. Sub-clause (6) to (9) lays down the procedure in making an application by the registered owner of the vehicle to the financier for grant of NOC, the grant of such certificate by the financier, production of NOC alongwith the application for the renewal of permit or the duplicate copy of the certificate of registration or for assignment of fresh registration mark to a motor vehicle. The powers of the

appropriate authorities for the grant or refusal of the application for the renewal of permit, and issue of duplicate certificate of registration and issue of fresh registration mark. Sub-clause (10) makes provision that the registering authorities making entries in the certificate of registration regarding certain transactions shall intimate such transactions to the financier.

 32 [52. Alteration in motor vehicle. - (1) No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are at variance with those originally specified by the manufacturer :

Provided that where the owner of a motor vehicle makes modification of the engine, or any part thereof of a vehicle for facilitating its operation by different type of fuel or source of energy including battery, compressed natural gas, solar power, liquid petroleum gas or any other fuel or source of energy, by fitment of a conversion kit, such modification shall be carried out subject to such conditions as may be prescribed:

32. S.52 substituted by Act 27 of 2000, S.2 (w.e.f. 11-8-2000). Prior to its substitutin, S. 52 read as under :-

"52. Alternation in motor vehicle .- (1) No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are no longer accurate, unless.-

(a) he has given notice to the registering authority within whose jurisdiction he has the residence or the place of business where the vehicle is normally kept, as the case may be of the alteration he proposes to make; and

(b) he has obtained the approval of that registering authority to make such alteration :

Provided that it shall not be necessary to obtain such approval for making 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 :

*[Provided further that modification of the engine, or any part thereof, of a vehicle for facilitating its operation by a different type of fuel or source of energy including battery, compressed natural gas, solar power or any other fuel or source of energy other than liquid petroleum gas shall be treated as an alteration but that shall be subject to such conditions as may be prescribed.]

(2) Where a registering authority receives a notice under sub-section (1), it shall, within seven days of the receipt thereof, communicate, by post, to the owner of the vehicle its approval to the proposed alteration or otherwise :

Provided further that the Central Government may prescribe specifications conditions for approval, retrofitment and other related matters for such conversion kits;

Provided also that the Central Government may grant exemption for alteration of vehicles in a manner other than specified above, for any specific purpose.

(2) Notwithstanding anything contained in sub-section (1), a State Government may, by notification in the Official Gazette, authorise, subject to such conditions as may be specified in the notifications, and permit any person owing not less than ten transport vehicles to alter any vehicle owned by him so as to replace the engine thereof with engine of the same make and type, without the approval of registering authority.

(3) Where any alteration has been made in motor vehicle without the approval of registering authority or by reason of replacement of its engine without such approval under sub-section (2), the owner of the vehicle shall, within fourteen days of the making of the alteration, report the alteration to the registering authority within whose jurisdiction he resides and shall for ward the certificate of registration to that authority together with the prescribed fee in order that particulars of registration may be entered therein.

(4) 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.

(5) Subject to the provisions made under sub-section (1), (2), (3) and (4), no person holding a vehicle under a hire-purchase agreement shall make any alteration to the vehicle except with the written consent of the registered owner.

Explanation. - For the purpose of this section, "alteration" means a change in the structure of a vehicle which results in change in its basic feature.]

Corresponding Law.- Section 52 corresponds to section 32 of the Motor Vehicles Act, 1939.

53. Suspension of registration. -(1) If any registering authority or other prescribed authority has reason to believe that any motor vehicle within its jurisdiction -

(a) 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 this Act or of the rules made thereunder, or

(b) has been, or is being, used for hire or reward without a valid permit for being used as such,

the authority may, after giving the owner an opportunity of making any representation he may wish to make (by sending to the owner a notice by registered post acknowledgment due at his address entered in the certificate of registration), for reasons to be recorded in writing, suspend the certificate of registration of the vehicle-

(i) in any case falling under clause (a), until the defects are rectified to its satisfaction; and

(ii) in any case falling under clause (b), for a period not exceeding four months.

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

(3) 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. (4) The owner of a motor vehicle shall, on the demand of a registering authority or other prescribed authority which has suspended the certificate of registration of the vehicle under this section, surrender the certificate of registration.

(5) A certificate of registration surrendered under sub – section (4) shall be returned to the owner when the order suspending registration has been rescinded and not before.

Corresponding Law. - Section 53 corresponds to section 33 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 54 empowers the registering authorities to suspend the certificate of registration of a motor vehicle, if the vehicle is used for hire or reward without a permit. It also empowers the registering authority to suspend the certificate of registration of a vehicle if the vehicle is mechanically defective or if its use on public road will endanger public safety until the defects are rectified and the vehicle is certified to be road worthy.

54. Cancellation of registration suspended under section 53. – Where the suspension of registration of a vehicle under section 53 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 if it is not the original registering authority, shall forward the certificate of registration to that authority which may cancel the registration.

Corresponding Law. - This is a new provision in the 1988 Act.

55. Cancellation of registration. -(1) If a motor vehicle has been destroyed or has been rendered permanently incapable of use, the owner shall, within fourteen days or as soon as may be, report the fact to the registering authority within whose jurisdiction he has the residence or place of business

where the vehicle is normally kept, as the case may be, and shall forward to the authority the certificate of registration of the vehicle.

(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.

(3) Any registering authority may order the examination of a motor vehicle within its jurisdiction by such authority as the State 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 (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration), it is satisfied that the vehicle is in such a condition that it is incapable of being used or its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, may cancel the registration.

(4) If a registering authority is satisfied that a motor vehicle has been permanently removed out of India, the registering authority shall cancel the registration.

(5) If a registering authority is satisfied that the registration of a motor vehicle has been obtained on the basis of documents which were, or by representation of facts which was, false in any material particular, or the engine number or the chassis number embossed thereon are different from such number entered in the certificate of registration, the registering authority shall after giving the owner an opportunity to make such representation as he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration, and for reasons to be recorded in writing, cancel the registration.

(6) A registering authority cancelling the registration of a motor vehicle under section 54 or under this section shall communicate such fact in

writing to the owner of the vehicle, and the owner of the vehicle shall

forthwith surrender to that authority the certificate of registration of the vehicle.

(7) A registering authority making an order of cancellation under section 54 or under this section shall, if it is the original registering authority, cancel the certificate of registration and the entry relating to the vehicle in its records, and, if it is not the original registering authority, forward the certificate of registration to that authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

(8) The expression "original registering authority" in this section and in section 41,49,50,51,52,53 and 54 means the registering authority in whose records the registration of the vehicle is recorded.

(9) In this section "certificate of registration" includes a certificate of registration renewed under the provisions of this Act.

Corresponding Law. - Section 55 corresponds to section 34 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 55 contains provisions for the cancellation of the certificate of registration by the registering authorities where the vehicle has been destroyed or has been rendered permanently incapable of use or has been lost and not recovered or is otherwise not traceable or its use will constitute a danger to public safety. It also provides that the registering authorities may cancel the certificate of registration if the registering authority is satisfied that engine number and chassis number noted in the certificate of registration differs from that found in the vehicle, or that the registration has been obtained by misrepresentation or fraud.

56. Certificate of fitness of transport vehicles. -(1) Subject to the provisions of section 59 and 60, a transport vehicle shall not be deemed to be validly registered for the purposes of section 39, unless it carries a

certificate of fitness in such form containing such particulars and information

as may be prescribed by the Central Government, issued by the prescribed authority, or by an authorized testing station mentioned in sub-section (2), to the effect that the vehicle complies for the time being with all the requirements of this Act and the rules made thereunder.

Provided that where the prescribed authority or the "authorized testing station" refuses to issue such certificate, it shall supply the owner of the vehicle with its reasons in writing for such refusal.

(2) The "authorized testing station" referred to in sub-section (1) means a vehicle service station or public or private garage which the State Government, having regard to the experience, training and ability of the operator of such station or garage and the testing equipment and the testing personnel therein, may specify in accordance with the rules made by the Central Government for regulation and control of such station or garages.

(3) Subject to the provisions of sub-section (4), a certificate of fitness shall remain effective for such period as may be prescribed by the Central Government having regard to the object of this Act.

(4) The prescribed authority may for reasons 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 Act 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 V shall be deemed to be suspended until a new certificate of fitness has been obtained:

³³[Provided that no such cancellation shall be made by the prescribed authority unless such prescribed authority holds such technical qualification as may be prescribed or where the prescribed authority does not hold such technical qualification on the basis of the report of an officer having such qualification.]

(5) A certificate of fitness issued under this Act shall, while it remains effective, be valid throughout India.

Corresponding Law. - Section 56 corresponds to section 38 of the Motor Vehicles Act, 1939

Objects and Reasons. – Clause 58 requires that every transport vehicle should carry an effective certificate of fitness issued by the prescribed authorities or by any authorised testing stations specified by the State Governments. It also empowers the issuing authorities to cancel any such certificate if the vehicle fails to comply with the requirements of this Act. The certificate of fitness is to be effective throughout India.

57. Appeals. - ${}^{34}[(1)$ Any person aggrieved by an order of the registering authority under section 41,42,43,45,47,48,49,50,52,53,55 or 56 may, within thirty days of the date on which he has received notice of such order, appeal against the order to the prescribed authority.]

33. Inserted by Act 54 of 1994, S. 16 (w.e.f. 14-11-1994)

34. Sub. – S. (1) substituted by S. 17 *ibid* (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (1) read as under :-

"(1) Any owner of a motor vehicle aggrieved by an order of refusal under section 45 to register a motor vehicle or to renew the certificate of registration in respect of a motor vehicle (other than a transport vehicle) or under section 48 to issue a no objection certificate or under section 50 to enter the particulars of the transfer of ownership in the certificate of registration or under sub-section (1) of section 56 to issue a certificate of fitness or by an order of suspension under section 53 or cancellation under section 54 or section 55 or by an order of an cancellation under sub-section (4) of section 56 may, within thirty days of the date on which he has received notice of such order, appeal against the order to the Prescribed Authority."

(2) The appellate authority shall give notice of the appeal to the original authority and after giving an opportunity to the original authority and the appellant to be heard in the appeal pass such order as it think fit.

Corresponding Law. – Section 57 corresponds to section 35 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 56 seeks to provide for appeal against certain orders passed by the registering authorities. The aggrieved parties in such cases may approach the prescribed authorities and seek redress.

58. Special provisions in regard to transport vehicles. – (1) The Central Government may, having regard to the number, nature and size of the tyres attached to the wheels of a transport vehicle (other than a motorcab), and its make and model and other relevant considerations, by notification in the Official Gazette, specify, in relation to each make and model of a transport vehicle, the ³⁵[maximum gross vehicle weight] of such vehicle and the maximum safe axle weight of each axle of such vehicle.

(2) A registering authority, when registering a transport vehicle, other than a motorcab 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;

35. Substituted, ibid, for "maximum safe laden weight" (w.e.f.14-11-1994).

(b) the number, nature and size of the tyres attached to each wheel;

(c) the gross weight of the vehicle and the registered axle weights pertaining to the several axles thereof; and

(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 same particulars exhibited in the prescribed manner on the vehicle.

(3) There shall not be entered in the certificate of registration of any such vehicle any gross vehicle weight or a registered axle weight of any of the axles different from that specified in the notification under sub-section (1)

in relation to the make and model of such vehicle and to the number, nature and size of the tyres attached to its wheels :

Provided that where it appears to the Central Government that heavier weights than those specified in the notification under sub-section (1) may be permitted in a particular locality for vehicle of a particular type, the Central Government may, by order in the Official Gazette direct that the provisions of this sub-section shall apply with such modifications as may be specified in the order.

³⁶[***]

(5) In order that the gross vehicle weight entered in the certificate of registration of a vehicle may be revised in accordance with the provisions of

36. Sub-S. (4) omitted by Act 27 of 2000, S.3 (w.e.f. 11-8-2000). Prior to its omission, sub-S. (4) read as under :-

"(4) When by reason of any alteration in such vehicle, including an alteration in the number, nature or size of its tyres, the gross vehicle weight of the vehicle or the registered axle weight of any of its axles no longer accords with the provisions of sub-section (3), the provisions of section 52 shall apply and the registering authority shall enter in the certificate of registration of the vehicle revised registered weights which accord with the said sub-section."

sub-section (3), the registering authority may require the owner of transport vehicle in accordance with such procedure as may be prescribed to produce the certificate of registration within such time as may be specified by the registering authority.

Corresponding Law. - Section 58 corresponds to section 36 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 57 empowers the Central Government to specify in relation to each make and model of a transport vehicle the maximum safe laden weight and the maximum safe axle weight of each such vehicle. It also provided that the registering authorities while registering a transport vehicle shall make a note of the unladen weight, and gross vehicle weight and such other particulars in the registration certificate of the vehicle.

59. Power to fix the age limit of motor vehicle. -(1) The Central Government may, having regard to the public safety, convenience and objects of this Act, by notification in the Official Gazette, specify the life of a motor vehicle reckoned from the date of its manufacture, after the expiry of which the motor vehicle shall not be deemed to comply with the requirements of this Act and the Rules made thereunder :

Provided that the Central Government may specify different ages for different classes or different types of motor vehicles.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, having regard to the purpose of a motor vehicle, such as, display or use for the purposes of a demonstration in any exhibition, use for the purposes of technical research or taking part in a vintage car rally, by notification in the Official Gazette, exempt, by a general or special order, subject to such conditions as may be specified in such notification, any class or type of motor vehicle from the operation of sub-section (1) for the purpose to be stated in the notification.

(3) Notwithstanding anything contained in section 56, no prescribed authority or authorized testing station shall grant a certificate of fitness to a motor vehicle in contravention of the provisions of any notification issued under sub-section (1).

Corresponding Law. - This is a new provision in the 1988 Act.

Objects and Reasons. – Clause 59 seeks to empower the Central Government to specify the life of motor vehicle of any class or type beyond which the vehicle have to be kept-off the roads. It also confers upon the Central Government the power to exempt from the provisions of this clause vintage cars.

60. Registration of vehicles belonging to the Central Government. -(1) Such authority as the Central Government may, by notification in the Official Gazette, specify, may register any motor vehicle

which is the property or for the time being under the exclusive control of the

Central Government and is used for Government purposes relating to the defence of the country and unconnected with any commercial enterprises 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 Act.

(2) The authority registering a vehicle under sub-section (1) shall sign a registration mark in accordance with the provisions contained in the rules made in this behalf by the Central Government and shall issue a certificate in respect of that vehicle to the effect that such vehicle complies for the time being with all the requirements of this Act and the rules made thereunder and that the vehicle has been registered under this section.

(3) A vehicle registered under this section shall carry the certificate issued under sub-section (2).

(4) If a vehicle registered under this section ceases to be property or under the exclusive control of the Central Government, the provisions of section 39 and 40 shall thereupon apply.

(5) The authority registering a vehicle under sub-section (1) shall furnish to any State Government all such information regarding the general nature, overall dimensions and axle weights of the vehicle as the State Government may at any time require.

Corresponding Law. - Section 60 corresponds to section 39 of Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 60 provides that the Central Government may specify the authorities who may register certain motor vehicles of the Central Government to be specified by notification.

61. Application of Chapter to trailers. -(1) The provisions of this Chapter shall apply to the registration of trailers as they apply to the registration of any other motor vehicle.

(2) The registration mark assigned to a trailer shall be displayed in such manner on the side of the drawing vehicle as may be prescribed by the Central Government.

(3) 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 on the trailer or on the last trailer in the train, as the case may be, in such manner as may be prescribed by the Central Government.

Corresponding Law. - Section 61 corresponds to section 40 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 61 lays down that the registration marks of trailers shall be exhibited in such manner as may be prescribed.

62. Information regarding stolen and recovered motor vehicle to be furnished by the police to the State Transport Authority. – The State Government may, if it thinks necessary or expedient so to do in the public interest, direct the submission by the Inspector General of Police (by whatever designation called) and such other police officers as the State Government may specify in this behalf, of such returns containing the information regarding vehicles which have been stolen and stolen vehicles which have been recovered of which the police are aware, to the State Transport Authority, and may prescribe the form in which and the period within which such returns shall be made.

Corresponding Law. - This is new provision in the 1988 Act.

Objects and Reasons. – Clause 62 empowers the State Government to direct the Inspector General of Police to furnish to the State Transport Authority information regarding stolen and recovered motor vehicles.

63. Maintenance of State Registers of Motor Vehicles. -(1) Each State Government shall maintain in such form as may be prescribed by the Central Government a register to be known as the State Register of Motor

Vehicles, in respect of the motor vehicles in that State, containing the following particulars, namely :-

(a) registration numbers;

(b) years of manufacture;

(c) classes and types;

(d) names and address of registered owners; and

(e) such other particulars as may be prescribed by the Central Government.

(2) Each State Government shall supply to the Central Government ³⁷[if so desired by it] a printed copy of the State Register of Motor Vehicles and shall also inform the Central Government without delay of all additions to and other amendments in such register made from time to time.

(3) The State Register of Motor Vehicles shall be maintained in such

37. Inserted by Act 54 of 1994, S. 19 (w.e.f. 14-11-1994).

manner as may be prescribed by the State Government.

Corresponding Law. - This is a new provision in the 1988 Act.

Objects and Reasons. – Clause 63 prescribes that the State Government may maintain a State register of all motor vehicles within its jurisdiction in the prescribed form and the State Government shall supply to the Central Government copies of such registers and any further additions or amendments.

64. Power of the Central Government to make rules. – The Central Government may make rules to provide for all or any of the following matters, namely : -

(a) the period within which and the form in which an application shall be made and the documents, particulars and information it shall accompany under sub-section (1) of section 41; (b) the form in which the certificate of registration shall be made and she particulars and information it shall contain and the manner in which it shall be issued under sub-section (3) of section 41;

(c) the form and manner in which the particulars of the certificate of registration shall be entered in the records of the registering authority under sub-section (5) of section 41;

(d) the manner in which and the form in which the registration mark, the letters and figures and other particulars referred to in sub-section (6) of section 41 shall be displayed and shown;

(e) the period within which and the form in which the application shall be made and the particulars and information it shall contain under subsection (8) of section 41;

(f) the form in which the application referred to in sub-section (14) of section 41 shall be made, the particulars and information it shall contain and the fee to be charged.

(g) the from in which and the period within which the application referred to in sub-section (1) of section 47 shall be made and the particulars it shall contain;

(h) the form in which and the manner in which the application for "No Objection Certificate" shall be made under sub-section (1) of section 48 and the form of receipt to be issued under sub-section (2) of section 48;

(i) the matters that are to be complied with by an applicant before no objection certificate may be issued under section 48;

(j) the form in which the intimation of change of address shall be made under sub-section (1) of section 49 and the documents to be submitted alongwith the application;

(k) the form in which and the manner in which the intimation of transfer of ownership shall be made under sub-section (1) of section 50 or

under sub-section (2) of section 50 and the document to be submitted alongwith the application.

(1) the form in which the application under sub-section (2) or subsection (3) of section 51 shall be made;

(m)the form in which the certificate of fitness shall be issued under sub-section (1) of section 56 and the particulars and information it shall contain;

(n) the period for which the certificate of fitness granted or renewed under section 56 shall be effective;

(o) the fees to be charged for the issue or renewal or alternation of certificates of registration, for making an entry regarding transfer of ownership on a certificate of registration, for making or cancelling an endorsement in respect of agreement of hire-purchase or lease or hypothecation on a certificate of registration, for certificates of fitness for registration marks, and for the examination or inspection of motor vehicle, and the refund of such fees;

(p) any other matter which is to be, or may be, prescribed by the Central Government.

Corresponding Law. - This is a new provision in the 1988 Act.

Objects and Reasons. – Clause 64 provides for the rule-making powers of the Central Government in order to give effect to the provisions of this Chapter.

65. Power of the State Government to make rules. -(1) A State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 64.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for -

(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 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;

(d) the issue or renewal of certificate of registration and fitness and duplicates of such certificates to replace the certificates lost, destroyed or multilated;

(e) the production of certificates of registration before the registering authority for the revision of entries therein of particulars relating to the gross vehicle weight;

(f) the temporary registration of motor vehicles, and the issue of temporary certificate of registration and marks;

(g) the manner in which the particulars referred to in sub-section (2) of section 58 and other prescribed particulars shall be exhibited;

(h) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter.

(i) the forms, other than those prescribed by the Central Government to be used for the purposes of this Chapter;

(j) the communication between registering authorities of particulars of certificates of registration and by owners of vehicles registered outside the State of particulars of such vehicles and of their registration;

(k) the amount or amounts under sub-section (13) of section 41 or sub-section (7) of section 47 or sub-section (4) of section 49 or sub-section (5) of section 50;

(l) the extension of the validity of certificate of fitness pending consideration of applications for their renewal;

(m)the extension from the provisions of this Chapter, and the conditions and fees for exemption, of motor vehicles in the possession of dealers;

(n) the form in which and the period within which the return under section 62 shall be sent;

(o) the manner in which the State Register of Motor Vehicles shall be maintained under section 63;

(p) any other matter which is to be or may be prescribed.

Corresponding Law. – Section 65 corresponds to section 41 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 65 empowers the State Government to make rules for the purpose of carrying into effect the provisions of this Chapter.

*CHAPTER V

CONTROL OF TRANSPORT VEHICLES

66. Necessity for permits. -(1) No owner of a motor vehicle shall use or permit the use of the vehicle as a transport vehicle in any public place whether or not such vehicle is actually carrying any passengers or goods save in accordance with the conditions of a permit granted or countersigned by a Regional or State Transport Authority or any prescribed authority authorising him the use of the vehicle in that place in the manner in which the vehicle is being used :

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 carriage either when carrying passengers or not :

Provided also that a goods carriage 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) The holder of a goods carriage permit may use the vehicle, for drawing of any trailer or semi-trailer not owned by him, subject to such conditions as may be prescribed:

³⁸[Provided that the holder of a permit of any articulated vehicle may use the prime-mover of that articulated vehicle for any other semi-trailer.]

(3) The provisions of sub-section (1) shall not apply -

(a) to any transport vehicle owned by the Central Government or a State Government and used for Government purposes unconnected with any commercial enterprise;

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 cleansing, road watering or conservancy purposes;

* S.5 of the T. N. Motor Vehicles (Special Provisions) Act, 1992 provides that the provisions of Ss. 3,4 and 6 of the 1992 T. N. Act shall have effect notwithstanding anything inconsistent therewith contained in Chaps. V and VI including S.98 of the Motor Vehicles Act, 1988.

38. Added by Act 54 of 1994, S. 20 (w.e.f. 14-11-1994).

(b) to any transport vehicle used solely for police, fire brigade or ambulance purposes;

(c) to any transport vehicle used solely for the conveyance of corpses and the mourners accompanying the 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 transport vehicle used for any other public purposes as may be prescribed by the State Government in this behalf;

(f) to any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies for attachment to chassis, solely for such purposes and in accordance with such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf; ³⁹[***]

(i) to any goods vehicle, the gross vehicle weight of which does not exceed 3,000 kilograms;

(j) subject to such conditions as the Central Government may, by notification in the Official Gazette, specify, to any transport vehicle purchased in one State and proceeding to a place, situated in that State or in any other State, without carrying any passenger or goods;

(k) to any transport vehicle which has been temporarily registered under section 43 while proceeding empty to any place for the purpose of registration of the vehicle;

⁴⁰[***]

39. Cl. (h) omitted by Act 27 of 2000, S. 4 (w.e.f. 11-8-2000). Prior to its omission. Cl. (h) read as under :-

"(h) to any transport vehicle owned by, and used solely for the purposes of, any educational institution which is recognised by the Central or State Government or whose managing committee is a society registered under the Societies Registration Act, 1860 (21 of 1860) or under any law corresponding to that Act in force in any part of India;"

40. Cl. (l) omitted by Act 39 of 2001, S. 2. Prior to its omission, Cl. (l) read as under : - "(l) to any motor vehicle which is operated by electric battery, compressed natural gas or solar energy;"

(l) to any transport vehicle which, owing to flood, earthquake or any other natural calamity, obstruction on road, or unforeseen circumstances, is

required to be diverted through any other route, whether within or outside the State, with a view to enabling it to reach its destination;

(m) to any transport vehicle used for such purposes as the Central or State Government may, by order, specify;

(n) to any transport vehicle which is subject to a hire-purchase, lease hypothecation agreement and which owning to the default of the owner has been taken possession of by or on behalf of, the person with whom the owner has entered into such agreement, to enable such motor vehicle to reach its destination; or

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(o) to any transport vehicle while proceeding empty to any place for purpose of repair;

(4) Subject to the provisions of sub-section (3), sub-section (1) shall, if the State Government by rule made under section 96 so prescribes, apply to any motor vehicle adapted to carry more than nine persons excluding the driver.

Corresponding Law. – Section 66 corresponds to section 42 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 66 lays down that no motor vehicle shall be used as a transport vehicle without a permit issued by transport authorities to use the vehicle as such in a public place. It also provides for exemption of certain vehicles from the operation of the provisions of this clause on certain conditions and for usage for certain specific purposes.

67. Powers to State Government to control road transport. -(1)A State Government, having regard to -

(a) the advantages offered to the public, trade and industry by the development of motor transport.

(b) the desirability of co-ordinating road and rail transport,

(c) the desirability of preventing the deterioration of the road system, and

(d) the desirability of preventing uneconomic competition among holders of permits,

may, from time to time, by notification in the Official Gazette, issue directions both to the State Transport Authority and Regional Transport Authority-

(i) Regarding the fixing of fares and freight (including the maximum and minimum in respect thereof) for stage carriages, contract carriages and goods carriages :

⁴¹[****]

 (ii) regarding the prohibition or restriction, subject to such conditions as may be specified In the direction, of the conveying of long distance goods traffic generally, or of specified classes of goods carriages; (iii) regarding any other matter which may appear to the State Government necessary or expedient for giving effect to any agreement entered into with the Central Government or any other country relating to the regulation of motor transport generally, and in particular to its co-ordination with other means of transport and the conveying of long distance goods traffic.

Provided that no such notification in respect of the matters referred to in clause (ii) or clause (iii) shall be issued unless a draft of the proposed direction is publised in the official gazette specifying there in a date being not less than one month after such publication, on or after which the draft will be taken into consideration and any objection or suggestion which may be received has, in consultation with the State Transport Authority, been considered after giving the representatives of the interests affected an opportunity of being heard.

(2) Any direction under sub-section (1) regarding the fixing of fares and freights for stage carriages, contract carriages and goods carriages may provide that such fares or freights hall be inclusive of the tax payable by the passengers or the consignors of the goods, as the case may be, to the operators of the stage carriages,

41. Proviso omitted by Act 39 of 2001, S. 2. Prior to its omission, the Proviso read as under :-"Provided that the fares and freights in respect of such stage carriages, contract carriages and goods carriages operated by battery, compressed natural gas or solar energy shall fixed by the owner or operator."

contract carriages or goods carriages under any law for the time being in force relating to tax on passengers and goods.

Corresponding Law :- Section 67 corresponds to section 43 of the Motor Vehicles Act, 1939.

Objects and Reasons :- Clause 67 authorises the State Government to issue direction to the Transport Authorities regarding the fixing of fares and freight for transport vehicles, the prohibition and restriction for the carriage of long distance goods traffic, the giving effect to any inter –state inter-country agreement in respect of regulation of motor transport.

68. Transport Authorities - (1) The State Government shall, by notification in the Official Gazette, constitute for the State a State Transport Authority to exercise

and discharge the powers and functions specified in sub-section (3), and shall in like

manner constitute Regional Transport Authorities to exercise and discharge throughout such areas (in this Chapter referred to as regions) as may be specified in the notification, in respect of each Regional Transport Authority, the powers and functions conferred by or under this Chapter on such Authorities :

Provided that in the Union Territories, the Administrator may abstain from constituting any Regional Transport Authority.

(2) A State Transport Authority or a Regional Transport Authority shall consist of a Chairman who has had judicial experience or experience as an appellate or a revisional authority or as an adjudicating authority competent to pass any order or take any decision under any law and in the case of a State Transport Authority, such other persons (whether officials or not), not being more than four and, in the case of a Regional Transport Authority, such other person (whether officials or not), not being more than four and, in the case of a Regional Transport Authority, such other person (whether officials or not), not being more than two, as the State Government may think fit to appoint ; but no person who has any financial interest whether as proprietor, employee or otherwise in any transport undertaking shall be appointed, or continue to be, a member of a State or Regional Transport Authority, and , if any person being a member of any such Authority acquires a financial interest in any transport undertaking, he shall within four weeks of so doing, give notice in writing to the State Government of the acquisition of such interest and shall vacate office.

Provided that nothing in this sub-section shall prevent any of the members of the State Transport Authority or a Regional Transport Authority, as the case may be, to preside over a meeting of such Authority during the absence of the Chairman, notwithstanding that such member does not possess judicial experience or experience as an appellate or a revisional authority or as an adjudicating authority competent to a pass any order or take any decision under any law :

Provided further that the State Government may, -

(i) where it considers necessary or expedient so to do, constitute the State Transport Authority or a Regional Transport Authority for any region so as to consist of only one member who shall be an official with judicial experience or experience as an appellate or a revisional authority or as an adjudicating authority competent to pass any order or take any decision under any law ;

(ii) by rules made in this behalf, provide for the transaction of business of such authority in the absence of the Chairman or any other member and specify the circumstances under which, and the manner in which, such business could be so transacted :

Provided also that nothing in this sub-section shall be construed as debarring an official (other than an official connected directly with the management or operation of a transport undertaking) from being appointed or continuing as a member of any such authority merely by reason of the fact that the Government employing the official has, or acquires, any financial interest in a transport undertaking.

(3) The State Transport Authority and every Regional Transport Authority shall give effect to any directions issued under section 67 and the State Transport Authority shall, subject to such directions and save as otherwise provided by or under this Act, exercise and discharge throughout the State the following powers and functions, namely :-

(a) to co-ordinate and regulate the activities and policies of the Regional Transport Authorities, if any, of the State ;

(b) to perform the duties of a Regional Transport Authority where there is no such Authority and, if it thinks fit or if so required by a Regional Transport Authority, to perform those duties in respect of any route common to two or more regions;

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

⁴²[(ca) Government to formulate routes for playing stage carriages; and]

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

(4) For the purpose of exercising and discharging the powers and functions specified in sub-section (3), a State Transport Authority may, subject to such conditions as may be prescribed, issue directions to any Regional Transport Authority, and the Regional Transport Authority shall, in the discharge of its functions under this Act, give effect to and be guided by such directions.

(5) The State Transport Authority and any Regional Transport Authority, if authorised in this behalf by rules made under section 96, may delegate such of its powers and functions to such authority or person subject to such restrictions, limitations and conditions as may be prescribed by the said rules.

Corresponding Law - Section 68 corresponds to section 44 of the Motor Vehicles Act, 1939.

Objects and Reasons - Clause 68 confers upon the State Governments, the power to constitute State Transport Authority and Regional Transport Authorities consisting of officials and also non-officials. It also provides that if the State Government so desires, the transport authority may consist of one member who shall be an official. It also provides for delegation of powers by the transport authorities to any authorities or persons for convenient despatch of business.

69. General provision as to applications for permits - (1) Every application for a permit shall be made to the Regional Transport Authority of the region in which it is proposed to use the vehicle or vehicles :

Provided that if it is proposed to use the vehicle or vehicles in two or more regions lying within the same State, the application shall be made to the Regional Transport Authority of the region in which the major portion of the proposed route or area lies, and in case the portion of the proposed route or area in each of the regions is

42. Inserted by Act 54 of 1994, S. 22 (w.e.f. 14-11-1994).

approximately equal, to the Regional Transport Authority of the region in which it is proposed to keep the vehicle or vehicles;

Provided further that if it is proposed to use the vehicle or vehicles in two or more regions lying in different States, the application shall be made to the Regional Transport Authority of the region in which the applicant resides or has his principal place of business.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification in the Official Gazette, direct that in the case of any vehicle or vehicles proposed to be used in two or more regions lying in different States, the application under that sub-section shall be made to the State Transport Authority of the region in which the applicant resides or has his principal place of business.

Corresponding Law - Section 69 corresponds to section 45 of the Motor Vehicles Act, 1939.

Objects and Reasons - Clause 69 specifies the transport authorities to whom applications for permits to operate transport vehicles on intra-district, inter-district, inter-State and inter-State routes has to be made.

70. Application for stage carriage permit - (1) An application for a permit in respect of a stage carriage (in this Chapter referred to as a stage carriage permit) or as a reserve stage carriage shall, as far as may be, contain the following particulars, namely :-

(a) the route or routes or the area or areas to which the application relates ;

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

(c) the minimum and maximum number of daily trips proposed to be provided and the time-table of the normal trips.

Explanation - For the purposes of this section, section 72, section 80 and section 102, "trip" means a single journey from one point to another, and every return journey shall be deemed to be a separate trip;

(d) the number of vehicles intended to be kept in reserve to maintain the service and to provide for special occasions;

(e) the arrangements intended to be made for the housing, maintenance and repair of the vehicles, for the comfort and convenience of passengers and for the storage and safe custody of luggage;

(f) such other matters as may be prescribed.

(2) An application referred to in sub-section (1) shall be accompanied by such documents as may be prescribed.

Corresponding Law :- Section 70 corresponds to section 46 of the Motor Vehicles Act, 1939.

