

Gujarat Motor Vehicles Rules, 1989

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short Title And Application
2. Definitions

CHAPTER 2 :- LICENSING OF DRIVERS OF MOTOR VEHICLES

3. Licensing Authority
- 3A. Section 3A
4. Testing Officer
5. Appellate Authority
6. Fees Payable Under Chapter Ii Of The Act
7. Exemption From Payment Of Fees
8. Form Of Communications
9. Power To Make Inquiries Of Application For Driving Licence
10. Automobile Associations Recognized For Issue Of A Driving Certificate
11. Seal On The Photograph
12. Replacement Of The Photograph
13. Issue Of Duplicate Driving Licence
14. Change Of Address
15. General Duties Functions And Conduct Of Drivers Of Transport Vehicles
16. Additional Duties, Function And Conduct Of Drivers Of Public Service Vehicles
17. Additional Duties, Functions And Conduct Of Drivers Of Motor Cabs And Maxi Cabs
18. Grant Of Authorization To Drive A Transport Vehicle
19. Badges Of Drivers Of Public Service Vehicles
20. Manner Of Appeals
21. Supply Of Copies Of Particulars Of Driving Licence
22. Exemption Of Drivers Of Road-Rollers
23. Maintenance Of State Register Of Driving Licence

CHAPTER 3 :- LICENSING OF CONDUCTORS OF STAGE CARRIAGES

24. Licensing Authority
25. Appellate Authority
26. Fees Payable Under Chapter Iii Of The Act
27. Form Of Communications
28. Restriction On The Holding Of Conductors Licences

29. Duties, Functions And Conduct Of Conductors Of Stage Carriages

30. Grant Of Conductors Licence

31. Badge Of Conductors Of Stage Carriages

32. Currency Of Conductors Licence

33. Renewal Of Conductors Licence

34. Replacement Of The Photograph

35. Issue Of Duplicate Conductors Licence

36. Change Of Address

37. Manner Of Appeals

38. Exemption From The Provisions Of Sub-Section (1) Of Section 29

39. Effectiveness Of Conductors Licence Issued In Another State

CHAPTER 4 :- REGISTRATION OF MOTOR VEHICLES

40. Registering Authority

41. Appellate Authority

42. The Other Authority To Suspend Certificate Of Registration

43. Fees Payable Under Chapter Iv Of The Act

44. Exemption From Payment Of Fees

44A. Amount In Lieu Of Action For Certain Failures

45. Form Of Communication

45A. Communication With The Financier

46. Facilities Which May Be Provided By The Registering Authority

47. Recording The Particulars Of Exemption

48. Approval Of The Plate Bearing Registration Mark

49. Particulars To Be Exhibited On Transport Vehicles

50. Issue, Renewal And Cancellation Of Certificate Of Fitness

51. Extension Of Validity Of Certificate Of Fitness

52. Grant Of Temporary Registration

53. Alteration In A Motor Vehicle

54. Issue Of Duplicate Certificates

55. Intimation Of Arrival Of A Motor Vehicle

56. Power Of Registering Authority To Require Production Of Certificate Of Registration

57. Information Regarding Stolen And Recovered Vehicles

58. Manner Of Appeals

59. Supply Of Copies Of Particulars Of Registration

60. Exemption Of Road-Rollers, Graders, Etc

61. Maintenance Of State Register Of Motor Vehicles

CHAPTER 5 :- CONTROL OF TRANSPORT VEHICLES

62. State Transport Authority

63. Regional Transport Authorities

64. Conduct Of Business Of Transport Authorities

65. Delegation Of Powers By State Transport Authority

66. Delegation Of Powers By Regional Transport Authority

67. Application Of Sub-Section (1) Of Section 66

68. Exemption From Sub-Section (1) Of Section 66

69. Disposal Of Applications Under Chapter V Of The Act
70. Forms To Be Used For The Purpose Of Chapter V Of The Act
71. Fee Payable Under Chapter V Of The Act
72. Exemption From Payment Of Fees
73. Communication Between The Transport Authorities
74. Refusal Of An Application For Private Service Vehicle Permit
75. Entry Of Registration Mark On Permit
76. Additional Conditions In Respect Of Certain Permits
77. Variation Of Conditions Of Permit
78. Extension Of Area Of Validity Of Permits
79. Renewal Of Permits Or Countersignature
80. Replacement Of A Vehicle Covered By Permit
81. Alteration In A Vehicle Covered By Permit
82. Change Of Address Of Permit Holder
83. Procedure On Cancellation, Suspension Or Expiry Of Permit
84. Transfer Of Permit
85. Production Of Permit
86. Provision Of Taxi Meter On Motor Cabs
87. Compulsory Fitment Of Taxi Meter
88. Prohibition Of Use Of Motor Cab With Defective Meter
89. Unauthorized Interference With Meter
90. Approval Of Meters
91. Constructional Requirement Of Meters
92. Rough Test Of Meter Before Its Fitment On Motor Cab
93. Fees, That May Be Charged By The Testing Institute
94. Location Of Meter On Motor Cab
95. Sealing Of Meter After Road Test
96. Meter Repairers
97. Revocation Of Approval Of Meter
98. Licensing Of Agents Engaged In Sale Of Tickets
99. Licensing Of Agents Engaged In Collecting, Forwarding Or Distributing Goods
100. Grant Of Agents Licence
101. Renewal Of Agents Licence
102. Conditions Of Agents Licence
103. Particulars To Be Mentioned In Contract Of Agency
104. Places To Be Used For Loading And Unloading Of Goods Etc
105. Suspension Or Cancellation Of Agents Licence And Forfeiture Of Security
106. Issue Of Duplicate Permits Or Licences
107. Appeals
108. Manner Of Appeal And Revision
109. Procedure In Appeal And Revision
110. Intimation Of Damage To Or Failure Of Stage Carriage
111. Stage Carriage To Ply On Routes Other Than Those Specified In Permit Under Special Circumstances
112. Maintenance Of Complaint Books
113. Safe Custody And Disposal Of Property Left In A Public Service Vehicle
114. Determination Of Passenger Carrying Capacity Of Public

Service Vehicles

- 115. Conduct Of Persons Using Stage Carriages
- 116. Conduct Of Passengers Using Motor Cabs And Maxi Cabs
- 117. Carriage Of Personal Luggage In Private Service Vehicles
- 118. Carriage Of Passengers Luggage In Stage Carriages
- 119. Carriage Of Children And Infants In Public Service Vehicles
- 120. Carriage Of Goods In Public Service Vehicles
- 121. Carriage Of Corpses Or Persons Suffering From Any Infectious Or Contagious Disease, In Public Service Vehicle And The Disinfection Of Such Vehicles
- 122. Carriage Of Persons In Goods Carriages
- 123. Carriage Of Animals In Goods Carriage
- 124. Painting And Marking Of Motor Cabs In Certain Manner
- 124A. Painting And Marking Of Educational Institution Bus In Certain Manner
- 124B. Painting Of Goods Carriages Carrying Goods Of Dangerous Or Hazardous Nature
- 125. Prohibition Of Painting Or Marking Of Transport Vehicle In Certain Manner
- 126. Power To Inspect Taxi Meters
- 127. Power To Inspect Transport Vehicles And Their Contents
- 128. Power To Inspect Business Premises
- 129. Fixing The Hours Of Work In Advance
- 130. Records To Be Maintained And The Returns To Be Furnished By The Owners Of Transport Vehicles

CHAPTER 6 :-SPECIALPROVISIONS RELATING TO STATE TRANSPORT UNDERTAKING

- 131. Form Of Scheme For State Transport Undertaking
- 132. Manner Of Filing Objections To The Proposal Of A Scheme
- 133. Manner Of Considering Objections
- 134. Publication Of The Scheme Or The Modification Of Approved Scheme
- 135. Manner Of Service Of Orders Under Chapter Vi
- 136. Unclaimed Articles
- 137. Application For Permit Under Section 103
- 137A. Hiring Of Private Buses By State Transport Undertaking
- 137B. Extension Or Modification Of Permits
- 137C. Grant Of Permit Under The Provision To Section 104
- 137D. Notice Of Application, Hearing Etc

CHAPTER 7 :-CONSTRUCTION,EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES

- 138. General
- 139. Rear View Mirror
- 140. Springing
- 141. Mudguards
- 142. Display Of Fluorescent Strips

- 143. Attachments To Motor Cycle
- 144. Particulars To Be Exhibited On Vehicles With Left Hand Control
- 145. General Maintenance
- 146. Body Construction
- 147. Body Dimensions
- 148. Stability
- 149. Drivers Seat
- 150. Communication With Driver
- 151. Carriage Of Standees
- 152. Seating Arrangements
- 152A. Special Provisions For Sleeper Designated Omnibus
- 153. Gangway
- 154. Head Room
- 155. Doors
- 156. Steps
- 157. Grab Rail
- 158. Cushions
- 159. Floor Boards
- 160. Exhaust Gas
- 161. Internal Lighting
- 162. Ventilation
- 163. Protection Of Passenger From Weather
- 164. First-Aid Box
- 165. Locking Of Nuts
- 166. Approval Of Locally-Manufactured Trailer And Semi-Trailer
- 167. Body And Loading Platform
- 168. Drivers Compartment
- 169. Spare Wheel And Tools
- 170. Fitment Of Audio Or Audio-Visual Devices
- 170A. Prohibition On The Use Of Cell Phone
- 171. Prohibition On The Use Of Military Marks
- 172. Prohibitions In Respect Of Wind-Screens
- 172A. Necessity For Periodical Inspection And Certification
- 173. Application Of Certain Provisions To Private Service Vehicles And Educational Institution Bus
- 174. Distinguishing Board For Contract Carriage
- 175. Exemption Of Military Vehicles
- 176. Exemption Of Certain Vehicles
- 177. Exemption From The Provisions Of Chapter Vii Of The Act
- 178. Conditions For Exemption In Respect Of Imported Or Military Disposal Vehicles Including Trailer
- 179. Restriction On Use Of Trailer
- 180. Prohibition Of Drawing Of Trailers
- 181. Restriction On Number Of Trailers To Be Drawn
- 182. Restriction On Length Of Train Of Vehicle And Trailers
- 183. Distinguishing Mark Of Trailers

CHAPTER 8 :- CONTROL OF TRAFFIC

- 184. Other Authorities Or Persons Under Chapter Vii Of The Act

- 185. Extent Of Application Of Section 130
- 186. Weighing Device
- 187. Fees For Storage Of Goods Removed From Overloaded Vehicles
- 187A. Conditions For The Issue Of Permits For Certain Transport Vehicles, For The Purposes Of Sub-Section (1) Of Section 113
- 188. Parking Places And Halting Stations
- 189. Traffic Control Signals
- 190. Stationary Motor Vehicle Or Road
- 191. Use Of Lamps On Stationary Vehicles
- 192. Removal Of Goods Abandoned On Road
- 193. Use Of Protective Head Gear
- 194. Prohibition Of Erecting Or Placing Of Signs Or Advertisements On Roads
- 195. Prohibition Of Driving Downhill With The Gear Disengaged
- 196. Prohibition Of Taking Hold Of Or Mounting A Motor Vehicle In Motion
- 197. Prohibition Of Driving On Foot-Path Or Cycle Tracks
- 198. Prohibition Of Driving On Certain Vehicles
- 199. Prohibition Of Carrying Dangerous Projections
- 200. Restrictions On Carriage Of Dangerous Substances
- 201. Restrictions On Use Of Sound Signals
- 202. Restriction On Dazzling Light
- 203. Attendant
- 204. Securing Of Goods In Open Goods Carriage
- 205. Exhibition Of Reflector Boards
- 206. Exemption From The Provisions Of Chapter Viii Of The Act
- 207. Public Parking Place And Stand
- 208. Inspection Of Motor Vehicles Involved In Fatal Accident

CHAPTER 9 :-INSURANCEOF MOTOR VEHICLES AGAINST THIRD PARTY RISKS

- 209. Other Authority Under Section 147(4)
- 210. Production Of Certificate Of Insurance Under Section 159

CHAPTER 10 :- CLAIMS TRIBUNALS

- 211. Procedure Regarding Compensation Arising Out Of Accidents
- 212. Fees
- 213. Exercise Of Powers Of Civil Court
- 214. Dairy Of The Proceedings
- 215. Assistance Of Experts
- 216. Appearance Of Legal Practitioner
- 217. Examination Of Applicant
- 218. Summary Dismissal Of Application
- 219. Notice To Opposite Party
- 220. Examination Of Opposite Party
- 221. Framing Of Issue
- 222. Determination Of Issue
- 223. Summoning Of Witnesses

- 224. Recording Of Evidence
- 225. Local Inspection
- 226. Summary Examination
- 227. Recording Of Reasons For Postponement
- 228. Judgement
- 229. Application Of Code Of Civil Procedure
- 230. Savings
- 231. Procedure Regarding Compensation On The Principle Of No Fault
- 232. Receipt Of Compensation Paid
- 233. Enforcement Of An Award Of Claims Tribunal
- 234. Manner Of Appeals

CHAPTER 11 :- OFFIENCES, PENALTIES AND PROCEDURE

- 235. Temporary Acknowledgement In Lieu Of Driving Licence
- 235A. Authority Under Section 206 (1) And (2) And Section 207
- 236. Temporary Acknowledgement In Lieu Of Certificate Of Registration
- 237. Penalty For Causing Obstruction To Free-Flow Of Traffic

CHAPTER 12 :- MISCELLANEOUS

- 238. Refund Of Fees
- 239. Powers Of Officers Of Motor Vehicles Department
- 240. Performance Of Functions By Officers Of The Motor Vehicles Department
- 241. Uniform For The Officers Of The Motor Vehicles Department
- 241A. Fascimile Of The Signature Stamped On Documents
- 242. Repeal And Savings

Gujarat Motor Vehicles Rules, 1989

CHAPTER 1 PRELIMINARY

1. Short Title And Application :-

- (1) These rules may be called the Gujarat 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 Gujarat.
- (3) These rules shall come into force on and from the 1 st day of July, 1989.

2. Definitions :-

In these rules, unless the context requires otherwise-

- (a) "Act" means the Motor Vehicles Act, 1988 (59 of 1988);
- (b) "Assistant Inspector of Motor Vehicles" means any officer

appointed as such by the State Government;

(c) "Assistant Director of Transport" means any officer appointed as such by the State Government;

(d) "Assistant Regional Transport Officer" means any officer appointed by the State Government for any area to perform the functions of the Assistant Regional Transport Officer under the Act and the rules made there under;

(dd) "Commissioner of Transport" means any officer appointed by the State Government to perform the functions of the commissioner of Transport under the Act and the rules made there under and includes a Joint Director of Transport and Deputy Director of Transport appointed as such by the State Government.

(e) "Director of Transport" means any officer appointed by the State Government to perform the functions of the Director of Transport under the Act and the rules made thereunder and include a Joint Director of Transport and a Deputy Director of Transport appointed as such by the State Government;

(f) "Form" means a form as set forth in the First Schedule appended to these rules;

(g) "Inspector of Motor vehicles" means any officer appointed as such by the State Government to perform the functions of the Inspector of Motor Vehicles under the Act and the rules made thereunder;

(h) "Passenger" means any person traveling in a public service vehicle other than the driver or the conductor or the attendant;

(i) "Regional Transport Officer" means any officer appointed by the State Government for any area to perform the functions of the Regional Transport Officer under the Act and the rules made thereunder and includes an Assistant Regional Transport Officer appointed by the State Government;

(j) "Rule" means a rule of the Gujarat Motor Vehicles Rules, 1989;

(k) "Schedule" means a Schedule appended to these rules;

(l) "Section" means a section of the Act;

(la) "Sleeper designated omnibus" means a contract carriage constructed or adapted to carry more than six passengers excluding the driver with a facility of comfortable sleep on berth 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 permit holder in relation to such vehicle or any person authorized by him in this behalf on a fixed or an agreed sum -

(i) on a time basis, whether or not with reference to any route or

distance, or

(ii) from one point to another, and in either case, without stopping the sleeper designated omnibus to pick-up or allow the passengers to get down not included in the contract anywhere during the journey.

(m) "State" means the State of Gujarat.

(n) Definition of "Testing Institute" deleted.

CHAPTER 2 LICENSING OF DRIVERS OF MOTOR VEHICLES

3. Licensing Authority :-

The licensing authority shall be-

- (i) for the Districts of Amdavad and Gandhiangar, the Regional Transport Officer, Ahmedabad;
- (ii) for the Districts of Bhavnagar and Amreli (excluding taluka of Kodinar), the Regional Transport Officer, Bhavnagar;
- (iii) for the district of Kutch, the Regional Transport Officer, Bhuj;
- (iv) for the districts of Panchmahals and Dahod, the Regional Transport Officer, Godhara;
- (v) for the district of Jamnagar, the Regional Transport Officer, Jamnagar;
- (vi) for the districts of Junagadh and Porbandar, the Regional Transport Officer, Junagadh;
- (vii) for the districts of Mehsana and Patan, the Regional Transport Officer, Mehsana;
- (viii) for the districts of Kheda and Anand, the Regional Transport Officer, Nadiad;
- (ix) for the district of Banaskantha, the Regional Transport Officer, Palanpur;
- (x) for the district of Rajkot and Surendranagar, the Regional Transport Officer, Rajkot;
- (xi) for the district of Surat, the Regional Transport Officer, Surat;
- (xii) for the district of Vadodara, Bharuch and Narmada, the Regional Transport officer, Vadodara;
- (xiii) for the district of Valsad, Navsari and Dangs, the Regional Transport officer, Valsad;
- (xiv) for the district of Sabarkantha, the Regional Transport officer, Himmatnagar;
- (xv) for the district of Amreli, the Assistant Regional Transport officer, Amreli;
- (xvi) for the district of Bharuch, the Assistant Regional Transport officer, Bharuch;
- (xvii) for the district of Gandhinagar, the Assistant Regional

Transport officer, Gandhinagar;
(xviii) for the Taluka of Bardoli, Vyara, Songadh, Uchchhal, Nizar, Mahuwa, Valod, Palsana and Kamrej, of Surat District, the Assistant Regional Transport Officer, Bardoli;
(xix) for the district of Surendranagar, the Assistant Regional Transport Officer, Surendranagar;
(xx) for the district of Dahod (excluding Taluka of Devgad Baria), the Assistant Regional Transport Officer, Dahod;
(xxi) for the district of Navsari, the Assistant Regional Transport Officer, Navsari;
(xxii) for the district of Narmada, the Assistant Regional Transport Officer, Narmada;- 15 -
(xxiii)for the district of Anand, the Assistant Regional Transport Officer, Anand;
(xxiv) for the district of Patan, the Assistant Regional Transport Officer, Patan;
(xxv) for the district of Porbandar, the Assistant Regional Transport Officer, Porbandar.

3A. Section 3A :- The taluka Mamlatdar other than working at District headquarter within his jurisdiction shall be the Licensing Authority for the issue of learners licences.

4. Testing Officer :-

(1) Any officer of the Motor Vehicles Department of and above the rank of an Assistant Inspector of Motor Vehicles shall be the authority to conduct a test under sub-section (5) of sector 8 and any officer of and above the rank of an Inspector of Motor Vehicles shall be the authority to conduct a test under sub-section (3) of section 9; Provided that it shall be competent for the licensing authority or for any person nominated by it in that behalf, to have more than one test.

(2) In case of 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 of the Home Guards under whose control the applicant is serving if such Commandant is, with the previous approval of the State Government, authorized by name in this behalf by the Commandant General.

(2a). The Deputy Mamlatdar working in the respective Nagrik Suvidha Kendra setup at Collector and Mamlatdar offices within his jurisdiction and Secretary, Western India Automobile Association at

Ahmedabad and District headquarters shall be the Testing Officer for the purpose of a test under sub-section (5) of Section (8) of the Act.

(3) Every application for a test to obtain a learners licence, driving licence or an authorization to drive transport vehicle, shall be made in from P.C.A.T. and shall be accompanied by the fee specified in rule 6 or, as the case may be, in rule 32 of the Central Motor Vehicles Rules, 1989.

(4) Subject to the provisions of sub-section(6) of section 9, the applicant shall furnish a serviceable vehicle and present himself for the test at such time and at such place as may be specified by the testing officer concerned.

5. Appellate Authority :-

(1) The authority empowered to hear appeals against the orders of licensing authority refusing to issue any learners licence or to issue or renew any driving licence or to add a class or description of motor vehicle to any driving licence or revoking any driving licence under the provisions of section 16 shall be the Commissioner of Transport or Director of Transport as the case may be.

(2) The authority empowered to hear appeals against the order of licensing authority disqualifying the holder from the holding or obtaining a driving licence or revoking such licence under the provisions of sub-section (1) of section 19, shall be either the Commissioner of Police or where there is no such Commissioner of Police, the District Magistrate.

6. Fees Payable Under Chapter II Of The Act :-

The fees to be paid under chapter II of the Act shall be -

(i) in respect of each test for grant of learners licence under rule 4, twenty five rupees;

(ii) in respect of replacement of photograph on a licence under rule 12, twenty five rupees;

(iii) (a) in respect of duplicate driving licence under rule 13, in Form - 6 prescribed under sub rule (1) of rule 16 of the Central Motor Vehicles Rules,1989, fifty rupees; and

(b) in respect of duplicate driving licence under rule 13, in Form - 7 prescribed under sub rule(2) of rule 16 of Central Motor Vehicles Rules, 1989, two hundred rupees;

(iv) in respect of test for grant of authorization under rule 18, fifty rupees;

(v) in respect of an appeal under rule 20, fifty rupees;

- (vi) in respect of each copy of any document under rule 20, fifty rupees;
- (vii) in respect of every copy of particulars of driving licence under rule 21, twenty five rupees;
- (viii) in respect of an endorsement of authorization in a driving licence issued in Form 6, under rule 9 of the Central Motor Vehicles Rules, 1989, forty five rupees.

7. Exemption From Payment Of Fees :-

- (1) The State Government may, by general or special order, exempt, totally or partially, any person or class of persons, from payment of all or any portion of the fees payable under Chapter II of the Act.
- (2) (a) The persons employed in the service of the State Government of driving motor vehicles;
- (b) The Ex-service persons on production of a certificate of proficiency in driving a motor vehicle from an officer in the Armed Forces of the Union;
- (c) Such Diplomatic Officers or Consular Officers as the State Government may, by general or special order specify in this behalf; shall be exempted from the fees payable for the test of competence to drive, issue or renewal of learners licence, the issue or renewal of driving licence, and the test for issue of learners licence.

8. Form Of Communications :-

The licensing authority shall communicate with another licensing authority in Form D.L.C.O.M. for the purpose of intimating -

- (a) the addition of other class or description of motor vehicle, under section 11; or
- (b) the renewal of a driving licence, under section 15; or
- (c) the revocation of driving licence, under section 16; or
- (d) the revocation of driving licence or the disqualification of a holder of driving licence, under section 19; or
- (e) the endorsement of a sentence of imprisonment on a driving licence, under section 24; or
- (f) the replacement of a photograph, under rule 12; or
- (g) the change of address, under rule 14; or
- (h) the grant of authorization to drive a transport vehicle, under rule 18.

9. Power To Make Inquiries Of Application For Driving Licence :-

Upon the receipt of an application for a learners licence, the licensing authority may make such inquiries 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.

10. Automobile Associations Recognized For Issue Of A Driving Certificate :-

The State Government recognizes the following automobile associations for the purposes of second proviso to sub-section (3) of section 9, namely:-

- (1) The Western India Automobile Association.
- (2) The Automobile Association of Southern India.
- (3) The Automobile Association of Eastern India.
- (4) The Automobile Association of Upper India.
- (5) The Uttar Pradesh Automobile Association.

11. Seal On The Photograph :-

The photograph of the holder when affixed to any learners licence issued under Chapter II of the Act, shall be sealed with a seal of the licensing authority in such a manner that the part of the impression of the seal is upon the photograph and part on the margin in the licence.

12. Replacement Of The Photograph :-

(1) Where, at any time, it appears to a licensing authority that the photograph affixed to any licence issued under chapter II of the Act. has ceased to be a clear likeness of the holder, the licensing authority may require the holder to surrender the 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.

(2) Where the holder fails to comply with such requisition made by the licensing authority, the licence shall cease to be valid on the expiry of the said period.