Objects and Reasons - Clause 70 prescribes the form of application for the grant of stage carriage permit and spare bus permit.

71. Procedure of Regional Transport Authority in considering application for stage carriage permit - (1) A Regional Transport Authority shall, while considering an application for a stage carriage permit, have regard to the object of this Act :

⁴³[*****]

(2) A Regional Transport Authority shall refuse to grant a stage carriage permit if it appears from any time-table furnished that the provisions of this Act 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 amend the time-table so as to conform to the said provisions.

(3) (a) The State Government shall, if so directed by the Central Government having regard to the number of vehicles, road conditions and other relevant matters, by notification in the Official Gazette, direct a State Transport Authority and a Regional Transport Authority to limit the number of stage carriages generally or of any specified type, as may be fixed and specified in the notification, operating on city routes in towns with a population of not less than five lakhs.

(b) Where the number of stage carriages are fixed under clause (a), the

43. Proviso omitted by Act 54 of 1994, S. 23 (w.e.f. 14-11-1994). Prior to its omission, the Proviso read as under :-

"provided that such permit for a route of fifty kilometers or less shall be granted only to an individual or a State Transport undertaking."

Government of the State shall reserve in the State certain percentage of stage carriage permits for the scheduled castes and the scheduled tribes in the same ratio as in the case of appointments made by direct recruitment to public services in the State.

(c) Where the number of stage carriages are fixed under clause (a), the Regional Transport Authority shall reserve such number of permits for the scheduled castes and the scheduled tribes as may be fixed by the State Government under subclause (b).

(d) After reserving such number of permits as is referred to in clause (c), the Regional Transport Authority shall in considering an application have regard to the following matters, namely :-

(i) financial stability of the applicant ;

(ii) satisfactory performance as a stage carriage operator including payment of tax if the applicant is or has been an operator of stage carriage service; and

(iii) such other matters as may be prescribed by the State Government:

Provided that, other conditions being equal, preference shall be given applications for permits from –

(i) State transport undertakings;

(ii) Co-operative societies registered or deemed to have been registered under any enactment for the time being in force; 44 [*]

(iii) Ex-servicemen; ⁴⁵[or]

⁴⁶[(iv) any other class or category of persons, as the State Government may, for reasons to be recorded in writing, consider necessary].

⁴⁷[**] ⁴⁷[**]

Explanation - For the purposes of this section "company" means any body corporate, and includes a firm or other association of individuals; and "director", in relation to a firm, means a partner in the firm.

44. The word "or" omitted by Act 54 of 1994, S. 23 (w.e.f. 14-11-1994).

45. Inserted, ibid (w.e.f. 14-11-1994).

46. Inserted, ibid (w.e.f. 14-11-1994).

Corresponding Law :- Section 71 corresponds to section 47 of the Motor Vehicles Act, 1939.

Objects and Reasons - Clause 71 lays down the procedure in considering applications for stage carriage permits by the Regional Transport Authorities and also provides for empowering the State Government to issue direction to the Transport authorities to limit the number of stage carriage permits in certain towns and cities with a population of not less than five lakhs.

72. Grant of stage carriage permit - (1) Subject to the provisions of section 71, a Regional Transport Authority may, on an application made to it under section 70,

grant a stage carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit :

Provided that no such permit shall be granted in respect of any route or area not specified in the application.

(2) The Regional Transport Authority, of it decides to grant a stage carriage permit, may grant the permit for a stage carriage of a specified description and may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely :-

(i) that the vehicles shall be used only in a specified area, or on a specified route or routes;

(ii)that the operation of the stage carriage shall be commenced with effect from a specified date ;

(iii)the minimum and maximum number of daily trips to be provided in relation to any route or area generally or on specified days and occasions ;

47. Ss. (40 and (5) omitted by Act 54 of 1994, S. 23 (w.e.f. 14-11-1994). Prior to their omission, sub-Ss. (4) and (5) read as under :-

"(4) A Regional Transport Authority shall not grant more than five stage carriage permits to any individual or more than ten stage carriage permits to any company (not being a State transport undertaking).

(5) In computing the number of permits to be granted under sub-section (4), the permits held by an applicant in the name of any other person and the permits held by any company of which such applicant is a director shall also betaken into account."

(iv)that copies of the time-table of the stage carriage approved by the Regional Transport Authority shall be exhibited on the vehicles and at specified stands and halts on the route or within the area ;

(v) that the stage carriage shall be operated within such margins of deviation from the approved time-table as the Regional Transport Authority may from time to time specify ;

(vi) that within municipal limits and such other areas and places as may be prescribed, passengers or goods shall not be taken up or set down except at specified points; (vii) the maximum number of passengers and the maximum weight of luggage that may be carried on the stage carriage, either generally or on specified occasions or at specified times and seasons;

(viii) the weight and nature of passenger's luggage that shall be carried free of charge, the total weight of luggage that may be carried in relation to each passenger, and the arrangements that shall be made for the carriage of luggage without causing inconvenience to passengers;

(ix) the rate of charge that may be levied for passengers' luggage in excess of the free allowance ;

(x) that vehicles of a specified type fitted with body conforming to approved specifications shall be used :

Provided that the attachment of this condition to a permit shall not prevent the continued use, for a period of two years from the date of publication of the approved specifications, of any vehicle operating on that date ;

(xi) that specified standards of comfort and cleanliness shall be maintained in the vehicles;

(xii) the conditions subject to which goods may be carried in the stage carriage in addition to or to the exclusion of passengers ;

(xiii)that fares shall be charged in accordance with the approved fare table;

(xiv) that a copy of , or extract from, the fare table approved by the Regional Transport Authority and particulars of any special fares or rates of fares so approved for particular occasions shall be exhibited on the stage carriage and at specified stands and halts ;

(xv) that tickets bearing specified particulars shall be issued to passengers and shall show the fares actually charged and that records of tickets issued shall be kept in a specified manner ;

(xvi) that mails shall be carried on the vehicle subject to such conditions (including conditions as to the time in which mails are to be carried and the charges which may be levied) as may be specified ; (xvii) the vehicles to be kept as reserve by the holder of the permit to maintain the operation and to provide for special occasions ;

(xviii) the conditions subject to which the vehicle may be used as a contract carriage;

(xix) that specified arrangements shall be made for the housing, maintenance and repair of vehicle;

(xx) that any specified bus station or shelter maintained by Government or a local authority shall be used and that any specified rent or fee shall be paid for such use ;

(xxi) that the conditions of the permit shall not be departed from, save with the approval of the Regional Transport Authority ;

(xxii) that the Regional Transport Authority may, after giving notice of not less than one month , -

(a) vary the conditions of the permit ;

(b) attach to the permit further conditions :

Provided that the conditions specified in pursuance of clause (i) shall not be varied so as to alter the distance covered by the original route by more than 24 kilometers, and any variation within such limits shall be made only after the regional transport authority is satisfied that such variation will serve the convenience of the public and that it is not expedient to grant a separate permit in respect of the original route as so varied or any part thereof;

(xxiii) that the holder of a permit shall furnish to the Regional Transport Authority such periodical returns, statistics and other information as the State Government may from time to time prescribe ;

(xxiv) any other conditions which may be prescribed.

Corresponding Law :- Section 72 corresponds to section 48 of the Motor Vehicles Act, 1939.

Objects and Reasons :- Clause 72 empowers the transport authorities to grant or refuse a stage carriage permit and also to impose certain conditions and attach such conditions to the permits issued.

73. Application for contract carriage permit - An application for a permit in respect of a contract carriage (in this Chapter referred to as a contract carriage permit) shall contain the following particulars, namely :-

- (a) the type and seating capacity of the vehicle ;
- (b) the area for which the permit is required ;
- (c) any other particulars which may be prescribed.

Corresponding Law :- Section 73 corresponds to section 49 of the Motor Vehicles Act, 1939.

Objects and Reasons :- Clause 73 prescribes the form of application for contract carriage permit.

74. Grant of contract carriage permit :- (1) Subject to the provisions of sub-section (3), a regional transport authority may, on an application made to it under section 73, grant a contract carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit :

Provided that no such permit shall be granted in respect of any area not specified in the application.

(2) The Regional Transport Authority, if it decides to grant a contract carriage permit, may, subject to any rules that may be made under this act, attach to the permit any one or more of the following conditions, namely:-

(i) that the vehicles 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 of hiring, other than an extension or modification of a subsisting contract, may be entered into outside the specified area;

(iii) the maximum number of passengers and the maximum weight of luggage that may be carried on the vehicle, either generally or on specified occasions or at specified times and seasons;

(iv) the conditions subject to which goods may be carried in any contract carriage in addition to, or to the exclusion of, passengers;

(v) that, in the case of motorcabs, specified fares or rates of fares shall be charged and a copy of the fare table shall be exhibited on the vehicle; (vi) that, in the case of vehicles other than motorcabs, specified rates of hiring not exceeding specified maximum shall be charged;

(vii) that, in the case of motorcabs, a specified weight of passengers luggage shall be carried free of charge, and that the charge, if any, for any luggage in excess thereof shall be at a specified rate;

(viii)that, in the case of motorcabs, a taximeter shall be fitted and maintained in proper working order, if prescribed;

(ix) that the Regional Transport Authority may, after giving notice of not less than one month,-

(a) vary the conditions of the permit

(b) attach to the permit further conditions;

(x) that the conditions of permit shall not be departed from save with the approval of the Regional Transport Authority;

(xi) that specified standards of comfort and cleanliness shall be maintained in the vehicles;

(xii) that, except in the circumstances of exceptional nature, the plying of the vehicle or carrying of the passengers shall not be refused;

(xiii) any other conditions which may be prescribed.

(3)(a) The State Government shall, if so directed by the Central Government, having regard to the number of vehicles, road conditions and other relevant matters, by notification in the Official Gazette, direct a State Transport Authority and a Regional Transport Authority to limit the number of contract carriages generally or of any specified type as may be fixed and specified in the notification, operating on city routes in towns with a population of not less than five lakhs.

(b) Where the number of contract carriages are fixed under clause (a), the Regional Transport Authority shall, in considering an application for the grant of permit in respect of any such contract carriage, have regard to the following matters, namely :-

(i) financial stability of the applicant

(ii) satisfactory performance as a contract carriage operator including payment of tax if the applicant is or has been an operator of contract carriages ; and

(iii) such other matters as may be prescribed by the State Government:

Provided that, other conditions being equal, preference shall be given to applications for permits from –

(i) the India Tourism Development Corporation ;

(ii) State Tourism Development Corporation ;

(iii) State Tourism Departments ;

(iv) State Transport undertakings;

(v) Co-operative societies registered or deemed to have been registered under any enactment for the time being in force ;

(vi) Ex-servicemen.

Corresponding Law :- Section 74 corresponds to section 51 of the Motor Vehicles Act, 1939.

Objects and Reasons :- Clause 74 seeks to empower the transport authorities to grant or refuse a contract carriage permit and as also to impose certain conditions and attach such conditions to the permits issued. It also empowers the Central Government to issue directions to transport authorities to limit the number of permits to be issued in cities and towns having a populations of not less than 5 lakhs.

75. Scheme for renting of motorcabs. - (1) the central government may by notification in the official gazatte, make a scheme for the purpose of regulating the business of renting of 48 [motorcabs or motor cycles to persons desiring to drive either by themselves or through drivers, motorcabs or motor cycles]for their own use and for matters connected therewith.

(2) A scheme made under sub-section (1) may provide for all or any of the following matters, namely;-

(a) licensing of operators under the scheme including grant, renewal and revocation of such licences;

(b) form of application and form of licences and the particulars to be contained therein;

(c) fee to be paid with the application for such licences;

(d) the authorities to which the application shall be made;

(e) condition subject to which such licences may be granted, renewed or revoked;

(f) appeals against orders of refusal to grant or renew such licences and appeals against orders revoking such licences;

(g) conditions subject to which motorcabs may be rented;

(h) maintenance of records and inspection of such records;

(i) such other matters as may be necessary to carry out the purpose of this section,

Corresponding Law :- this is a new provision in the 1988 ACT.

Objects and Reasons :- Clause75 provides that the central government may make a scheme for regulating the renting of motorcabs to hirers enabling the hirers to drive the vehicles themselves for their own use.

76. Application for private service vehicle permit. - (1) A Regional Transport Authority may, on an application made to it, grant a private service vehicle permit in accordance with the application or with such modification as it deems fit or refuse to grant such permit;

Provided that no such permit shall be granted in respect of any area or route not specified in the application.

48. Substituted for "motorcabs to persons desiring to drive the cabs" by Act 54 of 1994, S. 24 (w.e.f. 14-11-1994).

(2) An application for a permit to use a motor vehicle as a private service vehicle shall contain the following particulars, namely;-

(a) type and seating capacity of the vehicle ;

(b) the area or the route or routes to which the application relates ;

(c) the manner in which it is claimed that the purpose of carrying persons otherwise than for hire or reward or in connection with the trade or business carried on by the applicant will be served by the vehicle ; and

(d) any other particulars which may be prescribed.

(3) The Regional Transport Authority if it decides to grant the permit may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely :-

(i) that the vehicle be used only in a specified area or on a specified route or routes ;

(ii) the maximum number of persons and the maximum weight of luggage that may be carried;

(iii) that the Regional Transport Authority may, after giving notice of not less than one month -

(a) vary the conditions of the permit;

(b) attach to the permit further conditions;

(iv) that the conditions of permit shall not be departed from, save with the approval of the Regional Transport Authority;

(v) that specified standards of comforts and cleanliness shall be maintained in the vehicle ;

(vi) that the holder of the permit shall furnish to the Regional Transport Authority such periodical returns, statistics and other information as the State Government may, from time to time, specify ; and

(vii) such other conditions as may be prescribed.

Corresponding Law :- Section 76 corresponds to section 52 of the Motor Vehicles Act, 1939.

Objects and Reasons :- Clause 76 deals with permits for private service vehicles for the transport of employees by the employers otherwise than for hire or reward, the authorities to grant such permits and the conditions to be attached to such permit.

77. Application for goods carriage permit :- An application for a permit to use a motor vehicle for the carriage of goods for hire or reward or 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 goods carriage permit) shall, as far as may be, contain the following particulars, namely :-

(a) the area or the route or routes to which the application relates ;

(b) the typed and capacity of the vehicle ;

(c) the nature of the goods it is proposed to carry ;

(d) the arrangements intended to be made for the housing, maintenance and repair of the vehicle and for the storage and safe custody of the goods ;

(e) such particulars as the Regional Transport Authority may require with respect to any business as a carrier of goods for hire or reward carried on by the applicant at any time before the making of the application, and of the rates charged by the applicant:

(f) particulars of any agreement, or arrangement, affecting in any material respect the provision within the region of the Regional Transport Authority of facilities for the transport of goods for hire or reward, entered into by the applicant with any other person by whom such facilities are provided, whether within or without the region ;

(g) any other particulars which may be prescribed.

Corresponding Law :- Section 77 corresponds to section 54 of the Motor Vehicles Act, 1939.

Objects and Reasons :- Clause 77 prescribes the form of application for goods carriage permit.

78. Consideration of application for goods carriage permit :- A Regional Transport Authority shall, in considering an application for a goods carriage permit, have regard to the following matters, namely;-

(a) the nature of the good to be carried with special reference to their dangerous or hazardous nature to human life;

(b) the nature of the chemicals or explosives to be carried with special reference to the safety to human life.

Corresponding law.- Section 78 corresponds to section 55 of the motor vehicles act, 1939.

Objects and reasons.– Clause 78 deals with procedure for the grant of goods of carriage permit

79. Grant of goods carriage permit. - (1) A Regional Transport Authority may, on an application made to it under section 77, grant a goods carriage permit to be valid throughout the State or in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit:

Provided that no such permit shall be granted in respect of any area or route not specified in the application.

(2) The Regional Transport Authority, if it decides to grant a goods carriage permit it, may grant the permit and may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely:-

(i) that the vehicle shall be used only in a specified area, or on a specified route or routes;

(ii) that the gross vehicle weight of any vehicle used shall not exceed a specified maximum;

(iii) that goods of a specified nature shall not be carried;

(iv) that goods shall be carried at specified rates;

(v) that specified arrangement shall be made for the housing, maintenance and repair of the vehicle and the storage and safe custody of the goods carried;

(vi) that the holder of the permit shall furnish to the Regional Transport Authority such periodical returns, statistics and other information as the State Government may, from time to time, prescribe;

(vii) that the Regional Transport Authority may, after giving notice of not less than one month,-

(a) vary the conditions of the permit;

(b) attach to the permit further conditions;

(viii) that the conditions of the permit shall not be departed from, save with the approval of the Regional Transport Authority ;

(ix) any other conditions which may be prescribed.

(3) The conditions referred to in sub-section (2) may include conditions relating to the packaging and carriage of goods of dangerous or hazardous nature to human life.

Corresponding Law. - Section 79 corresponds to section 56 of the motor vehicles act, 1939.

Objects and Reasons. - Clause 79 provides for the grant of goods carriage permits, the power of transport authorities to grant or refuse such permits and to impose conditions and attach such conditions to the permit.

80. Procedure in applying for and granting permits :- (1) An application for a permit of any kind may be made at any time.

(2) A 49 [Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 66] shall not ordinarily refuse to grant an application for permit of any kind made at any time under this Act;

Provided that the ⁵⁰[Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 66] may summarily refuse the application if the grant of any permit in accordance with the application would have the effect of increasing the number of stage carriages as fixed and specified in a notification in the Official Gazette under clause (a) of sub-section (3) of section 71 or of contract carriages as fixed and specified in a notification in the Official Gazette under clause (a) of sub-section (3) of section 74;

Provided further that where a ⁵¹[Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 66] refuses an application for the grant of a permit of any kind under this Act, it shall give to the applicant in writing its reasons for the refusal of the same and an opportunity of being heard in the matter.

(3) An application to vary the conditions of any permit, other than a temporary permit, by the inclusion of a new route or routes or a new area or by altering the route or routes or area covered by it, or in the case of a stage carriage permit by increasing the number of trips above the specified maximum or by the variation, extension or curtailment of the route or routes or the area specified in the permit shall be treated as an application for the grant of a new permit;

Provided that it shall not be necessary so to treat an application made by the holder of stage carriage permit who provides the only service on any route to increase

^{49.} Substituted for "Regional Transport Authority" by Act 54 of 1994, S. 25 (w.e.f. 14-11-1994).

^{50.} Substituted, ibid, for "Regional Transport Authority" (w.e.f. 14-11-1994).

^{51.} Substituted, ibid, for "Regional Transport Authority" (w.e.f. 14-11-1994).

the frequency of the service so provided without any increase in the number of vehicles;

Provided further that, -

(i) in the case of variation, the termini shall not be altered and the distance covered by the variation shall not exceed twenty four kilometers ;

(ii) in the case of extension, the distance covered by extension shall not exceed twenty four kilometers from the termini, & any such variation or extension within such limits shall be made only after the transport authority is satisfied that such variation will serve the convenience of the public and that it is not expedient to grant a separate permit in respect of the original route as so varied or extended or any part thereof.

(3) A 52 [Regional Transport Authority, State Transport Authority or any prescribed authority referred to in sub-section (1) of section 66] may, before such date as may be specified by it in this behalf, replace any permit granted by it before the said date by a fresh permit conforming to the provisions of section 72 or section 74 or section 76 or section 79, as the case may be, and the fresh permit shall be valid for the same route or routes or the same area for which the replaced permit was valid.

Provided that no condition other than a condition which was already attached to the replaced permit or which could have been attached thereto under the law in force when that permit was granted shall be attached to the fresh permit except with the consent in writing of the holder of the permit.

52. Substituted for "Regional Transport Authority" by Act 54 of 1994, S. 25 (w.e.f. 14-11-1994).

(4) Notwithstanding anything contained in section 81, a permit issued under the provisions of sub-section (4) shall be effective without renewal for the remainder of the period during which the replaced permit would have been so effective.

Corresponding Law. - Section 80 corresponds to section 57 of the motor vehicles act, 1939.

Objects and Reasons. - Clause 80 lays down the procedure in applying for and granting permits of any kind, variations of permits and replacement of permits by fresh permits under certain circumstances by the transport authorities.

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81. Duration and renewal of permits. - (1) A permit other than a temporary permit issued under section 87 or a special permit issued under subsection (8) of section 88 shall be effective ⁵³[from the date of issuance or renewal thereof] for a period of five years.

Provided that where the permit is countersigned under sub-section (1) of section 88, such countersignature shall remain effective without renewal for such period so as to synchronise with the validity of the primary permit.

(2) A permit may be renewed on in application made not less than 15 days before the date of its expiry.

(3) Notwithstanding anything contained in sub-section (2), the Regional Transport Authority or the State Transport Authority, as the case may be, may entertain an application for the renewal of a permit after the last date specified in that sub-section if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.

(4)The Regional Transport Authority or the State Transport Authority, as the case may be, may reject an application for the renewal of a permit on one or more of the following grounds, namely :-

(a) the financial condition of the applicant as evidenced by insolvency, or decrees for payment of debts remaining unsatisfied for a period of thirty days, prior to the date of consideration of the application ;

(b) the applicant had been punished twice or more for any of the following offences within twelve months reckoned from fifteen days prior to the date of

53. Substituted, by S. 26, *ibid*, for "without renewal" (w.e.f. 14-11-1994).

(c) consideration of the application committed as a result of the operation of a stage carriage service by the applicant, namely :-

(i) plying any vehicle -

(1) without payment of tax due on such vehicle ;

(2) without payment of tax during the grace period allowed for payment of such tax and then stop the plying of such vehicle ;

(3) on any unauthorised route ;

(ii) making unauthorised trips:

Provided that in computing the number of punishments for the purpose of clause (b), any punishment stayed by the order of an appellate authority shall not be taken into account :

Provided further that no application under this sub-section shall be rejected unless an opportunity of being heard is given to the applicant.

(5) Where a permit has been renewed under this section after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 87, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refunded.

Corresponding Law.- Section 81 corresponds to section 58 of the motor vehicles act, 1939.

Objects and Reasons. - Clause 81 lays down the validity of a permit of any kind as 5 years. It also provides for the renewal of the permit for 5 years, the time within which application for renewal of permit should be submitted to the transport authorities and the conditions subject to which the permit may be renewed automatically.

82. Transfer of permit. - (1) Save as provided in sub-section (2), 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 authorised by the permit.

(2) Where the holder of a permit dies, the person succeeding to the possession of the vehicle 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 own intention to 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.

(3) 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 vehicles covered by the permit :

Provided that the Transport Authority may entertain an application made after the expiry of the said period of three months if it is satisfied that the applicant was prevented by good and sufficient cause from making an application within the time specified.

Corresponding Law. - Section 82 (1) corresponds to section 59(1) and section 82 (2) corresponds to section 61 of the motor vehicles act, 1939.

Objects and Reasons. - Clause 83 enables the holder of the permit to replace the vehicles covered by the permit by another vehicle of the same nature with the permission of the transport authority which granted the permit.

83. Replacement of vehicles. - The holder of a permit may, with the permission of the authority by which the permit was granted, replace any vehicle covered by the permit by any other vehicle of the same nature.

Corresponding Law.- Section 83 corresponds to section 59(2) of the motor vehicles act, 1939.

Objects and Reasons. - Clause 83 enables the holder of the permit to replace the vehicles covered by the permit by another vehicle of the same nature with the permission of the transport authority which granted the permit.

84. General conditions attaching to all permits. - The following shall be conditions of every permit –

(a) that the vehicle to which the permit relates carries valid certificate of fitness issued under section 56 and is at all times so maintained as to comply with the requirements of this Act and the rules made thereunder ;

(b) that the vehicle to which the permit relates is not driven at a speed exceeding the speed permitted under this Act ;

(c) that any prohibition or restriction imposed any fares or freight fixed by notification made under section 67 are observed in connection with the vehicle to which the permit relates ; (d) that the vehicle to which the permit relates is not driven in contravention of the provisions of section 5 or section 113 ;

(e) that the provisions of this Act limiting the hours of work of drivers are observed in connection with any vehicle or vehicles to which the permit relates;

(f) that the provisions of Chapter X, XI and XII so far as they apply to the holder of the permit are observed ; and

(g) that the name and address of the operator shall be painted or otherwise firmly affixed to every vehicle to which the permit relates on the exterior of the body of that vehicle on both sides thereof in a colour or colours vividly contrasting to the colour of the vehicle centered as high as practicable below the window line in bold letters.

Corresponding Law.- Section 84 corresponds to section 59(3) of the motor vehicles act, 1939.

Objects and Reasons. - Clause 84 prescribes general conditions attaching to all kinds of permit.

85. General form of permits. - Every permit issued under this Act shall be complete in itself and shall contain all the necessary particulars of the permit and the conditions attached thereto.

Corresponding Law.- Section 85 corresponds to section 59-A of the motor vehicles act, 1939.

Objects and Reasons .- Clause 85 lays down the general form of permit.

86. Cancellation and suspension of permits.- (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 section 84 or of any condition contained in the permit, or

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

(c) if the holder of the permit ceases to own the vehicle covered by the permit, or

(d) if the holder of the permit has obtained the permit by fraud or misrepresentation, or

(e) if the holder of the goods carriage permit, fails without reasonable cause, to use the vehicle for the purposes for which the permit was granted, or

(f) if the holder of the permit acquires the citizenship of any foreign country :

Provided that no permit shall be suspended or cancelled unless an opportunity has been given to the holder of the permit to furnish his explanation.

(2) The Transport Authority may exercise the powers conferred on it under sub-section (1) in relation to a permit granted by any authority or person to whom power in this behalf has been delegated under sub-section (5) of section 68 as if the said permit was a permit granted by the Transport Authority.

(3) Where a Transport Authority cancels or suspends a permit, it shall give to the holder in writing its reasons for the action taken.

(4) The powers exercisable under sub-section (1) (other than the power to cancel a permit) by the Transport Authority which granted the permit may be exercised by any authority or person to whom such powers have been delegated under sub-section (5) of section 68.

(5) Where a permit is liable to be cancelled or suspended under clause (a) or clause (b) or clause (e) of sub-section (1) and the Transport Authority is of opinion that having regard to the circumstances of the case, it would not be necessary or expedient so to cancel or suspend the permit if the holder of the permit agrees to pay a certain sum of money, than notwithstanding anything contained in sub-section (1), the Transport Authority may, instead of cancelling or suspending the permit, as the case may be, recover from the holder of the permit the sum of money agreed upon.

(6) The powers exercisable by the Transport Authority under sub-section (5) may, where an appeal has been preferred under section 89, be exercised also by the appellate authority.

(7) In relation to a permit referred to in sub-section (9) of section 88, the powers exercisable under sub-section (1) (other than the power to cancel a permit) by the Transport Authority which granted the permit, may be exercised by any Transport

Authority and any authority or persons to whom power in this behalf has been

delegated under sub-section (5) of section 68, as if the said permit was a permit granted by any such authority or persons.

Corresponding Law.- Section 86 corresponds to section 60 of the motor vehicles act, 1939.

Objects and Reasons. - Clause 86 seeks to empower the transport authority which granted the permit to cancel the permit or suspend it for a specified period for the breach of the conditions of the permit or for specific offences specified in this clause. It also confers powers on the transport authority to permit compounding of offences under this clause by recovering the money agreed upon from the permit holder in lieu of the suspension or cancellation of the permit.

87. Temporary permits. - (1) A Regional Transport Authority and the State Transport Authority may without following the procedure laid down in section 80, grant permits, to be effective for a limited period which shall, not in any case exceed four month, to authorise 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 a particular temporary need, or

(d) pending decision on an application for the renewal of a permit, and may attach to any such permit such condition as it may think fit :

Provided that a Regional Transport Authority or, as the case may be, State Transport Authority may, in the case of goods carriages, under the circumstances of an exceptional nature, and for reasons to be recorded in writing, grant a permit for a period exceeding four months, but not exceeding one year.

(2) Notwithstanding anything contained in sub-section (1), a temporary permit may be granted thereunder in respect of any route or area where –

(i) no permit could be issued under section 72 or section 74 or section 76 or section 79 in respect of that route or area by reason of an order of a Court or other competent authority restraining the issue of the same, for a period not exceeding the period for which the issue of the permit has been so restrained ; or (ii) as a result of the suspension by a Court or other competent authority of the permit of any vehicle in respect of that route or area, there is no transport vehicle of the same class with a valid permit in respect of that route or area, or there is no adequate number of such vehicles in respect of that route or area, for a period not exceeding the period of such suspension :

Provided that the number of transport vehicles in respect of which temporary permits are so granted shall not exceed the number of vehicles in respect of which the issue of the permits have been restrained or, as the case may be, the permit has been suspended.

Corresponding Law. - Section 87 corresponds to section 62 of the motor vehicles act, 1939.

Objects and Reasons. - Clause 87 confers upon the transport authorities the power to issue temporary permits to transport vehicles for a limited period for the use of the vehicle temporarily for certain specified purposes.

88. Validation of permits for use outside region in which granted. -(1) Except as may be otherwise prescribed, a 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, and a permit granted in any one State shall not be valid in any other State unless countersigned by the State Transport Authority of that other State or by the Regional Transport Authority concerned :

Provided that a goods carriage permit, granted by the Regional Transport Authority of any one region, for any area in any other region or regions within the same State, shall be valid in that area without the countersignature of the Regional Transport Authority of the other region or of each of the other regions concerned :

Provided further that where both the starting point and the terminal point of a route are situate within the same State, but part of such route lies in any other State and the length of such part does not exceed sixteen kilometres, the permit shall be valid in the other State in respect of that part of the route which is in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State :

Provided also that -

(a) where a motor vehicle covered by a permit granted in one State is to be used for the purposes of defence in any other State, such vehicle shall display a certificate, in such form, and issued by such Authority, as the Central Government may, by notification in the Official Gazette, specify, to the effect that the vehicle shall be used for the period specified therein exclusively for the purposes of defence ; and

(b) any such permit shall be valid in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State.

(2) Notwithstanding anything contained in sub-section (1), a permit granted or countersigned by a State Transport Authority shall be valid in the whole State or in such regions within the State as may be specified in the permit.

(3) 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.

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

Provided that it shall not be necessary to follow the procedure laid down in section 80 for the grant of countersignatures of permits, where the permits granted in any one State are required to be countersigned by the State Transport Authority of another State or by the Regional Transport Authority concerned as a result of any agreement arrived at between the States after complying with the requirements of subsection (5).

(5) Every proposal to enter into an agreement between the States to fix the number of permits which is proposed to be granted or countersigned in respect of each route or area, shall be published by each of the State Governments concerned in the Official Gazette and in any one or more of the newspapers in regional language circulating in the area or route proposed to be covered by the agreement 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 the date of publication in

the Official Gazette, on which, and the authority by which, and the time and place at which, the proposal and any representation received in connection therewith will be considered.

(6) Every agreement arrived at between the States shall, insofar as it relates to the grant of countersignature of permits, be published by each of the State Governments concerned in the Official Gazette and in any one or more of the newspaper in the regional language circulating in the area or route covered by the agreement and the State Transport Authority of the State and the Regional Transport Authority concerned shall give effect to it.

(7) Notwithstanding anything contained in sub-section (1), a Regional Transport Authority of one region may issue a temporary permit under section 87 to be valid in another region or State with the concurrence, given generally or for the particular occasion, of the Regional Transport Authority of that other region or of the State Transport Authority of that other State, as the case may be.

(8) Notwithstanding anything contained in sub-section (1), but subject to any rules that may be made under this Act by the Central Government, the Regional Transport Authority of any one region or, as the case may be, the State Transport Authority, may, for the convenience of the public, ⁵⁴[grant a special permit to any

54. Substituted for "grant a special permit in relation to a vehicle covered" by Act 54 of 1994, S. 27 (w.e.f. 14-11-1994).

public service vehicle including any vehicle covered] by a permit issued under section 72 (including a reserve stage carriage) or under section 74 or under subsection (9) of this section for carrying a passenger or passengers for hire or reward under a contract, express or implied, for the use of the vehicle as a whole without stopping to pick up or set down along the line of route passengers not included in the contract, and in every case where such special permit is granted, the Regional Transport Authority shall assign to the vehicle, for display thereon, a special distinguishing mark in the form and manner specified by the Central Government and such special permit shall be valid in any other region or State without the countersignature of the Regional Transport Authority of the other region or of the

State Transport Authority of the other State, as the case may be.

(9) Notwithstanding anything contained in sub-section (10 but subject to any rules that may be made by the Central Government under sub-section (14), any State Transport Authority may, for the purpose of promoting tourism, grant permits in respect of tourist vehicles valid for the whole of India, or in such contiguous States not being less than three in number including the State in which the permit is issued as may be specified in such permit in accordance with the choice indicated in the application and the provisions of sections 73, 74, 80, 81, 82, 83, 84, 85, 86, ⁵⁵ [clause (d) of sub-section (1) of section 87 and section 89] shall, as far as may be, apply in relation to such permits.

⁵⁶[***]

(11) The following shall be conditions of every permit granted under subsection (9), namely :-

(i) every motor vehicle in respect of which such permit is granted shall conform to such description, requirement regarding the seating capacity, standards of comforts, amenities and other matters, as the Central Government may specify in this behalf;

(ii) every such motor vehicle shall be driven by person having suchqualifications and satisfying such conditions as may be specified by the CentralGovernment ; and

55. Substituted, ibid, for "and 89" (w.e.f. 14-11-1994).

(iii) such other conditions as may be prescribed by the Central Government.