(3) Where, at any time, if a holder of a licence so desires, a licensing authority may replace the photograph on his licence by a recent photograph of himself.

(4) Upon the receipt of the copies of photograph as provided in subrule (1) or sub-rule (3), the licensing authority shall remove the old photograph from the licence, and shall affix and seal thereto

one copy of new photograph and note the date of such replacement, and return the licence to the holder, and shall, if it is not the licensing authority by which the licence was issued, forward the second copy of the photograph to that authority.

(5) The fee, for replacing a photograph under this rule shall be as provided in rule 6 and shall be paid along with the photograph and application.

13. Issue Of Duplicate Driving Licence :-

(2) Where at any time any driving licence is lost, destroyed, torn, defaced or mutilated the holder shall forthwith report the matter to the original licensing authority and shall apply for issue of duplicate licence, in Form L.L.D. along with the fee prescribed under rule 6 and where a photograph is required to be affixed to a duplicate licence, two clear copies of a recent photograph of himself.

(3) Upon the receipt of such report the licensing authority shall, after making such enquires as it may think fit, if satisfied that a duplicate may properly be issued, issue a duplicate licence duly stamped "Duplicate" in red ink and the date of issue of the duplicate:

Provided that where subsequent 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 licence and make the necessary endorsement thereon.

(4) Where a duplicate licence has been issued upon representation that a licence has been lost, and the original licence is afterward found or received by the holder, the holder shall immediately return the duplicate licence to the issuing authority.

(5) If at any time it appears to an Inspector of Motor Vehicles or to a licensing authority that a driving licence held by any person is so torn, defaced or mutilated in any way as to cease to be reasonably legible, such Inspector of Motor Vehicles or the authority may, by order in writing impound the driving licence and require the holder, to obtain a duplicate driving licence.

14. Change Of Address :-

(1) If the holder of driving licence ceases to reside or have his place of business at the address recorded in the driving licence, he shall, within thirty days of any such change of address, intimate his new address, to the licensing authority by which the licence was issued, and if the new address is within the jurisdiction of another licensing

authority, to that other licensing authority.

(2) Upon the receipt of such intimation, if it is not the licensing authority by which the licence was issued, the licensing authority shall intimate the change of address to that authority.

15. General Duties Functions And Conduct Of Drivers Of Transport Vehicles :-

The driver of a transport vehicle,-

(a) shall not cause or allow any person, animal or thing to be placed or to be in the space reserved for the drivers seat or otherwise, in such a way as to impede him in having a clear vision of the road or proper control of the vehicle;

(b) shall not knowingly drive the vehicle when there is not sufficient fuel in the vehicle to enable him to reach the next fuel pump on the route;

(c) shall not loiter or unduly delay upon any journey but shall proceed to the destination with all reasonable dispatch;

(d) shall, at all times, exercise all reasonable care and diligence to maintain the vehicle in a fit and proper condition and shall not knowingly drive the vehicle when the vehicle or any brake, tyre or lamp thereof is in a defective condition likely to render the driving of such vehicle a source of danger to persons and vehicles using such place;

(e) shall behave in a civil and orderly manner towards passengers, intending passenger or the hirer of the vehicle;

(f) shall take all reasonable precautions to prevent the goods or the luggage, from being spoiled or lost, on the way;

(g) shall, as far as may be reasonably possible having regard to his duties, be responsible for due observance of the provisions of the Act and the rules made thereunder.

16. Additional Duties, Function And Conduct Of Drivers Of Public Service Vehicles :-

The driver of a public service vehicle:

(a) shall not smoke while on duty;

(b) shall be cleanly dressed and in the manner specified by the State Government:

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;

(c) shall maintain the vehicle in a clean and sanitary condition

during its use in a public place;

(d) shall, in the event of the vehicle being unable to proceed to its destination on account of mechanical break down 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 period of an hour after the failure to proceed to the destination, shall on demand, arrange to refund to passengers a proper portion of the fare relating to the completion of the journey for which the passengers had paid the fare;

(e) shall see that no passenger smokes in the vehicle when the same is being filled up with fuel;

(f) 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 or the permit holder;

(g) shall, subject to any rules or 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 sufficient period of time in a safe and convenient position upon the demand or signal of the conductor or of any passenger.

17. Additional Duties, Functions And Conduct Of Drivers Of Motor Cabs And Maxi Cabs :-

(1) The driver of a motor cab and a maxi cab:-

(a) shall not allow his cab to remain on the stand if it is disabled unless such disablement is of a purely temporary nature which can be immediately remedied and is so remedied;

(b) shall not allow his cab, when it is not engaged, to remain at any place other than on the stand;

(c) shall not loiter for the purpose of his cab being hired in any other public place;

(d) shall not prevent or attempt to prevent the first cab on the stand from being hired;

(e) shall not, when engaged by any person for some future time, keep cab on the stand unless he is willing to accept any intermediate engagement that may be offered;

(f) shall not make use of his cab in connection with or for the furtherance of prostitution or any other activity prohibited by any law for the time being in force.

(g) shall not carry a cleaner or an attendant unless permitted

specifically to do so, by the Transport Authority on such conditions as may be specified by it;

(h) shall not terminate the hiring before he has been discharged by the hirer;

(i) shall not demand or exact any fare in excess of that to which he is legally entitled;

(j) shall not carry any person in his cab in excess of the seating capacity specified in the certificate or registration of the vehicle;

(k) shall not permit any other person to drive his cab without the approval of its owner;

(l) shall always stay near his cab which shall be ready for immediate hiring by any person;

(m) shall move his cab up as vacancies occur on the stand;

(n) shall, in the absence of reasonable cause to the contrary, proceed to the destination named by the hirer, by the shortest route.

(2) The driver of a cab fitted with a taxi-meter -

(a) shall not set the taxi-meter in motion before his cab is hired and shall stop the metre immediately on the arrival of the destination, or on failure to proceed owing to any defect in the cab: Provided that the 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) shall not cover or obscure the face or dial of a taxi-meter under any circumstances or at any time;

(c) shall not, without reasonable excuse, refuse to let his cab for hire when the flat of the taxi-meter is in the "For Hire" position.

18. Grant Of Authorization To Drive A Transport Vehicle :-

(1) No person shall drive a transport vehicle unless an authorization in the driving licence shall have been granted by the licensing authority.

(2) No person shall hold more than one authorization to drive a similar kind of a public service vehicle.

(3) No authorization to drive a transport vehicle shall be granted unless the applicant satisfies the licensing authority that -

(a) he has adequate knowledge of the provisions of the Act and the rules made thereunder relating to duties, functions and conduct of drivers of transport vehicles to which the application refers;

(b) he possesses a good moral character; and

(c) he possesses minimum educational qualification that may be

prescribed by the Central Government in this behalf.

(4) The holder of a driving licence may at any time apply to the licensing authority in Form T.V.A. for the grant of authorization to drive a transport vehicle. Such application shall be accompanied by -

(a) a report of moral character obtained from the police station or the Gazetted officer or Sarpanch of Gram Panchayat or President of Municipal Borough or President of Municipality or Councilor of Municipality Corporation or Member of Legislative Assembly or Member of Parliament of the area in which the applicant resides;

(b) a proof of educational qualification as may have been prescribed by the Central Government under sub-section

(4) of section 9;

(c) a fee for test, prescribed under rule 6, and ;

(d) a driving certificate in Form 5 prescribed under the Central Motor Vehicle Rules, 1989 in the case of holder of driving licence authorizing him to drive other than transport vehicles.

(5) If the licensing authority is satisfied that the applicant is in all respect fit to be granted an authorization to drive a transport vehicle, the driving licence shall be endorsed accordingly. The licensing authority shall then return the driving licence to the applicant thereof, and at the same time, if the driving licence was issued by another licensing authority, send intimation to such licensing authority. The licensing authority shall refuse to grant or countersign the authorization if it finds that applicant is not a fit and proper person to be entrusted with the safe carriage of passengers and their personal luggage or of goods.

(6) Notwithstanding anything hereinbefore contained, no person shall be authorized to drive a motor cab or a maxi cab within the limits of the city of Amdavad, Vadodara, Rajkot and Surat unless the appropriate licensing authority is satisfied that such a person has adequate knowledge of the topographic features of that city and has granted the authorization accordingly.

19. Badges Of Drivers Of Public Service Vehicles :-

(a) A driver of a public service vehicle shall display on his left chest a badge, in the form illustrated in the Second Schedule appended to these rules, inscribed with the particulars specified in the said Schedule.

(b) No driver of a public service vehicle shall display the badge held by him if the authorization to drive such vehicle is suspended or

revoked by any authority or if his driving licence has ceased to be valid by efflux of time.

20. Manner Of Appeals :-

(1) An appeal under rule 5 shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order against which the appeal is preferred, and shall be accompanied by certified copy of that order and the fee prescribed under rule 6.

(2) Any person preferring an appeal shall be entitled to obtain a copy of any document filed with the licensing authority and connected with the order against which he is preferring the appeal, on payment of the fee prescribed under rule 6.

(3) The appellate authority may give any person interested in the appeal, a copy of any document connected with the appeal, on payment of the fee prescribed under rule 6.

21. Supply Of Copies Of Particulars Of Driving Licence :-

A licensing authority may in its discretion supply copies of particulars of driving licence issued by it, to any person who may apply for the same along with a fee prescribed under rule 6.

22. Exemption Of Drivers Of Road-Rollers :-

Provisions of Chapter II of the Act shall not apply to the drivers of road-rollers.

23. Maintenance Of State Register Of Driving Licence :-

(1) Every licensing authority shall furnish a monthly report in duplicate, containing particulars required by the form of State Register of Driving Licence prescribed by the Central Government, to the Commissioner of Transport or Director of Transport as the case may be, within ten days of the succeeding month.

(2) The commissioner of Transport or Director of Transport as the case may be, shall forward a quarterly, compiled report in duplicate, of particulars received from all the licensing authorities, to the Additional Chief Secretary (Transport)/Secretary (Transport), Home Department, within fifteen days of the succeeding month after the concerned quarter.

(3) Notwithstanding anything contained in sub-rules (1) and (2) the State Government may from time to time, issue directions to the licensing authorities or to the Commissioner of Transport or Director of Transport as the case may be, for the purpose of

carrying into effect the provisions of section 26.

CHAPTER 3 LICENSING OF CONDUCTORS OF STAGE CARRIAGES

24. Licensing Authority :-

The licensing authority shall be:-

- (i) for the Districts of Ahmedabad and Gandhinagar, the Regional Transport Officer, Ahmedabad;
- (ii) for the Districts of Bhavnagar and Amreli (excluding taluka of Kodinar), the Regional Transport Officer, Bhavnagar;
- (iii) for the district of Kutch, the Regional Transport Officer, Bhuj.
- (iv) for the districts of Panchmahals and Dahod, the Regional Transport Officer, Godhra;
- (v) for the district of Jamnagar, the Regional Transport Officer, Jamnagar;
- (vi) for the districts of Junagadh and Porbandar, the Regional Transport Officer, Junagadh;
- (vii) for the districts of Mehsana and Patan, the Regional Transport Officer, Mehsana;
- (viii) for the districts of Kheda and Anand, the Regional Transport Officer, Nadiad;
- (ix) for the district of Banaskantha, the Regional Transport Officer, Palanpur;
- (x) for the district of Rajkot and Surendranagar, the Regional Transport Officer, Rajkot;
- (xi) for the district of Surat, the Regional Transport Officer, Surat;
- (xii) for the districts of Vadodara, Bharuch and Narmada, the Regional Transport Officer, Vadodara;
- (xiii) for the district of Valsad, Navsari and Dangs, the Regional Transport Officer, Valsad;
- (xiv) for the district of Sabarkantha, the Regional Transport Officer, Himmatnagar;
- (xv) for the district of Amreli, the Assistant Regional Transport Officer, Amreli;
- (xvi) for the district of Bharuch, the Assistant Regional Transport Officer, Bharuch;
- (xvii) for the district of Gandhinagar, the Assistant Regional Transport Officer, Gandhinagar;
- (xviii) for the Taluka of Bardoli, Vyara, Songadh, Uchchhal, Nizar, Mahuwa, Valod, Palsana and Kamrej, of Surat District, the Assistant Regional Transport Officer, Bardoli;
- (xix) for the district of Surendranagar, the Assistant Regional Transport Officer, Surendranagar;

(xx) for the district of Dahod (excluding Taluka of Devgad Baria), the Assistant Regional Transport Officer, Dahod;

(xxi) for the district of Navsari, the Assistant Regional Transport Officer, Navsari;

(xxii) for the district of Narmada, the Assistant Regional Transport Officer, Narmada;

(xxiii) for the district of Anand, the Assistant Regional Transport Officer, Anand;

(xxiv) for the district of Patan, the Assistant Regional Transport officer, Patan;

(xxv) for the district of Porbandar, the Assistant Regional Transport Officer, Porbandar.

25. Appellate Authority :-

The authority empowered to hear appeals against the orders of licensing authority refusing to issue or renew any conductors licence or revoking any conductors licence, or disqualifying the holder from holding or obtaining a conductors licence under the provisions of sub-section (1) of section 34, shall in the city of Amdavad be the commissioner of Transport or Director of Transport as the case may be, and elsewhere the District Magistrate of the District in which the aggrieved person ordinarily resides.

26. Fees Payable Under Chapter Iii Of The Act :-

The fees to be paid under Chapter III of the Act shall be -

- (i) in respect of a test for grant of conductors licence under rule 30, thirty rupees;
- (ii) in respect of a replacement of photograph on conductors licence under rule 34, twenty rupees;
- (iii) in respect of a duplicate conductors licence under rule 35, ten rupees;
- (iv) in respect of an appeal under rule 37, eighty rupees;
- (v) in respect of each copy of any document under rule 37, forty five rupees.

27. Form Of Communications :-

The licensing authority shall communicate with another licensing authority in Form C.L.COM. for the purpose of intimating:-

- (a) the renewal of conductors licence;
- (b) the revocation of conductors licence;
- (c) the disqualification of a holder of a conductors licence;
- (d) the replacement of a photograph on a conductors licence;
- (e) the change of address.

28. Restriction On The Holding Of Conductors Licences :-

No person shall hold more than one conductors licence.

29. Duties, Functions And Conduct Of Conductors Of Stage Carriages :-

The conductor of a stage carriage-

(a) shall not loiter or unduly delay upon any journey but shall proceed to the destination in accordance with the time-table pertaining to the trip;

(b) shall not smoke while on duty;

(c) shall not interface with person mounting or preparing to mount upon any other vehicle;

(d) shall not allow any person to be carried in the vehicle in excess of the seating capacity specified in the certificate of registration of the vehicle, and any additional number of passengers permitted to be carried standing under the terms of the permit;

(e) shall not, save for good and sufficient reason, refuse to carry any person tendering the legal fare;

(f) shall not allow any passenger to be carried in the vehicle without payment of the legal fare;

Provided that this clause shall not apply to any Government servant or class of Government servants on duty, as the State Government may, from time to time, by notification in the Official Gazette, specify in this behalf.

(g) 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;

(h) shall not, save for good and sufficient reason, require any person who has paid the legal fare to alight from the vehicle, before conclusion of the journey;

(i) shall not be under the influence of any intoxicating drink or of a drug, while duty;

(j) shall behave in a civil and orderly manner towards passengers and intending passengers;

(k) shall take all reasonable precautions to prevent the goods or the luggage, from being miscarried, spoiled or lost, on the ways;

(l) shall be cleanly dressed and in the manner specified by the State Government:

Provided that nothing in this clause shall apply to persons lawfully working as conductors in accordance with rule 38.

(m) shall maintain the passenger compartments in a clean and sanitary condition during its use in a public place;

(n) shall, in the event of the vehicle being unable to proceed to its

destination on account of mechanical break down 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 period of an hour after failure to proceed to the destination, 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;

(o) 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 permit holder;

(p) shall supply a ticket to a person traveling in the vehicle on the payment of fare by such person;

(q) shall, where goods are carried on the vehicle in addition to passengers, take all reasonable precautions to ensure that passengers are not endangered or inconvenienced by presence of the goods;

(r) shall issued a ticket, immediately, on payment of legal fare or freight by the passenger;

(s) shall, on demand by any passenger, produce the complaint book for recording such complaints as the passenger may desire to record therein;

(t) 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 the rules made thereunder.

30. Grant Of Conductors Licence :-

(1) 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 function of a conductor;

(ii) the applicant possesses a good moral character;

(iii) the applicant possesses a valid Adult First Aid certificate issued by St. John Ambulance Association (India); and

(iv) he has passed the New Secondary School Certificate Examination conducted by Gujarat Secondary Education Board or an equivalent or higher examination:

Provided that nothing in the clause shall apply to any person who is in possession of a conductors licence immediately before these rules come into force.

- (2) An application for a conductors licence shall be made in Form L.Con. A. such application shall be accompanied by -
- (a) a proof of age and educational qualification;
 - (b) a valid Adult First Aid Certificate issued by St.John Ambulance Association (India);
 - (c) a medical certificate in Form M.C.Con. issued by a registered medical practitioner having a minimum qualification of a bachelors degree in medical and surgery ordinarily known as M.B.B.S. and practicing in the State of Gujarat and containing the following particulars regarding the medical practitioner -
 - (i) Name and address in brief;
 - (ii) The name of the clinic, if any;
 - (iii) Telephone no, if any;
 - (iv) Medical qualification;
 - (v) Registration number under the Gujarat Medical Council Act, 1967;
 - (d) a report of moral character obtained from the police station of the area in which the applicant resides;
 - (e) three copies of recent passport photograph;
 - (f) a fee for test, prescribed under rule 26;

Provided that the licensing authority may decline to accept the aforesaid report or the medical certificate, granted more than one year before the date of application.

(3) Any officer of the Motor Vehicles Department of and above the rank of an Assistant Inspector of Motor Vehicles shall be the authority to conduct a test for the grant of conductors licence :

Provided that it shall be competent for the licensing authority or for any person nominated by it in that behalf to have more than one test.

(4) When any application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his competence to act as a conductor of a stage carriage, the licensing authority shall issue the applicant a conductors licence in Form L.Con. on payment of fees specified in sub-section (5) of section 30, unless the applicant is for the time being disqualified for holding or obtaining a conductors licence.

31. Badge Of Conductors Of Stage Carriages :-

(1) A conductor of stage carriage shall display on his left chest a badge, in the form illustrated in the Second Schedule, inscribed with the particulars specified in the said Schedule.

(2) No conductor of a stage carriage shall display the badge held by him if his conductors licence is suspended or revoked by any authority or if his conductors licence has ceased to be valid by efflux of time.

32. Currency Of Conductors Licence :-

A conductors licence issued or renewed under the Act or the rules made thereunder shall -

(i) if the person obtaining the licence, either originally or on renewal thereof, has not attained the age of fifty years on the date of issue or, as the case may be, renewal thereof -

(a) be effective for period of twenty years from the date of such issue or renewal, or

(b) until the date on which person attains the age of fifty years, whichever is earlier.

(ii) if the person referred to in clause (i) has attained the age of fifty 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:

Provided that every conductors licence shall notwithstanding its expiry under this rule, continue to be effective for a period of thirty days from such expiry.

33. Renewal Of Conductors Licence :-

(1) Any licensing authority may, on an application made to it in Form L.Con.R. renew a conductors licence 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 thirty days after the date of its expiry, the licence shall be renewed with effect from the date of its renewal:

Provided further that where the applicant has attained the age of forty years, the application shall be accompanied by the medical certificates in Form M.C.Con. and the valid Adult First Aid Certificate, issued by St.John Ambulance Association (India).

(2) Where the authority renewing the conductors licence is not the authority which issued the licence, it shall intimate the fact of renewal to the authority which issued the licence.

(3) Every application for renewal of a conductors licence shall be accompanied by a fee specified under sub-section (5) of section 30.

34. Replacement Of The Photograph :-

(1) Where at any time it appears to a licensing authority that the photograph affixed to any conductors licence has ceased to be a clear likeness of the holder, the licensing authority may require the holder to surrender the licence forthwith, and to furnish two clear copies of recent photograph of himself.

(2) Where, at any time, if a holder of a conductors licence so desires, a licensing authority may replace the photograph on his licence by a recent photograph of himself.

(3) Upon the receipt of the copies of photograph as provided in subrule(1) or sub-rule(2), the licensing authority shall remove the old photograph from the licence, and shall affix and seal thereto one copy of new photograph, and note the date of such replacement, and return the licence to the holder, and shall, if it is not the licensing authority by which the licence was issued, forward the second copy of the photograph to that authority.

(4) The fee for replacing a photograph under this rule shall be as provided in rule 26 and shall be paid alongwith the photograph and application.

35. Issue Of Duplicate Conductors Licence :-

(1) Where at any time a conductors licence is lost, destroyed, torn, defaced or mutilated, the holder shall forthwith report the matter to the original licensing authority and shall apply for issue of a duplicate licence, in Form C.L.D. along with the fee prescribed under rule 26, and two clear copies of a recent photograph of himself.

(2) Upon the receipt of such report the licensing authority shall, after making such enquiries as it may think fit, if satisfied that a duplicate may properly be issued, issue a duplicate licence duly stamped "Duplicate" in red in and the date of issue of the duplicate:

Provided that where subsequent 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 licence and make the necessary endorsement thereon.

(3) Where a duplicate licence has been issued upon representation that a licence has been lost, and the original licence is afterwards found or received by the holder, the holder shall immediately return the duplicate licence to the issuing authority.

(4) If at any time it appears to an Inspector of Motor Vehicles or to

a licensing authority that a conductors licence held by any person is so torn, defaced or mutilated in any way as to cease to be reasonably legible, such Inspector of Motor Vehicles or the authority may, by order in writing, impound the conductors licence and require the holder, to obtain a duplicate conductors licence.

36. Change Of Address :-

(1) If the holder of conductors licence ceases to reside the address recorded in the conductors licence, he shall, within thirty days of any such change of address, intimate his new address, to the licensing authority by which the licence was issued, and if the new address is within the jurisdiction of another licensing authority to that other licensing authority.

(2) Upon the receipt of such intimation, if it is not the licensing authority by which the licence was issued, the licensing authority shall intimate the change of address to that authority.

37. Manner Of Appeals :-

(1) An appeal under rule Chapter III of the Act shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order against which the appeal is preferred, and shall be accompanied by certified copy of that order and the fee prescribed under rule 26.

(2) Any person preferring an appeal shall be entitled to obtain a copy of any document filed with the licensing authority and connected with the order against which he is preferring the appeal, on payment of the fee prescribed under rule 26.

(3) The appellate authority may give any person interested in the appeal, a copy of any document connected with the appeal, on payment of the fee prescribed under rule 26.

38. Exemption From The Provisions Of Sub-Section (1) Of Section 29 :-

(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 reasons beyond his control, cannot perform his duties, the driver of a stage carriage may, for a period not exceeding one month, act as conductor of the stage carriage without holding a conductors licence required under section 29.

(2) Any person other than a driver of a stage carriage may act as a

conductor without holding a conductors licence, for a period not exceeding one month. Provided that -

- (a) he intimates in writing, his intention to do so to the licensing authority within whose jurisdiction he intends to act as conductor,
- (b) he is not disqualified for holding or obtaining a conductors licence, and
- (c) he has not on previous occasions acted as conductor without a licence for a total period exceeding one month.

39. Effectiveness Of Conductors Licence Issued In Another State :-

Any person can act as a conductor on the stage carriage of another State and operating within this State under any reciprocal agreement with that State or under the countersignature of stage carriage permit, if such person holds a valid conductors licence issued in that State and the person complies with the provisions of rule 29 while the stage carriage is being operated in this State.