(12) Notwithstanding anything contained in sub-section (1), but, subject to the rules that may be made by the Central Government under sub - section (14), the appropriate authority may, for the purpose of encouraging long distance inter-State road transport, grant in a State, national permits in respect of goods carriages and the provisions of section 69, 77, 79, 80, 81, 82, 83, 84, 85, 86, ⁵⁷[clause (d) of sub-section (1) of section 87 and section 89] shall, as far as may be apply to or in relation to the grant of national permits.

⁵⁸ [****]

(14) (a) The Central Government may make rules for carrying out the provisions of this section.

(b) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

56. Sub-S. (100 omitted, ibid (w.e.f. 14-11-1994). Prior to its omission, sub-S. (10) read as under :-

"(10) Without prejudice to the provisions of section 74, the State Transport Authority shall, in considering an application for a permit under sub-section (9) in respect of tourist vehicles other than motorcabs have regard to the following matters, namely :-

(a) no such permit shall be issued –

(i) to an individual owner so as to exceed ten such valid permits in his own name,

(ii) to a company so as to exceed twenty such valid permits in its own name;

(b) the restriction under clause (a) regarding the number of permits to be granted shall not apply to the India Tourism Development Corporation, State Tourism Development Corporations, State Tourism Departments or State Transport undertakings ;

(c) in computing the number of permits for the purposes of clause (a), the number of permits held by an applicant in the name of any other person and the permits held by any company of which such applicant is a director shall also be taken into account.

Explanation .- For the purposes of this sub-section and sub-section (13), "company" means a body corporate, and includes a firm or other association of individuals, and "director", in relation to a firm, means a partner in the firm".

57. Substituted for "and 89" by Act 54 of 1994, S. 27 (w.e.f. 14-11-1994).

(i) the authorisation fee payable for the issue of a permit referred to in sub-section (9) and (12);

(ii) the fixation of the laden weight of the motor vehicle ;

(i) the distinguishing particulars or marks to be carried or exhibited in or on the motor vehicle ;

(ii) the colour or colours in which the motor vehicle is to be painted;

(iii) such other matters as the appropriate authority shall consider in granting a national permit.

Explanation. - In this section, -

(a) "appropriate authority", in relation to a national permit, means the authority which is authorised under this Act to grant a goods carriage permit;

(b) "authorisation fee" means the annual fee, not exceeding one thousand rupees, which may be charged by the appropriate authority of a State of enable a motor vehicle, covered by the permit referred to in sub-section (9) and (12) to be used in other States subject to the payment of taxes or fees, if any, levied by the States concerned ;

(c) "national permit" means a permit granted by the appropriate authority to goods carriages to operate throughout the territory of India or in such contiguous States not being less than four in number, including the State in which the permit is

58. Sub-S. (13) omitted, ibid (w.e.f. 14-11-1994). Prior to its omission, sub-S. (13) read as under :-

"(13) The appropriate authority shall, in considering an application for a national permit, have regard to the following matters, namely :-

(a) no national permit shall be issued –

(i) to an individual owner so as to exceed five national permits in its own name ;

(ii) to a company so as to exceed ten valid national permits in its own name;

(b) the restriction under clause (a) regarding the number of permits to be issued shall not apply to the State transport undertakings ;

(c) in computing the number of permits for the purposes of clause (a), the number of permits held by an applicant in the name of any other person and the permits held by any company of which such applicant is a director shall also be taken into account."

issued as may be specified in such permit in accordance with the choice indicated in the application.

Corresponding Law. - Section 88 corresponds to section 63 of the motor vehicles act, 1939.

Objects and Reasons. - Clause 88 lays down the procedure for validation for use outside the region in which the permit is granted, for entering into an agreement between the States regarding the number of permits to be granted or counter-signed in each State on inter-State routes, for the issue of temporary permits to be valid in another State without the process of counter-signature in the other State, it also provides that national permit for goods carriages issued in one state and permits for

tourist vehicle issued in one state shall without counter signature in other state be

valid throughout India, without a limit in the number of vehicles for which such permits may be granted but with certain limit on the holding of such permits by both individuals and companies.

89. Appeals. -(1) Any person -

or

(a) aggrieved by the refusal of the State 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 revocation or suspension of the permit or by any variation of the conditions thereof, or

(c) aggrieved by the refusal to transfer the permit under section 82,

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

(e) aggrieved by the refusal of renewal of a permit, or

(f) aggrieved by the refusal to grant permission under section 83, or

(g) aggrieved by any other order which may be prescribed, may, within the prescribed time and in the prescribed manner, appeal to the State transport Appellate Tribunal constituted under sub-section (2), who shall, after giving such person and the original authority an opportunity of being heard, give a decision thereon which shall be final.

⁵⁹[(2) The State Government shall constitute such number of Transport Appellate Tribunals as it thinks fit and each such Tribunal shall consist of a judicial officer who is not below the rank of a District Judge or who is qualified to be a judge of the High Court and it shall exercise jurisdiction within such area as may be notified by that Government.]

(3) Notwithstanding anything contained in sub-section (1) or sub-section(2), every appeal pending at the commencement of this Act, shall continue to be proceeded with and disposed of as if this Act had not been passed.

Explanation - For the removal of doubts, it is hereby declared that when any order is made by the State Transport Authority or the Regional Transport Authority in

pursuance of a direction issued by the Inter-State Transport commission under clause

(c) of sub-section (2) of section 63-A of the Motor Vehicles Act, 1939, as it stood immediately before the commencement of this Act, and any person feels aggrieved by such order on the ground that it is not in consonance with such direction, he may appeal under sub - section (1) to the State Transport Appellate Tribunal against such

Corresponding Law. - Section 89 corresponds to section 64 of the motor vehicles act, 1939.

Objects and Reasons. - Clause 89 contains provisions for constitution by the State Governments, State Transport Appellate Tribunals for hearing of appeals filed by aggrieved persons, against the orders passed by the Transport authorities and lays down the nature of orders that can be taken on appeal.

90. Revision. - The State Transport Appellate Tribunal may, on an application made to it, call for the record of any case in which an order has been made by a State Transport Authority or Regional Transport Authority against which no order by not against the direction so issued.

59. Sub-S. (2) substituted by Act 54 of 1994, S. 28 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (2) read as under :-

"(2) The State Government shall constitute for the State, a State Transport Appellate Tribunal which shall consist of a judicial officer who is not below the rank of a District Judge, or who is qualified to be a judge of a High Court :

Provided that in relation to a Union territory, the Tribunal may consist of the Administrator of that territory or any officer who has judicial experience".

appeal lies, and if it appears to the State Transport Appellate Tribunal that the order made by the State Transport Authority or Regional Transport Authority is improper or illegal, the State Transport Appellate Tribunal may pass such order in relation to the case as it deems fit and every such order shall be final :

Provided that the State Transport Appellate Tribunal shall not entertain any application from a person aggrieved by an order of a State Transport Authority or Regional Transport Authority, unless the application is made within thirty days from the date of the order :

Provided further that the State Transport Appellate Tribunal may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the

applicant was prevented by good and sufficient cause from making the application in time :

Provided also that the State Transport Appellate Tribunal shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

Corresponding Law. - Section 90 corresponds to section 64 – A of the motor vehicles Act, 1939.

Object and Reasons. - Clause 90 provides for filling of revision petition before State Transport Appellate Tribunal by the aggrieved persons on matters where no appeal is provided in clause 89.

91. Restriction hours of work of drivers. - ${}^{60}[(1)$ The hours of work of any person engaged for operating a transport vehicle shall be such as provided in the Motor Transport Workers Act, 1961 (27 of 1961)].

(2) A State Government may, by notification in the Official Gazette, grant such exemptions from the provisions of sub-section (1) as it thinks fit, to meet cases of

60. Sub-S. (1) substituted by Act 54 of 1994, S. 29 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (1) read as under .-

"(1) No person shall cause or allow any person who is employed by him for the purpose of driving a transport vehicle or who is subject to his control for such purpose to work -

(a) for more than five hours before he has had an interval of rest of at least half an hour ; or

(b) for more than eight hours in one day ; or

(c) for more than forty-eight hours in any week."

emergency of delays by reason of circumstances which could not be foreseen.

(3) A State Government or, if authorised in this behalf by the State Government by rules made under section 96, the State or a Regional Transport Authority may require persons employing any person whose work is subject to any of the provision of sub-section (1) to fix beforehand the hours of work of such persons so as to conform to those provisions, and may provide for the recording of the hours so fixed.

(4) No person shall work or shall cause or allow any other person to work outside the hours fixed or recorded for the work of such persons under sub-section (3),

(5) A State Government may prescribe the circumstances under which and the period during which the driver of a vehicle although not engaged in work is required to remain on or near the vehicle may be deemed to be an interval for rest within the meaning of sub-section (1).

Corresponding Law. - Section 91 corresponds to section 65 of the motor vehicles Act, 1939.

Object and Reasons. - Clause 91 prohibits the driving of motor vehicles by a person for more than certain hours in a day and the hours of rest the driver should take after certain hours of continuous driving.

92. Voidance of contracts restrictive of liability. - Any contract for the conveyance of a passenger in a stage carriage or contract carriage, 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 while 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.

Corresponding Law. - Section 92 corresponds to section 66 of the motor vehicles Act, 1939.

Object and Reasons. - Clause 92 lays down any contract purporting to negative or restrict the liability in respect of claim against third party risk, shall be void.

93. Agent or canvasser to obtain licence. - (1) No person shall engage himself –

(i) as an agent or a canvasser, in the sale of tickets for travel by public service vehicle or in otherwise soliciting customers for such vehicles, or

(ii) as an agent in the business of collecting, forwarding or distributing goods carried by goods carriages,

unless he has obtained a licence from such authority and subject to such conditions as may be prescribed by the State Government.

(2) The conditions referred to in sub-section (1), may include all or any of the following matters, namely :-

(a) the period for which a licence may be granted or renewed ;

(b) the fee payable for the issue or renewal of the licence ;

(c) the deposit of security –

(i) of a sum not exceeding rupees fifty thousand in the case of an agent in the business of collecting, forwarding or distributing goods carried by goods carriages ;

(ii) of a sum not exceeding rupees five thousand in the case of any other agent or canvasser,

and the circumstances under which the security may be forfeited ;

(d) the provision by the agent of insurance of goods in transit;

(e) the authority by which and the circumstances under which the licence may be suspended or revoked ;

(f) such other conditions as may be prescribed by the State Government.

(3) It shall be a condition of every licence that no agent or canvasser to whom the licence is granted shall advertise in any newspaper, book, list, classified directory or other publication unless there is contained in such advertisement appearing in such newspaper, book, list, classified directory or other publication the licence number, the date of expiry of licence and the particulars of the authority which granted the licence.

Corresponding Law. - Section 93 corresponds to section 66 – A of the motor vehicles Act, 1939.

Object and Reasons. - Clause 93 provides for licensing of goods booking agents and travel agents, security deposit and fees for the application, authorities who may issue such licences, suspension and cancellation of such licences and provision for appeal. It also provides that any advertisement by the agents or canvassers should contain the licence number and the authority who issued the licence.

94. Bar on jurisdiction of Civil Courts. - No Civil Court shall have jurisdiction to entertain any question relating to the grant of a permit under this Act, and no injunction in respect of any action taken or to be taken by the duly constituted authorities under this Act with regard to the grant of a permit, shall be entertained by any Civil Court.

Corresponding Law. - This is a new provision in the 1988 Act.

Object and Reasons. - Clause 94 bars the jurisdiction of Civil Court in matter relating to grant of permit under this Act.

95. Power of State Government to make rules as to stage carriages and contract carriages - (1) A State Government may make rules to regulate, in respect of stage carriages and contract carriages and the conduct of passengers in such vehicles.

(2) Without prejudice to the generality of the foregoing provision, such rules may –

(a) authorise the removal from such vehicle of any person contravening the rules by the driver or conductor of the vehicle, or, on the request of the driver or conductor, or any passenger, by any police officer ;

(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 demanded by the driver or conductor, the journey he intends to take or has taken in the vehicle and to pay the fare for the whole of such journey and to accept any ticket issued therefor ;

(d) Require, on demand being made for the purpose by the driver or conductor or other person authorised by the owners of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof of 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 the fare for which he has paid ;

(f) Require the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him ;

(g) Require a passenger to abstain from doing anything which is likely to obstruct or interfere with the working of the vehicle or to cause damage to any part of the vehicle or its equipment or to cause injury or discomfort to any other passenger ;

(h) Require a passenger not to smoke in any vehicle on which a notice prohibiting smoking is exhibited.

 (i) Require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers can record any complaints in the same.

Corresponding Law. - Section 95 corresponds to section 67 of the motor vehicles Act, 1939.

Object and Reasons. - Clause 95 empowers the State Government to make rules to regulate, in respect of stage carriage and contract carriages.

96. Power of State Government to make rules for the purposes of this Chapter .- (1) A State 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, 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 State Transport Authorities and the reports to be furnished by them ;

(ii) the conduct of business by any such authority in the absence of any member (including the Chairman) thereof and the nature of business which, the circumstances under which and the manner in which, business could so conducted ;

(iii) 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 fee ;

(iv) the forms to be used for the purpose of this Chapter, including the forms of permits ;

(v) the issue of copies of permits in place of permits lost, destroyed or mutilated ;

(vi) 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 ;

(vii) the fees to be paid in respect of applications for permits, duplicate permits and plates ;

(viii) the exemption of prescribed persons or prescribed classes of persons from payment of all or any or any portion of the fees payable under this Chapter.

(ix) The custody, production and cancellation on revocation or expiration of permits, and the return of permits which have been cancelled ;

(x) The conditions subject to which, and the extent to which, a permit granted in another State shall be valid in the State without countersignature ;

(xi) The conditions subject to which, and the extent to which, a permit granted in one region shall be valid in another region within the State without countersignature ;

(xii) The conditions to be attached to permits for the purpose of giving effect to any agreement such as is referred to in clause (iii) of sub-section (1) of section 67.

(xiii) The authorities to whom, the time within which and the manner in which appeals may be made ;

(xiv) the construction and fittings of, and the equipment to be carried by, stage and contract carriages, whether generally or in specified areas ;

(xv) the determination of the number of passengers a stage or contract carriage is adapted to carry and the number which may be carried ;

(xvi) the conditions subjects to which goods may be carried on stage and contract carriages partly or wholly in lieu of passengers ;

(xvii) the safe custody and disposal of property left in a stage or contract carriage;

(xviii) 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 colour or manner as to induce any person to believe that the vehicle is used for the transport of mails ;

(xix) the conveyance in stage or contract carriages of corpses or persons suffering from any infectious or contagious disease or goods likely to cause discomfort or injury to passengers and the inspection and disinfection of such carriages, if used for such purpose ; (xx) the provision of taxi meters on motorcabs requiring approval or standard types of taxi meters to be used and examining testing and sealing taxi meters;

(xxi) prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places or in specified areas or at 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 ;

(xxii) the requirements which shall be complied with in the construction or use of any duly notified stand or halting place, including the provision of adequate equipment and facilities for the convenience of all users thereof; the fees, if any, which may be charged for the use of such facilities, the records which shall be maintained at 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;

(xxiii) the regulation of motorcab ranks;

(xxiv) 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 ;

(xxv) authorising specified persons to enter at all reasonable times and inspect all premises used by permit holders for the purposes of their business ;

(xxvi) requiring the person in charge of a stage carriage to carry any person tendering the legal or customary fare ;

(xxvii)the conditions under which and the types of containers or vehicles in which animals or birds may be carried and the seasons during which animals or birds may or may not be carried ;

(xxviii) the licensing of and the regulation of the conduct of agents or canvassers who engage in the sale of tickets for travel by public service vehicles or otherwise solicit customers for such vehicles ;

(xxix) the licensing of agents engaged in the business of collecting for forwarding and distributing goods carried by goods carriages ;

(xxx) the inspection of transport vehicles and their contents and of the permits relating to them ;

(xxxi) the carriage of persons other than the driver in goods carriages;

(xxxii)the records to be maintained and the returns to be furnished by the owners of transport vehicles ; and

(xxxiii) any other matter which is to be or may be prescribed.

Corresponding Law ;- Section 96 corresponds to section 68 of the motor vehicles Act, 1939.

Object and Reasons ;- Clause 96 provides that the State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

CHAPTER - VI

Special Provisions Relating To State Transport Undertakings

97. Definition. - In this Chapter, unless the context otherwise requires, "road transport service" means a service of motor vehicles carrying passengers or goods or both by road for hire or reward.

Corresponding Law. - Section 97 corresponds to section 68 - A (a) of the motor vehicles Act, 1939.

Objects and Reasons. - Clause 97 seeks to define certain expression used in this Chapter.

***98.** Chapter to override Chapter V and other laws.- The provisions of this Chapter and the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in Chapter V or in any other law for the time being in force or in any instrument having effect by virtue of any such law.

Corresponding Law. - Section 98 corresponds to section 68 – B of the motor vehicles Act, 1939.

Object and Reasons. - Clause 98 lays down that the provisions of this Chapter override the provisions of Chapter V and other laws.

99. Preparation and publication of proposal regarding road transport service of a State transport undertaking. - ⁶¹[(1) Where any State Government is of opinion that for the purpose of providing an efficient, adequate, economical and properly co-ordinated road transport service, it is necessary in the public interest that road transport services in general or any particular class of such service in relation to any area or route or portion thereof should be run and operated by the State transport undertaking, whether to the exclusion, complete or partial, of other persons or otherwise, the State Government may formulate a proposal regarding a scheme giving particulars of the nature of the services proposed to be rendered, the area or route proposal in the Official Gazette of the State formulating such proposal and in not less than one newspaper in the regional language circulating in the area or route proposed to be covered by such scheme and also in such other manner as the State Government formulating such proposal deem fit.

 62 [(2) Notwithstanding anything contained in sub-section (1), when a proposal is published under that sub-section , then from the date of publication of such proposal, no permit shall be granted to any person, except a temporary permit during

61. S. 99 re-numbered as sub-S. (1) thereof by Act 54 of 1994, S. 30 (w.e.f. 14-11-1994).

62. Inserted by Act 54 of 1994, S. 30 (w.e.f. 14-11-1994).

the tendency of the proposal and such temporary permit shall be valid only for a period on one year from the date of its issue or till the date of final publication of the scheme under section 100, whichever is earlier.]

Corresponding Law. - Section 99 corresponds to section 68 – C of the motor vehicles Act, 1939.

Object and Reasons. - Clause 99 deals with the preparation of the proposal by the State Government to nationalise road transport services to be operated by State Transport Undertakings and publication of such proposals in the official gazettes and newspapers in regional languages inviting objections.

^{*}S. 5 of the T.N. Motor Vehicles (Special Provisions) Act, 1992 provides that the provisions of Ss. 3, 4 and 6 of the 1992 Act shall have effect notwithstanding anything inconsistent therewith contained in Chaps. V and VI including S. 98 of the Motor Vehicles Act, 1998.

100. Objection to the proposal. - (1) On the publication of any proposal regarding a scheme in the Official Gazette and in not less than one newspaper in the regional language circulating in the area or route which is to be covered by such proposal any person may, within thirty days from the date of its publication in the Official Gazette, file objections to it before the State Government.

(2) The State Government may, after considering the objections and after giving an opportunity to the objector or his representatives and the representatives of the State transport undertaking to be heard in the matter, if they so desire, approve or modify such proposal.

(3) The scheme relating to the proposal as approved or modified under subsection (2) shall then be published in the Official Gazette by the State Government making such scheme and in not less than one newspaper in the regional language circulating in the area or route covered by such scheme and the same shall thereupon become final on the date of its publication in the Official Gazette and shall be called the approved scheme and the area or route to which it relates shall be called the notified area or notified route ;

Provided that no such scheme which relates to any inter-State route shall be deemed to be an approved scheme unless it has the previous approval of the Central Government.

(4) Notwithstanding anything contained in this section, where a scheme is not published as an approved scheme under sub-section (3) in the Official Gazette within a period of one year from the date of publication of the proposal regarding the scheme in the Official Gazette under sub-section (1), the proposal shall be deemed to have lapsed.

Explanation. - In computing the period of one year referred to in this subsection, any period or periods during which the publication of the approved scheme under sub-section (3) was held up on account of any stay or injunction by the order of any Court shall be excluded.

Corresponding Law. - Section 100 corresponds to section 68 – D of the motor vehicles Act, 1939.

Object and Reasons. - Clause 100 lays down that the State Government may approve or modify the proposal after hearing the objections and publish the approved scheme in the official gazette and newspapers within one year from the date of first publication failling which the proposal to nationalise is deemed to have lapsed.

101. Operation of additional services by a State transport undertaking in certain circumstances. - Notwithstanding anything contained in section 87, a State transport undertaking may, in the public interest operate additional services for the conveyance of the passengers on special occasions such as to and from fairs and religious gatherings.

Provided that the State transport undertaking shall inform about the operation of such additional services to the concerned Transport Authority without delay.

Corresponding Law. - This is a new provision in the 1988 Act.

Object and Reasons. - Clause 101 seeks to empower the State Transport Undertakings to operate additional services for the conveyance of passengers during fairs and religious gathering and intimate the transport authorities.

102. Cancellation or modification of scheme.- (1) The State Government may, at any time, if it considers necessary, in the public interest so to do, modify any approved scheme after giving –

(j) the State transport undertaking ; and

(ii) any other person who, in the opinion of the State Government, is likely to be affected by the proposed modification,

an opportunity of being heard in respect of the proposed modification.

(2) The State Government shall publish any modification proposed under sub-section (1) in the Official Gazette and in one of the newspapers in the regional languages circulating in the area in which it is proposed to be covered by such modification, together with the date, not being less than thirty days from such publication in the Official Gazette, and the time and place at which any representation received in this behalf will be heard by the State Government.

Corresponding Law. - Section 102 corresponds to section 68 – E of the motor vehicles Act, 1939.

Object and Reasons. - Clause 102 provides for modifications and cancellation of the approved scheme by the State Government and the procedure to be followed.

103. Issue of permits to State transport undertakings. - (1) Where, in pursuance of an approved scheme, any State Transport undertaking applies in such manner as may be prescribed by the State Government in this behalf for a stage carriage permit or a goods carriage permit or a contract carriage permit in respect of a notified area or notified route, the State Transport Authority in any case where the said area or route lies in more than one region and the Regional Transport Authority in any other case shall issue such permit to the State Transport undertaking, notwithstanding anything to the contrary contained in Chapter V.

(2) For the purpose of giving effect to the approved scheme in respect of a notified area or notified route, the State Transport Authority or, as the case may be, the Regional Transport Authority concerned may, by order,-

(a) refuse to entertain any application for the grant or renewal of any other permit or reject any such application as may be pending ;

(b) cancel any existing permit;

(c) modify the terms of any existing permit so as to –

(i) render the permit ineffective beyond a specified date ;

(ii) reduce the number of vehicles authorised to be used under the permit;

(iii) curtail the are or route covered by the permit in so far as such permit relates to the notified area or notified route.

(3) For the removal of doubts, it is hereby declared that no appeal shall lie against any action taken, or order passed, by the State Transport Authority or any Regional Transport Authority under sub-section (1) or sub-section (2).

Corresponding Law. - Section 103 corresponds to section 68 – F of the motor vehicles Act, 1939.

Objects and Reasons.- Clause 103 lays down the procedure in the matter of giving effect to the approved scheme and grant of permit to the State Transport Undertaking in pursuance of the approved scheme.

104. Restriction on grant of permits in respect of a notified area or

notified route. - Where a scheme has been published under sub-section (3) of section 100 in respect of any notified area or notified route, the State Transport Authority or the Regional Transport Authority, as the case may be, shall not grant any permit except in accordance with the provisions of the scheme ;

Provided that where no application for a permit has been made by the State Transport undertaking in respect of any notified area or notified route in pursuance of an approved scheme, the State Transport Authority or the Regional Transport Authority, as the case may be, may grant temporary permits to any person in respect of such notified area or notified route subject to the condition that such permit shall cease to be effective on the issue of a permit to the State Transport undertaking in respect of that area or route.

Corresponding Law. - Section 104 corresponds to section 68 – FF of the motor vehicles Act, 1939.

Object and Reasons. - Clause 104 provides that the Transport authorities shall not grant any permit to private sector on notified routes or notified areas except in accordance with the provisions of the scheme. It also provides that where STU has not come forward to operate services on such routes or areas private sector may be given temporary permit untill such time STU comes forward to operate services.

105. Principles and method of determining compensation and payment thereof. - (1) Where, in exercise of the powers conferred by clause (b) or clause (c) of sub-section (2) of section 103, any existing permit is cancelled or the terms there of are modified, there shall be paid by the state transport under taking to the holder of the permit, compensation, the amount of which shall be determined in accordance with the provisions of sub-section(4) or sub-section(5), as the case may be.

(2) Notwithstanding anything contained in sub-section (1), no compensation shall be payable on account of the cancellation of any existing permit or any modification of the terms thereof, when a permit for an alternative route or area in lieu thereof has been offered by the State Transport Authority or the Regional Transport Authority, as the case may be and accepted by the holder of the permit. (3) For the removal of doubts, it is hereby declared that no compensation shall be payable on account of the refusal to renew a permit under clause (a) of sub-section (2) of section 103.

(4) Where, in exercise of the powers conferred by clause (b) or sub-clause (i) or sub-clause (ii) of clause (c) of sub-section (2) of section 103, any existing permit is cancelled or the terms thereof are modified so as to prevent the holder of the permit from using any vehicle authorised to be used thereunder for the full period from which the permit, would otherwise have been effective, the compensation payable to the holder of the permit for each vehicle affected by such cancellation or modification shall be computed as follows :-

(a) for every complete month or part of a monthTwo hundredexceeding fifteen days of the unexpired periodrupees ;

of the permit

(b)for part of a month not exceeding fifteen daysOne hundredof the unexpired period of the permit.rupees.

Provided that the amount of compensation shall, in no case, be less than four hundred rupees.

(5) Where, in exercise of the powers conferred by sub-clause (iii) of clause (c) of sub-section (2) of section 103, the terms of an existing permit re modified so as to curtail the area or route of any vehicle authorised to be used thereunder, the compensation payable to the holder of the permit on account of such curtailment shall be an amount computed in accordance with the following formula, namely :-

Explanation. - In this formula –

(i) "Y" means the length or area by which the route or area covered by the permit is curtailed ;

(ii) "A" means the amount computed in accordance with subsection(4);

(iii) "R" means the total length of the route or the total area covered by the permit.

(6) The amount of compensation payable under this section shall be paid by the State Transport undertaking to the person or persons entitled thereto within one month from the date on which the cancellation or modification of the permit becomes effective :

Provided that where the State transport undertaking fails to make the payment within the s aid period of one month, it shall pay interest at the rate of seven percent. Per annum from the date on which it fails due.

Corresponding Law. – Sub-section (1) to (5) of section 105 correspond to section 68-G, whereas sub-section (6) of section 105 corresponds of section 68-H of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 105 sets out the principles and methods for determining compensation and payment thereof where a private operator is affected in pursuance of the giving effect to an approved scheme.

106, Disposal of article found in vehicles. – Where any article found in any transport vehicle operated by the State transport undertaking is not claimed by its owner within the prescribed period, the State transport undertaking may sell the article in the prescribed manner and the sale proceeds thereof, after deducting the costs incidental to sale, shall be paid to the owner on demand.

Corresponding Law. – Section 106 corresponds to section 68-HH of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 106 speaks of the procedure in the disposal of articles found unclaimed in the vehicle owned by State Transport Undertaking.

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

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

(a) the form in which any proposal regarding a scheme may be published under section 99;

(b) the manner in which objections may be filed under subsection (1) of section 100;

(c) the manner in which objections may be considered and disposed of under sub-section (2) of section 100;

(d) the form in which any approved scheme may be published under sub-section (3) of section 100;

(e) the manner in which application under sub-section (1) of section 103 may be made;

(f) the period within which the owner may claim any article found left in any transport vehicle under section 106 and the manner of sale of such article.

(g) The manner of service of orders under this Chapter;

(h) Any other matter which has to be, or may be, prescribed.

Corresponding Law. – Section 107 corresponds to section 68 – 1 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 107 enables the State Government to make rules for the purpose of carrying into effect the provisions of this Chapter.

108. Certain powers of State Government exercisable by the Central Government. – The powers conferred on the State Government under this Chapter shall, in relation to a corporation or company owned or controlled by the Central Government or by the Central Government and one or more State Governments, be exercisable only by the Central Government in relation to an inter-State route or area.

Corresponding Law. – Section 108 corresponds to section 68 – J of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 108 makes provisions for the Central Government to exercise certain powers of the State Government in relation to an inter – State route or area, relating to certain cases.

CHAPTER VII

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES

109- General provision regarding construction and maintenance of vehicles. -(1) 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.

(2) Every motor vehicle shall be so constructed as to have right hand steering control unless it is equipped with a mechanical or electrical signalling device of a prescribed nature.

⁶³[(3) If the Central Government is of the opinion that it is necessary or expedient so to do, in public interest, it may, by order published in the Official Gazette, notify that any article or process used by a manufacturer shall conform to such standard as may be specified in that order.]

Corresponding Law. – Sub-sections (1) and (2) of section 109 correspond to sections 69 and 69-A of the Motor Vehicles Act, 1939, respectively. However, sub-section (3) of section 109, is a new provision.

Objects and Reasons. – Clause 109 sets out general provisions regarding constructions and maintenance of motor vehicles.

110. Power of Central Government to make rules. -(1) The Central Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers with respect to all or any of the

63. Inserted by Act 54 of 1994, S. 31 (w.e.f. 14-11-1994). following matters, namely :-

(a) the width, height, length and overhand of vehicles and of the loads carried;

⁶⁴[(b) the Size, nature, maximum retail price and condition of tyres, including embossing thereon of date and year of manufacture, and the maximum load carrying capacity;]

(c) brakes and steering gear;

(d) the use of safety glasses including prohibition of the use of tinted safety glasses;

(e) signalling appliances, lamps and reflectors;

(f) speed governors;

(g) the emission of smoke, visible vapour, sparks, ashes, grit or oil;

(h) the reduction of noise emitted by or caused by vehicles;

(i) the embossment of chassis number and engine number and the date of manufacture;

(j) safety belts, handle bars or motor cycles, auto-dippers and other equipment's essential for safety of drivers, passengers and other road users.

(k) Standards of the components used in the vehicle as inbuilt safety devices;

(l) Provision for transportation of goods of dangerous or hazardous nature to human life;

(m) Standards for emission of air pollution's;

 65 [(n) installation of catalytic convertors in the class of vehicles to be prescribed;

(o) the placement of audio-visual or radio or tape recorder type of devices in public vehicles;

(p) warranty after sale of vehicle and norms therefore:]

64. Cl. (b) substituted by Act 54 of 1994, S.32 (w.e.f. 14-11-1994). Prior to its omission Cl. (b) read as under :-

"(b) the size, nature and condition of tyres;"

65. Inserted, ibid (w.e.f. 14-11-1994).

Provided that any rules relating to the matters dealing with the protection of environment, so far as may be, shall be made after consultation with the Ministry of the Government of India dealing with environment.

(2) Rules may be made under sub-section (1) governing the matters mentioned therein, including the manner of ensuring the compliance with such matters and the maintenance of motor vehicles in respect of such matters, either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances.

(3) Notwithstanding anything contained in this section, -

(a) the Central Government may exempt any class of motor vehicles from the provisions of this Chapter;

(b) a State Government may exempt any motor vehicle or any class or description of motor vehicles from the rules made under sub-section(1) subject to such conditions as may be prescribed by the Central Government.

Corresponding Law. – Section 110 corresponds to section 69-B of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 110 empowers the Central Government to make rules regarding equipment and in built safety measures to be provided in motor vehicle at the manufacturing point such as safety belt, standards of component, controlling air and noise pollution, etc. and also regarding exemption to be granted in certain cases.

109. Power of State Government to make rules. -(1) A State Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers with respect to all matters other than the matters specified in sub-section (1) of section 110.

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section governing all or any of the following matters either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or description or in particular circumstances, namely : -

(a) seating arrangements in public service vehicles and the protection of passengers against the weather :

(b) prohibiting or restricting the use of audible signals at certain times or in certain places :

(c) prohibiting the carrying of appliances likely to cause annoyance or danger :

(d) the periodical testing and inspection of vehicles by prescribed authorities ⁶⁶[and fees to be charged for such test ;]

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

(f) the use of trailers with motor vehicles;

⁶⁷ [***]

Corresponding Law - Section 111 corresponds to section 70 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 111 empowers the State Government to make rules in respect of matters other than those conferred on the Central Government regulating the construction, equipment and maintenance of motor vehicles.

CHAPTER VIII CONTROL OF TRAFFIC

112. Limits of speed - (1) No person shall drive a motor vehicle of cause or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed or below the minimum speed fixed for the vehicle under this Act 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

66. Inserted by Act 54 of 1994, S. 33 (w.e.f. 14-11-1994).

67. Cl.(g) omitted, *lbid* (w.e.f. 14-11-1994). Prior to its omission, Cl. (g) read as under :-"(g) the placement of audio-visual or radio or tape-recorder type of devices in the vehicle."

fixed for any motor vehicle or class or description of motor vehicles by the Central Government by notification in the Official Gazette.