CHAPTER 4 REGISTRATION OF MOTOR VEHICLES

40. Registering Authority :-

The Registering authority shall be-

- (i) for the Districts of Ahmedabad and Gandhinagar, the Regional Transport Officer, Ahmedabad;
- (ii) for the Districts of Bhavnagar and Amerli (excluding taluka of Kodinar), the Regional Transport Officer, Bhavnagar;
- (iii) for the district of Kutch, the Regional Transport Officer, Bhuj;
- (iv) for the districts of Panchmahals and Dahod, the Regional Transport Officer, Godhara;
- (v) for the district of Jamnagar, the Regional Transport Officer, Jamnagar;
- (vi) for the districts of Junagadh and Porbandar, the Regional Transport Officer, Junagadh;
- (vii) for the districts of Mehsana and Patan, the Regional Transport Officer, Mehsana;
- (viii) for the districts of Kheda and Anand, the Regional Transport Officer, Nadiad;
- (ix) for the district of Banaskantha, the Regional Transport Officer, Palanpur;
- (x) for the district of Rajkot and Surendranagar, the Regional Transport Officer, Rajkot;
- (xi) for the district of Surat, the Regional Transport Officer, Surat;
- (xii) for the district of Vadodara, Bharuch and Narmada, the

Regional Transport officer, Vadodara;

(xiii) for the district of Valsad, Navsari and Dangs, the Regional Transport officer, Valsad;

(xiv) for the district of Sabarkantha, the Regional Transport officer, Himmatnagar;

(xv) for the district of Amreli, the Assistant Regional Transport Officer, Amreli;

(xvi) for the district of Bharuch, the Assistant Regional Transport Officer, Bharuch;

(xvii) for the district of Gandhinagar, the Assistant Regional Transport officer, Gandhinagar;

(xviii) for the Taluka of Bardoli, Vyara, Songadh, Uchchhal, Nizar, Mahuwa, Valod, Palsana and Kamrej, of Surat District, the Assistant Regional Transport Officer, Bardoli;

(xix) for the district of Surendranagar, the Assistant Regional Transport Officer, Surendranagar;

(xx) for the district of Dahod (excluding Taluka of Devgad Baria), the Assistant Regional Transport Officer, Dahod;

(xxi) for the district of Navsari, the Assistant Regional Transport Officer, Navsari;

(xxii) for the district of Narmada, the Assistant Regional Transport Officer, Narmada;

(xxiii) for the district of Anand, the Assistant Regional Transport Officer, Anand.

(xxiv) for the district of Patan, the Assistant Regional Transport Officer, Patan;

(xxv) for the district of Porbandar, the Assistant Regional Transport Officer, Porbandar.

41. Appellate Authority :-

(1) The authority to hear appeals against any appealable order other than an under Chapter III of Central Motor Vehicle Rules, 1989, passed by a registering authority under Chapter IV of the Act shall be, the commissioner of Transport or Director of Transport as the case may be.

(2) The authority to hear appeals against any order under section 53, passed by any other authority prescribed under rule 42 shall be, the registering authority having jurisdiction in the area in which the order was passed.

(3) The authority to hear appeals against any appealable order passed by an Inspector of Motor Vehicles or an authorized testing

station under section 56 in respect of a certificate of fitness shall be, the registering authority having jurisdiction in the area in which the order was passed.

42. The Other Authority To Suspend Certificate Of Registration :-

The other authority to suspend certificate of registration under section 53, shall be-

- (i) any police officer not below the rank of an Sub-Inspector of Police;
- (ii) any officer of the Motor Vehicles Department, of and above the rank of an Assistant Inspector of Motor Vehicles.

43. Fees Payable Under Chapter Iv Of The Act :-

The fees to be paid under Chapter IV of the Act shall be-

- (i) in respect of an appeal under sub-rule (1) of rule 41, one hundred rupees;
- (ii) in respect of each copy of any document under sub-rule (2) and sub-rule (3) of rule 58, forty five rupees;
- (iii) in respect of facility provided under rule 46, fifty rupees per motor vehicle;
- (iv) in respect of extension of validity of certificate of fitness under sub-rule (2) of rule 51, one hundred rupees;
- (v) in respect of certificate of temporary registration or each of its extension thereof under sub-rule (1) of rule 52, one hundred rupees;
- (vi) in respect of duplicate copy of certificate of temporary registration, fifty rupees;
- (vii) in respect of duplicate copy of certificate of fitness, half of the fee mentioned in serial No.11 of Table annexed to rule 81 of the Central Motor Vehicle rules, 1989;
- (viii) in respect of each copy of particulars of registration of each vehicle under rule 59, forty five rupees;
- (ix) in respect of notice of alteration in motor vehicles under rule 53, one hundred rupees.

44. Exemption From Payment Of Fees :-

(1) The State Government may, if it is of opinion that it is in the public interest so to do, by general or special order exempt, totally or partially, any Government Department, local authorities, associations or bodies of individuals, from payment of the fee payable for copies of particulars of registration under rule 43.

(2) (a) Such foreign consular officers as have been notified by a general or special order of the State Government in respect of motor vehicles belonging to them;

(b) the owners of:-

(i) tractors intended to be used solely for agricultural operation;

(ii) motor ambulances intended to be used solely for the conveyance of the sick, or injured and other motor vehicles designed and intended to be used exclusively for affording free medical and other relief;

(c) The technical Co-operation Mission of the United States of America or its field personnel in respect of motor vehicles belonging to that Mission and assigned to its field personnel for their official use in the State of Gujarat;

(d) The United Nations Agencies and organizations, in respect of motor vehicles belonging to them;

(e) The American Peace Corps Volunteers, in respect of their official motor vehicles used in the Corps programmes and projects;

(f) Co-operative for American Remittance (to Europe) INC, in respect of motor vehicles belonging to the said organization and intended to be used in the State of Gujarat in connection with the work providing food and other urgently needed commodities; shall be exempted from payment of fees payable under sub-section (2) and sub-section (9) of section 41. Explanation: For the purpose of this rule, the expression "agricultural operation" means tilling, sowing, harvesting or crushing of agricultural produce, or any other similar operation carried out for the purpose of agriculture, but does not include the transportation of persons or materials for the purpose of agriculture or the transportation of agriculture produce.

(3) The Government of Gujarat or any other Government, in respect of motor vehicle belonging to it, shall be exempted from payment of fees payable under chapter IV of the Act.

44A. Amount In Lieu Of Action For Certain Failures :- The amount payable by any person in lieu of action for failure to make an application under sub-section (1) or, as the case may be under sub-section (8) of section 41, or failure to make an application under sub-section (1) of section 47, or failure to intimate under sub-section (1) of section 49, or failure to report or apply under clause (a) or clause (b) of subsection (1), or as the case may be, under sub-section (2) of section 50 shall be one hundred rupees.

45. Form Of Communication :-

The registering authority shall communicate with another registering authority in Form R.COM. for the purpose of intimating -

- (a) the renewal of certificate of registration, under sub-section(10) of section 41; or
- (b) the transfer of the registration of the vehicle, under sub-section (2) of section 47; or
- (c) the change of address, under sub-section (6) of section 19; or
- (d) the transfer of ownership, under sub-section (7) of section 50; or
- (e) the alteration in a vehicle, under sub-section (5) of section 52; or
- (f) the suspension of registration, under sub-section (3) of section 53 or
- (g) the report of theft of the vehicle, under sub-section (6) of section 48 or
- (h) the entry of hire-purchase/lease/hypothecation or the termination of such entry under section 51, or
- (i) the issue of fresh certificate of registration, under sub-section (5) of section 51.

45A. Communication With The Financier :-

- (1) Where a motor vehicle is held under hire-purchase, lease or hypothecation agreement, the financier shall furnish his full name and address in the forms prescribed under the Act relating to such agreement.
- (2) The registering authority shall communicate with a financier in Form F.COM (Part-I) or in Form F.COM (Part-II) as the case may be, for the purpose of intimations required under chapter-IV of the Act or the rules made thereunder :

46. Facilities Which May Be Provided By The Registering Authority :-

- (1) Any person who is a owner, dealer or manufacturer requiring the service of an Inspector of Motor Vehicles for inspection of Motor Vehicles for the purpose of -
 - (i) fresh registration or renewal of registration under section 41, or
 - (ii) assignment of a new registration mark under section 47, or
 - (iii) recording the alteration in the vehicle under section 52, or
 - (iv) renewal of certificate of fitness at the place other than the office of the registering authority, may apply to the registering

authority for such services.

(2) The registering authority may depute an Inspector of Motor Vehicles at any place, time and date specified in the application or at any other place, time and date deemed proper by it if the number of motor vehicles to be so inspected exceeds twenty and the fee prescribed under rule 43 is paid:

Provided that the registering authority shall not depute an Inspector of Motor vehicles if the number of motor vehicles to be inspected is less than twenty unless the minimum fee for twenty vehicles for each such place inspection is paid.

47. Recording The Particulars Of Exemption :-

Where a registering authority registers a motor vehicle in respect of which an order or a notification, exempting such motor vehicle from any of the provisions of rules made under Chapter VII of the Act, has been issued, the registering authority shall record the particulars in brief, of such exemption in the certificate of registration and its records of registration.

48. Approval Of The Plate Bearing Registration Mark :-

The registration mark displayed on the motor vehicle by the registered owner shall be got approved by the registering authority within thirty days of the assignment of such registration mark.

Provided that no approval shall be granted unless the registration mark is displayed on both the sides of a transport vehicle in two lines in the dimensions prescribed by rule 51 of the Central Motor Vehicles Rule, 1989.

49. Particulars To Be Exhibited On Transport Vehicles :-

(1) The particulars to be exhibited on the left hand side of transport vehicle shall be-

(a) in the case of motor cabs and maxi cabs,-

- (i) the number of passenger permitted to be carried;
- (ii) the minimum fares chargeable, and
- (iii) the rate of fares.

(b) in the case of other transport vehicles-

- (i) the chassis number;
- (ii) the unladen weight denoted by U.W.;
- (iii) the gross vehicle weight denoted by G.V.W.;
- (iv) the registered front axle weight denoted by F.A.W.;
- (v) the registered rear axle weight denoted by R.A.W.;
- (vi) the registered axle weight of each intermediate axle, if any,

denoted by M.A.W.;

(vii) the number of passenger if permitted to be carried, denoted by Pass.;

(viii) the number size and ply rating of tyres on each axle denoted by Front, Rear and Middle.

(2) The name and address of the registered owner, shall be exhibited on both sides of every transport vehicles, as required by section 84.

(3) The letters and figures of the particulars to be exhibited under sub-rule (1) shall not be less than 20 millimetres in height.

50. Issue, Renewal And Cancellation Of Certificate Of Fitness :-

(1) Certificate of fitness may be issued or renewed by Inspector of Motor Vehicles or authorized testing station, subject to the general control and direction of the appropriate registering authority.

(2) An application for the issue or renewal of certificate of fitness shall be made in Form C.F.A. to the Inspector of Motor Vehicles or the authorized testing station, in whose jurisdiction the vehicle is normally kept, and shall be accompanied by the fees prescribed under the Central Motor Vehicles Rules, 1989.

(3) There shall not be more than one certificate of fitness in respect of any vehicle.

(4) The authority empowered to cancel the certificate of fitness under the provisions of sub-section (4) of section 56 shall be the Inspection of Motor Vehicles.

(5) The authority canceling a certificate of fitness shall give the owner or other person in charge of the vehicle, the reasons in writing, for such cancellation and shall make a report of his action and forward the certificate to the registering authority under whose direction and control he may be. After the authority has cancelled the certificate of fitness, such authority may, by endorsing in Form C.F.X. specify the time within which and the conditions subject to which the vehicle may be driven to a specified destination for the purposes of repair.

(6) Nothing in sub-rule (5) 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 a such a manner that all the requirement of the Act and the rules made thereunder are complied with. If such a vehicle is inspected and

passed within thirty days of the date of cancellation of the certificate of fitness but before the date of expiry specified in such certificate, the certificate shall be resorted to its original date of expiry. If, however, the vehicle is brought for inspection at any other time a fresh certificate of fitness will be required, in which case the fees prescribed by the Central Government for the issue of certificate of fitness shall be charged.

(7) While inspecting a motor vehicle for the purpose of issue or renewal of certificate of fitness, the Inspector of Motor Vehicle or the authorized testing station shall fill in Form M.V.INS. in duplicate and shall deliver the duplicate copy to the applicant, on completion of the inspection. The Inspector of Motor Vehicles or the authorized testing station, as the case may be, shall also obtain legible, pencil impression of chassis number of the vehicle so inspected, on the original copy.

51. Extension Of Validity Of Certificate Of Fitness :-

(1) If, owing to mechanical breakdown or other cause, a motor vehicle is, after the expiry of the certificate, outside the area in which the Inspector of Motor Vehicles by whom the certificate is to be renewed has jurisdiction, the Inspector of Motor Vehicles may, on an application made to him and, without prejudice to any penalty to which the owner or driver may have become liable, if the vehicle is in his opinion fit for use, by endorsement in Form C.F.Sub. and subject to such conditions as he may specify, extend the validity of certificate of fitness for its continued use for such time as may reasonably be necessary for the vehicle to return to the area of the authority by which the certificate should be renewed and the vehicle may be driven to such area in accordance with such endorsement but shall not be used after its return to that area until the certificate has been renewed.

(2) The fee for the grant of such extension under sub-rule (1) shall be as prescribed under rule 43.

(3) If a vehicle is damaged at any time so as to be unfit for ordinary use and may in the opinion of any Inspector of Motor Vehicles safely be driven at a reduced speed to a place of repair, and if the Inspector of Motor Vehicles is satisfied that it is necessary that the vehicle should be so driven, the Inspector of Motor Vehicles may by endorsement in Form C.F.X. specify the time within which, and the conditions subject to which the vehicle may be driven to a specified destination for the purposes of repair and

the limit of speed beyond which it shall not be driven.

52. Grant Of Temporary Registration :-

(1) An application for a certificate of temporary registration or extension of period of validity thereof shall be made in Form C.R.Tem.A. and shall be accompanied by-

- (a) original sale certificate in Form 21, alongwith its copy;
- (b) temporary registration certificate, if any;
- (c) appropriate fee as specified in rule 43.

(1A) The original sale certificate shall be endorsed with an inscription "Temporary registration mark..... assigned", by registering authority and shall be returned to the applicant after verification of its contents.

(1B) The period of extension of validity shall not be granted more than one month at any one time.

(2) A certificate of temporary registration shall be in Form C.R. Tem.

(3) The other authority for the purpose of section 43 in respect of motor vehicles manufactured by them, shall be, an officer of -

- (i) Gujarat tractors Corporation Ltd.;
- (ii) Gujarat Narmada Auto Ltd.;
- (iii) Hindustan Motors Ltd.;
- (iv) General Motors India Ltd.

Provided that the power conferred by this sub-rule shall not be exercised unless the name of the officer is approved by the Commissioner of Transport or Director of Transport as the case may be, in writing in this behalf and unless the vehicle is proceeding immediately for registration to a place outside the region.

(3A) The other authority for the purpose of section 43 shall be a dealer engaged in the sale of motor vehicles having dealership of manufacturers and having aggregate sale of vehicles not less than 1000 in a year and having been authorized by the Director of Transport / Commissioner of Transport in this behalf.

(4) (i) The temporary registration mark to be assigned by any registering authority specified in the first column of the Third Schedule to these rules, shall be as set forth in the corresponding entry in the second column thereof.

(ii) The temporary registration mark to be assigned by the other authority prescribed under sub-rule(3), shall be from among a block of registration marks allotted by the respective registering authority from among those assigned to it in the Third Schedule

aforesaid.

(5) The authority granting a certificate of temporary registration shall assign a temporary registration mark to the vehicle and the owner shall cause the said mark to be displayed to the front and rear of the vehicle in the prescribed manner.

(6) The records of the other authorities prescribed under sub-rule(3) which are maintained by them for the purpose of issue of certificate of temporary registration shall be open for inspection at all reasonable times, by any officer of the Motor Vehicles Department.

53. Alteration In A Motor Vehicle :-

(1) For the purpose of sub-section (1) of section 52, a notice of proposed alternation shall be in Form "B.T.I.", alongwith a fee prescribed under rule 43.

(2) For the purpose of sub-section (4) of section 52, a report of alteration shall be in Form "B.T.A." alongwith a fee prescribed in this behalf, under rule 81 of the Central Motor Vehicle Rules, 1989.

(3) The proviso to sub-section (2) of section 52 shall not apply in respect of a notice-

(i) to replace the chassis or body shall;

(ii) to replace, to change or to modify the engine;

(iii) to change the structure of the vehicle which may or may not result in change in its basic feature.

(4) No approval shall be granted :

(i) to replace a chassis or a body-shell of vehicle unless it is to be replace by a chassis or body-shell of the identical type and nature and proof of its origin to the satisfaction of the registering authority is accompanied with the notice.

(ii) to alter a motor vehicle which is held under a hire purchase agreement, unless the financier has given consent for the alteration in form "B.T.I.",

(iii) to reduce seating capacity by removing seats in an omnibus which is used as a public service vehicle, on the ground that the owner intends to carry so many passengers only, unless the seats are re-arranged equally and properly.

(5) Subject to the provisions of sub-section (2) of section 52 and subrule (3) and (4) of this rule, the registering authority may refuse to record -

(i) any alteration made without the necessary approval of the registering authority,

- (ii) any alteration made without the necessary consent of the financier;
 - (iii) any alteration made by way of modification of the engine as envisaged in second proviso to sub-section (1) of section 52 unless such modification complies with each condition prescribed for such modification and that the person who carried out such modification certifies to the effect that any part of any other mechanism of the vehicle has not been tempered with consequent upon such modification and that the use of the vehicle upon such modification is not calculated to render the driving of such vehicle a source of danger to persons and vehicle using the public place.
- (6) In order that the alteration made in the vehicle is verified and recorded the owner shall produce the vehicle before such Inspector of Motor Vehicles as may be specified by the registering authority alongwith-
- (i) the approval granted in Form "B.T.I.";
 - (ii) the proof or certificate, where necessary;
 - (iii) and other document which the Inspector of Motor Vehicles or the registering authority considers necessary.

54. Issue Of Duplicate Certificates :-

- (1) If a certificate of temporary registration is lost, destroyed, torn, defaced or mutilated, the owner of motor vehicle or the dealer, as the case may be, shall forthwith report the matter to the original registering authority and shall, apply for the issue of a duplicate certificate in Form C.D. alongwith a fee prescribed under rule 43.
- (2) If a certificate of fitness is lost, destroyed, torn, defaced or mutilated, the owner of motor vehicle shall forthwith report the matter to the registering authority in whose jurisdiction the certificate was issued or last renewed and shall, apply for the issue of a duplicate certificate in Form C.D. along with a fee prescribed under rule 43.
- (3) Upon receipt of such intimation the registering authority shall furnish the applicant with a duplicate copy of such certificate, duly stamped "Duplicate" in red ink, and the seal of the registering authority.
- (4) If at any time it appears to an Inspector of Motor Vehicles or to a registering authority that any of the certificates issued under Chapter IV of the Act is so torn, defaced or mutilated in any way as to cease to be reasonably legible, such Inspector of Motor Vehicles or the authority may, by order in writing, impound the certificate

and require the owner or the dealer, as the case may be, to obtain a duplicate certificate.

(5) Where a duplicate certificate under this rule, or a duplicate certificate of registration or trade certificate under the Central Motor Vehicle Rules, 1989, has been issued upon representation that a certificate has been lost, and the original certificate is afterwards found or received by the owner or the dealer, the owner or the dealer as the case may be, shall immediately return the duplicate certificate to the issuing authority.

55. Intimation Of Arrival Of A Motor Vehicle :-

Every owner of a motor vehicle not registered within the State, which is brought into or is for the time being in the State before the commencement of these rules, shall within seven days of such arrival or commencement of these rules, intimate to the registering authority in whose jurisdiction the vehicle is to be normally kept, in Form F.T. prescribed under the Bombay Motor Vehicles Tax Rules, 1959.

56. Power Of Registering Authority To Require Production Of Certificate Of Registration :-

The registering authority may, subject to the provisions of sub-section (5) of section 58, require an owner of a motor vehicle to produce the certificate of registration before it for the purpose of revision of entries therein of particulars relating to the gross vehicle weight, and the owner of such a motor vehicle shall produce the certificate of registration within seven days from the date on which such requisition was made.

57. Information Regarding Stolen And Recovered Vehicles :-

The Director general of Police or such other police officers as the State Government may specify in this behalf shall furnish monthly returns in the forms appended to this rule, containing the information regarding vehicles which have been stolen and stolen vehicle which have been recovered of which the police are aware, to the State Transport Authority, and shall send the copy of such returns to all the offices of the Motor Vehicles Department in the State, within period of three months.

FORM - I

xxx

FORM - II

xxx

58. Manner Of Appeals :-

(1) An appeal under rule 41, shall be preferred in duplicate, in the form of memorandum, setting forth concisely the grounds of objection to the order against which the appeal is preferred; and shall be accompanied by a certified copy of that order and a fee prescribed under rule 43.

(2) Any person preferring an appeal shall be entitled to obtain a copy of any document filed with the registering authority and connected with the order against which he is preferring the appeal, on payment of a fee prescribed under rule.43.

(3) The appellate authority may give any person interested in the appeal, a copy of any document connected with the appeal, on payment of a fee prescribed under rule 43.

59. Supply Of Copies Of Particulars Of Registration :-

A registering authority may in its discretion supply copies of particulars of registration of any motor vehicle registered in the records maintained by it, to any person who may apply for the same alongwith a fee prescribed under rule 43.

60. Exemption Of Road-Rollers, Graders, Etc :-

Deleted.

61. Maintenance Of State Register Of Motor Vehicles :-

(1) Ever registering authority shall furnish a monthly report in duplicate, containing particulars required by the form of State Register of Motor Vehicles prescribed by the Central Government, to the Commissioner of Transport or Director of Transport as the case may be, within ten days of the succeeding each moth.

(2) The Commissioner of Transport or Director of Transport as the case may be, shall forward a quarterly, compiled report in duplicate, of particular received from all the registering authorities, to the Additional Chief Secretary (Transport) / Secretary (Transport), Home Department within ten days of the succeeding month after the concerned quarter.

(3) The State Government may, fro, time to time, issue directions to the registering authorities or to the Commissioner of Transport or Director of Transport as the case may be, for the purpose of carrying into effect the provisions of section 63.

CHAPTER 5 CONTROL OF TRANSPORT VEHICLES

62. 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) The State Government may at any time remove any member from office.

(4) Subject to the provisions of sub-rule (3), a non-official member if any, 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.

(5) For the purpose of quorum at a meeting, presence of at least two members shall be necessary, out of which one member shall be the Chairman or the Presiding Officer appointed under sub-rule (6). If within half an hour from the time appointed for the meeting a quorum is not present, the meeting shall be adjourned to such day and at such time and place as the Chairman or the Presiding Officer may determine, and if at the adjourned meeting a quorum is not present, the members present shall constitute the quorum.

(6) The Chairman may, if necessary, nominate a panel of members, any one of whom may preside at the meeting in the absence of the Chairman (such person being referred to as the "Presiding Officer") in the order of preference determined by the Chairman, and the Chairman may vary such panel at any time.

(7) The Chairman or the Presiding Officer shall have a second or casting vote.

(8) The provisions contained in sub-rules (2) to (7) shall not apply in case the State Transport Authority is constituted in accordance with the provisions contained in second proviso to sub-section(2) of section 68.

63. 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 each month 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 the Regional Transport Authority shall attend at least six 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 Government may at any time remove from office any member for any other cause.
- (4) Subject to the provisions of sub-rule (3), a non-official member, if any, 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) For the purpose of quorum at a meeting, presence of at least two members shall be necessary, out of which member shall be the Chairman or the Presiding Officer appointed under sub-rule (6). If within half an hour from the time appointed for the meeting a quorum is not present the meeting shall be adjourned to such day and at such time and place as the Chairman or the Presiding Officer may determine.
- (6) The Chairman may, if necessary, nominate a panel of members, any one of whom may preside at the meeting in the absence of the Chairman (such person being referred to as the "Presiding Officer") in the order of preference determined by the Chairman, and the Chairman may vary such panel at any time.
- (7) The Chairman or the Presiding Officer shall have a second or casting vote.
- (8) The provisions contained in sub-rules (2) to (7) shall not apply in case the Regional Transport Authority is constituted in accordance with the provisions contained in second proviso to sub-section (2) of section 68.

64. Conduct Of Business Of Transport Authorities :-

- (1) Each Transport Authority shall have a Secretary and an Executive Officer who shall be appointed by the State Government and who shall perform such duties and exercise such powers as may be specified in these rules and in the bye-laws made by the Transport Authority under sub-rule (2).
- (2) Subject to the provisions of the Act and these rules, and to the

approval of the State Government, the State Government and a Regional Transport Authority shall have power to make byelaws to regulate the conduct of its business and shall likewise have power to amend or rescind such bye-laws; and the business of such Transport Authority shall be conducted according to such bye-laws under the direction of the Chairman.