(2) The State Government of any authority authorised in this behalf by the state 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, & by causing appropriate traffic signs to be placed or erected under section 116 at suitable places, fix such maximum speed limits or minimum speed limits as it thinks fit for motor vehicles or any specified class or description 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 :

Provided that no such notification is necessary if any restriction under this section is to remain in force for not more than one month.

(3) Nothing in this section shall apply to any vehicle registered under section 60 while it is being used in the execution of military manoeuvres within the area and during the period specified in the notification under sub-section (1) of section 2 of the Manoeuvres, Field Firing and Artillery practice Act, 1938 (5 of 1938).

Corresponding Law. – Section 112 corresponds to section 71 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 112 prescribes the maximum speed at which each class or type of motor vehicle can be driven. It also empowers the State Government to restrict the speed of any class of motor vehicle in certain circumstances.

113. Limits of weight and limitations on use. – (1) The State Government may prescribe the conditions for the issue of permits for 68 [transport vehicles] by the State or Regional Transport Authorities and may prohibit or restrict the use of such vehicles in any area or route.

(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 types.

(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

^{68.} Substituted for "heavy goods vehicles or heavy passenger motor vehicles" by Act 54 of 1994, S. 34 (w.e.f. 14-11-1994).

(b) the laden weight of which exceeds the gross vehicle weight specified in the certificate or registration.

(4) Where the driver or person in charge of a motor vehicle or trailer driven in contravention of sub-section (2) or clause (a) of sub-section (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.

Corresponding Law. – Section 113 corresponds to section 72 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 113 seeks to empower the State Government to impose restrictions on the laden weight of vehicles to be driven on public roads.

114. Power to have vehicle weighed. -(1) ⁶⁹[Any officer of the Motor Vehicles Department authorised in this behalf by the State Government shall, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section 113.] require the driver to convey the vehicle to a weighting device, if any, within a distance of ten kilometers from any point on the forward route or within a distance of twenty kilometers from the destination of the vehicle for weighment; and if on such weighment the vehicle is found to contravene is any respect the provisions of section 113 regarding weight, he may, by order in writing, direct the driver to off-load the excess weight at his own risk and not to remove the vehicle or trailer from that place

until the laden weight has been reduced or the vehicle or trailer has otherwise been dealt with so that it complies with section 113 and on receipt of such notice, the driver shall comply with such directions.

(2) Where the person authorised under sub-section (1) makes the said order in writing, he shall also endorse the relevant details of the overloading on the goods carriage permit and also intimate the fact of such endorsement to the authority which issued that permit.

^{69.} Substituted for "Any person authorised in this behalf by the State Government may, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section 113, "by Act 54 of 1994, S. 35 (w.e.f. 14-11-1994).

Corresponding Law. – Section 114 corresponds to section 73 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 114 seeks to authorise the State Government to empower officers to weight goods carriages & wherever it is found that the vehicle is carrying excess load, to direct the driver to unload the excess goods at his risk and not to proceed unless such excess load is unloaded.

115. Power to restrict the use of vehicles. – The State Government or any authority authorised in this behalf by the State 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 or description of motor vehicles or the use of trailers either generally in a specified are or on a specified road and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed or erected under section 116 at suitable places :

Provided that where any prohibition or restriction under this section is to remain in force for not more than one month, notification thereof in the Official Gazette shall not be necessary but such local publicity is the circumstances may permit shall be given of such prohibition or restriction.

Corresponding Law. – Section 115 corresponds to section 74 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 115 empowers the State Government and prescribed authorities to restrict the driving of any specified class of motor vehicle and also to restrict the driving of any class of motor vehicle below a minimum speed fixed for that class of vehicle on any public road.

116. Power to erect traffic signs. -(1) (a) The State Government or any authority authorised in this behalf by the State Government may cause or permit traffic sings to be placed or erected in any public place for the purpose of bringing to public notice any speed limits fixed under sub-section (2) of section 112 or any prohibitions or restrictions imposed under section 115 or generally for the purpose of regulating motor vehicle traffic.

(a) A State Government or any authority authorised in this behalf by the State Government may, by notification in the Official Gazette or by the erection at suitable places of the appropriate traffic sign referred to in Part A of the Schedule, designate certain roads as main roads for the purposes of the driving regulations made by the Central Government.

(2) Traffic signs placed or erected under sub-section (1) for any purpose for which provision is made in the Schedule shall be of the size, colour and type and shall have the meanings set forth in the Schedule, but the State Government or any authority empowered in this behalf by the State Government may make or authorise the addition to any sign set forth in the said Schedule, of transcriptions of the words, letters or figures thereon in such script as the State Government may think fit provided that the transcriptions shall be similar size and colour to the words, letters or figures set forth in the Schedule.

(3) Except as provided by sub-section (1),, no traffic sign shall, after the commencement of this Act, be placed or erected on or near any road; but all traffic signs placed or erected prior to the commencement of this Act by any competent authority shall for the purpose of this Act be deemed to be traffic signs placed or erected under the provisions of sub-section (1).

(4) A State Government may, by notification in the Official Gazette, empower any police officer not below the rank of a Superintendent of Police to remove or cause to be removed any sign or advertisement which is so placed in his opinion as to obscure any traffic sign from view or any sign or advertisement which in his opinion is so similar in appearance to a traffic sign as to be misleading or which in his opinion is likely to district the attention or concentration of the driver.

(5) No person shall wilfully remove, alter, deface, or in any way tamper with, any traffic signs placed or erected under this section.

(6) If any person accidentally causes such damage to a traffic sign an renders it useless for the purpose for which it is placed or erected under this section, he shall report the circumstances of the occurrence to a police officer

or at a police station as soon as possible, and in any case within twenty – four hours of the occurrence.

(7) For the purpose of bringing the sign set forth in ⁷⁰[the First Schedule] in conformity with any International Convention relating to motor traffic to which the Central Government is for the time being a party, the Central Government may, by notification in the Official Gazette, make any addition or alteration to any such sign and on the issue of any such notification, ⁷¹[the First Schedule] shall be deemed to be amended accordingly.

Corresponding Law. – Section 116 corresponds to section 75 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 116 confers power on the State Government and any authority authorised by the State Government to erect traffic signs on public road for the information of road users. It also empowers certain officers to remove from the public road any s ign which is likely to distract the attention of a driver.

117. Parking places and halting stations. – The State Government or any authority authorised in this behalf by the State 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 the taking up and setting down of passengers.

70. Substituted for "the Schedule" by Act 54 of 1994, S. 36 (w.e.f. 14-11-1994)

71. Substituted for "the Schedule" by Act 54 of 1994, s. 36 (w.e.f. 14-11-1994).

Corresponding Law. – Section 117 corresponds to section 76 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 117 permits determing the parking places and halting stations for motor vehicles for the purpose of picking up and setting down passengers.

118. Driving regulations. – The Central Government may, by notification in the Official Gazette, make regulations* for the driving of motor vehicles.

Corresponding Law. - This is a new provision in the 1988 Act.

119. Duty to obey traffic signs. -(1) Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by mandatory traffic sign and in conformity with the driving regulations made by the Central Government, and shall comply with all directions given to him by any police officer for the time being engaged in the regulation of traffic in any public place.

(2) In this section "mandatory traffic sign" means a traffic sign included in Part A of ⁷²[the First 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) placed or erected for the purpose of regulating motor vehicle traffic under sub-section (1) of section 116.

Corresponding Law. - Section 119 corresponds to section 78 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 119 lays down that it is the duty of every driver of a motor vehicle to drive the motor vehicle in conformity with the indication given in mandatory traffic signs.

120. 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.

* In exercise of power conferred by S. 118, the Central Government made the Rules of the Road Regulations, 1989, w.e.f. 1-7-1989.

72. Substituted for "the Schedule" by Act 54 of 1994, S. 36 (w.e.f. 14-11-1994).

Corresponding Law. – Section 120 corresponds to section 80 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 120 prohibits driving of motor vehicle fitted with left hand control unless it is fitted with mechanical or electrical signalling device.

121. Signals and signalling devices. – The driver of a motor vehicle shall make such signals and on such occasions as may be prescribed by the Central Government :

Provided that the signal of an intention to turn to the right or left or to stop –

(a) in the case of a motor vehicle with a right – hand steering control, may be given by a mechanical or electrical device of a prescribed nature affixed to the vehicle; and

(b) in the case of a motor vehicle with a left – hand steering control, shall be given by a mechanical or electrical device or a prescribed nature affixed to the vehicle :

Provided further that the State Government may, having regard to the width and condition of the roads in any area or route, by notification in the Official Gazette, exempt subject to such conditions as may be specified therein any motor vehicle or class or description of motor vehicles from the operation of this section for the purpose of plying in that are or route.

Corresponding Law. – Section 121 corresponds to section 79 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 121 specifies that the drivers of motor vehicles including the vehicles fitted with left hand steering should give appropriate signals including mechanical and electrical signals of their intention to turn right or left.

122. Leaving vehicle in dangerous position – No person in charge of a motor vehicle shall cause or allow the vehicle or any trailer to be abandoned or to remain at rest on any public place in such a position or in such a condition or in such circumstances as to cause or likely to cause danger, obstruction or undue inconvenience to other users of the public place or to the passengers.

Corresponding Law. – Section 122 corresponds to section 81 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 122 lays down that no motor vehicle should be left on the public road in a dangerous position or in such a manner so as to cause inconvenience to other road users or abandoned.

123. Riding on running board, etc. - (1) 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.

(2) No person shall travel on the running board or on the top or on the bonnet of a motor vehicle.

Corresponding Law. – Section 123(1) corresponds to section 82 of the Motor Vehicles Act, 1939. However, sub-section (2) of section 123, is a new provision in the 1988 Act.

Objects and Reasons. – Clause 123 prohibits travelling in running board or on top or on the bonnet of any motor vehicle.

124. Prohibition against travelling without pass or ticket. – No person shall enter or remain in any stage carriage for the purposes of travelling therein unless he has with him a proper pass or ticket;

Provided that where arrangements for the supply of tickets are made in the stage carriage by which a person has to travel, a person may enter such stage carriage but as soon as may be after his entry therein, he shall make the payment of his fare to the conductor or the driver who performs the functions of a conductor and obtain from such conductor or driver, as the case may be, a ticket for his journey.

Explanation. - In this section, -

(a) "pass" means a duty privilege or courtesy pass entitling the person to whom it is given to travel in a stage carriage gratuitously and includes a pass issued on payment for travel in a stage carriage for the period specified therein;

(b) "ticket" includes a single ticket, a return ticket or a season ticket.

Corresponding Law. – Section 124 corresponds to section 82 – A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 124 prohibits travelling in buses without ticket or pass.

125. Obstruction of driver. – No person driving a motor vehicle shall allow any person to stand or sit or to place anything in such a manner or position as to hamper the driver in his control of the vehicle.

Corresponding Law. – Section 125 corresponds to section 83 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 125 no driver of a motor vehicle shall allow any person to be seated in such a position so as to hamper his driving.

126. 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 as to ensure that the vehicle cannot accidentally be put in motion in the absence of the driver.

Corresponding Law. – Section 126 corresponds to section 84 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 126 lays down that no motor vehicle should remain stationary in a public place unless there is a licensed driver in the vehicle or where the engine has stopped running, proper precautionary methods have been taken to ensure that the vehicle will not move accidentally in the absence of the driver.

127. Removal of motor vehicles abandoned or left unattended on a public place. $-^{73}[(1)]$ where any motor vehicle is abandoned or left

73. Sub-S.(1) substituted by Act 54 of 1994, S.37(w.e.f.14-11-1994). Prior to its substitution, sub-S.(1) read as under :-

"(1) Where any motor vehicle is abandoned, or left unattended, on a public place for ten hours or more, its removal by a towing service may be authorised by a police officer having jurisdiction." unattended on a public place for ten hours or more or is parked in a place where parking is legally prohibited, its removal by a towing service or its immobilisation by any means including wheel clamping may be authorised by a

police officer in uniform having jurisdiction.]

(2) Where an abandoned, unattended, wrecked, burnt or partially dismantled vehicle is creating a traffic hazard, because of its position in relation to the ⁷⁴[public place], or its physical appearance is causing the impediment to the traffic, its immediate removal from the ⁷⁵[public place] by a towing service may be authorised by a police officer having jurisdiction.

(3) Where a vehicle is authorised to be removed under sub-section (1) or sub-section (2) by a police officer, the owner of the vehicle shall be responsible for all towing costs, besides any other penalty.

Corresponding Law. - This is a new provision in the 1988 Act.

Objects and Reasons. – Clause 127 makes provision empowering Police Officers to tow away the motor vehicles which are abandoned or left unattended on any public road and recover the cost of removal from the owners of such vehicles.

128. Safety measures for drivers and pillion riders. -(1) No driver of a two – wheeled motor cycle shall carry more than one person in addition to himself on the motor cycle and no such person shall be carried otherwise than sitting on a proper seat securely fixed to the motor cycle behind the driver's seat with appropriate safety measures.

(2) In addition to the safety measures mentioned in sub-section (1), the Central Government may, prescribe other safety measures for the drivers of two-wheeled motor cycles and pillion riders thereon.

Corresponding Law. – Sub – section (1) of section 128 corresponds to section 85 of the Motor Vehicles Act, 1939. However, sub-section (2) of section 128, is a new provision in the 1988 Act.

Objects and Reasons. - Clause 128 prescribes certain safety measures for

^{74.} Substituted for "highway" by Act 54 of 1994, S.37 (w.e.f. 14-11-1994).

^{75.} Substituted, *ibid*, for "highway" (w.e.f. 14-11-1994).

drivers and pillion riders of motor vehicles. It also empowers the Central Government to prescribe other safety measures in this regard.

129. Wearing of protective headgear. - Every person driving or riding (otherwise than in a side car, on a motor cycle of any class or description) shall, while in a public place, wear ⁷⁶[protective headgear conforming to the standards of Bureau of Indian Standards:]

provided that the provisions of this section shall not apply to a person who is a Sikh, if he is, while driving or riding on the motor cycle, in a public place, wearing a turban :

provided further that the State Government may, by such rules, provide for such exceptions as it may think fit.

Explanation. - "Protective headgear" means a helmet which, -

(a) by virtue of its shape, material and construction, could reasonably be expected to afford to the person driving or riding on a motor cycle a degree of protection from injury in the event of an accident; and

(b) is securely fastened to the head of the wearer by means of straps or other fastenings provided on the headgear.

Corresponding Law. – Section 129 corresponds to section 85 – A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 129 empowers the State Government to prescribe protective headgear to be worn by the drivers or pillion riders of motor cycle other than a person who is a Sikh wearing a turban and to make such exemption as the State Government thinks fit.

130. 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, produce his licence for examination.

Provided that the driver may, of his licence has been submitted to, or has been

76. Substituted by S. 38, ibid, for " a protective headgear of such descriptions as may be specified by the State Government by rules made by it in this behalf, and different descriptions of headgears may be specified in such rules in relation to different circumstances or different class or description of motor cycles" (w.e.f. 14-11-1994)

sized by, any officer or authority under this or any other Act, produce in lieu of the licence a receipt or other acknowledgement issued by such officer or authority in

respect thereof an thereafter produce the licence within such period, in such manner

as the Central Government may prescribe to the police officer making the demand.

 77 [(2) The conductor, if any, of a motor vehicle on any public place shall, on demand by any officer of the Motor Vehicles Department authorised in this behalf, produce the licence for examination.]

⁷⁸[(3) The owner of a motor vehicle (other than a vehicle registered under section 60), or in his absence the driver or other person in charge of the vehicle, shall, on demand by a registering authority or any other officer of the Motor Vehicles Department duly authorised in this behalf, produce the certificate of insurance of the vehicle and, where the vehicle is a transport vehicle, also the certificate of fitness referred to in section 56 and the permit; and if any or all of the certificates or the permit are not in his possession, he shall, within fifteen days from the date of demand, submit photo copies of the same, duly attested in person or send the same by registered post the officer who demanded it.

Explanation. – For the purposes of this sub-section, "certificate of insurance" means the certificate issued under sub-section (3) of section 147.]

(4) If the licence referred to in sub-section (2) or the certificates or permit referred to in sub-section (3), as the case may be, are not at the time in

77. Sub-S. (2) substituted by Act 54 of 1994, S.39 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (2) read as under :-

"(2) The conductor, if any, of a motor vehicle in any public place shall, on demand by any police officer in uniform, produce his licence for examination"

78. Sub-S.(3) substituted, *ibid* (w.e.f. 14-11-1994). Prior to its substitution, sub-S.(3) read as under:-

"(3) The owner of a motor vehicle (other than a vehicle registered under section 60), 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 the State Government, produce the certificate or registration and the certificate of insurance of the vehicle and, where the vehicle is a transport vehicle, also the certificate of fitness referred to I section 56 and the permit.

Explanation. – for the purposes of this sub-section, "certificate of insurance" means the certificate issued under sub-section(3) of section 147".

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 or permit within such period in such manner as the Central Government may prescribe, to the police officer or authority making the demand :

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

Corresponding Law. – Section 130 corresponds to section 86 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 130 requires the driver of a motor vehicle to produce on demand by a Police Officer, the driving licence, registration certificate, fitness certificate in the case of transport vehicle.

131. Duty of the driver to take certain precautions at unguarded railway level crossings. - Every driver of a motor vehicle at the approach of any unguarded railway level crossing shall cause the vehicle to stop and the driver of the vehicle shall cause the conductor or cleaner or attendant or any other person in the vehicle to walk up to the level crossing and ensure that no train or trolley is approaching from either side and then pilot the motor vehicle across such level crossing, and where no conductor or cleaner or attendant or any other person is available in the vehicle, the driver of the vehicle shall get down from the vehicle himself to ensure that no train or trolley is approaching from either side before the railway track is crossed.

Corresponding Law. - This is a new provision in the 1988 Act.

Objects and Reasons. – Clause 131 prescribes certain duties for a driver approaching an unmanned level crossing to ensure safe crossing of the vehicle in the interest of public safety.

132. Duty of driver to stop in certain cases. – (1) The driver of motor vehicle shall cause the vehicle to stop & remain stationary so long as 79 [may for such reasonable time as may be necessary, but not exceeding twenty-four hours],-

⁸⁰[(a) when required to do so by any police officer not below the rank of a Sub-Inspector in uniform, in the event of the vehicle being involved in the occurrence of an accident to a person, animal or vehicle or of damage to property, 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) $^{81}[***]$

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 184, 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.

Corresponding Law. – Section 132 corresponds to section 87 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 132 details the duty of the driver of a motor vehicle to stop his vehicle in certain circumstances such as when his vehicle is involved in an accident, etc.

133. Duty of owner of motor vehicle to give information- The owner of a motor vehicle, the driver or conductor of which is accused of any offence under this Act shall, on the demand of any police officer authorised in this behalf by the

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

81. Cl.(c) omitted by Act 54 of 1994, S.40 (w.e.f. 14-11-1994). Prior to its omission, Cl.(c) read as under :-

"(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,".

^{79.} Substituted for "may reasonably be necessary" by Act 54 of 1994, S.40 (w.e.f. 14-11-1994)

^{80.} Cl. (a) substituted, ibid (w.e.f. 14-11-1994). Prior to its substitution, Cl. (a) read as under :-

State Government, give all information regarding the name and address of, and the

licence held by, the dirver or conductor which is in his possession or could by reasonable diligence be ascertained by him.

Corresponding Law- Section 133 corresponds to section 88 of the Motor Vehicles Act. 1939.

Objects and Reason- Clause 133 provides that the owner of a motor vehicle shall, on demand by a Police Officer, furnish the name and address of the driver or the conductor of the vehicle who are accused of any offence under this Act alongwith the licence number, etc.

134. Duty of driver in case of accident and injury to a person. – When any person is injured or any property of a third party is damaged, as a result of an accident in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall –

(a) unless it is not practicable to do so on account of mob fury or any other reason beyond his control, take all reasonable steps to secure medical attention for the injured person, ⁸²[by conveying him to the nearest medical practitioner or hospital, and it shall be the duty of every registered medical practitioner or the doctor on the duty in the hospital immediately to attend to the injured person and render medical aid or treatment without waiting for any procedural formalities], unless the injured person or his guardian, in case he is a minor, desired otherwise;

(b) give on demand by a police officer any information required by him or, if no police officer is present, report the circumstances of the occurrence, including the circumstances, if any, or not taking reasonable steps to secure medical attention as required under clause (a), at the nearest police station as soon as possible, and in any case within twenty-four hours of the occurrence;

⁸³[(c) give the following information in writing to the insurer, who has

82. Substituted by S.41, *ibid*, for "and, if necessary, convey him to the nearest hospital" (w.e.f. 14-11-1994).

83. Inserted by Act 54 of 1994, S. 41 (w.e.f. 14-11-1994).

issued the certificates of insurance, about the occurrence of the accident, namely :-

- (i) insurance policy number and period of its validity;
- (ii) date, time and place of accident;
- (iii.) particulars of the persons injured or killed in the accident;
- (iv.) name of the driver and the particulars of his driving licence.

Explanation. – For the purposes of this section, the expression "driver" includes the owner of the vehicle.]

Corresponding Law. – Section 134 corresponds to section 89 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 134 sets out the duties of the driver involved in accident, such as reporting the accident to the Police Station, rendering medical aid to the injured, etc.

135. Schemes to be framed for the investigation of accident cases and wayside amenities, etc. -(1) The State Government may, by notification in the Official Gazette, make one or more schemes to provide for -

(a) an in depth study on causes and analysis of motor vehicle accidents;

- (b) wayside Amenities on highways;
- (c) traffic aid posts on highways; and
- (d) truck parking complexes along highways.

(2) Every scheme made under this section by any State Government shall be laid, as soon as may be after it is made, before the State Legislature.

Corresponding Law. - This is new provision in the 1988 Act.

Objects and Reasons. – Clause 135 empowers the State Government to frame scheme for indepth study of motor vehicle accident way-side amenities, traffic and posts and truck parking complexes.

136. Inspection of vehicle involved in accident. – When any accident occurs in which a motor vehicle is involved, any person authorised in this behalf by the State 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 vhielce 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 ⁸⁴[after completion of the formalities to the owner, driver or the person in charge of the vehicle within twenty-four hours.]

Corresponding Law. – Section 136 corresponds to section 90 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 136 prescribes that a motor vehicle involved in accident should be produced for inspection before the person authorised by the State Government and for this purpose it empowers the officers to enter into any premises and remove the vehicle for inspection.

137. Power of Central Government to make rules. – The Central Government may make rules to provide for all or any of the following matters, namely ;-

(a) the occasions on which signals shall be made by drivers of motor vehicles and such signals under section 121;

(b) the manner in which the licences and certificates may be produced to the police officer under section 130.

Corresponding Law. - This is a new provision in the 1988 Act.

Objects and Reasons. – Clause 137 lays down that the Central Government may make rules to carry into effect the provisions of this Chapter where Central Government is authorised.

138. Power of State Government to make rules. -(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter other than the matters specified in section 137.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for –

(a) the removal and the safe custody of vehicles including their

84. Substituted for "without necessary delay" by Act 54 of 1994, S.42 (w.e.f. 14-11-1994).

loads which have broken down or which have been left standing or have been abandoned on roads;

(b) the installation and use of weighing devices;

(c) the maintenance and management of wayside amenities complexes;

(d) the exemption from all or any of the provisions of this Chapter of fire Brigade vehicles, ambulance and other special classes or descriptions of vehicle, subject to such conditions as may be prescribed;

(e) the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use;

(f) prohibiting the driving downhill of a motor vehicle with the gear disengaged either generally or in a specified place;

(g) prohibiting the taking hold of or mounting of a motor vehicle in motion;

(h) prohibiting the use of foot-paths or pavements by motor vehicles;

(i) 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; and

(j) any other matter which is to be, or may be, prescribed.

Corresponding Law. – Section 138 corresponds to section 91 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 138 empowers the State Government to make rules for the purposes of carrying into effect the provisions of this Chapter.

CHAPTER IX

MOTOR VEHICLES TEMPORARILY LEAVING OR VISITING INDIA

139. Power of Central Government to make rules. -(1) The Central Government may, by notification in the Official Gazette, make rules for all or any of the following purposes, namely :-

(a) the grant and authentication of travelling passes, certificates or authorisations to persons temporarily taking motor vehicles out of India to any place outside India or to persons temporarily proceeding out of India to any place outside India and desiring to driver a motor vehicle during their absence from India;

(b) prescribing the conditions subject to which motor vehicles brought temporarily into India from outside India by persons intending to make a temporary stay in India may be possessed and used in India; and

(c) prescribing the conditions subject to which persons entering India from any place outside India for a temporary stay in India may drive motor vehicles in India.

(2) For the purpose of facilitating and regulating the services of motor vehicles operating between India and any other country under any reciprocal arrangement and carrying passengers or goods or both by road for hire or reward, the Central Government may, by notification in the Official Gazette, make rules with respect to all or any of the following matters, namely :-

(a) the conditions subject to which motor vehicles carrying on such services may be brought into India from outside India and possessed and used in India;

(b) the conditions subject to which motor vehicles may be taken from any places in India to any place outside India;

(c) the conditions subject to which persons employed as drivers and conductors of such motor vehicles may enter or leave India;

(d) the grant and authentication of travelling passes, certificates or authorisations to persons employed as drivers and conductors of such motor vehicles.

(e) the particulars (other than registration marks) to be exhibited by such motor vehicles and the manner in which such particulars are to be exhibited;

(f) the use of trailers with such motor vehicles;

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(g) the exemption of such motor vehicles and their drivers and conductors from all or any of the provisions of this Act [other than those referred to in sub-section (4)] or the rules made thereunder;

(h) the identification of the drivers and conductors of such motor vehicles;

(i) the replacement of the travelling passes, certificates or authorisations, permits, licence or any other prescribed documents lost or defaced, on payment of such fee as may be prescribed;

(j) the exemption from the provisions of such laws as relate to customs, police or health with a view to facilitate such road transport services;

(k) any other matter which is to be, or may be, prescribed.

(3) No rule made under this section shall operate to confer on any person any immunity in any State from the payment of any tax levied in that State on motor vehicles or their users.

(4) Nothing in this Act or in any rule made thereunder by a State Government relating to -

(a) the registration and identification of motor vehicles, or

(b) the requirements as to construction, maintenance and equipment of motor vehicles, or

(c) The licencing and the qualifications of drivers and conductors of motor vehicles shall apply –

(i) to any motor vehicle to which or to any driver of a motor vehicle to whom any rules made under clause (b) or clause (c) of subsection (1) or under sub-section (2) apply; or

(ii) to any conductor of a motor vehicle to whom any rules made under sub-section (2) apply.

Corresponding Law. – Section 139 corresponds to section 92 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 139 authorises the Central Government to make rules for carrying into effect the provisions of this Chapter relating to

the regulation of services of motor vehicles operating between India and any other country under reciprocal agreement, etc.

CHAPTER X

LIABILITY WITHOUT FAULT IN CERTAIN CASES

140. Liability to pay compensation in certain cases on the principle of no fault. -(1) Where death or permanent disablement of any person has resulted from an accident arising out of the use of a motor vehicle or motor vehicles, the owner of the vehicles shall, or, as the case may be, the owners of the vehicles shall, jointly and severally, be liable to pay compensation in respect of such death or disablement in accordance with the provisions of this section.

(2) The amount of compensation which shall be payable under subsection (1) in respect of the death of any person shall be a fixed sum of ⁸⁵[fifty thousand rupees] and the amount of compensation payable under that sub-section in respect of the permanent disablement of any person shall be a fixed sum of ⁸⁶[twenty – five thousand rupees].

(3) In any claim for compensation under sub-section (1), the claimant shall not be required to plead and establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act, neglect or default of the owner or owners of the vehicle or vehicles concerned or of any other person.

(4) A claim for compensation under sub-section (1) shall not be defeated by reason of any wrongful act, neglect or default of the person in respect of whose death or permanent disablement the claim has been made nor shall the quantum of compensation recoverable in respect of such death or permanent disablement be reduced on the basis of the share of such person in the responsibility for such death or permanent disablement.

⁸⁷(5) Notwithstanding anything contained in sub-section (2) regarding

^{85.} Substituted for "twenty – five thousand rupees" by Act 54 of 1994, S. 43 (w.e.f. 14-11-1994).

^{86.} Substituted, *ibid*, for "twelve thousand rupees" (w.e.f. 14-11-1994).

^{87.} Inserted, ibid (w.e.f. 14-11-1994).

death or bodily injury to any person, for which the owner of the vehicle is liable to give compensation for relief, he is also liable to pay compensation

Provided that the amount of such compensation to be given under any other law shall be reduced from the amount of compensation payable under this section or under section 163 - A].

under any other law for the time being in force :

Corresponding Law. - Section 140 corresponds to section 92 – A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 140 provides for liability to pay compensation in certain cases on the principle of no fault.

141. Provisions as to other right to claim compensation for death or permanent disablement - (1) The right to claim compensation under section 140 in respect of death or permanent disablement of any person shall be in addition to ⁸⁸[any other right, except the right to claim under the scheme referred to in section 163 - A (such other right hereafter] in this section referred to as the right on the principle of fault) to claim compensation in respect thereof under any other provision of this Act or of any other law for the time being in force.

(2) A claim for compensation under section 140 in respect of death or permanent disablement of any person shall be disposed of as expeditiously as possible and where compensation is claimed in respect of such death or permanent disablement under section 140 and also in pursuance of any right on the principle of fault, the claim for compensation under section 140 shall be disposed of as aforesaid in the first place.

(3) Notwithstanding anything contained in sub-section (1), where in respect of the death or permanent disablement of any person, the person liable to pay compensation under section 140 is also liable to pay compensation in accordance with the right on the principle of fault, the person so liable shall pay the first-mentioned compensation and -

(a) if the amount of the first-mentioned compensation is less

^{88.} Substituted for "any other right hereafter" by Act 54 of 1994, S. 44 (w.e.f. 14-11-1994)

than the amount of the second-mentioned compensation, he shall be liable to

pay (in addition to the first-mentioned compensation) only so much of the second-mentioned compensation as is equal to the amount by which it exceeds the first-mentioned compensation;

(b) if the amount of the first-mentioned compensation is equal to or more than the amount of the second-mentioned compensation, he shall not be liable to pay the second-mentioned compensation.

Corresponding Law. – Section 141 corresponds to section 92 – B of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 141 makes provision to claim compensation for death or permanent disablement besides the claim for compensation for no fault liability.

142. Permanent disablement. – For the purposes of this Chapter, permanent disablement of a person shall be deemed to have resulted from an accident of the nature referred to in sub-section (1) of section 140 if such person has suffered by reason of the accident, any injury or injuries involving :-

(a) permanent privation of the sight of either eye or the hearing of either ear, or privation of any member or joint; or

(b) destruction or permanent impairing of the powers of any members or joint; or

(c) permanent disfiguration of the head or face.

Corresponding Law. – Section 142 corresponds to section 92 – C of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 142 seeks to classify injuries which are considered as permanent disablement for the purpose of this Act.

143. Applicability of Chapter to certain claims under Act 8 of 1923. – The provisions of this Chapter shall also apply in relation to any claim for compensation in respect of death or permanent disablement of any person under the Workmen's Compensation Act, 1923 (8 of 1923) resulting from an accident of the nature referred to in sub-section (1) of section 140 and for this

purpose, the said provisions shall, with necessary modifications, be deemed to form part of that Act.

Corresponding Law. – Section 143 corresponds to section 92 – D of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 143 lays down that the provision of this Chapter shall also apply in relation to any claims under Workmen's Compensation Act.

144. Overriding effect. – The provisions of this Chapter shall have effect notwithstanding anything contained in any other provision of this Act or of any other law for the time being in force.

Corresponding Law. – Section 144 corresponds to section 92 – E of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 144 provides for overriding effect of this Chapter over any other provisions of this Act or any law for the time being in force.

CHAPTER XI

INSURANCE OF MOTOR VEHICLES AGAINST THIRD PARTY RISKS 145. Definitions. – In this Chapter, -

(a) "authorised insurer" means an insurer for the time being carrying on general insurance business in India under the General Insurance Business (Nationalisation) Act, 1972, and any Government insurance fund authorised to do general insurance business under that Act,

(b) "certificate of insurance" means a certificate issued by an authorised insurer in pursuance of sub-section (3) of section 147 and includes a cover note complying with such requirements as may be prescribed, and where more than one certificate has been issued in connection with a policy, or where a copy of a certificate has been issued, all those certificates or that copy, as the case may be;

(c) "liability", wherever used in relation to the death of or bodily injury to any person, includes liability in respect thereof under section 140;

(d) "policy of insurance" includes "certificate of insurance";

(e) "property" includes goods carried in the motor vehicle, roads, bridges, culverts, causeways, trees, posts and mile-stones;

(f) "reciprocating country" means any such country as may on the basis of reciprocity be notified by the Central Government in the Official Gazette to be a reciprocating country for the purposes of this Chapter;

(g) "third party" includes the Government.

Corresponding Law. - Section 145 corresponds to section 93 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 145 seeks to define certain words and expressions appearing in this Chapter.

146. Necessity for insurance against third party risk. -(1) No person shall use, except as a passenger, or cause or allow any other person to use, a motor vehicle in a public place, unless there is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance complying with the requirements of this Chapter :

⁸⁹[Provided that in the case of a vehicle carrying, or meant to carry, dangerous or hazardous goods, there shall also be a policy of insurance under the Public Liability Insurance Act, 1991 (6 of 1991)].