(3) The State or a 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 (herein-after referred to as "circulation procedure").

(4) In the event of circulation procedure being followed, the Secretary shall send to each member of the Transport Authority such particulars of the matter as may be reasonably 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, at a regularly constituted meeting of the Transport Authority. No decision shall be made upon circulation procedure being followed if, before the date by which the votes of members are required to reach the office of 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.

(5) The number of votes, excluding the Chairmans second or casting vote, necessary for a decision to be taken upon circulation procedure being followed shall not be less than the number necessary to constitute a quorum.

(6) The State Transport Authority or a Regional Transport Authority, as the case may be, may require any applicant for a permit to appear before it and may withhold consideration of the application for the permit until the applicant has so appeared in person if so required, and until the applicant has furnished such information as may be required by the Transport Authority in connection with the application.

(7) Nothing contained in this rule shall prevent the State Transport

Authority or a Regional Transport Authority from deciding, by following the circulation procedure, any matter which has been considered at a meeting or has been the subject of a hearing and upon which a decision has been reserved.

(8) Where a matter is decided by the votes of members present at meeting of the State Transport Authority 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 is decided by the exercise of the second or casting vote of the Chairman or the Presiding Officer, the fact shall be recorded.

65. Delegation Of Powers By State Transport Authority :-

(1) The State Transport authority may by general or special resolution recorded in its proceedings and subject to the restrictions, limitations and conditions herein specified, delegate to the Commissioner of Transport or Director of Transport as the case may be, or Joint Director of Transport or Deputy Director of Transport, all or any of its following powers, namely:-

(i) power to grant with or without modifications or refuse to grant, a permit in respect of a tourist vehicle under subsection(9) of section 88 and the power to attach conditions under sub-section (11) of section 88 or vary the conditions so attached;

(ii) power to countersign or replace to countersign permits granted in any other State under section 88 and the power to attach conditions or vary the conditions so attached;

(iii) power to renew or reject the application for renewal of any of the permit mentioned in clause (i), or the countersignature mentioned in clause (ii), of this sub-rule;

(iv) power to suspend a permit or a countersignature under section 86 or to recover from the holder thereof a sum of money agreed upon in accordance with sub-section(5) or sub-section(7) of the said section subject to the provisions of sub-section(4) of the said section;

(v) power to permit the replacement of one vehicle by any other vehicle of the same nature, under section 83;

(vi) power under section 214 to direct a stay of the order passed by the original authority against which an appeal has been preferred or application for revision has been made;

(vii) power to grant or refuse to grant a temporary permit under

section 87 or special permit under sub-section(8) of section 88, and the power to attach conditions or vary the conditions so attached to any such permit;

(viii) power to decide any appeal preferred under rule 107;

(ix) power to record change of address under rule 82 : Provided that the Commissioner of Transport or Director of Transport as the case may be, or Joint Director of Transport or Deputy Director of Transport as the case may be, shall :-

(a) keep informed the State Transport Authority from time to time, of the action taken by him in pursuance of the powers delegated to him; and

(b) arrange to paste on a notice board on the premises of his office, a copy of every resolution of that Transport Authority delegating its powers.

(2) Notwithstanding anything contained in this rule, the State Transport Authority may, from time to time issue instructions to the Commissioner of Transport or Director of Transport as the case may be, Joint Director of Transport or Deputy Director of Transport as to the manner in which the powers so delegated shall be exercised.

66. Delegation Of Powers By Regional Transport Authority

:-

(1) A Regional Transport authority may by general or special resolution recorded in its proceedings and subject to the restrictions, limitations and conditions herein specified, delegate to the Regional Transport Officer or Assistant Regional Transport Officer, all or any of its following powers, namely :-

(i) power to grant or refuse to grant a temporary permit under sub-section (1) of section 87 or sub-section (7) of section 88 or a special permit under sub-section (8) of section 88, and the power to attach conditions or vary the conditions so attached to any such permit;

(ii) power to grant with or without modifications or refuse to grant, a stage carriage permit, a contract carriage permit, a private service vehicle permit, a goods carriage permit or a national permit under the Act, and the power to attach conditions or vary the conditions so attached to any such permit;

(iii) power to countersign or refuse to countersign a stage carriage permit, a contract carriage permit or a private service vehicle permit, granted in any other region in the State, and the power to attach conditions or vary the conditions so attached to any such

countersignature;

(iv) power to renew or reject the application for renewal of, any of the permit mentioned in clause (ii) or any of the countersignature mentioned in clause (iii), of this sub-rule;

(v) power to permit the replacement of one vehicle by any other vehicle of the same nature, under section 83;

(vi) power to suspend a permit or a countersignature, under section 86, or to recover from the holder thereof the sum of money agreed upon in accordance with sub-section(5) or sub-section(7) of the said section, subject to the provisions of sub-section(4) of the said section;

(vii) power to grant or renew, or refuse to grant or renew, licences of the agents under section 93, and the power to attach conditions or vary conditions so attached to any such licence;

(viii) power to forfeit the security and the power to suspend or revoke any such licence granted under section 93;

(ix) power to record change of address under rule 82: Provided that the Regional Transport Officer or, as the case may be, Assistant 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 to him; and

(ii) arrange to paste on a notice board on the premises of his office, a copy of every resolution of that Transport Authority delegating its power.

(2) Notwithstanding anything contained in this rule, a Regional Transport Authority may from time to time, issue instructions to the Regional Transport Officer or Assistant Regional Transport Officer as to the manner in which the powers so delegated, shall be exercised.

67. Application Of Sub-Section (1) Of Section 66 :-

Deleted.

68. Exemption From Sub-Section (1) Of Section 66 :-

The provisions of sub-section (1) of section 66 shall not apply to:-

(i) any transport vehicle used as relief vehicle for carrying passengers and their luggage from a disabled stage carriage to the place of destination;

(ii) any transport vehicle owned by a religious or charitable institution registered under the Bombay Public Trusts Act, 1950 (BOM XXIX of 1950) and used for the purposes of such institution;

(iii) any transport vehicle specified by the State Government in the

notification in the Official Gazette, to be used for any public purpose.

69. Disposal Of Applications Under Chapter V Of The Act :-

(1) When any application made under Chapter V of the Act to the Transport Authority is received by the Secretary of the Transport Authority, he shall examine whether the powers to deal therewith have been delegated to any authority or person and shall forward the application to such authority or person, if the powers have been so delegated by the concerned Transport Authority.

(2) In case where the application is required to be considered by the State Transport Authority or the Regional Transport Authority, the concerned Secretary, or such authority or person referred to in preceding sub-rule, shall scrutinize the application and call for such further particulars and make such other enquiry as may be considered necessary, and shall, subject to the general directions of the concerned Transport Authority, decide whether the application be disposed of by the circulation procedure or at a meeting of the Transport Authority.

(3) Normally, the application referred to in sub-rule (1) or sub-rule (2) shall be disposed of within one month of receipt thereof.

70. Forms To Be Used For The Purpose Of Chapter V Of The Act :-

(1) Every application for a permit shall be-

- (i) in respect of a stage carriage..... in Form P.St.S.A.
- (ii) in respect of a stage carriage to be used as contract carriage also..... in Form P.Co.S.A.,
- (iii) in respect of contract carriage..... in Form P.Co.P.A.,
- (iv) in respect of private service vehicle... in Form P.Pr.S.A.,
- (v) in respect of goods carriage..... in Form P.Pu.C.A.,
- (vi) in respect of temporary permit in Form P. Tem.A.,
- (vii) in respect of special permit in Form P.Co.Sp.A.,
- (viii) in respect of a countersignature of a permitin Form P.C.S.A.,

(2) Every application for a licence shall be-

- (i) in respect of an agent engaged in the sale of tickets for travel by public service vehicles in Form L.Ag.A.,
- (ii) in respect of an agent engaged in the business of collecting, forwarding or distributing goods carried by goods carriages in Form L.Ag.G.C.A. for principal or supplementary licence.

(3) Every application for a renewal shall be-

- (i) in respect of any permit or any countersignature of permit in Form P.C.S.R.,
- (ii) in respect of an agents licence granted with regards to public service vehicles - in Form L.Ag.R.,
- (iii) in respect of an agents licence granted with regards to goods carriages- in Form L.Ag.G.C.R. for principal or supplementary licence.

(4) Every application for a duplicate copy shall be-

- (i) in respect of any permit or any countersignature of a permit - in Form P.C.S.D.,
- (ii) in respect of any agents licence - in Form L.Ag.D.

(5) Every application shall be-

- (i) in respect of replacement of a motor vehicle on permit or countersignature of a permit - in Form M.V.Rep.A.,
- (ii) in respect of transfer of permit or countersignature of a permit - in Form Tr.P.A.,
- (iii) in respect of change of address of the holder of permit or countersignature of a permit - in Form C.Ad.A.

(6) Every application shall be accompanied by a fee prescribed under rule 71.

(7) Every permit shall be-

- (i) in respect of a stage carriage - in Form P.St.S.,
- (ii) in respect of a stage carriage to be used as contract carriage also - in Form P.Co.S.,
- (iii) in respect of a contract carriage - in Form P.Co.P.,
- (iv) in respect of a private service vehicle - in Form P.Pr.S.,
- (v) in respect of a goods carriage - in Form P.Pu.C.,
- (vi) in respect of a tourist vehicle - in Form P.Tr.V.,
- (vii) in respect of a temporary permit - in Form P.Tem.,
- (viii) in respect of a special permit - in Form P.Co.Sp.,
- (ix) in respect of a countersignature of a permit - in Form P.C.S.,
- (x) in respect of a national permit - in Form N.P.Pu.C.

(8) Every licence shall be-

- (i) in respect of an agents licence granted with regards to public service vehicles - in Form L.Ag.,
- (ii) in respect of an agents licence, principal or supplementary, granted with regards to goods carriages - in Form L.Ag.G.C.

(9) Communication between the Transport Authorities under rule 73 shall be in Form T.A. COM.

(10) Every permit or licence issued or countersigned in accordance with Chapter V of the Act shall be sealed and signed by the

Transport Authority or by the officer to whom the powers under rule 65 or as the case may be, under rule 66, have been delegated.

71. Fee Payable Under Chapter V Of The Act :-

The fee to be paid alongwith the application under Chapter V of the Act, shall be :-

- (i) in respect of an appeal or a revision under Chapter V of the Act and the rules made and thereunder, one hundred rupees;
- (ii) in respect of each copy of any document connected with an appeal or a revision, thirty rupee;
- (iii) in respect of a temporary permit or a special permit, one hundred rupees for each calendar month or part thereof;
- (iv) in respect of any other permit for each motor vehicle, three hundred fifty rupees;
- (v) in respect of a countersignature of any permit, the fee payable for the grant of such permit;
- (vi) in respect of variation of conditions of any permit, the fee payable for the grant of such permit;
- (vii) in respect of an agents licence with regards to public service vehicles, five hundred rupees;
- (viii) in respect of an agents licence, principal or supplementary licence, with regards to goods carriages, one thousand rupees;
- (ix) in respect of a renewal of any permit or countersignature of any permit, two hundred rupees;
- (x) in respect of a renewal of an agents licence with regards to public service vehicles, three hundred fifty rupees;
- (xi) in respect of a renewal of an agents licence, principal or supplementary, with regards to goods carriages five hundred rupees;
- (xii) in respect of a duplicate copy of temporary or special permit, one hundred twenty five rupees;
- (xiii) in respect of a duplicate copy of any other permit or countersignature, one hundred fifty rupees;
- (xiv) in respect of a duplicate copy of any agents licence, three hundred rupees;
- (xv) in respect of replacement of motor vehicle on permit or countersignature of a permit, one hundred rupees;
- (xvi) in respect of transfer of any permit or countersignature of a permit, three hundred rupees;
- (xvii) in respect of recording change of address of the holder of permit or countersignature of a permit, one hundred rupees;
- (xviii) in respect of an application for approval of taxi meter, five

hundred rupees;

(xix) in respect of temporary permit of goods carriages of other States entering through border check-post, one hundred rupees for each return trip.

72. Exemption From Payment Of Fees :-

The State Government may, if it is of opinion that it is in the public interest so to do, by general or special order exempt, any person or class of persons from payment of all or any portion of the fees payable under Chapter V of the Act.

73. Communication Between The Transport Authorities :-

(1) Whenever-

(i) the original Transport Authority grants or renews a permit to be operative in any other region or regions within the State by extending its validity under rule 78, it shall intimate the fact of such grant or renewal to the Transport Authority of such other region or regions;

(ii) the transport Authority which grants or renews a countersignature, of a permit issued by another Transport Authority, such authority shall intimate the fact of such grant or renewal to the original Transport Authority;

(iii) the original Transport Authority replaces a motor vehicle by another vehicle, on the permit bearing the countersignature of any other authority, it shall intimate the fact of such replacement to the Transport Authority by which the permit was countersigned;

(iv) the original Transport Authority transfers a permit bearing the countersignature of any other authority, it shall intimate the fact of such transfer to the Transport Authority by which the permits was countersigned;

(v) the original Transport Authority varies the conditions of a permit operative in any other region or State by virtue of a countersignature or otherwise, it shall intimate the fact of such variation to the other Transport Authority in whose area the permit is so valid;

(vi) the Transport Authority varies the conditions of a countersignature of the permit, it shall intimate the fact of such variation to the original Transport Authority;

(vii) the Transport Authority suspends or cancels a permit or countersignature of the permit, it shall intimate the fact of such suspension or cancellation to the other Transport Authority in whose area the permit or the countersignature is so valid.

(2) The intimations under sub-rule (1) shall be in the form prescribed under rule 70.

74. Refusal Of An Application For Private Service Vehicle Permit :-

Subject to the provisions of sub-section (2) of section 80, the Regional Transport Authority may, in its discretion refuse an application for a private service vehicle permit, if it is satisfied that -

- (i) such application is made on behalf of a union or an association, which has been formed by individual persons carrying on trade or business for the specific purpose of providing a collective transport, without having any other joint liability in their individual trade or business, if fees or expenses are recovered in some form or other to meet the operating expenses of the vehicle; or
- (ii) the applicant is the holder of private service vehicle permit, which has been suspended or cancelled.

75. Entry Of Registration Mark On Permit :-

(1) No permit shall be issued until the registration mark and other particulars of the vehicle to which it relates has been entered therein.

(2) The applicant shall, within one month of the sanction of the application for a permit or such longer period as the Transport Authority may specify, produce before that authority the certificate of registration of the vehicle registered in his name and in the event of the applicant failing to produce the certificate of registration within the specified period the Transport Authority may withdraw its sanction of the application for the permit.

76. Additional Conditions In Respect Of Certain Permits :-

(1) A permit in respect of a stage carriage shall be subject to the following conditions, namely:-

(a) that its holder shall not use a stage carriage in a public place for carrying or intending to carry passengers unless it carries a conductor :

Provided that the State Government may by an order in the official Gazette except any stage carriage from the operation of clause (a) on such route and subject to such conditions as may be specified in the order;

(b) that there shall be exhibited on the vehicle adequate particulars

indicating to the public the place to which and the route by which the vehicle is proceeding;

(c) that the service of stage carriage shall be regularly operated on the specified route in accordance with the approved timetable;

(d) that a copy of rule 115 in English & Gujarati language shall be carried in a prominent place in every stage carriage operated by him.

(2) A permit in respect of a tourist vehicle shall be subject to the following conditions in addition to those prescribed by Central Government under clause (iii) of sub-section (11) of section 88 -

(a) that no goods shall be carried in the vehicle in addition to or to the exclusion of passengers;

(b) that the attendant of the tourist vehicle shall wear the same uniform as may have been specified for the driver of such vehicle.

(3) A permit in respect of a contract carriage may be subject to one or more of the following conditions :-

(a) that the vehicle shall not be driven in a public place except by the permit holder or a driver authorized by him in writing and approved by the Regional Transport Officer or Assistant Regional Transport Officer as the case may be, which writing and approval shall be carried by such driver when driving and shall, on demand by any police officer or Officer of the Motor Vehicles Department of and above the rank of an Assistant Inspector of Motor Vehicles in uniform, produce such authorization for examination;

(b) that the number of persons or the weight in kilograms to be carried in the vehicle shall not exceed the number or weight which may be specified in the permit;

(c) that no advertising device, figure or writing shall be exhibited on the vehicle;

(d) that the holder of the permit shall maintain a register showing the list of passengers traveling in the vehicle in each and every trip performed by the said vehicle in the form appended to this sub-rule, and shall also cause a copy of the said list of passengers to be carried in the vehicle when the vehicle is being used in a public place, and the driver, attendant or the representative of the holder of the permit shall, on demand by the checking officer, produce such list for examination:

provided that the provisions of this sub-rule shall not be applicable to the motor cabs and maxi cabs : Provided further that the State Government may, by an order in the official Gazette, exempt permit holders of specified class from the operation of this sub-rule subject to such conditions as may be specified in the order.

FORM

M.V. No.:

Period of engagement: From Date: Time:

To Date: Time:

Route List of passengers Sr. No. Full name of the passenger Full address of the passenger Age

(e) that the contract carriage shall not be parked on or near any bus stand used by stage carriage and declared as "No Parking Zone" under any law for the time being in force, and shall not operate from vicinity of such bus stand;

(f) that the permit holder shall not operate the contract carriage as stage carriage.

(4) A permit in respect of public service vehicle shall be subject to the condition that its holder makes provision on such vehicle for the conveyance of a reasonable quantity of passengers luggage with efficient means for securing it and protecting it against rain.

(5) A national permit granted under sub-section(12) of section 88 shall be subject to the following conditions, namely :-

(a) that such vehicle shall operate on all categories of roads in India except in the North-Eastern Region where their operation shall be only on National and State Highways with permission to deviate from National and State Highways in the North-Eastern Region for a maximum distance of 60 Kilometres;

(b) that such vehicle shall operator on the roads mentioned in clause (a) subject to such local restrictions regarding maximum load to be carried etc, as may be laid down from time to time.

(6) A permit in respect of a transport vehicle shall be subject to the following conditions, namely :-

(a) that the vehicle shall not be used for carriage of any article, the transportation of which is prohibited by or under any law for the time being in force in the State of Gujarat;

(b) the holder of the permit shall cause the permit to be carried in a glazed frame or other suitable container carried in the vehicle in such a way as to maintain it in a clean and legible condition and readily available for inspection at any time by any person duly authorized in that behalf;

(c) that the holder of the permit shall maintain the vehicle in a clean and sanitary condition;

(d) that the holder of the permit shall comply with all requirement of the Act and the rules made thereunder.

77. Variation Of Conditions Of Permit :-

(1) The permit holder may apply in writing to the Transport Authority to vary of the conditions of the permit, alongwith a fee prescribed under rule 71 and the Transport Authority may in its discretion vary such conditions.

(2) A Regional Transport Authority may vary any of the conditions of the permit or attach to the permit further conditions, without affording the holder of the permit an opportunity of being heard, if such variation or addition of condition f permit is 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 of the State Transport Authority, and such ruling has not been modified upon appeal, and the Regional Transport Authority may attach any other condition which may be prescribed.

(3) Where the Transport Authority has given a notice of one month, to vary the conditions of the permit or to attach to the permit further conditions, in the Official Gazette, then after the expiry of such period from the date of publication of such notice in the Official Gazette, such conditions shall be deemed to have been attached to the permit and such permit holders shall produce their permits before the Transport Authority by which the permit is issued for incorporation of such variations or additions of conditions, in the existing permit.

78. Extension Of Area Of Validity Of Permits :-

(1) Subject to the provisions of section 88 and of this rule, a Regional Transport Authority which issues a permit (hereinafter referred to as the "Original Transport Authority") may extend the area of validity of a permit other than a stage carriage permit and a goods carriage permit, for any area in any other contiguous region or regions within the State in accordance with any general or special resolution passed and recorded by the Transport Authority of each of the other regions concerned and the original Transport Authority may, upon such extension, attach conditions to the permit with effect to such region or regions and may like-wise attach different conditions in respect of different regions.

(2) The vehicle, in respect of which the area of validity of permit is so extended, shall normally be kept within the area of the original Transport Authority.

(3) The original transport authority which issues a permit to be operative in any other region or regions shall intimate the fact of issue and also send a copy of the permit, to the Transport Authority of such region or regions.

(4) The original Transport Authority shall not extend the area of validity of contract carriage permit other than the contract carriage permit in respect of motor cabs and maxi cabs, unless it attaches condition to the permit to the effect that, if the vehicle visiting other region or regions is discharged or released, from the contract by the passengers in such other region, it shall not be offered for hire or reward on its return journey, for picking up any passenger traffic from any place within such other region or regions for the purpose of visiting any place in the State.

(5) An application for a special permit shall be made not less than three days before the date on which it is desired that the permit shall take effect :

Provided that the Transport Authority may, having regard to the circumstances of the case, entertain such application made to it at any time.

(6) Having regard to the circumstances of the case, the Transport Authority of the region in which the vehicle alongwith its party of passengers happens to be at the time, may for the purpose of extension of the journey, extend the validity of special permit with respect to its expiry or the route or the area, provided the necessary taxes and the fee provided for the grant of such permit is paid.

(7) Where the State has entered into reciprocal arrangements with any other State, the Regional Transport Authority shall not grant any special permit valid in any part of that other State except in conformity with the terms of their reciprocal arrangements.

(8) A special permit granted by a Regional Transport Authority of another State in accordance with sub-section (8) of section 88 shall unless the reciprocal arrangement between the two States provides otherwise, be valid without countersignature subject to the following conditions, namely :-

(i) the tax payable to the State according to the Bombay Motor Vehicle Tax Act, 1958 is paid in advance.

(ii) at least three days advance intimation of the intention to enter the State is given to the Secretary of the Regional Transport Authority within whose jurisdiction the vehicle is proposed to enter the State.

(iii) the period of validity of the special permit in the State shall not

exceed a period of one month.

(9) A permit in respect of a tourist vehicle granted by the State Transport Authority of any other State in accordance with subsection (9) to (11) of section 88 shall be valid in this State, if the tourist vehicle covered under the said permit is chartered by the tourists in the Home State for visiting this State : Provided that if such tourist vehicle visiting this State is discharged / released in this State by the said tourists, it shall not be offered for hire or reward on its return journey for picking up any passenger traffic including tourist traffic from any place within this State for the purpose of visiting any other place either in this State or in any other State.

79. Renewal Of Permits Or Countersignature :-

(1) An application for renewal of a permit or a countersignature of a permit shall be made in the form prescribed under rule 70, to the Transport Authority by which the permit or countersignature of a permit was issued and shall be accompanied by the permit or the countersignature, as the case may be, and the fee prescribed under rule 71.

(2) Subject to the provisions of sub-section (9) of section 51 and subsection (4) of section 81, the Transport Authority may renew the permit or the countersignature, as the case may be.

(3) The original Transport Authority which renews a permit may, unless any Transport Authority by which the permit has been countersigned has, by general or special resolution otherwise directed, like-wise renew the countersignature of the permit, and shall intimate the fact of renewal of permit and its countersignature to the Transport Authority by which the permit was originally countersigned.

(4) Unless the countersignature is renewed under this rule, it shall be of no effect beyond the date of expiry stated therein.

(5) The original Transport Authority which renews a permit to be operative in any other region or regions in accordance with the provisions of rule 78, shall intimate the fact of renewal of permit to the Transport Authority of that region or regions.

(6) The original Transport Authority which renews a permit to be operative in any other region or State by way of countersignature on it, shall intimate the fact of renewal of permit, to the Transport Authority by which the permit has been countersigned.

(7) The Transport Authority which renews a countersignature of a

permit under sub-rule (2), shall intimate the fact of renewal of countersignature to the Transport Authority by which the permit was issued.

80. Replacement Of A Vehicle Covered By Permit :-

(1) If the holder of a permit desires at any time to replace the vehicle with another, he shall apply to the Transport Authority by which the permit is issued, in the form prescribed under rule 70, accompanied by a fee prescribed under rule 71, and shall-

(i) if the new vehicle is in his possession, forward the certificate of registration thereof, and the permit;

(ii) if the new vehicle is not in his possession, state any material particulars and the nature of the proposed new vehicle;

(iii) if the vehicle covered by the permit is held under a hirepurchase, lease or hypothecation agreement, forward a noobjection certificate referred in sub-section (6) of section 51, obtained from the financier.