Explanation. – A person driving a motor vehicle merely as a paid employee, while there is in force in relation to the use of the vehicle no such policy as is required by this sub-section, shall not be deemed to act in contravention of the sub-section unless he knows or has reason to believe that there is no such policy in force.

(2) Sub-section (1) shall not apply to any vehicle owned by the Central Government or a State Government and used for Government purposes unconnected with any commercial enterprise.

(3) The appropriate Government may, by order, exempt from the operation of sub-section (1) any vehicle owned by any of the following authorities, namely :-

(a) the Central Government or a State Government, if the vehicle is 89. Inserted by Act 54 of 1994, S. 45 (w.e.f. 14-11-1994). used for Government purposes connected with any commercial enterprise;

(b) any local authority;

(c) any State transport undertaking :

Provided that no such order shall be made in relation to any such authority unless a fund has been established and is maintained by that authority in accordance with the rules made in that behalf under this Act for meeting any liability arising out of the use of any vehicle of that authority which that authority or any person in its employment may incur to third parties.

Explanation. – For the purposes of this sub-section, "appropriate Government" means the Central Government or a State Government, as the case may be, and –

(i) in relation to any corporation or company owned by the Central Government or any State Government, means the Central Government or that State Government;

(ii) in relation to any corporation or company owned by the Central Government & one or more State Governments, means the Central Government;

(iii)in relation to any other State transport undertaking or any local authority, means that Government which has control over that undertaking or authority.

Corresponding Law. – Section 146 corresponds to section 94 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 146 speaks of the necessity for insurance against third party risk.

147. Requirement of policies and limits of liability. -(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 authorised insurer; and

(b) insurers the person or classes of persons specified in the policy to the extent specified in sub-section (2) –

(i) against any liability which may be incurred by him in

respect of the death of or bodily ⁹⁰[injury to any person, including owner of

the goods or his authorised representative carried in the vehicle] or damage to any property of a third party caused by or arising out of the use of the vehicle in a public place;

(ii) against the death of or bodily injury to any passenger of a public service vehicle caused by or arising out of the use of the vehicle in a public place;

Provided that a policy shall not be required -

(i) to cover liability in respect of the death, arising out of and in the course of this employment, of the employee of a person insured by the policy or in respect of bodily injury sustained by such an employee arising out of and in the course of his employment other than a liability arising under the Workmen's Compensation Act, 1923 (8 of 1923), in respect of the death of, or bodily injury to, any such employee -

(a) engaged in driving the vehicle, or

(b) if it is a public service vehicle, engaged as a conductor of the vehicle or in examining tickets on the vehicle, or

(c) if it is a goods carriage, being carried in the vehicle, or (ii) to cover any contractual liability.

Explanation. – For the removal of doubts, it is hereby declared that the death of or bodily injury to any person or damage to any property of a third party shall be deemed to have been caused by or to have arisen out of, the use of a vehicle in a public place notwithstanding that the person who is dead or injured or the property which is damaged was not in a public place at the time of the accident, if the act or omission which led to the accident occurred in a public place.

(2) Subject to the proviso to sub-section (1), a policy of insurance referred to in sub-section (1), shall cover any liability incurred in respect of any accident, up to the following limits, namely :-

90. Substituted for "injury to any person" by Act 54 of 1994, S.46 (w.e.f. 14-11-1994).

(a) save as provided in clause (b), the amount of liability incurred.

(b) in respect of damage to any property of a third party, a limit of rupees six thousand :

Provided that any policy of insurance issued with any limited liability and in force, immediately before the commencement of this Act, shall continue to be effective for a period of four months after such commencement or till the date of expiry of such policy whichever is earlier.

(3) A policy shall be of no effect for the purposes of this Chapter unless and until there is issued by the insurer in favour of the person by whom the policy is effected a certificate of insurance in the prescribed form and containing the prescribed particulars of any condition subject to which the policy is issued and of any other prescribed matters; and different forms, particulars and matters may be prescribed in different cases.

(4) where a cover note issued by the insurer under the provisions of this Chapter or the rules made thereunder is not followed by a policy of insurance within the prescribed time, the insurer shall, within seven days of the expiry of the period of the validity of the cover note, notify the fact to the registering authority in whose records the vehicle to which the cover note relates has been registered or to such other authority as the State Government may prescribe.

(5) Notwithstanding anything contained in any law for the time being in force, an insurer issuing a policy of insurance under this section shall be liable to indemnify the person or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of that person or those classes of persons.

Corresponding Law. – Section 147 corresponds to section 95 of the Motor Vehicle Act, 1939.

Objects and Reasons. – Clause 147 lays down the requirements of the policies and the limit of liability in respect of passengers and persons other than passengers in relation to passenger vehicles and goods carriages.

148. Validity of polices of insurance issued in reciprocating

countries. – Where, in pursuance of an arrangement between India and any reciprocating country, the motor vehicle registered in the reciprocating country operates on any route or within any area common to the two countries and there is in force in relation to the use of the vehicle in the reciprocating country, a policy of insurance complying with the requirements of the law of insurance in force in that country, then, notwithstanding anything contained in section 147 but subject to any rules which may be made under section 164, such policy of insurance shall be effective throughout the route or area in respect of which, the arrangement has been made, as if the policy of insurance had complied with the requirements of this Chapter.

Corresponding Law. – Section 148 corresponds to section 95 – A, of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 148 provides for the validity of policies of insurance issued in a reciprocating country in respect of motor vehicle of the reciprocating country operating on any route common to the two countries.

149. Duty of insurers to satisfy judgments and awards against persons insured in respect of third party risks. – (1) if, after a certificate of insurance has been issued under sub-section (3) of section 147 in favour of the person by whom a policy has been effected, judgement or award in respect of any such liability as is requirement to be covered by a policy under clause (b) of sub-section (1) of section 147 (being a liability covered by the terms of the policy) ⁹¹[or under the provisions of section 163 – A] is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid of cancel or may have avoided or cancelled the policy, the insurer shall, subject to the provisions of this section, pay to the person entitled to the benefit of the decree any sum not exceeding the sum assured payable thereunder, as if he were the judgement debtor, in respect of the

^{91.} Inserted by Act 54 of 1994, S. 47 (w.e.f. 14-11-1994).

liability, together with any amount payable in respect of costs and any sum

payable in respect of interest on that sum by virtue of any enactment relating to interest on judgements.

(2) No sum shall be payable by an insurer under sub-section (1) in respect of any judgement or award unless, before the commencement of the proceedings in which the judgement or award is given the insurer had notice through the Court or, as the case may be, the Claims Tribunal of the bringing of the proceedings, or in respect of such judgement or award so long as execution is stayed thereon pending an appeal; and an insurer to whom notice of the bringing of any such proceedings is so given shall be entitled to be made a party thereto and to defend the action on any of the following grounds, namely :-

(a) that there has been a breach of a specified condition of the policy, being one of the following conditions, namely :-

(i) a condition excluding the use of the vehicle -

(a) for hire or reward, where the vehicle is on the date of the contract of insurance a vehicle not covered by a permit to ply for hire or reward, or

(b) for organised racing and speed testing, or

(c) for a purpose not allowed by the permit under which the vehicle is used, where the vehicle is a transport vehicle, or

(d) without side-car being attached where the vehicle is a motor cycle; or

(ii) a condition excluding driving by a named person or persons or by any person who is not duly licenced, or by any person who has been disqualified for holding or obtaining a driving licence during the period of disqualification; or

(iii)a condition excluding liability for injury caused or contributed to by conditions of war, civil war, riot or civil commotion; or (b) that the policy is void on the ground that it was obtained by the non-disclosure of a material fact or by a representation of fact which was false in some material particular.

(3) Where any such judgement as is referred to in sub-section (1) is obtained from a Court in a reciprocating country and in the case of a foreign judgement is, by virtue of the provisions of section 13 of the Code of Civil Procedure, 1908 (5 of 1908) conclusive as to any matter adjudicated upon by it, the insurer (being an insurer registered under the Insurance Act, 1938 (4 of 1938) and whether or not he is registered under the corresponding law of the reciprocating country) shall be liable to the person entitled to the benefit of the decree in the manner and to the extent specified in sub-section (1), as if the judgement were given by a Court in India :

Provided that no sum shall be payable by the insurer in respect of any such judgement unless, before the commencement of the proceedings in which the judgement is given, the insurer had notice through the Court concerned of the bringing of the proceedings and the insurer to whom notice is so given is entitled under the corresponding law of the reciprocating country, to be made a party to the proceedings and to defend the action on grounds similar to those specified in sub-section (2).

(4) Where a certificate of insurance has been issued under sub-section (3) of section 147 to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any conditions other than those in clause (b) of subsection (2) shall, as respects such liabilities as are required to be covered by a policy under clause (b) of sub-section (1) of section 147, be of no effect :

Provided that any sum paid by the insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this sub-section shall be recoverable by the insurer from that person.

(5) If the amount which an insurer becomes liable under this section to pay in respect of a liability incurred by a person insured by a policy exceeds the amount for which the insurer would apart from the provisions of this section be liable under the policy in respect of that liability, the insurer shall be entitled to recover the excess from that person.

(6) In this section the expression "material fact" and "material particular" means, respectively, a fact or particular of such a nature as to influence the judgement of a prudent insurer in determining whether he will take the risk and, if so, at what premium and on what conditions, and the expression "liability covered by the terms of the policy" means liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel or has avoided or cancelled the policy.

(7) No insurer to whom the notice referred to in sub-section (2) or sub-section (3) has been given shall be entitled to avoid his liability to any person entitled to the benefit of any such judgement or award as is referred to in sub-section (1) or in such judgement as is referred to in sub-section (3) otherwise than in the manner provided for in sub-section (2) or in the corresponding law of the reciprocating country, as the case may be.

Explanation. – For the purposes of this section, "Claims Tribunal" means a Claims Tribunal constituted under section 165 and "award" means an award made by that Tribunal under section 168.

Corresponding Law. - Section 149 corresponds to section 96 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 149 lays down that it is the duty of the insurers to satisfy judgements against persons insured in respect of third party risk.

150. Rights of third parties against insurers on insolvency of the insured. -(1) Where under any contract of insurance effected in accordance with the provisions of this Chapter, a person is insured against liabilities which he may incur to third parties, then -

(a) in the event of the person becoming insolvent or making a composition or arrangement with his creditors, or

(b) where the insured person is a company, in the event of a winding-up order being made or a resolution for a voluntary winding-up being

passed with respect to the company or of a receiver or manager of the

company's business or undertaking being duly appointed, or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of any property comprised in or subject to the charge, if, either before or after that event, any such liability is incurred by the insured person, his rights against the insurer under the contract in respect of the liability shall, notwithstanding anything to the contrary in any provision of

law, be transferred to and vest in the third party to whom the liability was so

incurred.

(2) Where an order for the administration of the estate of a deceased debtor is made according to the law of insolvency, then, if any debt provable in insolvency is owing by the deceased in respect of a liability to a third party against which he was insured under a contract of insurance in accordance with the provisions of this Chapter, the deceased debtor's rights against the insurer in respect of that liability shall, notwithstanding anything to the contrary is any provision of law, be transferred to and vest in the person to whom the debt is owing.

(3) Any condition in a policy issued for the purposes of this Chapter purporting either directly or indirectly to avoid the policy or to alter the rights of the parties thereunder upon the happening to the insured person of any of the events specified in clause (a) or clause (b) of sub-section (1) or upon the making of an order for the administration of the estate of a deceased debtor according to the law of insolvency shall be of no effect.

(4) Upon a transfer under sub-section (1) or sub-section (2), the insurer shall be under the same liability to the third party as he would have been to the insured person, but -

(a) if the liability of the insurer to the insured person exceeds the liability of the insured person to the third party, nothing in this Chapter shall affect the rights of the insured person against the insurer in respect of the excess, and (b) if the liability of the insurer to the insured person is less than the liability of the insured person to the third party, nothing in this Chapter shall affect the rights of the third party against the insured person in respect of the balance.

Corresponding Law. – Section 150 corresponds to section 97 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 150 provides that in the event of the insured becoming insolvent any liability incurred by the insured person and his rights against the insurer will be transferred to and vest in the third party to whom the liability was so incurred.

151. Duty to give information as to insurance. -(1) No person against whom a claim is made in respect of any liability referred to in clause (b) of sub-section (1) of section 147 shall on demand by or on behalf of the person making the claim refuse to state whether or not he was insured in respect of that liability by any policy issued under the provisions of this Chapter, or would have been so insured if the insurer had not avoided or cancelled the policy, nor shall he refuse, if he was or would have been so insured, to give such particulars with respect to that policy as were specified in the certificate of insurance issued in respect hereof.

(2) In the event of any person becoming insolvent or making a composition or arrangement with his creditors or in the event of an order being made for the administration of the estate of a deceased person according to the law of insolvency, or in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to any company or of a receiver or manager of the company's business or undertaking being duly appointed or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge on any property comprised in or subject to the charge, it shall be the duty of the insolvent debtor, personal representative of the deceased debtor or company, as the case may be, or the official assignee or receiver in insolvency, trustee, liquidator, receiver or manager, or person in possession of the property to give at the

request of any person claiming that the insolvent debtor, deceased debtor or

company is under such liability to him as is covered by the provision of this Chapter, such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to an vested in him by section 150, and for the purpose of enforcing such rights, if any; and any such contract of insurance as purports whether directly or indirectly to avoid the contract or to alter the rights of the parties thereunder upon the giving of such information in the events aforesaid, or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

(3) If, from the information given to any person in pursuance of subsection (2) or otherwise, he has reasonable ground for supporting that there have or may have been transferred to him under this Chapter rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the said sub-section on the persons therein mentioned.

(4) The duty to give the information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty so imposed to be inspected and copies thereof to be taken.

Corresponding Law. – Section 151 corresponds to section 98 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 151 prescribes that it is the duty of the insured to give information relating to the insurance on demand by or on behalf of the person making the claim for compensation.

152. Settlement between insurers and insured persons. -(1) No settlement made by an insurer in respect of any claim which might be made by a third party in respect of any liability of the nature referred to in clause (b) of sub-section (1) of section 147 shall be valid unless such third party is a party to the settlement.

(2) Where a person who is insured under a policy issued for the purpose of this Chapter has become insolvent, or where, if such insured person is a company, a winding-up order has been made or a resolution for a

voluntary winding-up has been passed with respect to the company, no

agreement made between the insurer and the insured person after the liability has been incurred to a third party and after the commencement of the insolvency or winding-up, as the case may be, nor any waiver, assignment or other disposition made by or payment made to the insured person after the commencement aforesaid shall be effective to defeat the rights transferred to the third party under this Chapter, but those rights shall be the same as if no such agreement, waiver, assignment or disposition or payment has been made.

Corresponding Law. - Section 152 corresponds to section 99 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 152 lays down that any settlement made by the insurer in respect of any claim which may be made by the third party will not be valid unless the third party is a party to the claim.

153. Saving in respect of section 150,151 and 152. -(1) For the purposes of section 150,151 and 152 a reference to "liabilities to third parties" in relation to a person insured under any policy of insurance shall not include a reference to any liability of that person in the capacity of insurer under some other policy of insurance.

(2) The provisions of section 150, 151 and 152 shall not apply where a company is wound-up voluntarily merely for the purposes of reconstruction or of an amalgamation with another company.

Corresponding Law. – Section 153 corresponds to section 100 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 153 lays down that the liability of the insurer will be only in respect of that particular policy alone and not in respect of any other policy of insurance.

154. Insolvency of insured persons not to affect liability of insured or claims by third parties. – Where a certificate of insurance has been issued to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in sub-section (1) or sub-section (2) of section 150 shall,

notwithstanding anything contained in this Chapter, not affect any liability of

that person of the nature referred to in clause (b) of sub-section (1) of section 147; but nothing in this section shall affect any rights against the insurer conferred under the provisions of section 150,151 and 152 on the person to whom the liability was incurred.

Corresponding Law. – Section 154 corresponds to section 101 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 154 provides that the insolvency of the insured will not affect the liability of the insured or affect the claims of third parties or the rights against the insurer.

155. Effect of death on certain causes of action. – Notwithstanding anything contained in section 306 of the Indian Succession Act, 1925 (39 of 1925) of the death of a person in whose favour a certificate of insurance had been issued, if it occurs after the happening of an event which has given rise to a claim under the provisions of this Chapter, shall not be a bar to the survival of any cause of action arising out of the said event against his estate or against the insurer.

Corresponding Law. – Section 155 corresponds to section 102 of the Motor Vehicle Act, 1939.

Objects and Reasons. – Clause 155 makes it clear that in the event of the death of the insured after the happening of an accident in which his motor vehicle was involved, the right of third parties will not be barred against the insured or his excise.

156. Effect of certificate of insurance. – When an insurer has issued a certificate of insurance in respect of a contract of insurance between the insurer and the insured person, then -

(a) if and so long as the policy described in the certificate has not been issued by the insurer to the insured, the insurer shall, as between himself and any other person except the insured, be deemed to have issued to the insured person a policy of insurance conforming in all respects with the description and particulars stated in such certificate; and (b) if the insurer has issued to the insured the policy described in the certificate, but the actual terms of the policy are less favourable to persons claiming under or by virtue of the policy against the insurer either directly or through the insured than the particulars of the policy as stated in the certificate, the policy shall, as between the insurer and any other person except the insured, be deemed to be in terms conforming in all respects with the particulars stated in the said certificate.

Corresponding Law. – Section 156 corresponds to section 103 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 156 provides that where the insurer has issued a certificate of insurance, and the policy of insurance has not been issued, then the policy to be issued be deemed to be in terms conforming in all respects to the particulars mentioned in the certificate of insurance.

157. Trasnfer of certificate of insurance. -(1) Where a person in whose favour the certificate of insurance has been issued in accordance with the provisions of this Chapter transfer to another person the ownership of the another vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, the certificate of insurance and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

⁹²[*Explanation.* – For the removal of doubts, it is hereby declared that such deemed transfer shall include transfer of rights and liabilities of the said certificate of insurance and policy of insurance.]

(2) The transferee shall apply within fourteen days from the date of transfer in the prescribed form to the insurer for making necessary changes in regard to the fact of transfer in the certificate of insurance and the policy described in the certificate in his favour and the insurer shall make the necessary changes in the certificate and the policy of insurance in regard to the transfer of insurance.

^{92.} Inserted by Act 54 of 1994, S. 48 (w.e.f. 14-11-1994)

Corresponding Law. – Section 157 corresponds to section 103-A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 157 lays down that when the certificate of registration is transferred from one person to another, then the policy of insurance in respect of that vehicle is also deemed to have been transferred to that other person from the date on which the ownership of the motor vehicle stands transferred.

158. Production of certain certificates, licence and permit in certain cases. -(1) Any person driving a motor vehicle in any public place shall, on being so required by a police officer in uniform authorised in this behalf by the State Government, produce -

- (a) the certificate of insurance;
- (b) the certificate of registration;
- (c) the driving licence; and

(d) in the case of a transport vehicle also the certificate of fitness referred to in section 56 and the permit,

relating to the use of the vehicle.

(2) If, where owing to the presence of a motor vehicle in a public place an accident occurs involving death or bodily injury to another person, the driver of the vehicle does not at the time produce the certificate, driving licence and permit referred to in sub-section (1) to a police officer, he shall produce the said certificates, licence and permit at the police station at which he makes the report required by section 134.

(3) No person shall be liable to conviction under sub-section (1) or sub-section (2) by reason only of the failure to produce the certificate of insurance if, within seven days from the date on which its production was required under sub-section (1), or as the case may be, from the date of occurrence of the accident, he produces the certificate at such police station as may have been specified by him to the police officer who required its production or, as the case may be, to the police officer at the site of the accident or to the officer-in-charge of the police station at which he reported the accident :

Provided that except to such extent and with such modifications as may be prescribed, the provisions of this sub-section shall not apply to the driver of a transport vehicle.

(4) The owner of a motor vehicle shall give such information as he may be required by or on behalf of a police officer empowered in this behalf by the State Government to give for the purpose of determining whether the vehicle was or was not being driven in contravention of section 146 and on any occasion when the driver was required under this section to produce his certificate of insurance.

(5) In this section, the expression "produce his certificate of insurance" means produce for examination the relevant certificate of insurance or such other evidence as may be prescribed that the vehicle was not being driven in contravention of section 146.

⁹³[(6) As soon as any information regarding any accident involving death or bodily injury to any person is recorded or report under this section is completed by a police officer, the officer-in-charge of the police station shall forward a copy of the same within thirty days from the date of recording of information or, as the case may be, on completion of such report to the Claims Tribunal having jurisdiction and a copy thereof to the concerned insurer, and where a copy is made available to the owner, he shall also within thirty days of receipt of such report, forward the same to such Claims Tribunal and insurer].

93. Sub.-S. (6) substituted by Act 54 of 1994, S.49 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (6) read as under :-

"(6) As soon as any information regarding any accident involving death or bodily injury yo any person is recorded or a report under this section is completed by a police officer, the officer-in-charge of the police station shall forward a copy of the same also to the Claims Tribunal having jurisdiction and a copy thereof to the concerned insurer." *Corresponding Law.* - Section 158 corresponds to section 106 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 158 makes it compulsory on the part of the driver of the vehicle involved in accident, to produce the certificate of registration and insurance, the certificate of fitness and permit and driving licence without delay. It also provides that the police officer who makes a report of accident shall send a copy of the report to the Accident Claims Tribunal.

159. Production of certificate of insurance on application for authority to use vehicle. – A State Government may make rules requiring the owner of any motor vehicle when applying whether by payment of a tax or otherwise for authority to use the vehicle in a public place to produce such evidence as may be prescribed by those rules to the effect that either -

(a) on the date when the authority to use the vehicle comes into operation there will be in force the necessary policy of insurance in relation to the use of the vehicle by the applicant or by other persons on his order or with his permission, or

(b) the vehicle is a vehicle to which section 146 does not apply.

Corresponding Law. – Section 159 corresponds to section 107 of the Motor Vehicle Act, 1939.

Objects and Reasons. – Clause 159 empowers the State Government to make rules to require production of certificate of insurance of a motor vehicle at the time of payment of taxes and in the case of transport vehicle to have a valid certificate of insurance before the vehicle is put on public road after obtaining a permit.

160. Duty to furnish particulars of vehicle involved in accident. -A registering authority or the officer-in-charge of a police station shall, if so required by a person who alleges that he is entitled to claim compensation in respect of an accident arising out of the use of a motor vehicle, or if so required by an insurer against whom a claim has been made in respect of any

motor vehicle, furnish to that person or to that insurer, as the case may be, on

payment of the prescribed fee any information at the disposal of the said authority or the said police officer relating to the identification marks and other particulars of the vehicle and the name and address of the person who was using the vehicle at the time of the accident or was injured by it and the property, if any, damaged in such form and within such time as the Central Government may prescribe.

Corresponding Law. - Section 160 corresponds to section 109 of the Motor Vehicles Act, 1939.

Objects and Reasons.- Clause 160 lays down that it is the duty of the police officer registering accident case and the registering authority to furnish to the person who alleges that he is entitled to claim compensation all such particulars in such form and within such time as the Central Government may prescribe.

161. Special provisions as to compensation in case of hit and run motor accident. -(1) For the purposes of this section, section 162 and section 163 -

(a) "grievous hurt" shall have the same meaning as in the Indian Penal Code, 1860 (45 of 1860);

(b) "hit and run motor accident" means an accident arising out of the use of a motor vehicle or motor vehicles the identity whereof cannot be ascertained in spite of reasonable efforts for the purpose;

(c) "scheme" means the scheme framed under section 163.

(2) Notwithstanding anything contained in the General Insurance Business (Nationalisation) Act, 1972 (57 of 1972) or any other law for the time being in force or any instrument having the force of law, the General Insurance Corporation of India formed under section 9 of the said Act and the insurance companies for the time being carrying on general insurance business in India shall provide for paying in accordance with the provisions of this Act and the scheme, compensation in respect of the death of, or grievous hurt to, persons resulting from hit and run motor accidents. (3) Subject to the provisions of this Act and the scheme, there shall be paid as compensation –

(a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of ⁹⁴[twenty-five thousand rupees];

(b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of ⁹⁵[twelve thousand and five hundred rupees].

(4) The provisions of sub-section (1) of section 166 shall apply for the purpose of making applications for compensation under this section as they apply for the purpose of making applications for compensation referred to in that sub-section.

Corresponding Law. – Section 161 corresponds to section 109 – A of the Motor Vehicle Act, 1939.

Objects and Reasons. – Clause 161 provides for framing of a scheme by the Central Government for the payment of compensation in "hit and run" cases. It also lays down the amount of compensation in respect of the death and also in respect of grievous hurt.

162. Refund in certain cases of compensation paid under section 161. -(1) The payment of compensation in respect of the death of, or grievous hurt to, any person under section 161 shall be subject to the condition that if any compensation (hereafter in this sub-section referred to as the other compensation) or other amount in lieu of or by way of satisfaction of a claim for compensation is awarded or paid in respect of such death or grievous hurt under any other provision of this Act or any other law or otherwise so much of the other compensation or other amount aforesaid as is equal to the compensation paid under section 161 shall be refunded to the insurer.

(2) Before awarding compensation in respect of an accident involving the death of, or bodily injury to, any person arising out of the use of a motor

^{94.} Substituted for "eight thousand and five hundred rupees" by Act 54 of 1994, S.50 (w.e.f. 14-11-1994).

^{95.} Substituted, ibid, for "two thousand rupees" (w.e.f. 14-11-1994).

vehicle or motor vehicles under any provision of this Act (other than section

161) or any other law, the Tribunal Court or other authority awarding such compensation shall verify as to whether in respect of such death or bodily injury compensation has already been paid under section 161 or an application for payment of compensation is pending under that section, and such Tribunal, Court or other authority shall, -

(a) if compensation has already been paid under section 161, direct the person liable to pay the compensation awarded by it to refund to the insurer, so much thereof as is required to be refunded in accordance with the provisions of sub-section (1);

(b) if an application for payment of compensation is pending under section 161 forward the particulars as to the compensation awarded by it to the insurer.

Explanation. – For the purpose of this sub-section, an application for compensation under section 161 shall be deemed to be pending –

(i) if such application has been rejected, till the date of the rejection of the application, and

(ii) in any other case, till the date of payment of compensation in pursuance of the application.

Corresponding Law. - Section 162 corresponds to section 109-B of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 162 seeks to provide that when compensation is awarded in a case where compensation under clause 161 has already been paid then so much of the compensation paid as per clause 161 shall be refunded to the insurer.

163. Sceme for payment of compensation in case of hit and run motor accidents. -(1) The Central Government may, by notification in the Official Gazette, make a scheme specifying, the manner in which the scheme shall be administered by the General Insurance Corporation, the form, manner and the time within which applications for compensation may be made, the officers or authorities to whom such applications may be made, the procedure

to be followed by such officers or authorities for considering and passing orders on such applications, and all other matters connected with, or incidental to, the administration of the scheme and the payment of compensation.

(2) A scheme made under sub-section (1) may provide that –

(a) a contravention of any provision thereof shall be punishable with imprisonment for such term as may be specified but in no case exceeding three months, or with fine which may extend to such amount as may be specified but in no case exceeding five hundred rupees or with both;

(b) the powers, functions or duties conferred or imposed on any officer or authority by such scheme may be delegated with the prior approval in writing of the Central Government, by such officer or authority to any other officer or authority;

(c) any provision of such scheme may operate with retrospective effect from a date not earlier than the date of establishment of the Solatium Fund under the Motor Vehicles Act, 1939 (4 of 1939) as it stood immediately before the commencement of this Act.

Provided that no such retrospective effect shall be given so as to prejudicially affect the interests of any person who may be governed by such provision.

Corresponding Law. – Section 163 corresponds to section 109-C of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 163 empowers the Central Government to makes scheme for payment of compensation in "hit and run" accident cases detailing the procedure for making claim, the authorities to whom the claim should be made, etc.

 96 [163 – A. Special provisions as to payment of compensation on structured formuala basis. – (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle of the authorised insurer shall be liable to pay in the case of death or permanent disablement due to accident

96. Inserted by Act 54 of 1994, S. 51 (w.e.f. 14-11-1994).

arising out of the use of motor vehicle compensation, as indicated in the Second Schedule, to the legal heirs or the victim, as the case may be.

Explanation. – For the purposes of this sub-section, "permanent disability" shall have the same meaning and extent as in the Workmen's Compensation Act, 1923.

(2) In any claim for compensation under sub-section (1), the claimant shall not be required to plead or establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or vehicles concerned or of any other person.

(3) The Central Government may, keeping in view the cost of living by notification in the Official Gazette, from time to time amend the Second Schedule.]

Corresponding Law. - This is a new provision in the 1988 Act.

⁹⁷**[163-B. Option to file claim in certain cases.** – Where a person is entitled to claim compensation under section 140 and section 163-A, he shall file the claim under either of the said sections and not under both.]

Corresponding Law. - This is a new provision in the 1988 Act.

164. Power of Central Government to make rules. -(1) The Central Government may make rules for the purpose of carrying into effect the provisions of this Chapter, other than the matters specified in section 159.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for –

(a) the forms to be used for the purposes of this Chapter;

(b) the making of applications for and the issue of certificates of insurance;

(c) the issue of duplicates to replace certificates of insurance lost, destroyed or mutilated;

(d) the custody, production, cancellation and surrender of certificates of insurance;

97. Inserted by Act 54 of 1994, S. 51 (w.e.f. 14-11-1994).

(e) the records to be maintained by insurers of policies of insurance issued under this Chapter;

(f) the identification by certificates or otherwise of persons or vehicle exempted from the provisions of this Chapter;

(g) the furnishing of information respecting policies of insurance by insurers;

(h) adopting the provisions of this Chapter to vehicles brought into India by persons making only a temporary stay therein or to vehicles registered in a reciprocating country and operating on any route or within any area in India by applying those provisions with prescribed modifications;

(i) the form in which and the time limit within which the particulars referred to in section 160 may be furnished; and

(j) any other matter which is to be, or may be, prescribed.

Corresponding Law. – Section 164 corresponds to section 111 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 164 confers upon the Central Government the power to frame rules to implement the provisions of clause 60.

CHAPTER XII CLAIMS TRIBUNALS

165. Claims Tribunals. – (1) A State Government may, by notification in the Official Gazette, constitute one or more Motor Accidents Claims Tribunals (hereafter in this Chapter referred to as Claim Tribunal) for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, persons arising out of the use of motor vehicles, or damages to any property of a third party so arising, or both.

Explanation. – For the removal of doubts, it is hereby declared that the expression "claims for compensation in respect of accidents involving the death of or bodily injury to persons arising out of the use of motor vehicles" includes claims for compensation under section 140 ⁹⁸[and section 163-A].

98. Added by Act. 54 of 1994, S. 52 (w.e.f. 14-11-1994).

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

(3) A person shall not be qualified for appointment as a member of a Claims Tribunal unless he –

(a) is, or has been, a Judge of a High Court, or

(b) is, or has been, a District Judge, or

(c) is qualified for appointment as a High Court Judge ⁹⁹[or as a District Judge.]

(4) Where two or more Claims Tribunals are constituted for any area, the State Government, may by general or special order, regulate the distribution of business among them.

Corresponding Law. – Section 165 corresponds to section 110 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 165 empowers the State Government to constitute Claims Tribunals to adjudicate upon claims for compensation arising out of motor vehicle accidents, resulting in death or bodily injury to persons or damages to any property of third parties.

166. Application for compensation. -(1) An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 165 may be made -

(a) by the person who has sustained the injury; or

(b) by the owner of the property; or

(c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or

(d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be:

Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the 99. Added, *ibid* (w.e.f. 14-11-1994).

deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.

¹[(2) Every application under sub-section (1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides, or carries on business or within the local limits of whose jurisdiction the defendant resides and shall be in such form and contain such particulars as may be prescribed :

Provided that where no claim for compensation under section 140 is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant.]

²[***]

³[(4) The Claims Tribunal shall treat any report of accidents forwarded

1. Sub.-S. (2) substituted by Act 54 of 1994, S.53 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (2) read as under:-

"(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred, and shall be in such form and shall contain such particulars as may be prescribed :

Provided that where any claim for compensation under section 140 is made in such application, the application shall contain a separate statement to that effect immediately before the signature of the applicant."

2. Sub-S. (3) omitted, *ibid* (w.e.f. 14-11-1994). Prior to its omission, sub-S.(3) read as under :-

"(3) No application for such compensation shall be entertained unless it is made within six months of the occurrence of the accident:

Provided that the Claims Tribunal may entertain the application after expiry of the said period of six months but not later than twelve months, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time."

3. Sub-S. (4) substituted by Act 54 of 1994, S. 53 (w.e.f. 14-11-1994). Prior its substitution, sub-S. (4) read as under :-

"(4) Where a police officer has filed a copy of the report regarding an accident to a Claims Tribunal under this Act, the Claims Tribunal may, if it thinks necessary so to do, treat the report as if it were an application for compensation under this Act."

to it under sub-section (6) of section 158 as an application for compensation under this Act.]

Corresponding Law. – Section 166 corresponds to section 110-A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 166 provides for the form of application for compensation, the person who may claim compensation, the time within which the application should be filed, etc. It also provides that if the Claims Tribunal, think so, may treat the accident report filed by the Police Officer as per clause 158 as an application under this Act.