(2) Upon receipt of and application under sub-rule (1), the Transport Authority may in its discretion reject the application:-

(i) if it has prior to the application, given reasonable notice of its intention to reduce the number of transport vehicles of that class generally or in respect of the route or area to which the permit applies; or

(ii) if the new vehicle proposed differs in material particulars and in its nature, from the old vehicle; or

(iii) if the holder of the permit has contravened the conditions of the permit.

(3) If the Transport Authority grants permission for the replacement of a vehicle under this rule, it shall call upon the holder of the permit to produce the permit and the certificate of registration of the new vehicle, if not previously delivered to it, and shall correct the permit accordingly and return it to the holder.

(4) The original Transport Authority which replaces a motor vehicle on a permit may, unless any Transport Authority by which the permit has been countersigned has, by general or special resolution otherwise directed, like-wise endorse the replacement on the countersignature of the permit, and shall intimate the fact of replacement, to the Transport Authority by which the permit was countersigned.

(5) The original Transport Authority which replaces a motor vehicle on a permit operative in any other region or regions in accordance

with the provisions of rule 78, shall intimate the fact of replacement, to the Transport Authority by which the permit has been countersigned.

(6) The original Transport Authority which replaces a motor vehicle on a permit operative in any other region or State by way of a countersignature on it, shall intimate the fact of replacement to the Transport Authority by which the permit has been countersigned.

81. Alteration In A Vehicle Covered By Permit :-

(1) Further to the provisions of section 52, the owner shall, at the same time as the report required by that section is made to the registering authority, forward a copy thereof to the Transport Authority by which the permit relating to the vehicle was granted.

(2) Upon receipt of a report under sub-rule (1), the Transport Authority by which the permit was granted 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 requirements, suspend or cancel the permit.

82. Change Of Address Of Permit Holder :-

(1) If the holder of a permit or a countersignature ceases to reside or have his principal place of business at the address recorded in it, he shall, within fourteen days of any such change of address, intimate in the form prescribed under rule 70, accompanied by such documents as may be specified by the Transport Authority alongwith a fee prescribed under rule 71, his new address to the Transport Authority by which the permit or countersignature was granted.

(2) On receipt of intimation under sub-rule (1), the Transport Authority may, after making such verification as it may think fit, cause the new address to be entered in the permit or countersignature as the case may be, and shall intimate the new address to the Transport Authority which granted the permit or the countersignature as the case may be, in Form T.A. COM.

(3) Noting in sub-rule (1) shall apply where the change of address recorded in the permit is due to a temporary change not intended to exceed three month in duration.

83. Procedure On Cancellation, Suspension Or Expiry Of Permit :-

(1) The holder of a permit may at any time surrender the permit to the original Transport Authority and the authority shall, forthwith cancel any permit so surrendered.

(2) Where a Transport Authority suspends or cancels any permit granted by it, such authority shall intimate the fact of such suspension or cancellation to any Transport Authority by which the permit has been countersigned and to any Transport Authority in the region of which, the validity of such permit has been extended under rule 78.

(3) Where a Transport Authority suspends or cancels any countersignature of a permit, such authority shall intimate the fact of such suspension or cancellation, to the Transport Authority by which the permit was granted.

(4) Upon cancellation of any permit or a countersignature of a permit, the holder shall surrender the permit or countersignature, as the case may be, immediately the cancellation takes effect; and upon suspension, shall also surrender :-

(i) the certificate of registration of the vehicle.

(ii) the plates bearing the registration mark of such vehicle.

(5) Within 3 days in case of stage carriage permit and 7 days in any other case, of the expiry of the permit by efflux of time, the holder shall deliver the permit to the Transport Authority by which it was granted, and, the authority receiving any such permit shall intimate the fact to the Transport Authority or authorities by which it was countersigned and to any Transport Authority in the region of which the validity of such permit has been extended under rule 78.

(6) The holder of the permit shall within fifteen days of the receipt of order of suspension or cancellation of permit, intimate :-

(i) to the Transport Authority suspending or canceling the permit, or the countersignature thereof and,

(ii) to the Transport Authority in the region of which the validity of such permit has been extended under rule 78, the place where the vehicle in respect of which the order is passed will be kept, during the period of suspension or upon the cancellation of permit. Such holder shall not remove the vehicle from the place so intimated without the prior permission of the Regional Transport Authority in whose region the vehicle is so kept.

84. Transfer Of Permit :-

(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 the form prescribed under rule 70, to the Transport Authority which the permit was granted, setting forth the reasons for the proposed transfer, and shall be accompanied by a fee prescribed under rule 71.

(2) The Transport Authority may summon both the parties to the application to appear before it and may, if it deems fit, deal with the application as if it were an application for a permit, and 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 of 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) of any material particular in the application, was false.

(4) If the Transport Authority is satisfied that the transfer may properly be made, it shall call upon the holder of the permit in writing to surrender the permit within seven days of the receipt of the order.

(5) Upon receipt of the permit, the Transport Authority shall make necessary corrections therein and shall if permit bears any countersignature, 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 the effect from the date of transfer.

(6) Unless the permit has been endorsed as provided in sub-rule (5), the countersignature shall be of no effect beyond the date of transfer.

(7) Where the holder of the permit dies, the person succeeding to the possession of the vehicle covered by the permit shall make an application for transfer of permit in the form prescribed under rule 70, to the Transport Authority by which the permit was granted, alongwith the permit, the certificate in respect of deceased permit

holder, and shall be accompanied by a fee prescribed under rule 71.

85. Production Of Permit :-

The permit shall always be kept with the vehicle and the driver or other person in charge of a vehicle shall produce the permit, on demand by any officer of the Motor Vehicles Department of and above the rank of an Assistant Inspector of Motor Vehicle or any Police Officer not below the rank of Sub-Inspector of Police.

86. Provision Of Taxi Meter On Motor Cabs :-

Deleted.

87. Compulsory Fitment Of Taxi Meter :-

Deleted.

88. Prohibition Of Use Of Motor Cab With Defective Meter :-

Deleted.

89. Unauthorized Interference With Meter :-

Deleted.

90. Approval Of Meters :-

Deleted.

91. Constructional Requirement Of Meters :-

Deleted.

92. Rough Test Of Meter Before Its Fitment On Motor Tab :-

Deleted.

93. Fees, That May Be Charged By The Testing Institute :-

Deleted.

94. Location Of Meter On Motor Cab :-

Deleted.

95. Sealing Of Meter After Road Test :-

Deleted.

96. Meter Repairers :-

Deleted.

97. Revocation Of Approval Of Meter :-

Deleted.

98. Licensing Of Agents Engaged In Sale Of Tickets :-

- (1) No owner shall employ any person to act as an agent for sale of tickets for travel by public service vehicles unless that person holds a valid agents licence.
- (2) No person under the age of 20 years shall hold an agents licence.
- (3) No person shall hold more than one agents licence effective in the same region.
- (4) 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 to act as the agent who has been engaged in the sale of tickets to passengers for travel by such vehicle.
- (5) Application for an agents licence shall be made to the Regional Transport Authority of the region wherein the applicant intends to carry on the business, in the form prescribed under rule 70, and shall be accompanied by three clear copies of a recent photograph of the applicant and by a fee prescribed under rule 71.
- (6) Application for the renewal of an agents licence shall be made to the Regional Transport Authority by which the agents licence was issued, in the form prescribed under rule 70, and shall be accompanied by a fee prescribed under rule 71.
- (7) An agents licence shall be valid for a period of 3 years from the date of issue or renewal and shall be effective only in the region where in it is issued or renewed.
- (8) The Regional Transport Authority may, for reasons to be recorded in writing, refuse to issue or renew an agents licence or grant licence on such conditions as the Regional Transport Authority may consider fit to impose.
- (9) The Regional Transport Authority shall, while granting or renewing a licence or at any time during the validity of a licence, by order, require the licensee to furnish a security in cash, of one 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 one thousand rupees.
- (10) (i) The Regional Transport Authority may, for reasons to be recorded in writing, suspend or cancel an agents licence.
(ii) On an agents licence being suspended, cancelled or not renewed, it shall be surrendered forthwith to the Regional Transport Authority which issued the licence. The Regional Transport Authority may order the forfeiture, in whole or in part, of the security furnished by the licensee, for contravention of any provision of this rule or for breach of any of the conditions attached

to his licence.

(11) Provided that no such forfeiture shall be ordered, unless the licensee is given an opportunity of being heard.

(12) In the event of the forfeiture of the security, in whole or in part, the licence shall cease to be valid if the licensee fails to make payment or bring the security already furnished by him to its original value within thirty days of the receipt of the order of forfeiture.

(13) The agent shall, on demand by any police officer in uniform not below rank of a Sub-Inspector of Police or an Inspector or Assistant Inspector of Motor Vehicles in uniform produce his agents licence for inspection.

Explanation: For the purpose of section 93 and of this 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.

99. Licensing Of Agents Engaged In Collecting, Forwarding Or Distributing Goods :-

For the purposes of rule 100, 101, 102, 104 105 and 106, unless the context otherwise requires;

(a) "agent" means any person who engages in the business of collecting, forwarding or distributing goods carried by road by goods carriages plying for hire.

(b) "agents licence" means a licence granted to an agent under subrule (3) or rule 100 for the principal establishment and includes a supplementary licence granted to such agent for any additional establishment such as, branch offices specified in such supplementary licence.

(c) "licensing Authority" means a 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.

100. Grant Of Agents Licence :-

(1) Any person desiring to obtain an agents licence shall make an application to the licensing authority in the form prescribed under rule 70 accompanied by a fee prescribed under rule 71.

(2) In considering the application made under this rule, the licensing authority shall have due regard, among other things to-

(a) the number of goods carriages if any, either owned by the applicant or under its control;

- (b) the suitability of accommodation in the charge of the applicant for the storage of goods at every operating place;
- (c) the facilities provided by the applicant for parking the goods carriages while loading or unloading without hindrance to the general traffic in the area and;
- (d) the financial resources of the applicant and his experience in the trade:

Provided that the licensing authority may vary the said requirements in respect of an establishment or branch office, to be established within any municipal or cantonment area.

(3) The licensing authority shall either grant or renew the licence including a supplementary licence for branch office if any, in the form prescribed under rule 70, 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 the licence or a supplementary licence for a branch office unless the applicant is given an opportunity of being heard and the reasons for refusal are recorded and communicated to him in writing.

(4) The licensing authority shall, while granting or renewing a licence including any supplementary licence or at any time during the validity of a licence, by order require a licensee to furnish a security in cash of five thousand rupees, and when the licensee has furnished earlier any security in pursuance of an order passed under this sub-rule, an additional security not exceeding five thousand rupees.

(5) 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 or unloading or receipt or delivery of consignments is carried on shall be mentioned, and the supplementary part (hereinafter referred to as the "supplementary licence"). The details of the establishments or branch offices (such as municipal house no., the nearest road, by-lane, the postal delivery district, and other land marks in the vicinity, to enable identification of the place of business duly attested by the licensing authority) shall be attached to the licence.

(6) The principal licence shall be kept and displayed prominently 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 thereof. Such licence shall be produced before any officer of the Motor Vehicles Department or any police officer not below the rank of a Sub-Inspector of Police, when required by such officer.

(7) The agent's licence shall be non-transferable.

(8) The agent's licence shall be valid for a period of three years 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.

101. Renewal Of Agents Licence :-

(1) The agent's licence may be renewed on an application made in the form prescribed under rule 70, to the licensing authority, and shall be accompanied by the licence and the fee prescribed under 71.

(2) The renewal of licence shall be made by endorsement of renewal thereof by the licensing authority on the principal and supplementary licences, if any.

102. Conditions Of Agents Licence :-

The agent's licence shall be subject to the following conditions namely:-

(1) The licensee shall, subject to the provisions of rule 104, provide adequate space for the parking of vehicle for the purpose of loading and unloading of goods.

(2) The licensee shall be responsible for proper arrangement for storage of goods collected for dispatch or delivery or both.

(3) The licensee shall-

(a) 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 dispatch and state therein the weight, nature of goods, destination, approximate distance over which the goods are to be carried, the freight charged, the service charge, if any, such as for local transport, insurance while in his custody and labour charge, if any, for loading and unloading, provided that the service charge shall be reasonable and proof of its reasonableness established, if required by the licensing

authority;

(d) not deliver the goods to the consignee without actually receiving the consignees note or any such note issued by the office which received the goods for dispatch or if this note is lost or misplaced, an indemnity bond covering the value of 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.T., proper record of collection, dispatch or delivery of goods, the registration mark of the vehicle in which goods are carried for transport and make the same available for inspection by the licensing authority or by any person duly authorized by it in this behalf;

(g) not charge commission exceeding that which may be fixed by the licensing authority subject to the orders of the State Government, if any;

(h) maintain proper account of the commission charged by him to every operator of goods carriages engaged by him;

(i) maintain a weighing device in good condition and capable of weighing at a time not less than 250 kilograms;

(j) not refuse to accept goods for transport without valid reasons and;

(k) comply with the provisions of the rules 100, 103, 104 and this rule.

103. Particulars To Be Mentioned In Contract Of Agency :-

All the 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;

(iii) destination and its approximate distance in kilometres from the starting station;

(iv) freight on weight-destination or weight-distance or on truck distance basis for long distance haulage, and for local transport for collection at consignors place or delivery at consignees place, if required;

(v) delivery instruction (i.e. the approximate date by which and the place at which goods are to be delivered to the consignee);

(vi) terms for payment separately for long distance transport, local

transport, home delivery and collection, labour charges for loading and unloading and the demurrage.

104. Places To Be Used For Loading And Unloading Of Goods Etc :-

(1) The licensing 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 agents licence for loading, unloading and for parking goods carriages 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 of vehicle, for the purpose of loading or unloading goods carriages 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 a clean condition and in good state of repair;

(b) that the premises shall be administered in an orderly manner;

(c) that the licence shall not change the premises or mark any external alteration to it or in the parking arrangement there at, as may be likely to cause obstruction to the general traffic in the vicinity without prior approval of the licensing authority;

(d) that the licence holder 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 matter is committed in respect of any vehicle engaged by him and which is entering or leaving or standing at such premises, namely :-

(I) requirements that goods vehicle shall be covered by :-

(i) valid and effective permit / countersignature for the route/area of travel;

(ii) valid certificate of fitness;

(iii) valid certificate of insurance; and

(iv) proof of payment of tax under the Bombay Motor Vehicles Tax Act, 1958 and Gujarat Carriage of Goods Taxation Act, 1962.

(II) observance of the regulations or 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;

(iii) loading of goods, overall height, length, width and projection of load laterally, to the front, to the rear and in height;

(iv) transport of dangerous or explosive substance or hazardous materials or 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 users of roads;

(vi) leaving vehicles in dangerous positions; and

(vii) driving of motor vehicles by persons holding valid and effective driving licence.

(3) Where the licensing authority refuses to approve any premises under sub-rule (1) it shall communicate in writing the reasons for such refusal.

105. Suspension Or Cancellation Of Agents Licence And Forfeiture Of Security :-

(1) Without prejudice to any other action which may be taken against a licensee, the licensing authority may by order in writing cancel an agents 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 suspension or cancellation under sub-rule (1), the licensing authority shall give the licensee an opportunity of being heard and shall record reasons in writing for such cancellation 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 (4) of rule 100 for contravention of any provision of this rule or rules 100, 103 and 104 or for breach of any of the conditions specified in rule 102 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 a security deposit or part thereof, 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 forfeiture.

106. Issue Of Duplicate Permits Or Licences :-

(1) If a permit or a countersignature of a permit is lost, destroyed, torn, defaced or mutilated, the holder shall forthwith report the matter to the original Transport Authority and shall, apply for the issue of a duplicate copy thereof in the form prescribed under rule 70, along with a fee prescribed under rule 71.

(2) If an agents licence issued under rule 98, or under rule 100 is lost, destroyed, torn, defaced or mutilated, the holder of the licence shall forthwith report the matter to the original Transport Authority and shall, apply for the issue of a duplicate copy of licence in the form prescribed under rule 70, along with a fee prescribed under rule 71.

(3) Upon the receipt of such report the Transport Authority shall, after making such enquires as it may think fit, if satisfied that a duplicate copy may properly be issued, issue a duplicate copy of the permit or countersignature or the licence, as the case may be, duly stamped "Duplicate" in red ink, and the seal of the Transport Authority.

(4) Where a duplicate copy has been issued upon representation that a permit or countersignature or a licence has been lost, and the original is afterwards found or received by the holder, the holder shall immediately return the duplicate copy, to the issuing authority.

(5) If at any time it appears to an Inspector of Motor Vehicles or to a Secretary of the Transport Authority that a permit or countersignature or a licence is so torn, defaced or mutilated in any way as to cease to be reasonably legible, such Inspector of Motor Vehicles or Secretary may, by order in writing, impound it and require the holder to obtain a duplicate thereof.

107. Appeals :-

(1) Any person aggrieved by an order of refusal of approval or of revocation of approval of taxi-meter may appeal to the State Government.

(2) Additional Chief Secretary (Transport) / Secretary (Transport) or Joint Secretary, or Deputy Secretary to the Government in Home Department, shall hear such appeal preferred under sub-rule (1), on behalf of the Government.

(3) Any person aggrieved by an order made under sub-rule (3) of rule 100, sub-rule (3) of rule 104, and sub-rules (1) and (3) of rule 105 may appeal to the State Transport Authority.

108. Manner Of Appeal And Revision :-

(1) An appeal or a revision under Chapter V of the Act shall be preferred in duplicate in the form of memorandum, setting forth concisely the grounds of objection to the order against which the appeal is preferred, and shall be accompanied by a certified copy of that order and a fee prescribed under rule 71.

(2) Any person preferring an appeal or a revision shall be entitled to obtain a copy of any document filed with the Regional Transport Authority or the State Transport Authority, or the Commissioner of Transport or Director of Transport as the case may be, and connected with the order against which he is preferring the appeal or the revision, on payment of a fee prescribed under rule 71.

(3) The State Transport appellate Tribunal or any other appellate authority may give any person interested in the appeal or the revision as the case may be, a copy of any document connected with such appeal or revision, on payment of a fee prescribed under rule 71.

(4) An appeal shall be preferred within thirty days from the date of the order:

Provided that the appellate authority may entertain an appeal against the order of revocation of approval of taxi-meter after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by good and sufficient cause from preferring the appeal in time.

109. Procedure In Appeal And Revision :-

(1) After the State Transport appellate Tribunal has appointed a time and place for the hearing of an appeal under section 89 or a revision application under section 90, it shall give an intimation to the authority against whose orders the appeal or revision application is made and also to the appellant or applicant, and such appellant or applicant shall within fourteen days of the receipt of intimation forward to the State Transport Appellate Tribunal, a list of documents upon which he proposes to rely together with copies of such documents in duplicate, and may appear before the State Transport Appellate Tribunal in person or through a duly authorized representative on the appointed date and at subsequent hearings.

(2) The other appellate authority prescribed under rule 107, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may consider necessary, may pass

such orders as it thinks fit.

110. Intimation Of Damage To Or Failure Of Stage Carriage

:-

(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 any 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 in respect of a service of stage carriages shall within twelve hours of the occurrence, report in writing to the Transport Authority by which the permit was issued, any 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 or 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 80,

(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 mark 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 countersignature or otherwise.

111. Stage Carriage To Ply On Routes Other Than Those Specified In Permit Under Special Circumstances :-

If in special circumstances and for reasons to be recorded in writing the authority granting the permit if so directs, the holder of the permit granted in respect of a stage carriage, shall use the stage

carriage on such route or in 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.

112. Maintenance Of Complaint Books :-

(1) A bound complaint book duly ruled, paged, signed and stamped with the seal of the stage carriage permit holder, approved and countersigned by the Regional Transport Officer concerned, shall be maintained by the permit holder, in every stage carriage and also at such bus stands as may be directed by the Regional Transport Authority, to enable the 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 the 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 Stage carriage permit holder 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 stage carriage permit holder, to the complainant.

(4) The complaint book shall be so securely kept in the stage carriage and at the bus stands, as cannot be removed and shall at all times be made available by the permit holder, the driver and the conductor, of the stage carriage to any passenger desiring to record a complaint or to any officer of the Motor Vehicles Department of and above the rank of an Assistant Inspector of Motor Vehicles, for purpose of inspection.

(5) If the complaint book is lost or destroyed, the stage carriage permit holder shall within one week of such loss or destruction intimate the fact in writing to the Regional Transport Officer concerned.

(6) If the Regional Transport Authority is satisfied that adequate arrangements for recording complaints have been made in respect of any stage carriages service, it may, by a notification in the Official Gazette, direct that, subject to such terms and conditions as may be specified therein, the provisions, of this rule shall not apply to such stage carriage service.

113. Safe Custody And Disposal Of Property Left In A Public Service Vehicle :-

(1) Where a permit holder or any responsible person receives any article under clause (f) of rule 16 or clause (o) of rule 29 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 is claimed by not more than one person the permit holder may after making such inquiries as he deems fit and if necessary after taking an indemnity agreement from the claimant hand over the article to the claimant ;

(b) the article is 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, then the provisions of section 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.

(4) Nothing contained in this rule shall apply to any fleet owner in respect of whom the State Government has notified in the Official Gazette that adequate arrangements for the safe custody and disposal of lost property found in their vehicles, have been made.

114. Determination Of Passenger Carrying Capacity Of Public Service Vehicles :-

Notwithstanding anything contained in these rules, no public service vehicle other than a motor cab shall be licensed to carry a number of passengers in excess of that number obtained by subtracting 90 kilograms from the difference in kilogram between the gross vehicle weight and unladen weight of the vehicle and dividing the resulting figure-

(i) by 60, in the case of double decked vehicle and single decked vehicle operated exclusively within the municipal and cantonment area; and

(ii) by 70, in the case of other single decked vehicles.

115. Conduct Of Persons Using Stage Carriages :-

(1) If at any time as passenger or person using or intending to use a stage carriage-

(i) obstructs any authorized employee of the permit holder in the execution of his duties, or

(ii) has bulky luggage 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 packing), any instrument, implement, substance or any other article which annoys or inconvenience or is offensive to any other passenger likely to do, or be, so, or

(iv) without lawful excuse occupies any seat exclusively reserved for female passengers, or

(v) signs or plays upon any musical instrument, or

(vi) ring 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 of standees permitted under the terms of the permit, or

(ix) has a dress or clothing, which is likely to soil 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 the rules made thereunder,

(xi) the driver or the conductor may require such person to alight from the vehicle forthwith and may stop the vehicle or keep in 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 with such a requirement may be forcibly removed by the conductor or the driver or any police officer on being requested by the driver or conductor or any passenger in that behalf, and shall also 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 authorized 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) molest any other passenger, or
- (viii) spit, eject betel nut juice, or
- (ix) smoke, in any vehicle on which a notice prohibiting smoking is exhibited, or
- (x) enter or leave or attempt to enter or leave any stage carriage while it is in motion and except at a bus stop, or
- (xi) enter or attempt to enter into or alight or attempt to alight from a stage carriage except by the entrance or exit provided for the purpose, or
- (xii) enter a stage carriage without first permitting all passengers to alight in case separate exit is not provided,
- (xiii) mount the drivers platform or talk with the driver or interfere with the driving of the vehicle or otherwise distract the attention of the driver of a stage carriage while he is driving, or
- (xiv) use or attempt to use a ticket other than the ticket valid for a particular journey or use or attempt to use a ticket which has already been used by another passenger or on another journey, or
- (xv) willfully 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
- (xvi) 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
- (xvii) 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 refuse to get off the stage carriage in which he is traveling at the terminus of the route for which it is booked, or,
- (xviii) on demand, being made by the driver or conductor or police officer or officer of the Motor Vehicles Department, when reasonably suspected of contravening any of the provisions of this rule, refuse to give his correct name and address to such driver or conductor, or officer, or
- (xix) on a request being made by the conductor refuse to declare to him, the journey he intends to take or has taken in the stage carriage, or before leaving the stage carriage, omit to pay to the

conductor the legal fare for the whole journey.