167. Option regarding claims for compensation in certain cases. – Notwithstanding anything contained in the Workmen's Compensation Act, 1923 (8 of 1923) where the death of, or bodily injury to, any person gives rise to a claim for compensation under this Act and also under the Workmen's Compensation Act, 1923, the person entitled to compensation may without prejudice to the provisions of Chapter X claim such compensation under either of those Acts but not under both.

Corresponding Law. – Section 167 corresponds to section 110-AA of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 167 lays down that when claim arises under this Act and under the Workmen's Compensation Act, the person entitled to claim compensation may claim compensation only under either of these Acts and not under both the Act.

168. Award of the Claims Tribunal. – (1) On receipt of an application for compensation made under section 166, the Claims Tribunal shall, after giving notice of the application to the insurer and after giving the parties (including the insurer) an opportunity of being heard, hold an inquiry into the claim or, as the case may be, each of the claims and, subject to the provisions of section 162 may make an award determining the amount of compensation which appears to it to be just and specifying the person or persons to whom compensation shall be paid and in making the award the Claims Tribunal shall specify the amount which shall be paid by the insurer or

owner or driver of the vehicle involved in the accident or by all or any of them, as the case may be :

Provided that where such application makes a claim for compensation under section 140 in respect of the death or permanent disablement of any person, such claim and any other claim (whether made in such application or otherwise) for compensation in respect of such death or permanent disablement shall be disposed of in accordance with the provisions of Chapter X.

(2) The Claim Tribunal shall arrange to deliver copies of the award to the parties concerned expeditiously and in any case within a period of fifteen days from the date of the award.

(3) When an award is made under this section, the person who is required to pay any amount in terms of such award shall, within thirty days of the date of announcing the award by the Claims Tribunal, deposit the entire amount awarded in such manner as the Claims Tribunal may direct.

Corresponding Law. – Section 168 corresponds to section 110-B of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 168 provides that the Claims Tribunal shall deliver the copies of the award to the parties within fifteen days of the award and that the person against whom the award is made shall deposit the amount awarded within thirty days of announcement of the award.

169. Procedure and powers of Claims Tribunals. -(1) In holding any inquiry under section 168, the Claims Tribunal may, subject to any rules that may be made in this behalf, follow such summary procedures as it thinks fit.

(2) The Claims Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Claims Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. (3) Subject to any rules that may be made in this behalf, the Claims Tribunal may, for the purpose of adjudicating upon any claim for compensation, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist it in holding the inquiry.

Corresponding Law. – Sub – sections (1), (2) and (3) correspond to subsection (1), (2) and (3) respectively, of section 110 - C of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 169 lays down the procedure to be followed by the Claims Tribunal in setting claims compensation and the powers of the Claim Tribunals.

170. Impleading insurer in certain cases. – Where in the course of any inquiry, the Claims Tribunal is satisfied that -

(a) there is collusion between the person making the claim and the person against whom the claim is made, or

(b) the persons against whom the claim is made has failed to contest the claim,

it may, for reasons to be recorded in writing, direct that the insurer who may be liable in respect of such claim, shall be impleaded as a party to the proceeding and the insurer so impleaded shall thereupon have, without prejudice to the provisions contained in sub-section (2) of section 149, the right to contest the claim on all or any of the grounds that are available to the person against whom the claim has been made.

Corresponding Law. – Section 170 corresponds to section 110-C(2-A) of the Motor Vehicles Act, 1939.

171. Award of interest where any claim is allowed. – Where any Claims Tribunal allows a claim for compensation made under this Act, such Tribunal may direct that in addition to the amount of compensation simple interest shall also be paid at such rate and from such date not earlier than the date of making the claim as it may specify in this behalf.

Corresponding Law. – Section 171 corresponds to section 110-CC of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 170 empowers the Claims Tribunal to order that simple interest at such rates as it thinks fit shall also be paid alongwith the award of compensation.

172. Award of compensatory costs in certain cases. -(1) Any Claims Tribunal adjudicating upon any claim for compensation under this Act, may in any case where it is satisfied for reasons to be recorded by it in writing that -

(a) the policy of insurance is void on the ground that it was obtained by representation of fact which was false in any material particular, or

(b) any party or insurer has put forward a false or vexatious claim or defence

such Tribunal may make an order for the payment, by the party who is guilty of misrepresentation or by whom such claim or defence has been put forward of special costs by way of compensation to the insurer or, as the case may be, to the party against whom such claim or defence has been put forward.

(2) No Claims Tribunal Shall pass an order for special costs under subsection (1) for any amount exceeding one thousand rupees.

(3) No person or insurer against whom an order has been made under this section shall, by reason thereof be exempted from any criminal liability in respect of such mis-representation, claim or defence as is referred to in sub-section (1).

(4) Any amount awarded by way of compensation under this section in respect of any mis-representation, claim or defence, shall be taken into account in any subsequent suit for damages for compensation in respect of such mis-representation, claim or defence.

Corresponding Law. – Section 172 corresponds to section 110-CCC of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 171 seeks to empower the Claims Tribunals to award special compensatory costs where in certain cases it is found that there has been mis-representation of case or vexatious to claims or defence. 173. Appeals. - (1) Subject to the provisions of sub-section (2), any person aggrieved by an award of a Claims Tribunal may, within ninety days from the date of the award, prefer an appeal to the High Court :

Provided that no appeal by the person who is required to pay any amount in terms of such award shall be entertained by the High Court, unless he has deposited with it twenty-five thousand rupees of fifty per cent, of the amount so awarded, whichever is less, in the manner directed by the High Court :

Provided further that the High Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) No appeal shall lie against any award of a Claims Tribunal if the amount in dispute in the appeal is less than ten thousand rupees.

Corresponding Law. - Section 173 corresponds to section 110-D of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 172 makes provision for appeal to High Court by the aggrieved against the orders of Claim Tribunal and where the person aggrieved is the person who has to pay the compensation such person shall deposit 50 percent of the amount awarded as directed by the High Court.

174. Recovery of money from insurer as arrear of land revenue. - Where any amount is due from any person under an award, the Claim Tribunal may, on an application made to it by the person entitled to the amount, issue a certificate for the amount to the Collector and the Collector shall proceed to recover the same in the same manner as an arrear of land revenue.

Corresponding Law. – Section 174 corresponds to section 110-E of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 173 lays down that any money due from any person under an award by the Claim Tribunal may be recovered by the Collector as arrears of land revenue.

175. Bar on jurisdiction of Civil Courts. – Where any Claims Tribunal has been constituted for any area, no Civil Court shall have jurisdiction to entertain any question relating to any claim for compensation which may be adjudicated upon by the Claim Tribunal for that area, and no injunction in respect of any action taken or to be taken by or before the Claims Tribunal in respect of the claim for compensation shall be granted by the Civil Court.

Corresponding Law. - Section 175 corresponds to section 110-F of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 174 bars the jurisdiction of Civil Courts where any Claims Tribunal has been constituted.

176. Power of State Government to make rules. – A State Government may make rules for the purpose of carrying into effect the provisions of sections 165 to 174, and in particular, such rules may provide for all or any of the following matters, namely :-

(a) the form of application for claims for compensation and the particulars it may contain, and the fees, if any, to be paid in respect of such applications;

(b) the procedure to be followed by a Claims Tribunal in holding an inquiry under this Chapter;

(c) the powers vested in a Civil Court which may be exercised by a Claims Tribunal;

(d) the form and the manner in which and the fees (if any) on payment of which an appeal may be preferred against an award of a Claims Tribunal; and

(e) any other matter which is to be, or may be, prescribed.

Corresponding Law. – Section 176 corresponds to section 111-A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 176 confers upon the State Government to make rules for carrying into effect provisions of clauses 165 to 173.

CHAPTER XIII

OFFENCES, PENALTIES AND PROCEDURE

177. General provision for punishment of offences. – Whoever contravenes any provision of this Act or of any rule, regulation or notification made thereunder shall, if no penalty is provided for the offence, be punishable for the first offence, with fine which may extend to one hundred rupees, and for any second or subsequent offence with fine which may extend to three hundred rupees.

Corresponding Law. – Section 177 corresponds to section 112 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 177 provides for a general provision for punishment of offences.

178. Penalty for travelling without pass or ticket and for dereliction of duty on the part of conductor and refusal to ply contract carriage, etc - (1) Whoever travels in a stage carriage without having a proper pass or ticket with him or being in or having alighted from a stage carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on a requisition being made therefore, shall be punishable with fine which may extend to five hundred rupees.

Explanation. – In this section, "pass" and "ticket" have the meanings respectively assigned to them in section 124.

(2) If the conductor of a stage carriage, or the driver of a stage carriage performing the functions of a conductor in such stage carriage, whose duty is –

(a) to supply a ticket to a person travelling in a stage carriage on payment of fare by such person, either wilfully or negligently, -

(i) fails or refuses to accept the fare when tendered, or(ii) fails or refuses to supply a ticket, or(iii) supplies an invalid ticket, or(iv) supplies a ticket of a lesser value, or

(b) to check any pass or ticket, either wilfully or negligently fails or refuses to do so,

he shall be punishable with fine which may extend to five hundred rupees.

(3) If the holder of a permit or the driver of a contract carriage refuses, in contravention of the provisions of this Act or rules made thereunder, to ply the contract carriage or to carry the passengers, he shall, -

(a) in the case of two-wheeled or three-wheeled motor vehicles, be punishable with fine which may extend to fifty rupees; and

(b) in any other case, be punishable with fine which may extend to two hundred rupees.

Corresponding Law. – Section 178 corresponds to section 112 – A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 178 provides for penalty for travelling without ticket or pass by a passenger and also for penalty for the conductor and operator of a contract carriage permit for dereliction of his duties.

179. Disobedience of orders, obstruction and refusal of information. -(1) Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act 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 Act to discharge, shall, if no other penalty is provided for the offence, be punishable with fine which may extend to five hundred rupees.

(2) Whoever, being required by or under this Act to supply any information, wilfully withholds 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 punishable with imprisonment for a term which may extent to one month or with fine which may extend to five hundred rupees or with both.

Corresponding Law. – Section 179 corresponds to section 113 of the Motor Vehicle Act, 1939.

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Objects and Reasons. – Clause 179 provides for penalties for disobedience of orders given by persons authorised to give such instruction and refusal to give information and for causing obstruction.

180. Allowing unauthorised persons to drive vehicles. – Whoever, being the owner or person in charge of a motor vehicle, causes or permits, any other person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Corresponding Law. – Section 180 corresponds to section 113 – A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 180 provides penalty both for the owner and person in charge of the vehicle for allowing unauthorised persons to drive the vehicle.

181. Driving vehicles in contravention of section 3 or section 4. -Whoever drives a motor vehicle in contravention of section 3 or section 4 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Corresponding Law. – Section 181 corresponds to section 113 – B of the Motor Vehicle Act, 1939.

Objects and Reasons. – Clause 181 prescribes penalty of imprisonment or fine or with both for persons driving a motor vehicle without a driving licence or when he has not attained the requirement age to drive a motor vehicle.

182. Offences relating to licences. -(1) Whoever, being disqualified under this Act for holding or obtaining a driving licence, drives a motor vehicle in a public place or in any other place, or applies for or obtains a driving licence or, not being entitled to have a driving licence issued to him free of endorsement, applies for or obtains a driving licence without disclosing the endorsement made on a driving licence previously held by him shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees or with both, and any driving licence so obtained by him shall be of no effect.

(2) Whoever, being disqualified under this Act for holding or obtaining a conductor's licence, acts as a conductor of a stage carriage in a public place or applies for or obtains a conductor's licence or, not being entitled to have a conductor's licence issued to him free of endorsement, applies for or obtains a conductor's licene without disclosing the endorsements made on a conductor's licence previously held by him, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both, and any conductor's licence so obtained by him shall be of no effect.

Corresponding Law. – Section 182 corresponds to section 114 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 182 lays down that driving a motor vehicle during disqualified period or driving while in possession of a driving licence obtained by misrepresentation is punishable with imprisonment or with fine or with both.

⁴[182-A. Punishment for offences relating to construction and maintenance of vehicles. – Any person who contravenes the provisions of sub-section (3) of section 109, shall be punishable with a fine of one thousand rupees for the first offence, and with a fine of five thousand rupees for any subsequent offence.]

Corresponding Law. - This is a new provision in the 1988 Act.

183. Driving at excessive speed, etc. -(1) Whoever drives a motor vehicle in contravention of the speed limits referred to in section 112 shall be punishable with fine which may extend to four hundred rupees, or, if having been previously convicted of an offence under this sub-section is again convicted of an offence under this sub-section, with fine which may extend to one thousand rupees.

(2) Whoever causes any person who is employed by him or is subject4. Inserted by Act 54 of 1994, S. 54 (w.e.f. 14-11-1994).

to his control in driving to drive a motor vehicle in contravention of the speed

limits referred to in section 112 shall be punishable with fine which may extend to three hundred rupees, or, if having been previously convicted of an offence under this sub-section, is again convicted of an offence under this subsection, with fine which may extend to five hundred rupees.

(3) No person shall be convicted of an offence punishable under subsection (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 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 that journey or part of a journey to be completed in the specified time without contravening the speed limits referred to in section 112 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).

Corresponding Law. – Section 183 corresponds to section 115 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 183 provides that whoever drives a motor vehicle at a speed exceeding the limit prescribed for such vehicle is punishable with fine.

184. Driving dangerously – Whoever drives a motor vehicle at a speed or in a manner which is dangerous to the public, 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 punishable for the first offence with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, and for any second or subsequent offence with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

Corresponding Law. – Section 184 corresponds to section 116 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 184 provides for punishment for driving recklessly and dangerously.

185. Driving by a drunken person or by a person under the influence of drugs. – Whoever, while driving, or attempting to drive, a motor vehicle -

 ${}^{5}[(a)$ has, in his blood, alcohol exceeding 30 mg. Per 100 ml. of blood detected in a test by a breath analyser, or]

(b) is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle.

shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to two year, or with fine which may extend to three thousand rupees, or with both.

Explanation – For the purposes of this section, the drug or drugs specified by the Central Government in this behalf, by notification in the Official Gazette, shall be deemed to render a person incapable of exercising proper control over a motor vehicle.

Corresponding Law. - Section 185 corresponds to section 117 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 185 provides for punishment or driving under the influence of drink or drug

5. Cl. (a) substituted by Act 54 of 1994, S. 55 (w.e.f. 14-11-1994). Prior to its substitution, Cl. (a) read as under :-

"(a) has, in his blood, alcohol in any quantity, howsoever small the quantity may be, or"

186. Driving when mentally or physically unfit to drive- Whoever drives a motor vehicle in any public place when he is to his knowledge vehicle to be a source of danger to the public, shall be punishable for the first offence with fine which may extend to two hundred rupees and for a second or subsequent offence with fine which may extent to five Hundred rupees.

Corresponding Law. - Section 186 corresponds to section 118 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 186 provides for penalty for driving a motor vehicle when the driver is mentally or physically unfit to drive.

187. Punishment for offeence relating to accident. – Whoever fails to comply with the provisions of clause (c) of sub-section (1) of section 132 or of section 133 or section 134 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both or, if having been previously convicted of an offence under this section, he is again convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Corresponding Law. – Section 187 corresponds to section 118-A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 187 provides for punishments relating to accidents which may be imprisonment or fine or both.

188. Punishment for abetment of certain offences. – Whoever abets the commission of an offence under section 184 or section 185 or section 186 shall be punishable with the punishment provided for the offence.

Corresponding Law. – Section 188 corresponds to section 119 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 188 makes provision for abetment of certain offences.

189. Racing and trials of speed. – Whoever without the written consent of the State Government permits or takes part in a race or trial of speed of any kind between motor vehicles in any public place shall be

punishable with imprisonment for a term which may extend to one month, or

with a fine which may extend to five hundred rupees, or with both.

Corresponding Law. – Section 189 corresponds to section 120 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 189 provides for punishment for offences of racing or trial of speed of any kind.

190. Using vehicle in unsafe condition. -(1) 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 vehicles using such place, shall be punishable with fine which may extend to two hundred and fifty rupees or, if as a result of such defect an accident is caused causing bodily injury or damage to property, with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any person who drives or causes or allows to be driven, in any public place a motor vehicle, which violates the standard prescribed in relation to road safety, control of nose and air-pollution, shall be punishable for the first offence with a fine of one thousand rupees and for any second or subsequent offence with a fine of two thousand rupees.

(3) Any persons who drives or causes or allows to be driven, in any public place a motor vehicle which violates the provisions of this Act or the rules made thereunder relating to the carriage of goods which are of dangerous or hazardous nature to human life, shall be punishable for the first offence which may extend to three thousand rupees, or with imprisonment for a term which may extend to one year, or with both, and for any second or subsequent offence with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to three which may extend to three years, or with both.

Corresponding Law. – Section 190 corresponds to section 121 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 190 provides for penalty for persons driving and person permitting to drive a motor vehicle which is in an unsafe condition. It also provides for penalty for driving a motor vehicle which

violates the standards prescribed for safety, control of noise and air pollution.

191. Sale of vehicle in or alteration of vehicle to condition contravening this Act. – Whoever being an importer of 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 VII or any rule made thereunder or alters the motor vehicle or trailer so as to render its condition such that its use in public place would be in contravention of Chapter VII or any rule made thereunder shall be punishable with fine which may extend to five 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.

Corresponding Law. – Section 191 corresponds to section 122 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 191 lays down that whoever sells a vehicle or alters a vehicle in contravention of the provisions of Chapter VII is punishable.

⁶[192. Using vehicle without registration. – (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of section 39 shall be punishable for the first offence with a fine which may extend to five thousand rupees but shall not be less than two thousand rupees for a second or subsequent offence with imprisonment which may extend to one year or with fine which may extend to ten thousand rupees but shall not be less than five thousand rupees or with both :

Provided that the Court may, for reasons to be recorded, impose a lesser punishment.

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 injuries of for 6. S. 192 substituted by Act 54 of 1994, S. 56 (w.e.f. 14-11-1994). Prior to its substitution, S. 192 read as under :-

"192. Using vehicle without registration or permit. – (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of section 39 or without the permit required by sub-section (1) of section 66 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 or to the maximum number of passengers and maximum weight of luggage that may be carried on the vehicle, shall be punishable for the first offence with fine which may extend to two thousand rupees and for any second or subsequent offence with imprisonment which may extend to six months or with fine which may extend to three 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 for the transport 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 the to the Regional Transport Authority within seven days from such use.

(3) Where a person is convicted of an offence under this section the Court by which such person is convicted may, in addition to any sentence which may be passed under sub-section (1) by order –

(a) if the vehicle used in the commission of the offence is a motor car, suspend its certificate of registration for a period not exceeding four months.

(b) if the vehicle used in the commission of the offence is a transport vehicle, suspend its permit for a period not exceeding six months or cancel it.

(4) The Court to which an appeal lies from any conviction in respect of an offence of the nature specified in sub-section (1) may set aside or vary any order of suspension or cancellation made under sub-section (3) by the Court below and the Court, to which appeals ordinarily lie from the Court below, may set aside or vary any such order of suspension or cancellation made by the Court below, notwithstanding that no appeal lies against the conviction in connection with which such order was made."

(2) the transport of food or materials to relieve distress of medical supplies for a like purpose :

Provides that the persons using the vehicle reports about the same to the Regional Transport Authority within seven days from the date of such use.

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

Corresponding Law. – Section 192 corresponds to section 123 of the Motor Vehicles Act, 1939.

192-A. Using vehicles without permit. -(1) Whoever drives a motor vehicle or causes or allow a motor vehicle to be used in contravention of the provisions of sub-section (1) of section 66 or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, shall be punishable for the first offence with a fine which may extend to five thousand rupees but shall not be less than two thousand rupees and for any subsequent offence with imprisonment which may extend to ten thousand rupees but shall not be less than five thousand rupees or with both :

Provided that the Court may for reasons to be recorded, impose a lesser punishment.

(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 for the transport of food or materials to relieve distress or of medical supplies for a like purpose :

Provided that the person using the vehicle reports about the same to the Regional Transport Authority within seven days from the date of such use.

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

Corresponding Law. – Section 192-A corresponds to section 123 of the Motor Vehicles Act, 1939.

193. Punishment of agents and canvassers without proper authority. – Whoever engages himself as an agent or canvasser in contravention of the provisions of section 93 or of any rules made thereunder shall be punishable for the first offence with fine which may extend to one

thousand rupees and for any second or subsequent offence with imprisonment which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

Corresponding Law. – Section 193 corresponds to section 123-A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 193 lays down that persons acting as Goods Booking Agents or Travel Agents without a proper licence are punishable.

194. Driving vehicle exceeding permissible weight. $-{}^{7}[(1)$ Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 113 or section 114 or section 115 shall be punishable with minimum fine of two thousand rupees and an additional amount of one thousand rupees per tonne of excess load, together with the liability to pay charges for off-loading of the excess load].

(2) Any driver of a vehicle who refuses to stop and submit his vehicle to weighing after being directed to do so by an officer authorised in this behalf under section 114 or removes or causes the removal of the load or part of it prior to weighing shall be punishable with fine which may extend to three thousand rupees.

Corresponding Law. – Section 194 corresponds to section 124 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 194 lays down that driving any overloaded vehicle is punishable and that refusal to stop the vehicle and submit to weighment is also punishable with fine.

7. Sub-S. (1) substituted by act 54 of 1994, S.57 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (1) read as under :-

"(1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 113 or of the conditions prescribed under that section or in contravention of any prohibition or restriction imposed under section 113 or section 115 shall be punishable for the first offence with fine which may extend to two thousand rupees, and for any second or subsequent offence with fine which may extend to five thousand rupees."

195. Imposition of minimum fine under certain circumstances. -

(1) Whoever having been convicted of an offence under this Act or the rules made thereunder commits a similar offence on a second or subsequent occasion within three years of the commission of the previous offence, no Court shall, except for reasons to be recorded by it in writing, impose on him a fine of less than one-fourth of the maximum amount of the fine imposable for such offence.

(2) Nothing in sub-section (1) shall be construed as restricting the power of the Court from awarding such imprisonment as it considers necessary in the circumstances of the case not exceeding the maximum specified in this Act in respect of that offence.

Corresponding Law. – Section 195 corresponds to section 124-A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 195 speaks of imposition of minimum fine in certain cases.

196. Driving uninsured vehicle- Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 146 shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Corresponding Law- Section 196 corresponds to section 125 of the Motor Vehicles Act, 1939

Objection and Reasons- Clause 196 lays down that driving a motor vehicle and allowing a motor vehicle to be driven without a valid insurance is punishable with imprisonment or with fine or with both.

197. Taking vehicle without authority. -(1) Whoever takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both :

Provided that no person shall be convicted under this section, if the Court is satisfied that such person 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 therefor.

(2) Whoever, unlawfully by force or threat of force or by any other form of intimidation, seizes or exercise control of a motor vehicle, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(3) Whoever attempts to commit any of the acts referred to in subsection (1) or sub-section (2) in relation to any motor vehicle, or abets the commission of any such act, shall also be deemed to have committed an offence under sub-section (1) or, as the case may be, sub-section (2).

Corresponding Law. – Section 197 corresponds to section 126 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 197 provides for a penalty of imprisonment or fine or with both for the offence of taking away a motor vehicle without authority or by force or by other forms of intimidation.

198. Unauthorised interference with vehicle. - Whoever otherwise than with lawful authority or reasonable excuse enters or moves any stationary motor vehicle or tampers with the brake or any part of the mechanism of a motor vehicle shall be punishable with fine which may extend to one hundred rupees.

Corresponding Law. – Section 198 corresponds to section 127 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 198 provides for punishment of fine for tampering with a stationery vehicle.

199. Offences by companies. -(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly :

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manger, secretary or other officer of the company, such director, manger, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. - For the purposes of this section -

(a) "company" mans any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Corresponding Law. – Section 199 corresponds to section 127 – A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 199 lays down that where the contravention is committed by a company then the person who was in charge and was responsible to the company shall be liable for the punishment.

200. Composition of certain offences. – (1) Any offence whether committed before or after the commencement of this Act punishable under section 177, section 178, section 179, section 180, section 181, section 182, subsection (1) or sub-section (2) of section 183, section 184, section 186, ⁸[section 189, sub-section (2) of section 190,] section 191, section 192, section 194, section 196, or section 198, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be

^{8.} Substituted for "section 189" by Act 54 of 1994, S. 58 (w.e.f. 14-11-1994).

taken against him in respect of such offence.

Corresponding Law. – Section 200 corresponds to section 127-B of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 200 provides for compounding of certain offences under this Chapter by officers authorised by the State Government for such amount as may be specified by the State Government.

201. Penalty for causing obstruction to free flow of traffic. -(1) Whoever keeps a disabled vehicle on any public place, in such a manner, so as to cause impediment to the free flow of traffic, shall be liable for penalty up to fifty rupees per hour, so long as it remains in that position :

Provided that the vehicle involved in accidents shall be liable for penalty only from the time of completion of inspection formalities under the law :

⁹[Provided further that where the vehicle is removed by a Government agency, towing charges shall be recovered from the vehicle owner or person in-charge of such vehicle.]

 10 [(2) Penalties or towing charges under this section shall be recovered by such officer or authority as the State Government may, by notification in the Official Gazette, authorise.]

Corresponding Law- This is a new provision in the 1988 Act.

Objects and Reasons- Clause 201 lays down penalty for keeping a disabled vehicle on public road causing impediment to the free flow of traffic.

202. Power to arrest without warrant. -(1) A police officer in uniform may arrest without warrant any person who in his presence commits an offence punishable under section 184 or section 185 or section 197:

^{9.} Inserted by Act 54 of 1994, S. 59 (w.e.f. 14-11-1994).

^{10.} Sub.-S. (2) substituted, *ibid* (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (2) read as under :-

[&]quot;(2)The penalties under this section shall be recoverable by the prescribed officers or authorities."

Provided that any person so arrested in connection with an offence punishable under section 185 shall, within two hours of his arrest, be subjected to a medical examination referred to in sections 203 and 204 by a registered medical practitioner failing which he shall be released from custody.

¹¹[(2) A police officer in uniform may arrest without warrant any person, who has committed an offence under this Act, if such person refuses to give his name and address.'

(3) A police officer arresting without warrant the driver of a motor vehicle shall if the circumstances so require take or cause to be taken any steps he may consider proper for the temporary disposal of the vehicle.

Corresponding Law. – Section 202 corresponds to section 128 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 202 confers upon Police Officers the power to arrest without warrant persons committing certain serious offences such as drunken driving, taking vehicle without authority, etc.

203. Breath tests. $-{}^{12}[(1)$ A police officer in uniform or an officer of the Motor Vehicle Department as may be authorised in this behalf by that Department, may require any person driving or attempting to drive a motor vehicle in a public place to provide one or more specimens of breath for breath test there or nearby, if such police officer or officer has any reasonable cause to suspect him to having committed an offence under section 185:

Provided that requirement for breath test shall be made (unless it is made) as soon as reasonably practicable after the commission of such offence.]

11. Sub-S. (2) substituted by Act 54 of 1994, S. 60 (w.e.f. 14-11-1994). Prior to its substitution, sub-S. (2) read as under :-

"(2) A police officer in uniform may arrest without warrant :-

(a) any person who being required under the provisions of this Act to give his name and address refuses to do so, or gives a name or address which the police officer has reason to believe to be false, or

(b) any person concerned in an offence under this Act 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." (2) If a motor vehicle is involved in an accident in a public place and a police officer in uniform has any reasonable cause to suspect that the person who was driving the motor vehicle at the time of the accident had alcohol in his blood or that he was driving under the influence of a drug referred to in section 185 he may require the person so driving the motor vehicle, to provide a specimen of his breath for a breath test –

(a) in the case of a person who is at a hospital as an indoor patient, at the hospital,

(b) in the case of any other person, either at or near the place where the requirement is made, or, if the police officer thinks fit, at a police station specified by the police officer :

Provided that a person shall not be required to provide such a specimen while at a hospital as an indoor patient if the registered medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or object to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(2) If it appears to a police officer in uniform, in consequence of a breath test carried out by him on any person under sub-section (1) or sub-section (2), that the device by means of which the test has been carried out indicates the presence of alcohol in the person's blood, the police officer may arrest that person without warrant except while that person is at a hospital as an indoor patient.

12. Sub-S. (1) substituted by S.61, *ibid* (w.e.f. 14-11-1994). Prior its substitution, sub-S. (1) read as under :-

"(1) A police officer in uniform may require any person driving or attempting to drive a motor vehicle in a public place to provide one or more specimen of breath for breath test there or nearby, if the police officer has any reasonable cause to suspect him of having committed an offence punishable under section 185.

Provided that no requirement for breath test shall be made unless it is made as soon as reasonably practicable after the commission of such offence." (3) If a person, required by a police officer under sub-section (1) or sub-section (2) to provide a specimen of breath for a breath test, refuses or fails to do so and the police officer has reasonable cause to suspect him of having alcohol in his blood, the police officer may arrest him without warrant except while he is at a hospital as an indoor patient.

(4) A person arrested under this section shall while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.

(5) The results of a breath test made in pursuance of the provisions of this section shall be admissible in evidence.

Explanation. - For the purposes of this section "breath test", means a test for the purpose of obtaining an indication of the presence of alcohol in a person's blood carried out, on one or more specimens of breath provided by that person, by means of a device of a type approved by the Central Government, by notification in the Official Gazette, for the purpose of such a test.

Corresponding Law. – Section 203 corresponds to section 128-A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 203 empowers the Police Officers to require any person driving a motor vehicle in a public place to provide for breath test and if, it is found that there is presence of alcohol in his blood or urine, the Police Officer may arrest him without warrant.

204. Laboratory test. -(1) A person, who has been arrested under section 203 may, while at a police station, be required by a police officer to provide to such registered medical practitioner as may be produced by such police officer, a specimen of his blood for a laboratory test if, -

(a) it appears to the police officer that the device, by means of which breath test was taken in relation to such person, indicates the presence of alcohol in the blood of such person, or

(b) such person, when given the opportunity to submit to a breath test, has refused, omitted or failed to do so:

Provided that where the person required to provide such specimen is a female and the registered medical practitioner produced by such police officer is a male medical practitioner, the specimen shall be taken only in the presence of a female, whether a medical practitioner or not.

(2) A person while at a hospital as an indoor patient may be required by a police officer to provide at the hospital a specimen of his blood for a laboratory test -

(a) if it appears to the police officer that the device by means of which test is carried out in relation to the breath of such person indicates the presence of alcohol in the blood of such person, or

(b) if the person having been required, whether at the hospital or elsewhere, to provide a specimen of breath for a breath test, has refused, omitted or failed to do so and a police officer has reasonable cause to suspect him of having alcohol in his blood :

Provided that a person shall not be required to provide a specimen of his blood for a laboratory test under this sub-section if the registered medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement or objects to the provision of such specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(4) the results of a laboratory test made in pursuance of this section shall be admissible in evidence.

Explanation. - For the purposes of this section, "laboratory test" means the analysis of a specimen of blood made at a laboratory established, maintained or recognised by the Central Government or a State Government.

Corresponding Law. - Section 204 corresponds to section 128-b of the Motor Vehicles Act 1939.

Objects and Reasons - Clause 204 lays down the procedure for laboratory test of blood and urine to be followed by Police officers in suspected cases of drunken driving.

205. Presumption of unfitness to drive - In any proceeding for an offence punishable under section 185 if it is proved that the accused , when requested by a police officer at any time so to do, had refused, omitted or failed to consent to the taking of or providing a specimen of his breath for a breath test or a specimen of his blood for a laboratory test, his refusal, omission or failure may, unless reasonable cause therefor is shown, be presumed to be a circumstance supporting any evidence given on behalf of the prosecution or rebutting any evidence given on behalf of the defence, with respect to his condition at that time.

Corresponding Law- section 205 corresponds to section 128-C of the Motor Vehicles Act, 1939.

Objects and Reasons - Clause 205 lays down that refusal by a driver to submit himself to breath test or urine test to prove drunkenness without any reasonable case will amount to presumption by the Prosecution of the driver's unfitness to drive.

206. Power of police officer to impound document - (1) Any police officer or other person authorised in this behalf by the State 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 to him by the driver or person in charge of a motor vehicle is a false document within the meaning of section 464 of the Indian Penal Code , 1860 (45 of 1860) seize the mark or document and call upon the 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 or other person authorised in this behalf by the State Government may, if he has reason to believe that the driver of a motor vehicle who is charged with any offence under this Act may abscond or otherwise avoid the service of a summons, seize any licence held by such driver and forward it to the Court taking coznizance of the offence and the said Court shall on the first appearance of such driver before it, return the

licence to him in exchange for the temporary acknowledgement given under sub-section (3).

(3) A police officer or other person seizing a licnce 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 until the licence has been returned to him or until such date as may be specified by the police officer or other person in the acknowledgement, whichever is earlier :

Provided that if any Magistrate, police officer or other person authorised by the State Government in this behalf is, on an application made to him, satisfied that the licence cannot be, or has not been returned to the holder thereof before the date specified in the acknowledgement for any reason for which the holder is not responsible, the Magistrate, police officer or other person, as the case may be, may extend the period of authorization to drive to such date as may be specified in the acknowledgement.

Corresponding Law. - Section 206 corresponds to section 129 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 206 gives powers to police officers to impound documents in certain cases.