(3) If at any time a passenger or person, using a stage carriage is unable or fails to produce his ticket on demand by any authorized person, he shall be liable to pay the legal fare from the place where the stage carriage originally started or such portion thereof as may be required by that authorized person.

(4) If at any time, a passenger in a bus occupies more than one 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.

(5) No passenger or person shall leave or attempt to leave a stage carriage without paying the legal fare for the journey which he has undertaken and with intent to avoid payment thereof.

(6) Any passenger or person contravening the provisions of sub-rule (5) may be removed from the vehicle by the driver or conductor or any other person authorized in this behalf by the permit holder or on the request of the driver or conductor or any other person authorized in this behalf by the permit holder, by any police officer.

(7) A passenger or person in or a vehicle who is reasonably suspected by the driver or conductor or any person authorized by the permit holder for the purpose of sub-rule (6), of contravening the provisions of sub-rule (5) shall on demand, give his name and address to a police officer or to the driver, conductor or such person, as the case may be,

Explanation :-In this rule, the expression "ticket" includes an identity card, season ticket, pass or any authorization issued by the permit holder authorizing a person to travel on a stage carriage.

116. Conduct Of Passengers Using Motor Cabs And Maxi Cabs :-

(1) No passenger in a motor cab or maxi cab shall-

(i) willfully 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.

(2) In the case of a dispute between the driver of a motor cab or maxi-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 address along with the substance of the respective contention of both parties and shall take necessary actions according to law.

117. Carriage Of Personal Luggage In Private Service Vehicles :-

(1) Not more than 25 kilograms of luggage or personal effect per occupant may be carried in a private service vehicle : Provided that, if the conditions of the permit so provides, such vehicle may, in addition, carry the personal or household effect of the holder of such permit or the office articles of such holder subject to the conditions that the total weight of the luggage or personal or household effects or office articles and persons does not exceed the permissible carrying capacity of the vehicle.

(2) Nothing in sub-rule (1) shall be construed as authorizing the carriage of general merchandise in a private service vehicle.

118. Carriage Of Passengers Luggage In Stage Carriages :-

(1) No luggage shall be carried in any stage carriage in such a way as to block any entrance or exit of the vehicle.

(2) Subject to the provisions of sub-rule (3) of rule 120 the luggage may be carried in boot, locker or compartment set aside for the purpose, but where the luggage is carried on the roof of a single decked stage carriage, adequate protection in the form of a guard rail shall be provided.

(3) Except in the case of a stage carriage operated exclusively within municipal areas, a passenger in a stage carriage shall be entitled to carry free of charge not more than 25 kg. of luggage and personal effects.

119. Carriage Of Children And Infants In Public Service Vehicles :-

(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 of not more than five years of age shall not be reckoned.
(2) Notwithstanding anything contained in sub-rule (1) for the purpose of carrying school children, excess children may be carried in a motor cab ordinarily known as an auto-rickshaw, subject to the following conditions :-

(i) additional seating arrangements shall be made in the passenger compartment of such vehicle;

(ii) the seat-cushions shall have plane surface and not curved surface;

(iii) the right side opening of the passenger compartment shall be permanently sealed by a grill of such design that no limb of a child can protrude through such grill;

(iv) the left side opening of the passenger compartment shall have a door, in the form of a grill as stated in clause (iii) above, which can be safely bolted;

(v) the vehicle shall be fitted with a bulb horn and such horn shall always be in working condition;

(vi) the vehicle shall be fitted above the front wind screen, with a board inscribed "School Auto" thereon, in red on a yellow back ground;

(vii) no audio device, or any kind of car or motor cycle battery, shall be fitted in the vehicle;

(viii) the vehicle shall not be driven at a speed in excess of 20 Kms. Per hour;

(ix) the vehicle shall not carry more than the number of school children as may have been permitted by the registering authority in respect of each individual vehicle depending on the seating arrangement provided in that vehicle.

(3) Save for the purpose of carrying children to or from the school, the vehicle described in sub-rule (2) shall not carry children in excess of the number mentioned in sub-rule (1).

120. Carriage Of Goods In Public Service Vehicles :-

(1) No goods shall be carried on the top deck of a double decked stage carriage.

(2) No goods liable to foul the interior of the vehicle or to render insanitary shall be carried at any time in any stage carriage or contract carriage.

(3) 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 certain classes of goods

may be so carried.

(4) Subject to the provisions of sub-rule (3), 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.

(5) Where goods are carried in a 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 passenger. Such number of seats as 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 shall be unobstructed.

(6) The weight in kilograms of goods carried on a stage carriage shall not exceed $(N-X) \times 68$ where in relation to a single-decked stage carriage or to the lower deck of double decked stage carriage 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 the passengers for whom seats are kept free and unimpeded by goods, whichever is greater.

(7) Where the holder of stage carriage permit uses the vehicle authorized 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 of the permit an opportunity of being heard, declare that a breach of the conditions of the permit has occurred and may, there after, proceed under the provisions of section 86 of the Act.

(8) The Regional Transport Authority shall not authorize the use of contract carriage for the carriage of goods save for -

(i) special reasons on particular occasions and subject to conditions and restrictions to be specified in the permit, or

(ii) the carriage of the personal office or household effects of a hirer if so authorized by the permit but not the carriage of general merchandise.

(9) Notwithstanding anything mentioned in sub-rule (8) the Regional Transport Authority may, subject to such conditions as it may think fit to impose, authorize the carriage of goods in any contract carriage, in addition to or to the exclusion of passengers: Provided that the weight in kilograms of goods so carried shall not exceed $(N-X) \times 68$, where N is the registered passenger seating capacity of the vehicle and X is the number of passengers actually

carried in the vehicle.

121. Carriage Of Corpses Or Persons Suffering From Any Infectious Or Contagious Disease, In Public Service Vehicle And The Disinfection Of Such Vehicles :-

(1) No driver or a conductor of a stage carriage or no driver of conductor carriage 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:

Provided that nothing in this sub-rule shall be deemed to authorize the driver to refuse to allow to enter into or to be placed or carried in the vehicle, a person whom the driver suspects to be suffering from Tuberculosis, if the person produces a certificate, issued to him by a registered medical practitioner certifying that the person is not suffering from Tuberculosis or that the disease from which the person is suffering is not infectious or contagious.

(2) Notwithstanding the provisions of sub-rule (1), the driver may, upon application in writing by a registered medical practitioner, allow a person suffering from an infectious or a contagious disease to be carried in the vehicle, 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.

(3) Where a person suffering from an infectious or contagious disease or the corpse of any such person has been carried in the vehicle, the driver of the vehicle shall be responsible to report the fact of such carriage to the medical officer in charge of the nearest municipal, local board 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 conductor, if any, and the vehicle have been disinfected in such manner as the medical officer may specify and a certificate to this effect has been obtained from the said medical officer.

(4) No person shall driver any public service vehicle and no owner of a public service vehicle shall cause or allow such vehicle to be used unless once in every two months it is disinfected with D.D.T. or any other liquid insecticide, approved for the purpose by the Director of Medical services.

(5) The owner of a public service vehicle shall maintain and on demand by an officer of the Motor Vehicles Department of and

above the rank of an Assistant Inspector of Motor Vehicles or Police Officer not below the rank of a Sub-Inspector of Police produce for inspection, a register showing the dates on which the public service vehicle 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.

122. Carriage Of Persons In Goods Carriages :-

(1) Subject to the provisions of this rule, no person shall be carried in a goods carriage: Provided that the owner or the hirer or a bonafide employee of the owner or the hirer of the vehicle carried free of charge, or a police officer in uniform, traveling on duty, may be carried in a goods carriage:

Provided further that the total number of persons so carried shall not be more than -

(i) one, in case of a light motor vehicle having gross vehicle weight less than 900 kilograms;

(ii) three, in case of any other light motor vehicle;

(iii) five, in case of any medium goods vehicle;

(iv) seven, in case of any heavy goods vehicle. Provided further that the provision of second proviso to this sub-rule shall not apply in case where integral seating arrangements providing a reasonably comfortable seating space for each person has been made in the goods carriage for more than the number specified in the second proviso.

(2) Notwithstanding anything contained in sub-rule (1) but subject to the provisions of sub-rule (4), a Regional Transport Authority may, by an order in writing, permit that a large number of persons may be carried in the goods carriage 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 specified by the Regional Transport Authority are observed and where the vehicle is required to be covered by permit the conditions of the permission aforesaid are also made conditions of the permit.

(3) Notwithstanding anything contained in sub-rule (1) and (2) but subject to the provisions of sub-rule (4)-

(a) for the purpose of celebrations in connection with the Republic Day or Independence Day, the Regional Transport Officer,

(b) for the purpose of enabling a co-operative society or a class of co-operative societies owning or hiring a goods carriage to carry its

members under its authority in such goods carriage for the ordinary course of its business, the Commissioner of Transport or Director of Transport as the case may be,

(c) where it considers expedient in public interest in respect of vehicle owned or hired by it, and in respect of other vehicles on such inescapable grounds of urgent nature to be specified in the order, the State Government, may by general or special order, permit goods carriages to be used for the carriage of persons for the purposes aforesaid subject to such conditions as may be specified in the order.

(4) No person shall be carried in any goods carriage unless an area of not less than 0.37 square metre of the floor of the vehicle is kept open for each person 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 not at a height exceeding three metres from the surface upon which the vehicle rests.

(5) No person other than an attendant or attendants if any, as required under rule 203 shall be carried on a trailer which is a goods vehicle :

Provided that not more than four persons on a single axled trailer and six persons on a trailer having more than one axle may be carried in addition to such attendant or attendants, subject to the conditions that-

(i) the trailer has been fitted with fixed grab rails not less than 610 millimetres in height on the side plank of the load body on all sides except the rear side for the support of the persons so carried;

(ii) when the trailer is being used in a public place, no part of the body of any person so carried in such a trailer is more than three metres above the ground level; and

(iii) the gross laden weight of the trailer does not exceed the gross vehicle weight assigned to it.

(6) No person shall travel in a goods carriage in contravention of the provisions of this rule.

123. Carriage Of Animals In Goods Carriage :-

(1) No cattle shall be carried in a goods carriage in a public place unless-

(i) in case of goats, sheep, deer or pigs-

(a) a minimum floor space of 0.19 square metre per head of such

cattle is provided in the vehicle;

(b) proper arrangements for ventilation, and protection from weather are made.

(ii) in the case of any other cattle-

(a) a minimum floor space of 2 metres x 1 metre per head of cattle and half of such floor space for a young one or 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 1.5 metre measured from the floor of the vehicle on all sides and the backend;

(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.

(2) If the cattle are carried in a double-decked goods carriage then-

(a) the upper deck flooring is covered with metal sheets with a minimum height of 8 centimetres raised on all four sides so as to prevent the animal waste matter such as urine, litter etc. falling on the animals on the lower deck;

(b) proper arrangements for drainage shall be made on each floor; and

(c) wooden battens shall be provided on each floor to prevent slipping of hoofs of the animals:

Provided that duly young once of cow, buffalo, bull, ox, horse, pony, mule, ass etc. shall be carried on the upper deck of the vehicle.

(3) No animal belonging to or intended for a circus, menagerie or zoo shall be carried in a goods carriage, in a public place unless-

(i) in the case of a wild or ferocious animal, a suitable cage of sufficient strength, either separate from or integral with the load body of vehicle is provided, to contain the animal securely at all times, and

(ii) reasonable floor space for each animal is provided in the vehicle.

(4) No goods carriage when carrying any cattle or animals shall be driven at a speed in excess of 40 kilometres per hour.

Explanation: - "Cattle" for the purposes of this rule includes goats, sheep, buffalo, bull, ox, cow, deer, horse, pony, mule, ass, pig or the young ones thereof.

124. Painting And Marking Of Motor Cabs In Certain Manner

:-

(1) In case of the motor cabs ordinarily known as auto rickshaws, the hood of every such cab shall be painted in cream yellow and the rest of the body in black colour:

Provided that if the hood of such cab is collapsible or removable, a band of 75 millimetres wide shall be painted in cream yellow on the upper most metal part of the body:

"Provided further that if such cab is using Compressed Natural Gas or is operated by electric battery or solar energy, the hood of such cab shall be painted in yellow colour; and the rest of the body in green colour; and in the case of in-use vehicle fitted with CNG kit, a band of 75 millimetres wide shall be painted in cream yellow colour on the uppermost metal part of the body and the CNG shall be written in English and Gujarati on both the sides of such".

Every motor cab other than those mentioned in sub-rule (1), and every maxi cab shall be fitted with a rectangular box-like device of a size 30 cms in breadth and 10 cms in height, and made of any transparent material. Such device shall be fitted at the centre, on the roof above the front windshield and the word "TAXI" shall be painted, on the front and rear sides of such device, in red on a white back ground. The word "TAXI" shall be in English and the letters shall be 7 cms in height and shall have uniform thickness of 1.5 cms. The interior of such device shall be equipped with a lamp of similar power as of rear lamp, illuminating the word "TAXI" so as to render it legible from a distance of 15 metres from the front and rear of the vehicle.

(2) A permit number allotted by the Transport Authority shall be painted on the motor cab at each of the following places, namely:-

- (i) the left hand top portion of the windscreen,
- (ii) the rear boot,
- (iii) the left front door, and
- (iv) the right front door.

(3) The permit number shall be painted in white in a red circle and the numerals shall be 50 millimetres high and 4 millimetres thick.

(4) The number on the left hand portion of 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 background.

(5) No motor vehicle other than a motor cab ordinarily known as autorickshaw shall be painted in the manner prescribed in subrule

(1).

(6) Nothing in this rule shall apply to or in relation to any tourist vehicle.

124A. Painting And Marking Of Educational Institution Bus In Certain Manner :- The educational institution bus shall be painted in yellow colour and the words "Educational Institution Bus" shall be painted on both the sides of the vehicle within a circle having diameter of sixty centimetres.

124B. Painting Of Goods Carriages Carrying Goods Of Dangerous Or Hazardous Nature :-

(1) Six months from the date of commencement of Gujarat Motor Vehicle (Amendment) Rules, 1998, every goods carriage carrying goods of dangerous or hazardous nature to human life shall be painted in cream yellow carriage.

(2) Sub-rule (1) shall not apply to any goods carriage covered by national permit and painted in accordance with the condition prescribed under rule 90 of the Central Motor Vehicle Rules, 1989.

125. Prohibition Of Painting Or Marking Of Transport Vehicle In Certain Manner :-

(1) No advertising device, figure or writing shall be exhibited on any transport vehicle save as may be specified by the Regional Transport Authority by general or special order.

(2) A transport vehicle when regularly used for carrying Government Mail by or under a contract with the Indian Posts and Telegraphs Department, shall be painted in postal red colour, and shall exhibit in a conspicuous place upon a plate or on a plain surface of the motor vehicle the word "MAIL" in red colour on a white ground, each letter being not less than 15 cms in height and of a uniform thickness of 20 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 the State Transport Undertakings may be partly coloured in red, if such colour is of a shade distinct from that used on vehicles carrying Government mail.

(4) No omnibus other than an educational institution bus shall be

painted in the manner specified in rule 124A.

(5) No goods carriage other than a goods carriage used for carrying goods of dangerous or hazardous nature to human life shall be painted in the manner specified in rule 124B.

126. Power To Inspect Taxi Meters :-

Any police officer in uniform not below the rank of a Sub-Inspector of Police or any officer of the Motor Vehicles Department of and above the rank of an Assistant Inspector of Motor Vehicles, in uniform may, if he has reason to believe that a motor cab fitted with a meter has been or is being plied with the meter which is defective or has been tampered with, stop such motor cab and, in order to test such meter direct the driver or the person in charge of such motor cab to proceed to the nearest testing institute and take or cause to be taken such other steps as he may consider proper for the purpose.

127. Power To Inspect Transport Vehicles And Their Contents :-

(1) Any police officer in uniform not below the rank of a SubInspector of Police or any officer of the Motor Vehicles Department in uniform, may at any time when a goods carriage in a 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 such officer to make reasonable examination of the contents of the vehicle.

(2) Notwithstanding anything contained in sub-rule (1), such officer shall not be entitled to examine the contents of any goods carriage unless-

(i) the permit in respect of the vehicle contains a provision or condition in respect of the goods may or which may not be carried in the vehicle;

(ii) such officer has reason to believe that the vehicle is being used in contravention of the provisions of the Act or rules, made thereunder.

(3) Any police officer in uniform or any officer of the Motor Vehicles Department, may at any time when a public service vehicle is in a 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 such officer to make reasonable examination of the number of passengers and other contents of vehicle so as to satisfy himself that the provisions of the Act and the rules made thereunder and

conditions of the permit in respect of the vehicle are being complied with.

(4) Any Police officer in uniform not below the rank of SubInspector of Police or any officer of the Motor Vehicles Department in uniform may at any time when a transport vehicle is in a 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 such officer to inspect the brakes of the vehicle so as to satisfy himself that the provisions of the Act or the rules made thereunder regarding the brakes are complied with.

128. Power To Inspect Business Premises :-

Any officer of the Motor Vehicles Department, of an above the rank of an Assistant Inspector of Motor Vehicles, in uniform, or any other person authorized in this behalf by the State Government may, enter at all reasonable time any premises used by the permit holder for his business, for the purpose of inspection of such premises.

129. Fixing The Hours Of Work In Advance :-

The State or a Regional Transport Authority may require persons employing any person for the purpose of driving a transport vehicle to make, to the satisfaction of the said authority, such time-table, schedule, or regulation as may be necessary, fixing beforehand, the hours of work of persons employed by him; and upon approval by such authority of any timetable, schedule, or regulation as aforesaid, it shall be the record of the hours of work fixed for the persons concerned for the purposes of sub-section (3) and sub-section (4) of section 91.

Explanation:

(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 spent on the vehicle during a journey save as passenger in a public service vehicle shall not, and

(ii) any time spent by the driver of a vehicle on or near the vehicle when it is at rest, when he is at liberty to leave the vehicle 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 sub-section (1) of section 91.

130. Records To Be Maintained And The Returns To Be Furnished By The Owners Of Transport Vehicles :-

(1) The Regional Transport Authority may by general or special order require the owner of a transport vehicle -

(a) to issue a delivery note in duplicate to each consignor in respect of every consignment accepted by the owner for transportation, and

(b) to maintain records and submit returns in respect of such transport vehicle in such forms as the Regional Transport Authority may specify and such records and returns may include, in respect of daily or trip wise use of such transport vehicle, the particulars of -

(i) the name and licence number of the driver and conductor and other attendant, if any;

(ii) the route upon which or the area within which the transport vehicle was used;

(iii) the number of kilometres traveled;

(iv) the time of commencement and termination of a journey and every halt thereon;

(v) the names and addresses of each consignor and consignee, the number of packages or goods received from each consignor and the number and date of a delivery note issued to the consignor under clause (a), the nature and weight of the goods in each consignment, the total weight of the goods carried in the transport vehicle, the freight chargeable in respect of each consignor or consignee and the names and addresses of the forwarding agents, if any, through whom the goods are consigned;

(vi) in the case of goods carried in a stage carriage, number of trips and kilometres traveled when the goods were carried to the exclusion of passengers, and when goods were carried in addition to passengers, the number of seats available for passengers.

(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 carriage and no owner or other person shall cause or allow any person to drive such 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 a Sub-Inspector of Police or by any officer of the Motor

Vehicles Department of an above the rank of an Assistant Inspector of Motor Vehicles.

CHAPTER 6 SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKING

131. Form Of Scheme For State Transport Undertaking :-

(1) The proposal of a scheme or modification of approved scheme to be prepared by the State Government under the provisions of section 99 or section 102, shall be in Form S.S.T.U., containing all the particulars specified in the said form and shall be published in that form.

(2) The State Government shall publish a proposal of a scheme or modification of approved scheme by notification in the Official Gazette and also in not less than one newspaper in Gujarati language, and in such newspaper or newspapers as the State Government may deem fit. Such publication shall be accompanied by a notice stating that any person may, within 30 days from the date of the publication of the scheme in the Official Gazette file objections thereto before the State Government as provided in section 100 or section 102 of the Act.

132. Manner Of Filing Objections To The Proposal Of A Scheme :-

Any person, association or authority desiring to file any objection to the proposal of a scheme or to the modification of approved scheme shall do so in the form of a memorandum addressed to the State Government in the Home Department. The memorandum shall set forth concisely the grounds for the objections to the scheme, and shall, in addition, contain the following particular, namely-

- (a) the name and address of the objector;
- (b) whether the said person is a holder of any permit or permits 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 scheme;
- (d) details of any alternative route or area for which he desires to have permit in accordance with sub-section (2) of section 105.

133. Manner Of Considering Objections :-

(1) The State Government may consider the proposal of a scheme or the modification of approved scheme and the objections at a hearing of which at least 7 days notice shall be given to every

objector and the Stat Transport Undertaking.

(2) The notice shall be sent at the address of the objector by ordinary post under certificate of posting:

Provided that where the number of objectors is considerable or the addresses of objectors are illegible the State Government may instead of giving individual notice to every objector, give notice by publication in a local newspaper having wide circulation in the area in which the objectors reside.

134. Publication Of The Scheme Or The Modification Of Approved Scheme :-

The scheme to be published under sub-section (3) of section 100 or the modification thereof shall, as far as may be practicable, be in Form A.S.S.T.U.

135. 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
- (b) by sending it by registered post at the last known address of the person on whom it is to be served; or
- (c) 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.

136. Unclaimed Articles :-

When at the conclusion of any journey any unclaimed article is found in any transport vehicle operated by the State Transport Undertaking the same shall be disposed of in accordance with the provisions of rule 113.

137. Application For Permit Under Section 103 :-

1 (a) Every application under sub-section (1) of section 103 shall be made in the form prescribed as under :-

- (i) for stage carriage permit, in Form P.S.T.U.S.A.;
- (ii) for goods carriage permit, in Form P.S.T.U.P.C.A.;
- (iii) for contract carriage permit, in Form P.S.T.U.Co.A.

(b) Such application shall be accompanied by a fee prescribed under rule 71 and shall be made not less than two weeks before the date on which it is desired that the permit shall take effect.

(2) On receipt of an application made by the State Transport Undertaking as prescribed in sub-rule (1) above, the State Transport Authority or, as the case may be, the Regional Transport

Authority (hereafter in this chapter referred to as the "Relevant Transport Authority") shall satisfy that the application relates to a notified area or a notified route specified in the approved scheme, issue a stage carriage permit in form P.S.T.U.S., goods carriage permit in form P.S.T.U.P.C., or a contract carriage permit in form P.S.T.U.Co.

(3) Notwithstanding anything contained in this rule, pending the issue of a permit as specified in sub-rule (2) above, the State Transport Undertaking may operate the service in the notified area or on the notified route specified in the approved scheme.

137A. Hiring Of Private Buses By State Transport Undertaking :- Notwithstanding anything contained in rule 137, where the State Transport Undertaking cannot procure its own vehicle to run in its own services, it may hire any private vehicle on payment of fixed hire charges for running in the notified areas or on notified routes after obtaining a permit accordance with the provisions of rules 70 and 71.

137B. Extension Or Modification Of Permits :- On application made by a permit holder for a public service vehicle to the Relevant Transport Authority for extending or modifying the operation of the road transport service in a notified area or on a notified route or part thereof, specified in the approved scheme the Relevant Transport Authority shall, before passing an order on such application, give an opportunity to the State Transport Undertaking, of being heard.

137C. Grant Of Permit Under The Provision To Section 104 :- The Relevant Transport Authority on granting a permit to any person under the provision to section 104 shall inform the State Transport Undertaking concerned, of the grant of such permit.

137D. Notice Of Application, Hearing Etc :- In order to give effect to the provisions of this chapter, the State Transport Undertaking shall intimate to the Relevant Transport Authority, the names, designation and addresses of its officers authorized in this behalf.

CHAPTER 7 CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF

MOTOR VEHICLES

138. General :-

(1) No person shall use and no person shall cause or allow to be used or to be in any public place any motor vehicle which does not comply with the rules contained in this chapter, or with the rules made by the Central Government under chapter VII of the Act or with any order made thereunder by a competent authority:

Provided that any police officer not below the rank of a Sub-Inspector of Police or any officer of the Motor Vehicles Department of and above the rank of an Assistant Inspector of Motor Vehicles may not permit the use of a motor vehicle with defective brakes or light, if in the opinion of such officer, the use of such defective vehicle constitutes the danger to the public, until the defect is remedied.