207. Power to detain vehicles used without certificate of registration permit, etc. -(1) Any police officer or other person authorised in this behalf by the State Government may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of section 3 or section 4 or section 39 or without the permit required by subsection (1) of section 66 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, in the prescribed manner and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicle :

Provided that where any such officer or person has reason to believe that a motor vehicle has been or is being used in contravention of section 3 or section 4 or without the permit required by sub-section (1) of section 66 he

may, instead of seizing the vehicle, seize the certificate of registration of the vehicle and shall issue an acknowledgement in respect thereof.

(2) Where a motor vehicle has been seized and detained under subsection (1), the owner or person in charge of the motor vehicle may apply to the transport authority or any officer authorised in this behalf by the State Government together with the relevant documents for the release of the vehicle and such authority or officer may, after verification of such documents, by order, release the vehicle subject to such conditions as the authority or officer may deem fit to impose.

Corresponding Law. – Section 207 corresponds to section 129-A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 207 empowers a police officer to impound a motor vehicle if he has reason to believe that the vehicle is being driven without registration, without a permit, driven by a person who has no driving licence or plying on unauthorised route and the vehicle may be released only after satisfying that the vehicle complies with the requirement of this section.

208. Summary disposal of cases. -(1) The Court taking cognizance of any offence (other than an offence which the Central Government may be rules specify in this behalf) under this Act, -

(i) may, if the offence is an offence punishable with imprisonment under this Act; and

(ii) shall, in any other case.

State upon the summons to be served on the accused person that he-

(a) may appear by pleader or in person; or

(b) may, by a specified date prior to the hearing of the charge, plead guilty to the charge and remit to the Court, by money order, such sum (not exceeding the maximum fine that may be imposed for the offence) as the Court may specify, and the plea of guilt indicated in the money order coupon itself.

Provided that the Court shall, in the case of any of the offence referred to in sub-section (2), state upon the summons that the accused person, if he pleads guilty, shall so plead in the manner specified in clause (b) and shall forward his driving licence to the Court with his letter containing such plea.

(2) Where the offence dealt with in accordance with sub-section (1) is an offence specified by the Central Government by rules for the purposes of this sub-section, the Court shall, if the accused person pleads guilty to the charge and forward his driving licence to the Court with the letter containing his plea, make an endorsement of such conviction on his driving licence.

(3) Where an accused person pleads guilty and remits the sum specified and has complied with the provisions of sub-section (1), or as the case may be, sub-section (1) and (2), no further proceedings in respect of the offence shall be taken against him nor shall be liable, notwithstanding anything to the contrary contained in this Act, to be disqualified for holding or obtaining a licence by reasons of his having pleaded guilty.

Corresponding Law. – Section 208 corresponds to section 130 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 208 provides for summary disposal of certain cases and the procedure to be followed in such cases.

209. Restriction on conviction – No person prosecuted for an offence punishable under section 183 or section 184 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 of 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 that –

(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.

Corresponding Law. – Section 209 corresponds to section 131 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 209 places some restrictions on conviction of persons for certain offences.

210. Courts to send intimation about conviction. – Every Court by which any person holding a driving licence is convicted of an offence under this Act or of an offence in the commission of which a motor vehicle was used, shall send intimation to -

(a) the licensing authority which issued the driving licence, and

(b) the licensing authority by whom the licence was last renewed,

and every such intimation shall state the name and address of the holder of the licence, the licence number, the date of issue and renewal of the same, the nature of the offence, the punishment awarded for the and such other particulars as may be prescribed.

Corresponding Law. – Section 210 corresponds to section 131 – A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 210 requires the Court convicting persons holding driving licence to send intimation of the punishment awarded with the name and address of the licence holder, licence No., etc., to the licensing authority.

CHAPTER XIV

MISCELLANEOUS

211. Power to levy fee. – Any rule which the Central Government or the State Government is empowered to make under this Act may, notwithstanding the absence of any express provision to that effect, provide for the levy of such fees in respect of applications, amendment of documents, issue of certificates, licences, permits, tests, endorsements, badges, plates, countersignatures, authorisation, supply of statistics or copies of documents or orders and for any other purpose or matter involving the rendering of any service by the officers or authorities under this Act or any rule made thereunder as may be considered necessary :

Provided that the Government may, if it considers necessary so to do, in the public interest, by general or special order, exempt any class of persons from the payment of any such fee either in part or in full.

Corresponding Law. – Section 211 corresponds to section 132 – A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 212 empowers the Central Government and the State Government to levy fees under this Act in respect of application, certificate, etc.

212. Publication, commencement and laying of rules and notifications. -(1) The power to make rules under this Act is subject to the condition of the rules being made after previous publication.

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

(3) Every rule made by any State Government shall be laid, as soon as may be after it is made, before the State Legislature.

(4) Every rule made by the Central Government under this Act, every scheme made by the Central Government under sub-section (1) of section 75 and sub-section (1) of section 163 and every notification issued by the Central Government under sub-section (4) of section 41, sub-section (1) of section 58, sub-section (1) of section 59, the proviso to sub-section (1) of section 112,

¹³[sub-section (4) of section 163-A] and sub-section (4) of section 213 shall be

laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, scheme or notification or both Houses agree that the rule or scheme should not be made or the notification should not be issued, the rule, scheme or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, scheme or notification.

Corresponding Law. – Section 212 corresponds to section 133 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 213 provides for pre-publication of rules which shall come into force from the date such publication and the rules made by the Central Government and the State Government shall be places on the table of the Legislature and of the Parliament respectively.

213. Appointment of motor vehicles officers. -(1) The State Government may, for the purpose of carrying into effect the provisions of this Act, establish a Motor Vehicles Department and appoint as officers thereof such persons as it think fit.

(2) Every such officer shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.

(3) The State Government may make rules to regulate the discharge by officers of the Motor Vehicles Department of their functions and in particular and without prejudice to the generality of the foregoing power to prescribe the uniform to be worn by them, the authorities to which they shall be subordinate, the duties to be performed by them, the powers (including the powers exercisable by police officers under this Act) to be exercised by them,

^{13.} Inserted by Act 54 of 1994, S. 62 (w.e.f. 14-11-1994).

and the conditions governing the exercise of such powers.

(4) The Central Government may, having regard to the objects of the Act, by notification in the Official Gazette, prescribe the minimum qualifications which the said officers or any class thereof shall possess for being appointed as such.

(5) In addition to the powers that may be conferred on any officer of the Motor Vehicles Department under sub-section (3), such officer as may be empowered by the State Government in this behalf shall also have the power to, -

(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed :

(b) with such assistance, it any, as he thinks fit, enter, inspect and search any premises which is in the occupation of a person who, he has reason to believe, has committed an offence under this Act or in which a motor vehicle in respect of which such offence has been committed is kept :

Provided that, -

(i) any such search without a warrant shall be made only by an officer of the rank of a Gazetted Officer;

(ii) where the offence is punishable with fine only the search shall not be made after sunset and before sunrise;

(iii)where the search is made without a warrant, the Gazetted Officer concerned shall record in writing the grounds for not obtaining a warrant and report to his immediate superior that such search has been made;

(c) examine any person and require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act;

(d) seize or take copies or any registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed; (e) launch prosecutions in respect of any offence under this Act and to take a bond for ensuring the attendance of the offender before any Court;

(f) exercise such other powers as may be prescribed;

Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself.

(6) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure under the authority of any warrant issued under section 94 of the Code.

Corresponding Law. – Section 213 corresponds to section 133-A of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 214 empower the State Government to establish a Motor Vehicle Department and appoint officers for the purpose of carrying into effect the provisions of the Act and the powers exercisable by such officers. It also empowers the Central Government to prescribe qualification for such officers.

214. Effect of appeal and revision on orders passed by original authority. -(1) Where an appeal has been preferred or an application for revision has been made against any order passed by an original authority under this Act, the appeal or the application for revision shall not operate as a stay of the order passed by the original authority and such order shall remain in force pending the disposal of the appeal or the application for revision, as the case may be, unless the prescribed appellate authority or revisional authority otherwise directs.

(2) Notwithstanding anything contained in sub-section (1), if an application made by a person for the renewal of permit has been rejected by the original authority and such person has preferred an appeal or made an application for revision under this Act against such rejection, the appellate authority or, as the case may be, the revisional authority may by order direct that the permit shall, notwithstanding the expiration of the term specified

therein, continue to be valid until the appeal or application for revision is disposed of,

(3) No order made by a competent authority under this Act shall be reversed or altered on appeal or revision on account of any error, omission or irregularity in the proceedings, unless it appears to the prescribed appellate authority or revisional authority, as the case may be, that such error, omission or irregularity has, in fact, occasioned a failure or justice.

Corresponding Law. - Section 214 corresponds to section 134 of the Motor Vehicles Act, 1939.

Objects and Reasons. – Clause 215 empowers the Appellate Authorities to grant stay of the orders of the original authorities pending disposal of appeal or revision petition and in the case of appeal against the orders refusing the renewal of permit the Appellate Authority may order that the permit may continue to be valid till the disposal of the appeal.

215. Road Safety Councils and Committees. -(1) The Central Government may, by notification in the Official Gazette, constitute for the country a National Road Safety Council consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

(2) A State Government may, by notification in the Official Gazette, constitute for the State a State Road Safety Council consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

(3) A State Government may, by notification in the Official Gazette, constitute District Road Safety Committee for each district in the State consisting of a Chairman and such other members as that Government considers necessary and on such terms and conditions as that Government may determine.

(4) The Councils and Committees referred to in this section shall discharge such functions relating to the road safety programmes as the Central Government or the State Government, as the case may be, may, having regard to the objects of the Act, specify.

Corresponding Law. - This is a new provisions in the 1988 Act.

Objects and Reasons. – Clause 216 seeks to empower the Central Government to constitute a National Road Safety Council and the State Government to constitute a State Safety Council for the State and District Road Safety Committee for the districts consisting of a Chairman and such other members as that Government consider necessary on such terms and conditions as that Government may determine.

216. Power to remove difficulties. -(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Corresponding Law. - This is a new provisions in the 1988 Act.

Objects and Reasons. – Clause 217 confers powers on Central Government to issue orders to remove difficulties of any that may arises in giving effect to the provisions of the Act and any such order shall be placed before each House of Parliament.

217. Repeal and savings. -(1) The Motor Vehicles Act, 1939 (4 of 1939) and any law corresponding to that Act in force in any State immediately before the commencement of this Act in that State (hereafter in this section referred to s the repealed enactments) are hereby repealed.

(2) Notwithstanding the repeal by sub-section (1) of the repealed enactments. –

(a) any notification, rule, regulation, order or notice issued, or any appointment or declaration made, or exemption granted or any confiscation made, or any penalty or fine imposed, any forfeiture, cancellation or any other thing done or any other action taken under the repealed enactments, and in force immediately before such commencement shall, so far as it is not

inconsistent with the provisions of this Act, be deemed to have been issued, made, granted done or taken under the corresponding provision of this Act;

(b) any certificate of fitness or registration or licence or permit issued or granted under the repealed enactments shall continue to have effect after such commencement under the same conditions and for the same period as if this Act had not been passed;

(c) any document referring to any of the repealed enactments or the provisions thereof, shall be construed as referring to this Act or to the corresponding provision of this Act;

(d) the assignment of distinguishing marks by the registering authority and the manner of display on motor vehicles in accordance with the provision of the repealed enactments shall, after the commencement of this Act, continue to remain in force until a notification under sub-section (6) of section 41 of this Act is issued;

(e) any scheme made under section 68-C of the Motor Vehicles Act, 1939 (4 of 1939) or under the corresponding law, if any, in force in any State and pending immediately before the commencement of this Act shall be disposed of in accordance with the provisions of section 100 of this Act.

(f) The permits issued under sub-section (1-A) of section 68-F of the Motor Vehicles Act, 1939 (4 of 1939), or under the corresponding provisions, if any, in force in any State immediately before the commencement of this Act shall continue to remain in force until the approved scheme under Chapter VI of this Act is published.

(3) Any penalty payable under any of the repealed enactments may be recovered in the manner provided by or under this Act, but without prejudice to any action already taken for the recovery of such penalty under the repealed enactments.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1987 (10 of 1987) with regard to the effect repeals. *Corresponding Law.* – Section 217 corresponds to section 135 of the Motor Vehicles Act, 1939.

Objects and Reasons. - Clause 218 contains repeal and saving provisions.

¹⁴[217-A. Renewal of permits, driving licences and registration granted under the Motor Vehicles Act, 1939. – Notwithstanding the repeal by sub-section (1) of section 217 of the enactments referred to in that sub-section, any certificate of fitness or registration licence or permit issued or granted under the said enactments may be renewed under this Act.]

Corresponding Law. - This is a new provisions in the 1988 Act.

RULES OF THE ROAD REGULATIONS, 19891

1. Short title and commencement.—(1) These regulations may be called the Rules of the Road Regulations, 1989.

(2) They shall come into force on the first day of July, 1989.

1. *Vide* S.O. 439(E), dated 12th June, 1989, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 12th June, 1989.

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

3. Turning to left and right.—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 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 arrive as near as may be at the left hand side of the road which the driver is entering.

4. Passing to right.—Except as provided in regulation 5, the driver of a motor vehicle shall pass to the right of all traffic proceeding in the same direction as himself.

5. Passing to the left.—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 on either side, a tram car or other vehicle running on fixed rails whether travelling in the same direction as himself or otherwise provided that in no case shall he pass a tram car at time or in a manner likely to cause danger or inconvenience to other users of the road including persons leaving or about to enter tram cars.

6. Overtaking prohibited in certain cases.—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;

(b) if he is near a point, a bend or corner or a hill or other obstruction of any kind that renders the road ahead not clearly visible;

(c) if he knows that the driver who is following him has begun to over take him;

(d) if the driver ahead of him has not signalled that he may be overtaken.

7. Overtaking not to be obstructed.—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.

8. Caution at road junction.—The driver of a motor vehicle shall slow down when approaching at a road intersection, a road junction, pedestrian crossing or a road

corner, and shall not enter any such intersection, junction or crossing until he has become aware that he may do so without endangering the safety of persons thereon.

9. Giving way to traffic at road junction.—The driver of a motor vehicle shall, on entering road intersection at which traffic is not being regulated, if the road entered is a main road designated as such, give way to the vehicles proceeding along that road, and in any other case give way to all traffic approaching the intersection on his right hand.

10. Fire service vehicles and ambulance to be given free passage.—Every driver shall, on the approach of a fire service vehicle or of an ambulance allow it free passage by drawing to the side of the road.

11. Right of way.—The pedestrians have the right of way at uncontrolled pedestrian crossings. When any road is provided with footpath or cycle track specially for other traffic, except with permission of a police officer in uniform, a driver shall not drive on such footpath or track.

12. Taking 'U' turn.—No driver shall take a 'U' turn where 'U' turn is specially prohibited and on busy traffic road. If a 'U' turn is allowed the driver shall show signal by hand as for a right turn, watch in the rear view mirror and turn when safe to do so.

13. Signals to be given by drivers.—The following signals shall be used by the drivers of all motor vehicles namely:—

(a) 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 signal can be seen by the driver of any vehicle which may be behind him.

(b) When about to stop, a driver shall raise his right forearm vertically outside of and to the right of the vehicle, palm to the right.

(c) 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.

(d) When about to turn to the left or to drive to the left hand side of the road a driver shall extend high right arm and rotate it in an anticlockwise direction.

(e) 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 bring the arm backward and forward in a semi-circular motion.

14. Direction indicator.—The signals referred to in regulation 12, may be simplified also by mechanical or electrical devices.

15. Parking of the vehicle.—(1) Every driver of a motor vehicle parking on any road shall park in such a way that it does not cause or is not likely to cause danger, obstruction or undue inconvenience to other road users and the manner of parking is indicated by any sign board or markings on the road side, he shall park his vehicle in such manner.

(2) A driver of a motor vehicle shall not park his vehicle:-

(i) at or near a road crossing, a bend, top of a hill or a humpbacked bridge;

- (ii) on a foot-path;
- (iii) near a traffic light or pedestrian crossing;
- (iv) in a main road or one carrying fast traffic;
- (v) opposite another parked vehicle or as obstruction to other vehicle;
- (vi) alongside another parked vehicle;
- (vii) on roads or at places or roads where there is a continuous white line with or without a broken line;

(viii) near a bus stop, school or hospital entrance or blocking a traffic sign or entrance to a premises or a fire hydrant;

- (ix) on the wrong side of the road;
- (x) where parking is prohibited;
- (xi) away from the edge of the footpath.

16. Visibility of lamps and registration marks.—(1) No load or other goods shall be placed on any motor vehicle so as to mask or otherwise interrupt vision of any lamp, registration mark or other mark required to be carried by or exhibited on any motor vehicle by or under the Act, unless a duplicate of the lamp or mark so marked or otherwise obscured is exhibited in the manner required by or under the Act for the exhibition of the marked or obscured lamp or mark.

(2) All registration and other marks required to be exhibited on a motor vehicle by or under the Act shall at all times be maintained in a clear and legible condition.

17. **One way traffic**.—A driver shall not—

(i) drive a motor vehicle on road declared 'One Way' except in the direction specified by sign boards;

(ii) drive a vehicle in a reverse direction into a road designed 'One Way'.

18. Driving on channelised roads (lane traffic).—(1) Where any road is marked by lanes for movement of traffic, the driver of a motor vehicle shall drive within the lane and change the lane only after giving proper signal.

(2) Where any road is marked by a yellow-line dividing road, the vehicle proceeding in the same direction trying to overtake each other shall not cross the yellow line.

19. Stop sign on road surface.—(1) When any line is painted on or inlaid into the surface of any road at the approach to the road junction or to a pedestrian crossing or otherwise, no driver shall drive a motor vehicle so that any part thereof projects beyond that line at any time when a signal to stop is being given by a Police Officer or by means of a traffic control light or by the display of any traffic sign.

(2) A line for the purpose of this regulation shall be not less than 50 millimetres in width at any part and may be either in white, black or yellow.

20. Towing.—(1) No vehicle other than a mechanically disabled motor vehicle or incompletely assembled motor vehicle, a registered trailer or a side car, shall be drawn or towed by any motor vehicle, except for purposes of delivery and to the nearest filling station or garage.

(2) No motor vehicle shall be drawn or towed by any other motor vehicle unless there is in the driver's seat of the motor vehicle being drawn or towed a person holding a licence authorising him to drive the vehicle or unless the steering wheels of the motor vehicle being towed, are firmly and securely supported clear of the road surface by some crane or other device on the vehicle which is drawing to towing it. (3) When a motor vehicle is being towed by another motor vehicle the clear distance between the rear of the front vehicle and the front of the rear vehicle shall at no time exceed five metres. The tow ropes, or chains shall be of a type-easily distinguishable by other road users and there shall be clearly displayed on the rear of the vehicle being towed in black letters not less than seventy-five millimetres high and on a white background the words 'ON TOW'.

(4) No motor vehicle when towing another vehicles other than a trailer or signs car shall be driven at a speed exceeding twenty-four kilometres per hour.

21. Use of horns and Silence Zones.—A driver of a vehicle shall not:

(i) sound the horn needlessly or continuously or more than necessary to ensure safety;

(ii) sound the horn in silence zones;

(iii) make use of a cut-out by which exhaust gases are released other than through the silencer;

(iv) fit or use any multitoned horn giving a harsh, shrill, loud or alarming noise;

(v) drive a vehicle creating undue noise when in motion;

(vi) drive a vehicle with a muffler causing alarming sound.

22. Traffic Sign and Traffic Police.—A driver of a motor vehicle and every other person using the road shall obey:—

(a) every direction given, whether by signal or otherwise, by a police officer or any authorised person for the time being in-charge of the regulation of traffic;

(b) any direction applicable to him and indicated on or by notice traffic sign or signal fixed or operated by an authority, competent to do so;

(c) any direction indicated by automatic signalling devices fixed at road intersections.

23. Distance from vehicles in front.—The driver of a motor vehicle moving behind another vehicle shall keep at a sufficient distance from that other vehicle to avoid collision if the vehicle in front should suddenly slow down or stop.

24. Abrupt brake.—No driver of a vehicle shall apply brake abruptly unless it is necessary to do so for safety reasons.

25. Vehicles to the uphill to be given precedence.—On mountain roads and steep roads, the driver of a motor vehicle travelling down hill shall give precedence to a vehicle going uphill wherever the road is not sufficiently wide to allow the vehicles to pass each other freely without danger, stop the vehicle to the side of the road in order to allow any vehicle proceeding uphill to pass.

26. Obstruction of driver.—A driver of a motor vehicle shall, not allow the person to stand or sit or anything to be placed in such a manner or position as hamper his control of the vehicle.

27. Speed to be restricted.—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

workman engaged on road repair, drive at a speed not exceeding more than 25 kilometres an hour.

28. Driving of tractors and goods vehicles.—A driver when driving a tractor shall not carry or allow any person to be carried on tractor. A driver of goods carriage shall not carry in the driver's cabin more number of persons than that is mentioned in the registration certificate and shall not carry passengers for hire or reward.

29. Projections of loads.—No person shall drive in any public place any motor vehicle which is loaded in a manner likely to cause danger to any person in such a manner that the road or any part thereof or anything extends laterally beyond the side of the body or to the front or to rear or in height beyond the permissible limit.

30. Restriction to carriage of dangerous substances.—Except for the fuel and lubricants necessary for the use of the vehicle, no explosive, highly inflammable or otherwise dangerous substance, shall be carried on any public service vehicle.

31. Restrictions on driving backwards.—No driver of a motor vehicle shall cause the vehicle to be driven backwards without first satisfying himself that he will not thereby cause danger or undue inconvenience to any person or in any circumstances, for any greater distance or period of time than may be reasonably necessary in order to turn the vehicle round.





अनुज्ञप्ती Fees

केंद्रीय मोटार वाहन नियम,1989 मधील 32 नुसार शुल्क्

अ. क्र.	सेवेचे नाव	नम्ना क्र.	दस्तऐवज	वाहनाचा वर्ग	शुल्क रूपये
1		2. नम्ना 2 (/Site/Upload/GR/form2%20new.pdf)	1. पत्त्याचा पुरावा (/1210/List-of-Acceptable-Documents) 2. वयाचा पुरावा. (/1210/List-of-Acceptable-Documents) 3. वैद्यकीय प्रमाणपत्र नमूना १-अ (/./Site/Upload/Pdf/form1a.pdf). 4. पारपत्र आकाराचे छायाचित्र (3).	सर्व वाहने.	प्रत्येक प्रवर्गासाठी - १५१ चाचणी शुल्क - ५०
2	पक्की अनुज्ञप्ती.		1. शिकाऊ अनुज़प्ती. 2. पारपत्र आकाराचे छायाचित्र (3).	सर्व वाहने.	७१६
3	5		1. वैद्यकीय प्रमाणपत्र नमूना १-अ (//Site/Upload/Pdf/form1a.pdf). 2. पारपत्र आकाराचे छायाचित्र (2).	सर्व वाहने.	४१६ वाढिवकालावधी नंतर अर्ज केल्यास रु. १०००/- प्रति वर्ष
4	दुय्यम अनुज्ञप्ती.	1. L.L.D. (/Site/Upload/GR/form_Ild.pdf)	1. हरवली असल्यास जुनी अनुज्ञप्ती./पोलीस अहवाल 2. पारपत्र आकाराचे छायाचित्र (2).	सर्व वाहने.	२१६
5	वाहनचालक अनुज्ञप्तीमध्ये अन्य वर्गीय वाहनाचा समावेश.		1. जुनी अनुजप्ती. 2. छायाचित्र (2). 3. नवीन प्रवर्गासाठी शिकाऊ	सर्व वाहने.	१०१६
6	आंतरराष्ट्रीय वाहनचालक अनुज्ञप्ती	(https://transport.maharashtra.gov.in/Site/Upload/GR/form4a.pdf))	1. वाहन चालक अनुज़प्ती. 2. मूळ पारपत्र. 3. मूळ विसा 4. नमूना 1अ (https://transport.maharashtra.gov.in/Site/Upload/GR/form1a.pdf) 5. 4 फोटो	सर्व वाहने.	१०००
7	सार्वजनिक वाहने चालविण्याचे अधिप्रमाणन		1. अधिवास प्रमाणपत्र नमूना तहसीलदाराकडून S.E.G. 2. एस.पी./पोलीस आयुक्तांनी दिलेले चारित्र्य प्रमाणपत्र . 3. वैद्यकीय प्रमाणपत्र. 4. पत्त्याचा पुरावा. (/1210/List-of-Acceptable-Documents) 5. वाहनचालक अनुज्ञप्ती.	सार्वजनिक सेवेतील वाहने.	હદ્દ
8	दुय्यम बॅज.	 D.T.V.B. (https://transport.maharashtra.gov.in/Site/Upload/GR/FORM-D-T- V-B-Application-for-duplicate-of-a-public-services-State-carriage- or-contract-carriage-authorization-badge.pdf) 	1. हरवले असल्यास पोलीस अहवाल. 2. वाहनचालक अनुज्ञप्ती.	सार्वजनिक सेवेतील वाहने.	ξ ψο
9	वाहक अनुज्ञप्ती आणि बॅज		1. शालांत प्रमाणपत्र. 2. वैद्यकीय प्रमाणपत्र नमूना M.C.con. 3. एस.पी./पोलीस आयुक्तांनी दिलेले चारित्र्य प्रमाणपत्र . 4. पारपत्र आकाराचे छायाचित्र (3).	टप्पा वाहतूक	800
10	वाहक अनुज्ञप्तीचे नूतनीकरण		1. वैद्यकीय प्रमाणपत्र नमूना M.C.con. 2. छायाचित्र (2).	टप्पा वाहतूक	१५०
11	वाहक अनुजप्तीसाठी दुय्यम बॅज	 D.C.B. (https://transport.maharashtra.gov.in/Site/Upload/GR/FORM-D-C- B-Application-for-duplicate-of-conductors-badge.pdf) 	1. हरवले असल्यास पोलीस अहवाल	टप्पा वाहतूक	200
12	वाहक अनुज्ञप्तीची दुय्यम प्रत	1. C.L.D. (https://transport.maharashtra.gov.in/Site/Upload/GR/FORM-C-L- D-Intimation-of-loss-or-destruction-of-conductors-licence-and- application-for-duplicate.pdf)	1. पोलीस अहवाल/ खराब झालेली अथवा फाटलेली अनुजप्ती. 2. छायाचित्र (2).	टप्पा वाहतूक	१००





अपराध आणि दंड

अनुसूची

Click here for updated list (https://transport.maharashtra.gov.in//Site/Upload/Pdf/offencedata1.pdf) Click here to download an updated offense list (https://transport.maharashtra.gov.in//Site/Upload/Pdf/offences_list.pdf)

ज्र.	कतम / नियम	गुन्हयाचे स्वरूप	तुरुंगवास / दंडाच्या शिक्षेची कमाल मर्यादा	कलम २०० अंतर्गत तडजोड शुल्क
1	योग्य वाहन अनुज़प्ती न बाळगता वाहन चालविणे.	मोटार वाहन अधिनियमाचे कलम 3r/w S 181	3 महिने किंवा रु. 500 किंवा दोन्ही	रू. 500 /-
2	अल्पवयीन व्यक्तीने वाहन चालविणे (अल्पवयीन वाहनचालक	मोटार वाहन अधिनियमाचे कलम 3r/w S 181	3 महिने किंवा रु. 500 किंवा दोन्ही	ক. 500 /-
3	अनुज़प्ती न बाळगणाऱ्या किंवा अल्पवयीन व्यक्तीला वाहन चालविण्याची परवानगी देणारे वाहन मालक किंवा प्रभारी (अल्पवयीन व्यक्तीला वाहन चालवू देणारे आई-वडील / पालक/ मित्र)	कलम 5r/w कलम 180 मोटार वाहन अधिनियमाचे	3 महिने किंवा रु. 1,000 किंवा दोन्ही	रू. 500 /-
4	इतर व्यक्तीला वाहन वापरण्याची परवानगी देणारी वाहनचालक अनुज्ञप्तीधारक व्यक्ती	मोटार वाहन अधिनियमाचे कलम 6(2)r/w S. 177	प्रथम गुन्ह्यासाठी रु.100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु.300	ক. 100 /-
5	(i) अपात्र व्यक्तीने वाहन चालविणे किंवा - वाहनचालक अनुज्ञप्तीसाठी अर्ज करणे किंवा पूर्वी जप्त केलेल्या वाहनचालक अनुज्ञप्तीमधील शेरे उघड न करता अनुज्ञप्तीची मागणी	मोटार वाहन अधिनियमाचे कलम 23r/w S 182(1)	3 महिने किंवा रु. 100 किंवा दोन्ही	रू. 200 /-
6	अर्ज किंवा एक प्रमुख मार्गदर्शक परवाना प्राप्त किंवा परवाना केले मित्रांनी केलेल्या पूर्वी आयोजित उघड न परवाना शोधत (i) मार्गदर्शक म्हणून काम किंवा अपात्र मार्गदर्शक	मोटार वाहन अधिनियमाचे कलम 3r/w S 181	एक महिना किंवा रू. 100 किंवा दोन्ही	ক. 100 /-
7	अनुज्ञप्तीशिवाय वाहन प्रशिक्षण शाळा चालविणे	मोटार वाहन नियम r/w R.24 C. मोटार वाहन अधिनियमाचे कलम 177	प्रथम गुन्हयासाठी रु.100 दुसऱ्या किंवा त्यानंतरच्या गुन्हयासाठी रु. 300	ক. 100 /-
8	जास्त गतीने वाहन चालविणे	मोटार वाहन अधिनियमाचे कलम 112r/w S 183(1)	प्रथम गुन्ह्यासाठी रु. 400 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रू. 1,000	रू. 200 /-
9	आपल्या कर्मचारी किंवा आपल्या नियंत्रणातील व्यक्तीला जास्त वेगाने वाहन चालविण्याची परवानगी देणे	कलम 112r/w कलम 183(2) मोटार वाहन अधिनियमाचे	प्रथम गुन्ह्यासाठी 300 रू. रु. दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. ४००	ক. 1000 /-

10	वाहनचालक किंवा जादा भार पार पाडण्यासाठी एक वाहन चालविण्यास परवानगी देतो	कलम 113(3),114,115 r/w मोटार वाहन अधिनियमाचे कलम 194 (1)	किमान रू. 2000 आणि जादा भार कमी करण्यासाठीच्या शुल्कासह अतिरिक्त भारासाठी प्रति टन रू. 1,000	5% सुट 1 टन पर्यंत - रु. 500 2 टन पर्यंत - रु. 1500 3 टन पर्यंत - रु. 3000 3 टनपेक्षा जास्त 2000 प्रति टन
11	वाहनाचे वजन करण्यासाठी किंवा वजन करण्यापूर्वी थांबण्यास किंवा त्यावरील भार काढण्यास वाहनचालकाने नकार देणे	मोटार वाहन अधिनियमाचे कलम114r/w S 194(2)	300	5% सुट 1 टन पर्यंत - रु. 500 2 टन पर्यंत - रु. 1500 3 टन पर्यंत - रु. 3000 3 टनपेक्षा जास्त 2000 प्रति टन
12	वाहनाचे स्टीअरींग व्हील डावीकडे असणारे वाहन, संबंधित बदलास अनुकुल योजना उपलब्ध नसताना वाहन चालविणारी किंवा वाहन चालविण्याची परवानगी देणारी कोणतीही व्यक्ती	मोटार वाहन अधिनियमाचे कलम 120r/w कलम 177	प्रथम गुन्हयासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	रू. 200 /-
13	धोकादायक वाहन / प्रोत्साहन	मोटार वाहन अधिनियमाचे कलम 184/ S 188	पहिल्या गुन्ह्यासाठी 6 महिने किंवा रू. 1,000 किंवा दोन्ही संबंधित घटनेनंतर 3 वर्षांच्या आत दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी 2 वर्षे किंवा रू. 2,000 किंवा दोन्ही	रू. 500 <i>/-</i>
14	मद्यपान करून अथवा अमली पदार्थाच्या प्रभावाखाली वाहन चालविणारी व्यक्ती	मोटार वाहन अधिनियमाचे कलम 185/ S 188	पहिल्या गुन्ह्यासाठी 6 महिने किंवा रू. 2,000 किंवा दोन्ही संबंधित घटनेनंतर 3 वर्षांच्या आत दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी 2 वर्षे किंवा रू. 2,000 किंवा दोन्ही	न्यायालयात पाठविले
15	वाहन चालविण्यास मानसिक किंवा शारीरिकरित्या सक्षम नसताना तसे करणे / त्यास प्रोत्साहन	कलम 186/ कलम 188 मोटार वाहन अधिनियमाचे	प्रथम गुन्हयासाठी रु. 200 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 500	रू. 100 <i>/</i> -

16	विमा नसलेले वाहन चालविणारी व्यक्ती	मोटार वाहन अधिनियमाचे कलम 146r/w S 196	3 महिने किंवा रु. 1,000 किंवा दोन्ही	रू. 300 /- चालकासाठी Rs 2000/- मालकासाठी
17	वाहतूक नियमांचे पालन करण्यात अपयशी चालक (पिवळ्या रेषेच्या लाल प्रकाशाचे उल्लंघन, संकेत न देता मार्गिका बदलणे, इ)	मोटार वाहन अधिनियमाचे कलम r/w S 177	प्रथम गुन्हयासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	ক. 100 /-
18	विशिष्ट प्रसंगी विशिष्ट सिग्नल देण्यास अपयशी ठरलेला चालक	मोटार वाहन अधिनियमाचे कलम 121r/w S 177	प्रथम गुन्हयासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	रू. 100 /-
19	विनिर्दिष्ट रस्ते / भागात HTVs वेळेच्या निर्बधांचे उल्लंघन	मोटार वाहन अधिनियमाचे कलम115r/w S 177	रु. 2000	
20	आपल्या वाहनाचे नियंत्रण अन्य व्यक्तीला देणारा चालक (वाहतुकीच्या ठिकाणी अडथळा म्हणून बसणे)	मोटार वाहन अधिनियमाचे कलम 125r/w S 177	प्रथम गुन्हयासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	रू. 100 /-
21	स्वत: व्यतिरिक्त एकापेक्षा अधिक व्यक्ती वाहून नेणारा दुचाकी / मोटर सायकलस्वार (तीन व्यक्ती एका दुचाकीवर)	मोटार वाहन अधिनियमाचे कलम 128(1)r/w S 177	प्रथम गुन्हयासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्हयासाठी रु. 300	ক. 100 /-
22	चालक आणि मागे बसलेल्या व्यक्तीने संरक्षणात्मक शिरस्त्राण न घालणे (हेल्मेट)	मोटार वाहन अधिनियमाचे कलम 129r/w S 177	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	ক. 100 /-
23	एखादे वाहन किंवा ट्रेलर सार्वजनिक ठिकाणी सोडून देणारी किंवा त्यासाठी परवानगी देणारी कोणतीही प्रभारी व्यक्ती (अनुचित आणि अडथळ्याच्या जागी पार्किंग)	मोटार वाहन अधिनियमाचे कलम122,127 r/w S 177	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300 (मालक टोविंग खर्चासाठी सुद्धा जबाबदार असेल)	रू. 100 /-
24	चालू वाहनात कोणत्याही व्यक्तीला चढू देणारी किंवा चढण्याची परवानगी देणारी कोणतीही वाहनाची प्रभारी व्यक्ती	कलम 123(1)r/w कलम 177 मोटार वाहन अधिनियमाचे	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	ক. 100 /-
25	आवश्यक खबरदारी न घेता वाहन एका जागी थांबवून ठेवणारी किंवा तसे करण्यास भाग पडणारी, वाहनाची प्रभारी व्यक्ती	मोटार वाहन अधिनियमाचे कलम 126r/w S 177	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	ক. 100 /-
26	असुरक्षित रेल्वे क्रॉसिंग करताना खबरदारी घेण्यातील अपयश	कलम 131r/w कलम 177 मोटार वाहन अधिनियमाचे	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	ক. 100 /-
27	काही विशिष्ट प्रकरणात गाडी थांबवण्यात चालक अपयशी	मोटार वाहन अधिनियमाचे कलम 132r/w S 177	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	ক. 100 /-
28	वाहन चालवताना मोबाईलचा वापर	मोटार वाहन नियम R. 21(25) C. मोटार वाहन अधिनियमाचे r/w कलम 177	प्रथम गुन्हयासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्हयासाठी रु. 300	ক. 100 /-
29	मालवाहू वाहनात आसन क्षमतेपेक्षा जास्त व्यक्ती घेऊन प्रवास करणे	मोटार वाहन नियम R. 21(10) C. मोटार वाहन अधिनियमाचे r/w कलम 177	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	ক. 100 /-

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30	ऑटो रिक्षा / टॅक्सी साठी जादा भाड्याची मागणी करणे	मोटार वाहन अधिनियमाचे R. 21(23) C.मोटार वाहन नियम r/w कलम 177	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	रू. 100 <i>I</i> -
31	नंबर प्लेट शिवाय वाहन चालविणे (नंबर प्लेट प्रदर्शित न दाखविणारे)	मोटार वाहन नियम R. 50 C. मोटार वाहन अधिनियमाचे r/w कलम 177	प्रथम गुन्हयासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	रू. 100 <i>/-</i>
32	परिवहन वाहनातून ज्वालाग्रही आणि अत्यंत स्फोटक पदार्थ घेऊन प्रवास करणारे	मोटार वाहन अधिनियमाचे कलम 177	प्रथम गुन्हयासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	रू. 100 <i>/-</i>
33	चालू वाहनाच्या टपावरून किंवा छतावरून किंवा बॉनेटवरून प्रवास करणारी कोणतीही व्यक्ती	कलम 123(2)r/w कलम 177 मोटार वाहन अधिनियमाचे	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	रू. 100 /-
34	कोणत्याही सार्वजनिक ठिकाणी बंद अवस्थेतील वाहन ठेवून वाहतूकीस अडथळा करणारी व्यक्ती	मोटार वाहन अधिनियमाचे कलम 201 मोटार वाहन अधिनियमाचे कलम 201 मोटार वाहन अधिनियमाचे कलम 201 मोटार वाहन अधिनियमाचे कलम 201 मोटार वाहन अधिनियमाचे कलम 201	टोविंग शुल्काशिवाय रु. 50 प्रतितास	
35	विहित कालावधीत वाहन मालकाने निवास अथवा व्यवसायाच्या ठिकाणातील बदलाबाबत न कळविल्यास	कलम49r/w कलम 177 मोटार वाहन अधिनियमाचे	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300, मात्र विलंब कालावधीच्या अनुषंगाने राज्य सरकार विविध रकमा विहित करू शकेल.)	रू. 100 /-
36	विहित मुदतीत वाहन हस्तांतरणाबाबत नोंदणी अधिकाऱ्यांना कळविण्यात असफल	मोटार वाहन अधिनियमाचे कलम 50r/w S 177	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300 (तथापि, राज्य सरकारने विलंब कालावधी संबंधित येत विविध प्रमाणात लिहून देऊ शकतात)	रू. 100 /-
37	वाहनात अनधिकृत फेरफार (वेगळ्या प्रकारचे इंधन वापरण्यासह इतर बाबींचा समावेश)	मोटार वाहन अधिनियमाचे कलम 52r/w S 177	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300 (तथापि, राज्य सरकारने विलंब कालावधी संबंधित येत विविध प्रमाणात लिहून देऊ शकतात)	रू. 100 <i>/</i> -
38	गणवेशातील कोणत्याही पोलीस अधिकाऱ्याने सार्वजनिक ठिकाणी चालकाकडे अनुज्ञप्तीची मागणी केल्यास आणि ते सादर करण्यास असमर्थ ठरल्यास	मोटार वाहन अधिनियमाचे कलम 130(1)r/w S 177	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	ক. 100 /-
39	कोणत्याही अधिकारी अथवा परिवहन विभागाच्या अधिकाऱ्याने सार्वजनिक ठिकाणी वाहकाकडे अनुज्ञप्तीची मागणी केल्यास आणि ते सादर करण्यास असमर्थ ठरल्यास	मोटार वाहन अधिनियमाचे कलम 130(2)r/w S 177	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	रू. 100 /-

40	नोंदणी प्राधिकारी अथवा परिवहन विभागाच्या अधिकाऱ्याने वाहन मालक, चालक अथवा प्रभारीकडे पुढील दस्तऐवजांची मागणी केल्यास आणि ते दस्तऐवज सादर करण्यास असमर्थ ठरल्यास - वाहनाचे विमा प्रमाणपत्र , परिवहन वाहन असल्यास त्याचे योग्यता प्रमाणपत्र आणि परवाना	मोटार वाहन अधिनियमाचे कलम 130(3)r/w S 177	प्रथम गुन्ह्यासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	रू. 100 /-
41	गणवेशातील पोलीस अधिकारी अथवा परिवहन विभागाच्या अधिकाऱ्याने सार्वजनिक ठिकाणी वाहन चालवणाऱ्या कोणत्याही व्यक्तीकडे पुढील दस्तऐवजांची मागणी केल्यास आणि ते दस्तऐवज सादर करण्यास असमर्थ ठरल्यास (अ) विमा प्रमाणपत्र; (ब) नोंदणी प्रमाणपत्र; (क) वाहनचालक अनुज्ञप्ती ; आणि परिवहन वाहन असल्यास (ड) स्वस्थता प्रमाणपत्र, आणि (इ) परवाना	मोटार वाहन अधिनियमाचे कलम 158r/w S 177	प्रथम गुन्हयासाठी रू. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्हयासाठी रु. 300	ক. 100 /-
42	मोटार वाहन अधिनियमांतर्गत जेव्हा वाहनचालक किंवा वाहक आरोपी ठरतात आणि पोलीस अधिकाऱ्याने वाहनाच्या मालकाला विचारले असता चालक आणि वाहकाचे नाव, पत्ता आणि अनुज्ञप्तीची माहिती देण्यास असफल ठरले असता	पहिल्या गुन्हा किंवा दोन्ही 3 महिने किंवा रु .500 त्यानंतरच्या गुन्हयासाठी 6 महिने किंवा रु. 1,000 किंवा दोन्ही	दुचाकी अथवा तीन चाकी वाहनासाठी रू. 50/- दुचाकी अथवा तीन चाकी वाहन वगळता रू. 200 /-	
43	जेव्हा एखाद्या मोटार वाहन अपघातात एखादी व्यक्ती जखमी झाल्यास किंवा त्यात तृतीय पक्षाच्या मालमत्तेची हानी झाल्यास, चालक अथवा चालकाचे प्रभारी यांनी - अपघातग्रस्ताला वैद्यकीय सहाय्य न केल्यास पोलीस अधिकाऱ्याने किंवा जवळच्या पोलीस स्थानकाने विचारले असता अपघाताबद्दल माहिती न देणे विमा कंपनीला अपघाताबद्दल माहिती न देणे	पहिल्या गुन्ह्यासाठी 3 महिने किंवा रु .500 किंवा दोन्ही त्यानंतरच्या गुन्ह्यासाठी 6 महिने किंवा रु. 1,000 किंवा दोन्ही	ক. 100/-	
44	कोणत्याही सार्वजनिक ठिकाणी योग्य नोंदणी क्रमांकाशिवाय किंवा सार्वजनिक अथवा बंद ठिकाणी बनावट नोंदणी खूणा दर्शविणे (नोंदणी न केलेली वाहनांनी त्यासाठी अर्ज केल्याचे दाखविणे)	पहिल्या गुन्हयासाठी किमान रू. 2000 ते रू. 5,000 पर्यंत दुसऱ्या किंवा त्यानंतरच्या गुन्हयासाठी किमान रू. 5,000 ते रू. 10,000 पर्यंत किंवा दोन्ही	रू. 300 /-	
45	१२ महिन्पाक्षा अधिक अवधीसाठी इतर राज्याची नोंदणी खूण राखून वाहन बाळगणे	प्रथम गुन्हयासाठी रु. 100 दुसऱ्या किंवा त्यानंतरच्या गुन्हयासाठी रू. 300	रू. 100 <i>/-</i>	
46	आवश्यक परवानगीशिवाय विशिष्ट कारणासाठी आरक्षित एखाद्या मार्गावरून अथवा एखाद्या भागातून वाहन चालविणारी अथवा वाहन चालविण्याची परवानगी देणारी कोणीही व्यक्ती	पहिल्या गुन्हयासाठी किमान रू. 2000 ते रू.5,000 पर्यंत 3 महिन्यांपेक्षा जास्त पण जास्तीत जास्त एका वर्षापर्यंत, दुसऱ्या किंवा त्यानंतरच्या गुन्हयासाठी किमान रू. 5000 ते रू.10,000 पर्यंत	तडजोड नाही. न्यायालयात पाठविले.	

47	दुय्यम वस्तू अथवा प्रक्रिया वापरणारा कोणताही उत्पादक	प्रथम गुन्हयासाठी रु.100 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 300	रू. 100/-
48	वाहनातील ज्या दोषामुळे अपघात झाल्यास शारीरिक अथवा आर्थिक नुकसान होऊ शकेल असे एखादे दोषयुक्त वाहन अथवा ट्रेलर सार्वजनिक ठिकाणी चालविणारी अथवा चालविण्याची परवानगी देणारी कोणतीही व्यक्ती	3 महिने किंवा रु. 1,000 किंवा दोन्ही	मालक आणि चालकासाठी प्रत्येकी रू. 500 /-
49	एखाद्या मोटार वाहनात अथवा एखाद्या सार्वजनिक ठिकाणी रस्ते सुरक्षा, ध्वनी नियंत्रण आणि वायू प्रदूषणासंदर्भातील विहित मानकांचे उल्लंघन करणारी, वाहनचालक अथवा वाहन चालविण्याची परवानगी देणारी कोणतीही व्यक्ती (वाहनात बिघडलेला सायलेन्सर बसविणे इ.)	प्रथम गुन्ह्यासाठी रु. 1000 दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी रु. 2,000	मालक आणि चालकासाठी प्रत्येकी रू. 500 /
50	कोणत्याही सार्वजनिक ठिकाणी वाहन चालविणारी किंवा त्यास परवानगी देणारी, धोकादायक / ज्वालाग्राही वस्तुंसंदर्भात मोटार परिवहन अधिनियम अथवा नियमातील तरतूदींचे उल्लंघन करणारी कोणतीही व्यक्ती	पहिल्या गुन्हयासाठी एक वर्ष किंवा रु. 3000 किंवा दोन्ही दुसऱ्या किंवा त्यानंतरच्या गुन्ह्यासाठी 3 वर्षे किंवा रु.5,000 किंवा दोन्ही	मालक आणि चालकासाठी प्रत्येकी रू. 500 /-
51	सार्वजनिक ठिकाणी वापरण्यास धोकादायक अशा स्थितीतील अथवा अशा प्रकारे निर्मित स्थितीतील मोटार वाहन अथवा ट्रेलर विकणारा, प्रदान करणारा, देऊ करणारा कोणताही आयातक अथवा विक्रेता	रु .500	रू. 300 /-
52	टप्पा वाहतुकीद्वारे तिकीट अथवा पास शिवाय प्रवास करणारी अथवा मागणी करूनही तिकीट अथवा पास न दाखवणारी कोणतीही व्यक्ती	रु .500	रू. 200 /-
53	एक टप्पा वाहतुकीचा वाहक जाणूनबुजून किंवा जाणीवपूर्वक प्रवाशी भाडे घेऊन तिकीट न देणारा किंवा कमी मूल्याचे तिकीट देणारा , किंवा जाणूनबुजून किंवा जाणीवपूर्वक तिकीट/ पास स्वीकारण्यास नकार दिल्यास किंवा अपयशी ठरल्यास	रु .500	ক. 200 /-
54	परिवहन करारानुसार प्रवाशांना घेऊन जाण्यास नकार देणारा अनुज्ञप्ती धारक तदुचाकी किंवा तीनचाकी वाहनाबाब इतर बाबतीत	रु .50 रु .200	रू. 50 /- रू. 200 /-
55	मोटार वाहन अधिनियमांतर्गत कोणत्याही व्यक्ती किंवा अधिकार प्राप्त प्राधिकाऱ्याचे निर्देश न मानणारी किंवा अधिकारप्राप्त व्यक्तीच्या निर्देशांचे उल्लंघन करणारी कोणतीही व्यक्ती	रु .500	रू. 200 /-
56	आवश्यक माहिती लपविणारे किंवा खोटी माहिती देणारे कोणीही प्रवासी	एक महिना किंवा रु. 500 किंवा दोन्ही	रू. 200 /-
57	रेसिंग आणि गती चाचण्या.	एक महिना किंवा रु. 500 किंवा दोन्ही	रू. 300 /-

58	कलम 93 किंवा त्याखालील नियमांचे उल्लंघन करून स्वत:ला एजंट किंवा कॅनव्हासर असल्याचे भासविणारी कोणीही व्यक्ती	प्रथम गुन्हयासाठी रू. 1000 दुसऱ्या किंवा त्यानंतरच्या गुन्हयासाठी 6 महिने किंवा रु. 2,000 किंवा दोन्ही	ক. 100/-
	स्वतः व्यतिरिक्त एकापेक्षा अधिक व्यक्ती वाहून नेणारा दुचाकी / मोटर सायकलस्वार (तीन व्यक्ती एका दुचाकीवर)	3 महिने किंवा रु. 500 किंवा दोन्ही	
60	वाहनात अनधिकृत हस्तक्षेप.	रू. 100	枣. 200 /-





कर सवलत

करभरणेतून सुट दिलेली वाहने (बीएमव्ही कर अधिनियम Sec 13)

अ.क्र	वाहनाचा प्रकार	Rate of tax exemption
1	राज्य शासन, स्थानिक स्वराज्य संस्था, महानगरपालिकांच्या मालकीची वाहने .	100 %
2	ना नफा ना तोटा तत्वावर चालणाऱ्या रूग्णवाहिका	100 %
3	अवैध वाहतूक	100 %
4	केवळ शालेय विद्यार्थी वाहतूकीसाठी वापरली जाणारी आणि शाळेची किंवा व्यक्तिगत वाहने .	2/3 of annual rate
5	ऑर्केस्ट्रा, तमाशा मंडळ, नाट्यगृहे इ. च्या मालकीची वाहने .	2/3 of annual rate
6	शालेय विद्यार्थी वाहतूकीसाठी आणि इतर कारणासाठी वापरली जाणारी खाजगी मालकीची वाहने.	1/3 of annual rate
7	वापरात नसलेली वाहने .	100 %
8	शेतीसाठी वापरले जाणारे ट्रॅक्टर आणि ट्रेलर्स	100 %





नोंदणी शुल्कनोंदणी1

अ. क्र	सेवेचे स्वरूप	नमूना क्र.	दस्तऐवज	वाहनाचा प्रवर्ग	शुल्क रूपये
1	नवीन वाहनाची नोंदणी	1. नम्ना 20 (/Site/Upload/GR/form20.pdf)	 21. रस्ता योग्यता प्रमाणपत्र नमूना 22, नमूना 22-अ. खरेदीचे देयक (2/4 चाकी साठी). तात्पुरती नोंदणी (वाहन अन्य क्षेत्रातून खरेदी केले असल्यास). वैध विमा प्रमाणपत्र. प्रवेश कर ना हरकत प्रमाणपत्र (राज्याबाहेरून खरेदी केलेल्या वाहनांसाठी) नमूना 60 मध्ये आयकर घोषणापत्र (200 वगळता). जकात पावती. अनुज्ञप्ती आणि बंधपत्रासह सीमाशुल्क मंजुरी प्रमाणपत्र 	मोटार सायकल. 4. हलके मोटार वाहन. 5. मध्यम माल आणि प्रवासी वाहन.	50 300 5000 1000 1500 3000 1000 1000
2	दुय्यम प्रमाणपत्र of नोंदणी.	1. नमूना 26 (/Site/Upload/GR/form26.pdf)	 खराब झालेली अथवा फाटलेली आर. सी. किंवा हरवलेली असल्यास पोलीस अहवाल. तारणासंदर्भात भांडवलदाराचे संमती पत्र. 	सर्व	वाहन प्रकारानुसार नोंदणी शुल्क च्या ५०%

3	नोंदणी प्रमाणपत्राचे नूतनीकरण .	1. नम्ना 25	 नोंदणी प्रमाणपत्र. निरीक्षणासाठी वाहन सादर करणे. 	सर्व	अ. क्र. १३ मध्ये नमूद केल्यानुसार
4		2. नमूना FT	 मूळ नोंदणी प्राधिकरणाकडून नमूना 28 मध्ये ना हरकत प्रमाणपत्र. प्रवेश कर ना हरकत प्रमाणपत्र. वैध विमा प्रमाणपत्र. वैध विमा प्रमाणपत्र. वैध पीयुसी. नोंदणी प्रमाणपत्र (आर सी) आणि कर प्रमाणपत्र (TC). पत्त्याचा पुरावा. (/1210/List-of- Acceptable- Documents) जकात पावती. नोंदणीकृत मालकाचे प्रतिज्ञापत्र निरीक्षणासाठी वाहन. 	सर्व	अ. क्र. १ मध्ये नमूद केल्यानुसार
5	नोंदणी प्रमाणपत्रात पत्त्यातील बदल	1. नमूना 33 (/Site/Upload/GR/form33.pdf)	 नवीन पत्त्याचा पुरावा. (/1210/List-of- Acceptable- Documents) वाहनाचे सर्व वैध दस्तऐवज. मूळ नोंदणी प्राधिकरणाकडून नमूना 28 मध्ये ना हरकत प्रमाणपत्र. 	सर्व	५०% अनुक्रमांक-१ मध्ये नमूद केल्याच्या
6		1. नमूना 29 (2nos) (/Site/Upload/GR/form29.pdf) 2. नमूना 30 TCA. (/Site/Upload/GR/form30.pdf) 3. परिवहन वाहनासाठी टीसीआर नमूना). (/Site/Upload/GR/form_tcr.pdf)	राज्यातून येणार असल्यास नमूना २८ मध्ये ना हरकत प्रमाणपत्र 3. पत्त्याचा पुरावा. (/1210/List-of- Acceptable- Documents) 4. नमूना 60 मध्ये विक्रेता आणि खरेदीदाराकडून आयकर घोषणापत्र (दुचाकी वगळता). (except 2 wheelers). 5. सर्व वैध दस्तऐवज.	 अवैध वाहतूक. मोटार सायकल. आयातीत मोटार सायकल. आयातीत मोटार ताहन. हलके मोटार वाहन. मध्यम माल आणि प्रवासी वाहन. अवजड माल आणि पास वाहन. आयातीत मोटार वाहन. बर निर्देशित नसलेले अन्य वाहन . 	अणुक्रमांक 1 मध्ये नमुद केल्याच्या 50%

7 वाहन मालकाच्या मृत्युपश्चात मालकीचे हस्तांतरण .	1. नमूना 30 (/Site/Upload/GR/form30.pdf) 2. नमूना 31 (/Site/Upload/GR/form31.pdf)	 नोंदणीकृत मालकाच्या संबंधी मृत्यु प्रमाणपत्र वारसा प्रमाणपत्र. वारसाचे प्रतिज्ञापत्र. पत्त्याचा पुरावा. (/1210/List-of- Acceptable- Documents) वाहनाचे सर्व वैध दस्तऐवज 	 अवैध वाहतूक. मोटार सायकल. आयातीत मोटार सायकल. जायातीत मोटार ताहन. हलके मोटार वाहन. मध्यम माल आणि प्रवासी वाहन. अवजड माल आणि पास वाहन. आयातीत मोटार वाहन. वर निर्देशित नसलेले अन्य वाहन . 	अणुक्रमांक 1 मध्ये नमुद केल्याच्या 50%
8 सार्वजनिक लिलावात खरेदी केलेले वाहन	1. नमूना नमूना 30 (/Site/Upload/GR/form30.pdf) 2. नमूना 32	 वाहनाचा लिलाव प्राधिकृत करणारी शासकीय आदेशाची प्रमाणित प्रत . लिलाव करण्यासाठी प्राधिकृत व्यक्तीच्या स्वाक्षरीसह खरेदीदाराला वाहन विकत असल्याचा आदेश पत्त्याचा पुरावा. (/1210/List-of- Acceptable- Documents) वाहनाचे सर्व वैध दस्तऐवज . 	 मोटार सायकल. आयातीत मोटार सायकल 	मध्ये नमुद केल्याच्या 50%

9	भांडवलदाराच्या नावे मालकीचे हस्तांतरण	1. नमूना 30 (/Site/Upload/GR/form30.pdf) 2. नमूना नमूना 36 (/Site/Upload/GR/form36.pdf)	 व्यायालयात कोणताही खटला प्रलंबित नसल्याचा पुरावा . नोंदणीकृत मालकाद्वारे ना हरकत प्रमाणपत्र पत्त्याचा पुरावा. (/1210/List-of- Acceptable- Documents) वाहनाचे सर्व वैध दस्तऐवज . 	2. मोटार सायकल.	शून्य
10	भाडे खरेदी कराराचे समर्थन	1. नमूना 34 (2). (/Site/Upload/GR/form34.pdf)	1. भांडवलदाराकडून विनंतीपत्र. 2. विमा प्रमाणपत्र. 3. आर. सी. 4. टी. सी.	1. मोटार सायकल 2.तीन चाकी/ हलके मोटार वाहन 3.मध्यम आणि अवजड वाहन.	500 1500 3000
11	भाडे खरेदी करार समाप्त.	1. नम्ना 35 (2). (/Site/Upload/GR/form35.pdf)	1. भांडवलदाराकडून विनंतीपत्र. 2. विमा प्रमाणपत्र. 3. आर. सी. 4. टी. सी.	सर्व	शून्य
12	ना हरकत प्रमाणपत्र.	1. नमूना 29 (/Site/Upload/GR/form29.pdf) 2. नमूना 28 (3 चेसीस प्रिंटसह). (/Site/Upload/GR/form28.pdf)	 मोटार वाहन कर भरणेचा पुरावा नोंदणी प्राधिकरणाच्या फिर्यादी शाखेकडून ना हरकत प्रमाणपत्र पोलीस आयुक्त किंवा एसपी द्वारे ना हरकत प्रमाणपत्र (मुंबईबाहेर जाणाऱ्या वाहनांसाठी). वाहनाचे सर्व वैध दस्तऐवज . 	सर्व	शुल्क नाही.

13	योग्यता प्रमाणपत्राचे नूतनीकरण.	1. C.F.R.A.		हलके मोटार वाहन (परिवहन). 2. मध्यम माल आणि प्रवासी. 3. अवजड माल आणि प्रवासी. 4. दु चाकी व	400 600 600 200
14	योग्यतेचे दुय्यम प्रमाणपत्र	1. C.R.L.D.	वाहनाचे सर्व वैध दस्तऐवज.	तीन चाकी वाहने सर्व	100
15	फेरफार.	1. नमूना BT (/Site/Upload/GR/form_bt.pdf) 2. नमूना BTI (/Site/Upload/GR/form_bti.pdf)	 फेरफाराचे कारण आणि पुरावा . फेरफार करायच्या इंजिन चेसीस आणि बॉडीच्या मोजमापासह खरेदीचे बील भांडवलदाराकडून ना हरकत प्रमाणपत्र . 	सर्व	अणुक्रमांक 1 मध्ये नमुद केल्याच्या 50%
16	नियम ४६ अंतर्गत अपील	1. नमूना 20. (/Site/Upload/Pdf/form20.pdf)			1000
17	नूतनीकरणासाठी चाचणीचे आयोजन	1. दुचाकी/तीन चाकी वाहन 2. हलके मोटार वाहन 3. मध्यम मोटार वाहन 4. अवजड मोटार वाहन		दुचाकी/तीन चाकी वाहन	200 400 600 600
18	प्राधिकरणाचे पत्र प्रदान आणि नूतनीकरण	1.			15,000
19	प्राधिकरणाद्वारे दुय्यम पत्र जारी	1.			7,500
20	नियम ७० अंतर्गत अपील	1.			3000





परवाना शुल्क

अ.क्र.		No	कामाचे स्वरुप	अर्ज नमुना	शुल्क	नियम
1.	अ		मोटार कॅब मीटर सह	P. CO.P.A. (https://transport.maharashtra.gov.in/Site/Upload/GR/FORM-P- CO-P-A-Application-for-a-permit-in-respect-of-a-contract-carriage- to-be.pdf)		नियम 75 (1)
		1	परवाना शुल्क		500	
		2	नुतणीकरण शुल्क		500	
		3	प्रतिस्वाक्षरिरिता शुल्क		500	
	ब		मोटार कॅब विना मीटर सह	P. CO.P.A. (https://transport.maharashtra.gov.in/Site/Upload/GR/FORM-P- CO-P-A-Application-for-a-permit-in-respect-of-a-contract-carriage- to-be.pdf)		
		1	परवाना शुल्क		1000	
		2	नुतणीकरण शुल्क		1000	
		3	प्रतिस्वाक्षरिरिता शुल्क		1000	
	क		मॅक्सी कॅब	P. CO.P.A. (https://transport.maharashtra.gov.in/Site/Upload/GR/FORM-P- CO-P-A-Application-for-a-permit-in-respect-of-a-contract-carriage- to-be.pdf)		
		1	परवाना शुल्क		1000	
		2	नुतणीकरण शुल्क		1000	
		3	प्रतिस्वाक्षरिरिता शुल्क		1000	
	ਤ		वरिल अ. ब. क मधील वाहना व्यतिरिक्त इतर वाहने	P. CO.P.A. (https://transport.maharashtra.gov.in/Site/Upload/GR/FORM-P- CO-P-A-Application-for-a-permit-in-respect-of-a-contract-carriage- to-be.pdf)		
		1	परवाना शुल्क		1000	
		2	नुतणीकरण शुल्क		1000	
		3	प्रतिस्वाक्षरिरिता शुल्क		1000	
	ई		टप्पा वाहन	P. ST.P.A. (https://transport.maharashtra.gov.in/Site/Upload/GR/FORM-P-St- P-A-Permit-in-respect-of-a-service-of-stage-carriages.pdf)		
		1	परवाना शुल्क		1000	
		2	नुतणीकरण शुल्क		1000	

		3	प्रतिस्वाक्षरिरिता शुल्क		1000	
	দ		माल मोटार वाहन	P.C.D.C.A (https://transport.maharashtra.gov.in/Site/Upload/GR/FORM-P- Gd-C-A-Application-in-respect-of-Goods-Carriers-permit.pdf)		
		1	परवाना शुल्क		1000	
		2	नुतणीकरण शुल्क		1000	
		3	प्रतिस्वाक्षरिरिता शुल्क		1000	
	ग		खाजगी सेवा वाहन	P.PR.S.A (https://transport.maharashtra.gov.in/Site/Upload/GR/FORM-P- Pr-S-A-Application-in-respect-of-a-Private-Service-Vehicle- permit.pdf)		
		1	परवाना शुल्क		1000	
		2	नुतणीकरण शुल्क		1000	
		3	प्रतिस्वाक्षरिरिता शुल्क		1000	
2	अ		पर्यटक कॅब	P.CO.T.A		
		1	परवाना शुल्क		1500	
		2	नुतणीकरण शुल्क		1500	
	ब		पर्यटक कॅब वाहना व्यतिरिक्त इतर पर्यटक वाहने			
		1	परवाना शुल्क		5000	
		2	नुतणीकरण शुल्क		5000	
3		1 2	राष्ट्रीय परवाना	N.P.GD.C.A		
			परवाना शुल्क		1500	
			नुतणीकरण शुल्क		1500	
4		1	तात्पुरता परवाना प्रत्येक चार कॅलेंडर महिन्यासाठि किंवा त्यांच्या भागासाठी	P.Tem.A (https://transport.maharashtra.gov.in/Site/Upload/GR/FORM-P- Tem-A-Application-in-respect-of-a-temporary-permit.pdf)	1000	
5			ऑटोरिक्षा परवाना	P.CO.P.A		नियम 75 (2)
		1	मुंबई महानगरक्षेत्र परिवहन प्राधिकरणाच्या कार्यक्षेत्र		15000	
		2	मुंबई महानगरक्षेत्र परिवहन प्राधिकरणाच्या कार्यक्षत्रा व्यतिरिक्त		10000	
6			टॅक्सी परवाना			

		मुंबई महानगरक्षेत्र परिवहन प्राधिकरणाच्या		25000	
		कार्यक्षेत्र			
		मुंबई महानगरक्षेत्रा व्य् तिरिक्त परिवहन प्राधिकरणाच्या कार्यक्षेत्र		20000	
7		ऑटोरिक्षा सहित कॅब संवर्गातील परवाव्यांचे हस्तांतरण.	Tr.P.A	20000	
	1	मुंबई शहर व उपनगर, ठाणे व पुणे शहर.		25000	
	2	वरिल नमुदठिकाणे वगळता महाराष्ट्र राज्याकरिता		5000	
	3	खालील नमूद अर्जदारांना शुल्क माफ आहे. वारसदार न्यालयांच्या आदेशान्वये झालेले हस्तांतरण			
		कुंटुबामधील हस्तांतरण			
8		प्रवासी वाहूतुक कुठल्याही प्रदेशा करिता किंवा राज्याकरिता करण्याकरिता भाडे तत्त्वावर करार केल्यास	P.Co.S.P.A (https://transport.maharashtra.gov.in/Site/Upload/GR/FORM-P- Co-S-P-A-Application-for-a-Special-Permit-in-respect-of-a- contract-carriage.pdf)	300	विषेश परवाना 88(8) नुसार
9		विहित तत्त्वावर मुदतीत परवाना नुतनीकरण न केल्यास मोटार वाहन कायदा 1988 कलम 81 (2) अन्वेय परवाना नुतनीकरणकरिता अर्ज हा परवाना मुदत समाप्तीच्या दिंनाका पूर्वी 15 दिवस करणे			
		अ).उपरनिर्दिष्ट दिनांक नंतर दोन महिन्याच्या आत		200	
		ब) उपरनिर्दिष्ट दिनांक नंतर चार महिन्याच्या आत		500	
		क) उपरनिर्दिष्ट दिनांक नंतर सहा महिन्याच्या आत		1000	

ड).उपरनिर्दिष्ट दिनांक नंतर आठ महिन्याच्या आत	2000	
इ).उपरनिर्दिष्ट दिनांक नंतर दहा महिन्याच्या आत	4000	
ई) उपरनिर्दिष्ट दिनांक नंतर दहा महिने पूर्ण झाल्यानंतर	5000	