(2) Any person who drives or causes or allows to be driven in any public place, any motor vehicle which does not comply with the rules contained in this chapter, or with rules made by the Central Government under chapter VII of the Act, or with any order made thereunder by a competent authority shall be deemed to be using such vehicle in unsafe condition for the purposes of section 190.

139. Rear View Mirror :-

Every motor vehicle shall be fitted with a mirror, so placed that the driver shall be able to have a clear and distinct vision of vehicles approaching from the rear.

140. Springing :-

Every motor vehicle and every trailer drawn thereby shall be equipped with suitable and sufficient system between the road, wheels and the frame of the vehicles, and it shall be adequately maintained in good and sound condition:

Provided that this rule shall not apply to-

- (i) any tractor;
- (ii) any agricultural single axle trailer having axle weight not exceeding 4000 kgs or tandem axle trailer having axle weight not exceeding 8000 kgs; or
- (iii) any trailer or semi-trailer used solely for the carriage or indivisible loads of exceptional length or such other loads of exceptional length or such other loads as cannot be carried on springs.

141. Mudguards :-

(1) Every motor vehicle other than a tractor shall be provided with mudguards or mud flaps or both to catch so far as practicable, mud or water thrown up by the rotation of the wheels, unless adequate protection against such mud or water being thrown up, is afforded by the body of the motor vehicle.

(2) Such mudguard or mud flap shall cover at least 2/3 rd of the diameter when measured vertically and the total breadth of the rear wheel or wheels.

142. Display Of Fluorescent Strips :-

On every transport vehicle, there shall be displayed on the front and rear bumper and where no rear bumper is provided, on the lower part of the rear of the vehicle, three red fluorescent strips, each strip 30 centimeters long and 2.5 centimeters wide, with even spacing between the strips.

143. Attachments To Motor Cycle :-

(1) Every side-car attached to a motor cycle shall so attached at the left hand side of the motor cycle, that the wheel thereof is not outside the 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) No pillion seat shall be attached to a motor cycle fitted with an engine having capacity of less than forty eight cubic centimetres

144. Particulars To Be Exhibited On Vehicles With Left Hand Control :-

(1) A motor vehicle fitted with a left hand steering control shall exhibit the words "Left Hand Drive" in red on a white background, on a plane plate or a plane surface of the vehicle, at a conspicuous place on the rear of such vehicle.

(2) The letters contained in such words shall be 70millimetres high and 10 millimetres thick.

145. General Maintenance :-

Every Public Service vehicle, and all parts, mechanisms and systems thereof, including paintwork, varnish and upholstery, shall be maintained in a clean, sound and reliable condition.

146. 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.

147. Body Dimensions :-

(1) Every public service vehicle shall have an enclosed body and shall be so constructed that-

(a) the height of the sides of the body from the floor or 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 is made by means of guard rails or otherwise, to prevent the arms of seated passenger being thrust through and being injured by passing vehicles, or to the extent to which the side window or venetians when lowered, their top edge is not less than 460 millimetres above the highest part of any seat.

(2) For the purpose of this rule the seatback shall not be deemed to be a part of the seat.

148. Stability :-

(1) The stability of a double decked public service vehicle shall be such that, when loaded with weights of 50 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 rests 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 and a maxi cab, 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 rests were tilted to either side to an angle of 35 degrees from the horizontal, the point at which overturning occurs would not be reached.

(3) For the purpose of conducting the test of stability, the height of any stop used to prevent a wheel of the vehicle from slipping sideways, shall not be greater than two-third of the distance between the surface upon which the vehicle rests before it is tilted and that part of the rim of that wheel which is then nearest to such surface when the vehicle is loaded in accordance with the

requirement of this rule.

149. Drivers Seat :-

(1) Every public service vehicle shall be so constructed that there shall be a proper and sufficient sitting accommodation for the driver.

(2) Every public service vehicle shall be so constructed that, save from the front pillar of the body, 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 constructed that the vision of the driver is obstructed to the least possible extent.

(3) No motor cab shall be permitted to carry more than one passenger by the side of the driver if it is fitted with gear shift lever on the floor.

150. Communication With Driver :-

Every public service vehicle, in which the drivers seat is separated from passengers compartment by fixed partition which is not capable of being readily opened, shall be furnished with efficient means to enable the passengers and the conductor, if any, to signal to the driver to stop the vehicle.

151. Carriage Of Standees :-

(1) Subject to the provisions 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)-

(i) passengers may be carried standing in the single decked stage carriage or on the lower deck of any double decked stage carriage if a fixed grab bar with hanger straps is provided in the roof over the gangway.

(ii) where such stage carriage 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 such kilometres from such limits, the Regional Transport Authority may direct that passengers may be carried standing in such public service vehicle if there is a clear space serving as a gangway of such greater width than that prescribed in rule 153, as the Regional Transport Authority may specify in this behalf.

(3) The number of standees shall in no case exceed the number arrived at by dividing by 40, the length of the gangway in centimeters measured from the foremost seat south of the front exit

to the rearmost of the seat north of the entrance door.

152. Seating Arrangements :-

(1) In every motor cab, there shall be provided a reasonably comfortable seating space for each passenger.

(2) In every public service vehicles other than a motor cab, there shall be provided for each passenger except those permitted to be carried as standees, a seating space of not less than 381 millimetres square measured on straight lines along and at right angles to the front of each seat; and

(i) where seats are placed along the vehicle, the backs of the seats on one side shall be at least at a distance of 1372 millimetres from the backs of the seat on the other side;

(ii) where seats are placed across the vehicle and are facing in the same direction, there shall be a space not less than 660 millimetres between the back of the front seat and the front of the rear seat when measured at the top most point of the upholstery;

(iii) where seats are placed across the vehicle and are facing each other, there shall be space of not less than 1271 millimetres between the backs of the seat when measured from the top most point of the upholstery.

(3) The backs of all seats shall be closed to height of 406 millimetres above seat level.

152A. Special Provisions For Sleeper Designated Omnibus :-
Subject to other provisions of the Act and the Rules, a sleeper designated omnibus shall conform to the following specifications namely :-

(1) The vehicle shall have a front entrance-cum-exit door on left side operated by driver/attendant with assist rails in front of the iron axle.

(2) The overall height of the vehicle shall not exceed 3.8 metres including roof cover hood.

(3) The interior height of the vehicle shall not be less than 2.30 metres.

(4) Roof ceiling shall be provided with soft material or equivalent material like ABS plastic to prevent impact.

(5) The maximum height of each step shall be 250 millimetres. The minimum depth shall be 230 millimetres. All the steps shall be provided with non-slip threads.

(6) The total salon interior length shall not be less than 9.00 metres.

- (7) The width of the gangway shall not be less than 400 millimetres.
- (8) Mild steel rectangular structural members shall be used for building the body of the bus.
- (9) The width of the upper berth and that of the lower berth shall not be less than 550 millimetres & more than 650 millimetres. However, if the vehicle has two berths side by side, the total width of both such berths shall not be less than 1100 millimetres and more than 1300 millimetres.
- (10) If seats are to be fitted in addition to berths the provisions of rule 152 shall be complied with.
- (11) The thickness of each seat shall not be less than 75 millimetres for sitting and minimum thickness of 150 millimetres after forming into the berth.
- (12) The lower berth shall be fixed at a minimum height of 450 millimetres from the floor.
- (13) The clear head room for seating passengers shall not be less than 850 millimetres.
- (14) Optical chain in the middle or longitudinal guard between the two chains shall be provided for upper berth.
- (15) Individual windows for lower and upper berths shall be provided and the lower window shall be at minimum height of 725 millimetres from the floor. However this specification shall not apply to middle berth row.
- (16) Ladder steps for upper berth shall be provided and it shall be fixed at a minimum height of 150 millimetres and the distance between each step shall be 300 millimetres.
- (17) The length of each berth shall not be less than 1700 millimetres.
- (18) An assist handle shall be provided for comfortable occupation of the upper berth at a convenient height.
- (19) No seat shall be permitted to be fitted in the gangway.
- (20) There shall also be sufficient space underneath the lower berth for keeping the luggage and wire ropes are to be provided for fastening the luggage.
- (21) The vehicle shall have waveless suspension or air suspension or combination of both.
- (22) The vehicle shall be fitted with power steering mechanism.
- (23) Emergency exit should be provided at the seat.
- (24) Reflective tape of canary yellow colour of 50 millimetres width shall be provided at rear and front side at skirt level on bumper.
- (25) The vehicle shall have an attendant in addition to the driver to take care of the passengers.

- (26) Fire extinguisher shall be fixed at a place from where it can be seen and accessed easily in case of emergency.
- (27) First Aid box with necessary medicines shall be provided and it shall be checked every fortnight for its contents and the validity of medicines.
- (28) Magazines pouches shall be provided at convenient location. Bottle holders shall also be provided.
- (29) Drinking water shall be provided with the box.
- (30) Night lamps preferably in blue colour shall be provided in the gangway with a suitable switch board.
- (31) Individual reading light at convenient location for each berth shall be provided.
- (32) A safety belt for the passengers shall be provided at one end fastened with berth at an appropriate place.

153. Gangway :-

- (1) In every public service vehicle other than a motor cab there shall be a gangway by which passengers may enter or leave the vehicle;
 - (i) where seats are placed along the sides of the vehicle there shall be a gangway of a clear space of not less than 620 millimetres, measured between the fronts of the seats; and
 - (ii) where seats are placed across the vehicle there shall be a gangway of a clear space of not less than 310 millimetres, measured between any part of adjoining seats or their supports.
- (2) Where the vehicle has seats across the full width of the body with separate doors to each seat, a gangway from front to rear of the vehicle shall not be required.

154. Head Room :-

Every public service vehicle other than a motor cab and maxi cab shall have the following internal height or head room measured along the centre of the vehicle from the top of the floor boards or battens to the underside of the roof supports:-

- (i) in the case of single decked vehicle and lower deck of double decked vehicle, not less than 1.75 metres and not more than 2 metres;
- (ii) in the case of upper deck of a double decked vehicle not more than 1.7 metres;
- (iii) in the case of a vehicle having capacity to carry not more than 15 passengers, not less than 1.30 metres.

155. Doors :-

(1) Every entrance and exit of a public service vehicle other than a motor cab shall be at least 540 millimetres in width and of sufficient height.

(2) Every stage carriage operating within the limits of a municipal borough, municipality, municipal corporation, or cantonment constituted under any law for the time being in force in the State, or such other area as may be specified by a Regional Transport Authority, shall have separate entrance and exit.

(3) (a) Every public service vehicle other than a motor cab and a maxi cab, shall have an emergency exit in the form of a door on the off-side of the vehicle or from the rear windscreen, capable of being bolted from inside;

(b) such door shall have a clear opening of not less than 540millimetres x 660millimetres on the vehicle registered on or after the date of commencement of the Gujarat Motor Vehicles (Amendment) Rules, 1995: Provided that where windows are at least 1720 millimetres wide a separate emergency exit shall not be necessary.

156. Steps :-

(1) In every public service vehicle other than a motor cab, the tops of the tread of the lowest step for any entrance or exit, other than an emergency exit, shall not be 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 unless they are so protected by the front wings (or otherwise) that they are not liable to injure pedestrians.

(2) In the case of a double decked vehicle-

(i) 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 top landing board;

(ii) all steps leading from the lower to the upper deck shall be fitted with non-slip treads;

(iii) 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 screen the 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.

157. Grab Rail :-

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 and a maxi cab to assist passengers in boarding or alighting from the vehicle.

158. Cushions :-

The seats of a public service vehicle shall be provided with fixed or movable 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.

159. Floor Boards :-

(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.

(3) The floor board of motor cabs shall be covered with suitable matting.

160. Exhaust Gas :-

Every public service vehicle shall be so maintained that the engine exhaust fumes do not enter the passenger compartment.

161. Internal Lighting :-

Every public service vehicle shall be furnished with one or more electric light adequate to give reasonable illumination throughout the passengers compartment including the entrance and exit but of such power or so screened as not to impair the forward vision of the driver.

162. Ventilation :-

Every public service vehicle shall be provided with adequate means of ventilation even when the windows are not opened. If the vehicle is provided with opening windows, suitable provision shall also be made so that the opening of the windows could be

adjusted.

163. Protection Of Passenger From Weather :-

- (1) Every public service shall have a fixed and water-tight roof.
- (2) Every public service vehicle shall have suitable venetians or screens on its windows, capable at all times, of protecting the passengers from the weather without preventing adequate ventilation of the vehicle. When the screens are made of fabric, all of them shall at all times be fastened securely to the vehicle.
- (3) Where glass windows or venetians are used they must be provided with effective means to prevent their ratting.

164. First-Aid Box :-

Every public service vehicle other than a motor cab and a maxi cab shall carry a dust-proof first aid box containing the following articles, namely:-

- (1) A leaflet containing first aid instructions.
- (2) Twenty four sterilized finger dressings.
- (3) Twelve sterilized hand or foot dressings.
- (4) Twelve sterilized large or body dressings.
- (5) One extra large, two large and three small sterilized dressings for burns or cuts.
- (6) Two half-ounce packet of sterilized cotton wool.
- (7) A bottle of two percent tincture iodine or a tube of antiseptic cream containing 0.5 percent of Certimide B.P. in a non-greasy base.
- (8) A bottle of Sal Volatile.
- (9) Empty bottle fitted with cork and camel hair brush for eye drops.
- (10) Two-ounce medicine glass.

165. Locking Of Nuts :-

All moving parts of every public service vehicle and all parts subject to severe vibration connected by bolts 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 working or coming loose.

166. Approval Of Locally-Manufactured Trailer And Semi-Trailer :-

- (1) No locally manufactured trailer or semi-trailer, intended to be used as a transport vehicle within the State, shall be registered as

a transport vehicle, unless the design of such trailer or semitrailer is approved:

Provided that this rule shall not apply to trailers manufactured outside the India.

(2) No trailer or a semi-trailer, the design of which is approved, shall be altered so that it does not comply with the approved design.

(3) An application for the approval of a design of a trailer or semitrailer shall be made to the Commissioner or Transport or Director of Transport, as the case may be, along with the report of verification of design and recommendations of maximum laden weight and axle weight in respect of the trailer or semitrailer obtained from the testing institute, and a fee of five hundred rupees.

(4) An application for obtaining a report of verification of design and recommendation of maximum laden weight and axle weights in respect of a trailer or a semi-trailer shall be made to the testing institute in triplicate. Such application shall be accompanied by three copies of each of the following documents duly certified by a Chartered Mechanical Engineer or by a mechanical engineer having a minimum qualification of bachelors degree in mechanical engineering of a recognized University, namely:-

(i) Full Specifications

(ii) Drawing giving all dimensions and details, and

(iii) Set of design calculations of-

(a) axles and their supports,

(b) Springs and their supports,

(c) long bearers,

(d) cross bearers,

(e) platform, tank or anything that may be carried on the cross bearers and their supports,

(f) Low bar or king pin,

(g) turn table or any other scribbling device for the front axle, if provided,

(h) brakes and breaking arrangement,

(i) any other items such as shock absorbers, tipping device etc, if included,

(j) wheels and tyres.

(5) The testing institute shall, upon the receipt of such application scrutinize the design and calculations and if the design is found satisfactory, it shall certify what would be in its opinion maximum gross vehicle weight and axle weights in respect of the trailer or

semi-trailer which is compatible with reasonable safety.

(6) The testing institute may call upon the applicant to furnish further details, if required.

(7) In case the design is not found satisfactory, the testing institute may reject the design.

(8) When a design is found satisfactory, the testing institute shall forward one copy of the approved design, specifications and calculations with its recommendations as to the maximum gross vehicle weight and axle weights to the Commissioner of Transport or Director of Transport and one copy to the applicant.

(9) The applicant on approval of the design shall supply the Commissioner of Transport or a Director of Transport with as many extra copies of the approved design as many be required by him for sending them to different registering authorities for their record.

(10) Notwithstanding anything contained in this rule, the approval of the design of a trailer or semi-trailer manufactured in India, by a competent authority, in any other State in India shall be deemed to be an approval according to these rules, provided that these is in force in that other State, rules conforming to or containing substantially the same provisions as in this rule.

167. Body And Loading Platform :-

Every goods vehicle including a trailer shall be equipped with strong platform or body so constructed as to 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 platform.

168. Drivers Compartment :-

No transport vehicle shall be so constructed, that any person can sit, or any luggage or goods can be carried between the drivers seat and his door.

169. Spare Wheel And Tools :-

(1) Save as otherwise specified by the Regional Transport Authority in respect of municipal or cantonment areas, every transport vehicle shall at all times be equipped with a spare wheel or rim fitted with a pneumatic tyre in good, sound and readily inflated condition, 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 wheels.

(2) Sub-rule (1) shall not apply to a transport vehicle during the

completion of any journey during which it has been necessary to bring the spare wheel or rim and type into use.

(3) Every transport vehicle shall at all times be furnished with an efficient jack and other tools necessary to change a wheel.

(4) Every transport 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.

170. Fitment Of Audio Or Audio-Visual Devices :-

(1) No motor vehicle shall be fitted with an audio or audio-visual device in such a position so that, it distracts the attention of driver.

(2) Such audio-visual device or radio or tape-recorder shall be fitted in such a position that its operation is not accessible to driver.

(3) No loud speaker attached to any of such devices shall be fitted in the drivers cabin in case of a stage carriage or a contract carriage.

(4) No person while driving, shall operate or attempt to operate any of such devices.

(5) No person, while driving, shall put on the head-phones whether such device is in operation or not.

170A. Prohibition On The Use Of Cell Phone :- No person, while driving, shall use cell phone.

171. Prohibition On The Use Of Military Marks :-

No motor vehicle other than a motor vehicle belonging to the Armed forces and registered under section 60 of the Act shall exhibit any military registration mark, army markings like BA numbers, formation signs or tactical numbers.

172. Prohibitions In Respect Of Wind-Screens :-

(1) No colored film or such other device shall be attached or affixed on the front wind screen of any motor vehicle so that it obstructs the driver in having a clear vision to the front.

(2) No curtain, venetians, coloured film or any sun-control, reflecting or non-reflecting polyester film, or such other device shall be attached or affixed on the rear wind screen of any vehicle so that it obstructs a driver of the rear vehicle in having a clear vision to the front of that vehicle through its rear and front wind screens.

(3) No wind screen or part of it of any motor vehicle shall show a

mirror-finish which can reflect the sun rays or other light.

172A. Necessity For Periodical Inspection And Certification :-

(1) On and after the publication of this rule no person shall drive any non transport motor vehicle of the type of description in the table appended to this sub-rule and no owner of such motor vehicle shall cause or permit the vehicle to be driven in any public place unless the vehicle is covered by a valid certificate of periodical inspection.

TABLE

(i) Motor Vehicles belonging to schools or establishments (by whatever name called) for imparting instruction in driving of motor vehicles and fitted with dual control.

(ii) Motor Vehicles fitted with equipment like drilling rig, generator, compressor, crane etc.

(iii) Tow trucks, break-down vans, recovery vehicles.

(iv) Omnibus meant for private use.

(2) An application for issue of a fresh certificate of periodical inspection shall be made in forum C.P.I.A. along with an application for registration under section 41 or for assignment of new registration mark under section 47 as the case may be:

Provided that in respect of motor vehicles already registered in the State the application shall be made at any time within three months of the publication of this rule in the Official Gazette of the Government of Gujarat.

(3) An application for renewal of the certificate of periodical inspection shall be made before the expiry of the certificate but not earlier than one month before the date of expiry of the certificate.

(4) For the purpose of issue or renewal of the certificate of periodical inspection, the vehicle shall be produced before such Inspector of Motor Vehicles as may be specified by the registering authority.

(5) A certificate of periodical inspection shall be in form C.P.I. and such certificate when granted or renewal shall be valid for the period of two years in case of new vehicles and one year in any other case.

(6) The certificate of periodical inspection shall be renewed with effect from the date of its expiry if the application for renewal is made before the expiry of such certificate.

(7) The fee for conducting test of a vehicle and for the grant and renewal of certificate of periodical inspection shall be as specified at serial No. 11 & 12 in the table appended to rule 81 of the Central

Motor Vehicle Rules, 1989: Provided that if an application for renewal of the certificate of periodical inspection is made after the date of expiry, an additional fee at the rate of fifty rupees for a period of delay of one month or part thereof reckoned from the date of expiry of the certificate shall be paid:

Provided further that the amount so payable shall not exceed one hundred rupees:

Provided further that no fee shall be charged in respect of motor vehicles belonging to any Government.

(8) The State Government may by notification in the Official Gazette exempt totally or partially, any person or class of persons, or any motor vehicle or type or description of motor vehicles from payment of fee payable under this rule.

(9) An application for issue of a duplicate certificate of periodical inspection shall be on a plain paper and shall be accompanied by a fee of twenty rupees.

(10) The certificate of periodical inspection shall always be kept with the vehicle and the driver or other person in charge of the vehicle shall produce the certificate on demand by any officer of the Motor Vehicles Department.

(11) The provisions of rules 40, 41, 50, 51, 54 and 58 shall, so far as may be apply in relation to the certificate of periodical inspection as they apply in relation to certificate of fitness.

173. Application Of Certain Provisions To Private Service Vehicles And Educational Institution Bus :-

The provisions of rules 145 to 163 and 172 shall, as far as may be, apply to private service vehicles and educational institution bus.

174. Distinguishing Board For Contract Carriage :-

Every contract carriage other than a motor cab and a maxi cab shall carry in a prominent place on the front of the vehicle a distinguishing board in the regional language or in English with letters "CONTRACTCARRIAGE" painted in black on white background. The height and thickness of each letter shall be not less than 65millimetres and 15millimetres respectively.

175. Exemption Of Military Vehicles :-

Nothing contained in this chapter shall apply to military vehicles registered under section 60 of the Act.

176. Exemption Of Certain Vehicles :-

All motor vehicles which are not constructed or adapted for carriage of goods, passengers or persons and which are designed and constructed for off-highway operation for construction and repair of roads, dams or rails and used as special purpose equipment like excavator, loader, backhoe, compactor roller, dumper, motor grader, self-loading concrete mixer, dozer or combination thereof, mobile cranes and drilling rigs, vibrator roller, loading shovel and other special purpose vehicles to be used normally at the construction site or in the agriculture or oil fields etc. are exempted from the provisions of Chapter V of the Central Motor Vehicles Rules, 1989, and Chapter VII of the Gujarat Motor Vehicles Rules, 1989, subject to the conditions prescribed by the Central Government, in this behalf.

177. Exemption From The Provisions Of Chapter Vii Of The Act :-

Subject to such conditions as may be prescribed by the Central Government, the State Government may by general or special order or by notification in the Official Gazette, exempt any motor vehicle or class of motor vehicles from all or any of the provisions of the rules made under chapter VII of the Act, either generally or in such area or areas or on such route or routes and subject to such conditions, if any, as may be specified therein, if it is satisfied that-

- (i) such vehicles or class of vehicles, can be used in any public place without any danger to public safety or

- (ii) such vehicle or class of vehicles are suitable for carrying out any work of public purpose or

- (iii) such vehicle or class of vehicles are required to be used in the public interest or

- (iv) having regard to the construction and the use of such vehicle or class of vehicles, the requirement of any particular rule or rules does not serve any useful purpose or

- (v) having regard to the availability and utility of such vehicle or class of vehicles, their use in public interest is expedient or

- (vi) it is necessary to do so.

178. Conditions For Exemption In Respect Of Imported Or Military Disposal Vehicles Including Trailer :-

Deleted.

179. Restriction On Use Of Trailer :-

No trailer other than a semi-trailer shall be used as a public service vehicle.

180. Prohibition Of Drawing Of Trailers :-

No motor vehicle, other than a tractor or a prime mover or articulated vehicle and truck-trailer combination, shall draw a trailer or a semi-trailer.

181. Restriction On Number Of Trailers To Be Drawn :-

(1) Subject to the provisions of rule 182, a tractor may draw more than one trailer: Provided that no tractor shall draw on a public road-

(i) a trailer exceeding ½ metric ton in weight unladen and fitted with solid steel wheels less than 60 centimetres in diameter, or

(ii) a disc harrow without trolley wheels used as trailing implements behind a tractor.

(2) No agricultural tractor shall draw more than one trailer or semitrailer.

182. Restriction On Length Of Train Of Vehicle And Trailers :-

The sum total of the length of any vehicle and its attached trailer or trailers shall not exceed 18 metres.

183. Distinguishing Mark Of Trailers :-

(1) No person shall drive, and no person shall cause or allow to be driven, in any public place any motor vehicle to which a trailer is or trailers are attached unless there is exhibited on the front of such motor vehicle and 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 Fourth Schedule to these rules, in white on a black ground.

(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

(iii) no part thereof is at a height exceeding 120 centimetres from the ground.

CHAPTER 8 CONTROL OF TRAFFIC

184. Other Authorities Or Persons Under Chapter Vii Of The Act :-

The officers mentioned in column 2 of the following Appendix appended to this rule, for the purposes of the provisions specified against them in column 3 of the said Appendix shall be the authorities authorized or empowered, as the case may be, for the said purposes.

APPENDIX

Authority or person Provisions of the Motor Vehicles Act, 1988

1. Either the Commissioner of Police or where there is no such Commissioner of police, the District Magistrate. Sub-section (2) of section 112, section 115, clause (a) and clause (b) of sub-section (1) of section 116, sub-section (2) of section 116 and 117.
2. Any police officer of and above the rank of a Superintendent of Police. Sub-section (4) of section 116.
3. Any police officer of and above the rank of a Sub Inspector of Police. Sub-section (1) of section 114, sub-section (3) of section 130, section 133, and section 136.

185. Extent Of Application Of Section 130 :-

No person shall be liable to be convicted of an offence under section 130, if, at the time when the document referred to in the said section is required to be produced on demand by the checking officer, he has-

- (i) submitted the document in the office of any authority for such work which requires the submission of such document to such authority; or
- (ii) reported the loss, destruction or mutilation of the document to the prescribed authority and a duplicate copy has not been delivered to him by such authority.

186. Weighing Device :-

(1) A weighing device for the purpose of section 114 may be a weigh bridge installed and maintained at any place by or under the orders of the Government or a local authority or railway administration or by any other person:

Provided that such weighing device is certified and stamped in accordance with the provision of the Bombay Weights and Measures (Enforcement) Act, 1958 and the rules made there under.

(2) The driver of any motor vehicle shall, upon demand by a competent authority so drive and manipulate the vehicle as to place it or any wheel or wheels thereof, as the case may be, upon any weigh-bridge 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.

(3) If the driver of a motor vehicle fails within a reasonable time to comply with a requisition under sub-rule(2), a person authorized under section 114 may cause any person, being the holder of a license authorizing him to drive the vehicle, so to drive and manipulate the vehicle.

(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 vehicle the axle weight and the laden weight of the vehicle shall be deemed to be the sum of the weight 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 114 and this rule, 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 the weight of the vehicle and of any axle, the weight of which is separately determined.

(6) The driver or other person in charge of, or the owner of, a vehicle which has been so weighed may within 24 hours of the weighment of the vehicle challenge the accuracy of the weighing device by statement in writing to the Inspector of Weights and Measures in whose jurisdiction such weighing device is situated, along with a deposit of one hundred rupees.

(7) Upon receipt of such statement, the Inspector of Weights and Measures may test such weighing device and the certificate of such Inspector regarding the accuracy of the weighing device shall be final.

(8) If, upon the testing of a weighing device under sub-rule (7), 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 gross vehicle weight or unladen weight, as the case may be, a contravention of sub-section (3) of section 113 shall be deemed to have been proved.

(9) If upon the testing of a weighing device as, aforesaid the 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 as shown in the statement referred to in sub-rule (5) to have in excess of gross vehicle weight or unladen weight, as the case may be, no further proceedings shall be taken in respect of any such laden weight or unladen weight.

(10) No person, shall by reason of having challenged the accuracy of any weighing device under sub-rule (6), be entitled to refuse to comply with any order in writing, under section 114.

187. Fees For Storage Of Goods Removed From Overloaded Vehicles :-

(1) The fees to be charged by the godown-keeper, in respect of goods removed under sub-section (1) of section 114, shall be Rs. 5/- per day for every 100 kilograms or part thereof.

(2) Such fees shall be in addition to whatever actual labour charges are required to be paid for unloading or loading of goods.

(3) Such fees shall be recoverable from the driver or the owner or other person in charge of the vehicle from which the goods is removed.

187A. Conditions For The Issue Of Permits For Certain Transport Vehicles, For The Purposes Of Sub-Section (1) Of Section 113 :-

(i) a contract carriage permit issued in respect of a motor cab ordinarily known as an auto-rickshaw shall be subject to the condition that the vehicle shall not be used in any public place on the fuel adulterated with kerosene, diesel or other chemical which is not specified as fuel in the certificate of registration of the vehicle.

(ii) a goods carriage permit issued in respect of a goods carriage shall be subject to the condition that-

(a) the vehicle shall not be used to carry any load in contravention of the provisions of rule 93 of the Central Motor Vehicles Rules, 1989, unless the necessary exemption in this regard has been obtained from the State Government or the Central Government, as the case may be;

(b) the vehicle shall not be used in contravention of the conditions of exemption granted by the State Government or the Central Government as the case may be, under subsection (3) of section 110.

188. Parking Places And Halting Stations :-

(1) In consultation with local authorities having Jurisdiction in the area concerned and in the city where there is a Commissioner of Police, in consultation with such Commissioner of police and else where, with the District Magistrate, the Regional Transport

Authority may, by notification in the Official Gazette or by the erection of traffic signs which are permitted for the purpose under sub-section (1) of section 116, or both, in respect of picking up or setting down of passengers, or both, by public service vehicles or by 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 class, or

(ii) require that within the limits of any municipal corporation, municipality, notified area or cantonment, or within such other limits as may be specified in the notification, certain specified stands or halting places only shall be used:

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 or has been demarcated by traffic signs, or both, as being a stand or halting place for the purpose of this rule, then notwithstanding that the land is in possession of any person, 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 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 otherwise make rules or give directions for the conduct of such place including rules or direction-

(i) prescribing the fees to be paid by the owners 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,

(iii) 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 rules or in the direction, and to maintain the same in 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 passengers,

(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 competent authority may prohibit the use of such a place for the purposes of this rule.

189. Traffic Control Signals :-

For purpose of section 119, signals or directions given by the police officer shall be, as illustrated in the Fifth Schedule.

190. Stationary Motor Vehicle Or Road :-

(1) If any motor vehicle is stationery abandoned or left unattended 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 or creating a traffic hazard any police officer shall-

(i) forthwith cause the vehicle to be moved under its own power or otherwise to the nearest place where the vehicle will not cause undue obstruction or danger;

(ii) unless it is moved to a position where it will not cause obstruction or danger or hazard, cause to be taken all reasonable precautions to indicate the presence of the vehicle; and

(iii) if the vehicle has been stationary, abandoned or left unattended for a continuous period of ten or more hours, take action under the provisions of section 127 of the Act.

(2) If a motor vehicle has been stationary in a duly appointed parking place for a period exceeding that specified by a competent authority 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 136 or of any regulations 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 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.

191. Use Of Lamps On Stationary Vehicles :-

(1) On every motor vehicle while it is stationary on a public road during the period between half an hour after sunset and half an hour before sunrise, and at any other time when there is not sufficient light, the parking lights shall be kept lighted if the vehicle is in such position as to cause danger or undue inconvenience to other road users.

(2) 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 specifically by either the Commissioner of Police or where there is no such Commissioner of Police, by the District Magistrate.

(3) 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.

192. Removal Of Goods Abandoned On Road :-

(1) Where a goods carriage has been incapacitated to move due to accident, mechanical break down or due to any other reason, and where the goods carried by such goods carriage is lying outside the vehicle in such condition as to cause traffic hazard or to obstruct the free flow of traffic or to endanger the life and property of other users of road, any police officer in uniform may require the driver or the other person in charge of such goods carriage, to remove the goods immediately to a place where it will not cause any hazard, obstruction or danger.

(2) If such vehicle and the goods abandoned or left unattended are not removed within reasonable time the police officer may cause the removal of goods to the nearest place of safe custody, as he thinks fit.

(3) Where the actions have been taken by any police officer under

sub-rule(2), then notwithstanding any fine or penalty which may be imposed upon any person under any of the provisions of the Act or of any rules or regulations made by a competent authority, the provisions of rule 187 and sub-rule (3) of rule 190, shall as far as may be, apply to removal of goods under this rule.

193. Use Of Protective Head Gear :-

Every person driving or riding (otherwise than in a side-car) on a motor cycle shall wear a protective head gear, that is, a helmet which by virtue of its shape, material and construction could be expected to afford to the person driving a motor cycle, a degree of protection from injury in the event of an accident: Provided that the following shall operate as an exception to the provisions of section 129 of the Act:

- (a) while travelling as pillion rider,
 - (i) ladies,
 - (ii) children below the age of 12 years.
- (b) any person driving a motor cycle fitted with an engine having capacity up to 50 cubic centimetres;

194. Prohibition Of Erecting Or Placing Of Signs Or Advertisements On Roads :-

No person shall place or erect or cause or allow to be placed or erected, on any road, any sign or advertisement in such a way as to obscure any traffic sign from view or any sign or advertisement which is so similar in appearance to a traffic sign as to be misleading.

195. Prohibition Of Driving Downhill With The Gear Disengaged :-

No person shall drive a motor vehicle with the engine free, that is to say, with the gear lever in neutral, the clutch lever 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 traveling down an incline.

196. Prohibition Of Taking Hold Of Or Mounting A Motor Vehicle In Motion :-

- (1) No person shall mount or attempt to mount on, or get down from any motor vehicle when the motor vehicle is 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.

197. Prohibition Of Driving On Foot-Path Or Cycle Tracks :-

Where any road or street is provided with foot-paths, or tracks reserved for cycles or specified classes of other traffic, 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 foot-path or track.

198. Prohibition Of Driving On Certain Vehicles :-

(1) No tractor of the following type shall be driven on any public road unless -

(a) in the case of a crawler tractor or chain type tractor, every alternate rib of the track chain called "Grouser Plate" is fitted with a street plate, or

(b) in the case of a wheeled tractor fitted with steel wheels, protective road bands made of steel rubber, fitted over the wheel, or

(c) in the case of a half track tractor, the rear wheels thereof are fitted with street plates, and the front wheels if they are steel wheels, are fitted with the street bands : Provided that the provisions of clause (c) so far as they relate to the fitment of street plates shall not apply to any tractor the track of which without grouser plates presents a flat surface in contact with the road surface.

(2) No tractor, when fitted or being driven on a public road under the sub-rule (1), shall be driven on such a road at a speed exceeding 10 Kilometres per hour and no such tractor shall take sharp turns at such road: Provided that if such tractor is a crawler tractor, it shall not be driven on an asphalt road between 9 a.m. and 9 p.m.

(3) Every such tractor, when driven on a metalled road, shall be driven as far as possible on the side trips of such road.

199. Prohibition Of Carrying Dangerous Projections :-

(1) No mascot or other similar fitting or device shall be carried on any motor vehicle, in any position where it is likely to strike any person with whom the vehicle may collide.

(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 ten centimetres beyond the rim of the wheel to which it is

attached, unless the hub or hub cap does not project laterally beyond the body or wings of the vehicle or is provided with an adequate guard.

200. Restrictions On Carriage Of Dangerous Substances :-

Notwithstanding any other action which may taken under the Act or under any other law for the time being in force , for contravention of any condition for carriage of inflammable or explosive substances, any police officer or any officer of the Motor Vehicles Department, in uniform, may remove or cause to be removed from the vehicle, any inflammable, explosive or dangerous substance carried in any public service vehicle.

201. Restrictions On Use Of Sound Signals :-

Either the Commissioner of police or where is no such Commissioner of police, the District Magistrate, may, by notification published in the Official Gazette or in one or more newspaper, and by the erection of traffic sign in suitable places, prohibit the use of any horn or such other device, in any area under his jurisdiction, during such hours as may be specified in the notification.

202. Restriction On 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 undo inconvenience is not caused to any person by dazzle.

(2) Subject to the provisions of the rule 106 of the Center Motor Vehicle Rules, 1989, the Commissioner of Transport or Director of Transport as the case may be , for the whole State, may, by notification in the Official Gazette, require the owners of the motor vehicle to employ such device or contrivance as may be specified in the notification to prevent the lights of such vehicles when in use, from causing danger or undo inconvenience to any person by dazzle.

(3) Either the Commissioner of Police or where there is not such Commissioner of Police, the District Magistrate may, by notification published in the Official Gazette or in one or more newspaper, prohibit the use of lamps giving a powerful or intense light within such areas or in such places under his jurisdiction as may be specified in the notification.

203. Attendant :-

(1) In every transport vehicle other than a more cab, maxi-cab or a

private service vehicle, there shall be an attendant who shall be in such position as to give warning to the driver, of any vehicle approaching from the rear.

(2) Attendant carried on the trailer shall also be responsible to apply brakes of the trailer.

(3) The age of any such attendant shall not be less than 20 years.

204. Securing Of Goods In Open Goods Carriage :-

(1) Goods transported in an open goods carriage shall be properly secured within the body of such vehicle in such a manner so as to prevent the goods falling from such vehicle.

(2) Any loose material, transported in an open goods carriage, shall be so covered and secured by tarpaulin that there shall not be emitted therefrom any loose particles, the emission of which might cause, danger, injury, or annoyance to the public or any person, or danger or injury, to property of the public or any person.

205. Exhibition Of Reflector Boards :-

(1) Every goods carriage shall carry three reflector boards; and each such board-

(i) shall have the width of 75 cms and the height of 15 cms;

(ii) shall be fitted with 2 red reflectors at both the ends and one white reflector in the middle; and

(iii) shall be provided with a metal chain or wire of sufficient length and strength.

(2) Each reflector shall be of a diameter not less than 80 millimetres.

(3) If any goods carriage is stationary, on or near a road in any public place, due to mechanical breakdown, accident or any reason whatsoever, in such a way as to cause obstruction to traffic or danger to other road users, there shall be exhibited on or near such vehicle-

(i) one reflector board in front.

(ii) second such board on the right side, and,

(iii) third such board at the rear.

(4) All such boards shall be exhibited on such vehicle, during the period between the sunset and sunrise, and shall be placed, in the direct line of approaching vehicle.

206. Exemption From The Provisions Of Chapter Viii Of The Act :-

(1) The State Government may by general or special order, in the Official Gazette, exempt fire brigade vehicles, ambulances or other special classes or description of classes from all or any of the provisions of the rules made under Chapter VIII of the Act, either generally or in such area or areas or on such route or routes and subject to such conditions, as may be specified therein.

(2) The State Government may, by general or special order, in the Official Gazette, exempt any person or class of persons from any of the provisions of the rules made in this Chapter.

207. Public Parking Place And Stand :-

(1) In the city where there is Commissioner of Police, the Commissioner of Police and elsewhere the District Magistrate may, in consultations with the local authorities having jurisdiction in the area concerned and the Regional Transport Officer or the Assistant Regional Transport Officer as the case may be, notify, -

(i) any place as a parking place or a stand,

(ii) the class of motor vehicles that can be parked at such parking place or stand,

(iii) maximum period of time for which a motor vehicle can be parked,

(iv) the fee that can be levied and collected by the local authority for such parking, and

(v) the manner in which such parking place or stand shall be managed and maintained, by publication in the local newspaper and by erecting appropriate traffic signs.

(2) On the parking places and stands so notified under sub-rule (1), no public service vehicle shall be allowed to pick up or set down any passengers.

208. Inspection Of Motor Vehicles Involved In Fatal Accident :-

(1) Upon a requisition made by any police officer of an above the rank of a Sub-Inspector of Police, any officer of and above the rank of an Assistant Inspector of Motor Vehicles may inspect any motor vehicle involved in fatal accident.

(2) The requisition referred to in sub-rule(1) shall contain, as far as possible, all the information required by all the columns except column no. 5, 12 and 13, of Form 54 prescribed under the Central Motor Vehicles Rules, 1989.

(3) The inspection of a motor vehicle involved in fatal accident shall not be carried out by the officer of the Motor Vehicles Department after sunset and before sunrise and at any other time when there is no sufficient light to render clearly discernible different parts of the vehicle.

(4) On completion of inspection, an inspection report in Form M.V.-ACCIDENT shall be issued, as far as possible, on the spot, by the inspecting officer and such report shall contain the name and designation of Inspecting Officer besides his signature.

CHAPTER 9 INSURANCE OF MOTORVEHICLES AGAINST THIRD PARTY RISKS

209. Other Authority Under Section 147(4) :-

The other authority to whom the insurer is required to notify under sub-section (4) of section 147, shall be the registering authority in whose jurisdiction the owner of the vehicle to which cover note relates, has the residence or the place of business where the vehicle is normally kept.

210. Production Of Certificate Of Insurance Under Section 159 :-

The owner of a motor vehicle applying to pay tax on the vehicle or in the case of a vehicle which is exempted from payment of tax under the Bombay Motor Vehicles Tax Act, 1958 (Bom. LXV of 1958), when applying for exemption, shall forward with the application a valid certificate of insurance issued in pursuance of sub-section (4) of section 147 of the Act relating to the vehicle and complying with the requirements of Chapter XI of the Act and 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 tax is tendered, on the date on which the application is made: Provided that in case, the vehicle is a vehicle to which section 146 does not apply, such evidence in Form 53 prescribed under the Central Motor Vehicles Rules, 1989, shall be forwarded with such application.

CHAPTER 10 CLAIMS TRIBUNALS

211. Procedure Regarding Compensation Arising Out Of Accidents :-

(1) An application for compensation under sub-section (1) of section 166 shall be made to the Claims Tribunal in Form Comp. A.,

and shall contain the particulars specified in that form.

(2) Every such application shall be sent to the Tribunal, or to the Chairman in case the Tribunal consists of more than one member, by registered post or may be presented to such member of the staff of the Tribunal as the Tribunal, or as the case may be, the Chairman may authorize for the purposes and, if so sent or presented, shall, unless the Tribunal or Chairman otherwise directs, be made in duplicate and shall be signed by the applicant.

(3) There shall be appended to every such application a certificate which shall be signed by the applicant to the effect that the statement of facts contained in the application is to the best of his knowledge and belief, true.

(4) If the claim in the application does not exceed Rs. 10,000/- then every such application shall be accompanied by all the documents and affidavits for the proof of those documents of all facts on which the applicant relies in support of his claim, entered in a properly prepared list of documents or affidavits. The Claims Tribunal may not allow the applicant to rely in support of his claim on any documents or affidavits not filed alongwith the application, unless he satisfies the Claims Tribunal that for good or sufficient cause, he was prevented from filing such documents or affidavits, as the case may be, along with his application.

(5) There shall be appended to every such application, the following documents namely:-

(i) First Information Report in respect of the accident

(ii) Medical certificate of injuries or Postmortem Report, or death certificate; and

(iii) a certificate regarding ownership and insurance particulars of vehicle involved in the accident from the Regional Transport Officer or the Police Station, concerned.

212. Fees :-

(1) An application for compensation under rule 211, where a claim is for an amount not exceeding Rs. 9,999/- shall be accompanied by an amount of ten rupees: Provided that if the person making the application succeeds he shall be liable to pay by way of fee an amount equal to the full fee leviable on the amount at which the claim is awarded by the Tribunal according to the following scale:

(i) If the amount at which the claim awarded does not exceed one hundred rupees. Ten rupees.

(ii) If the amount at which claim is awarded exceeds one hundred

rupees, for every ten rupees or part thereof, in excess of one hundred rupees, upto one thousand rupees. One rupee.

(iii) If the amount at which the claim is awarded exceeds one thousand rupees, for every one hundred rupees or part thereof in excess of one thousand rupees, upto five thousand rupees. Six rupees and twenty five paise.

(iv) If the amount at which the claim is awarded exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, upto nine thousand nine hundred and ninety nine rupees. Twenty rupees.

(2) An application for compensation under rule 211 in respect of a claim of an amount exceeding Rs. 9,999 shall be accompanied by an amount equal to one half of the fee leviable on the amount at which the claim is valued in the application according to the following scale :

(i) If the amount at which the claim is valued does not exceed ten thousand rupees. Seven hundred fifty rupees.

(ii) If the amount at which claim is valued exceeds ten thousand rupees at every five hundred rupees, or part thereof, in excess of ten thousand rupees, upto twenty thousand rupees. Thirty five rupees.

(iii) If the amount at which claim is valued exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, upto thirty thousand rupees. Forty five rupees.

(iv) If the amount at which claim is valued exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees upto fifty thousand rupees. Sixty rupees.

(v) If the amount at which claim is valued exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees upto one lakh of rupees. Eighty rupees.

(vi) If the amount at which claim is valued exceeds one lakh of rupees, for every ten thousand rupees, or part thereof in excess of one lakh of rupees. One hundred rupees. subject to a maximum fee of fifteen thousand rupees only : Provided that if the person making the application succeeds, he shall be liable to make good the deficit if any, between the full fee payable on the amount at which the claim is awarded by the Tribunal according to the said sale and the fee already paid him.

(3) The fees payable under this rule shall be paid in the form of court fee stamps.

213. Exercise Of Powers Of Civil Court :-

The Claims Tribunal may exercise all the powers of a Civil Court save in so far as the same are not inconsistent with the provisions of the Motor Vehicle Act, 1988 and the rules made thereunder.

214. Dairy Of The Proceedings :-

The Claims Tribunal shall maintain a brief diary of the proceedings on an application for compensation

215. Assistance Of Experts :-

(1) The claim Tribunal may for the purpose of adjudicating upon any claim for compensation other than a claim for compensation under section 140, choose not more than two persons having technical or special knowledge with respect to any matter before the Tribunal for the purpose of assisting the Tribunal in the holding of the enquiry.

(2) The expert shall perform such functions as the Tribunal may direct.

(3) The remuneration, if any, to be paid to the expert shall in every case be determined by the Tribunal.

216. Appearance Of Legal Practitioner :-

The Claims Tribunal may, in its discretion, allow any party to appear before it through a legal practitioner.

217. Examination Of Applicant :-

On receiving an application under rule 211, the Claims Tribunal may examine the applicant upon oath, and the substance of such examination shall be reduced in writing and shall be signed by the member constituting the Tribunal or as the case may be, the Chairman.

218. Summary Dismissal Of Application :-

The Claims Tribunal may, after considering the application and the statement, if any, of the applicant, recorded under rule 217, summarily dismiss the application, if for reasons to be recorded; the Tribunal is of opinion that there are not sufficient grounds for proceeding therewith.

219. Notice To Opposite Party :-

If the application is not dismissed under rule 218, the Claims Tribunal shall send to the insurer or the owner or the driver of the motor vehicle against whom the applicant claims relief (hereinafter referred to as "opposite party"), a copy of the application and if the claim in the application does not exceed Rs. 10,000/-, also copies

of all the documents and affidavits, together with a list thereof filed by the applicant under sub-rule (4) of rule 211, together with a notice of the date on which it shall dispose of the application; and may, in case in which the claim in the application exceeds Rs. 10,000/-, call upon the parties to produce on that date any evidence which they may wish to tender.

220. Examination Of Opposite Party :-

(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:

Provided that in case of an application in which the claim does not exceed Rs. 10,000/- the opposite party shall, on the date mentioned in the notice sent to him, file his written statement dealing with the claim raised in the application together with all the documents and affidavits for the proof of those documents and of facts on which he relies in support of his defence of the application entered in a properly prepared list of documents, affidavits and shall give to the applicant copies of the written statement, documents and affidavits:

Provided further that the Claims Tribunal may not allow the opposite party to rely in support of his defence, on any document or affidavit not filed alongwith the written statement, unless he satisfies the Claims Tribunal that for good or sufficient cause, he was prevented from filing such document or affidavit, as the case may be, alongwith his written statement.

(2) If the opposite party contests the claim, the Claims Tribunal may, and if no written statement has been filed, shall proceed to examine him upon the claim and shall reduce the result of the examination in writing.

221. Framing Of Issue :-

After considering any written statement and the result of any examination of the parties, the Claims Tribunal shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to it to depend.

222. Determination Of Issue :-

After framing the issues, the Claims Tribunal shall proceed to record evidence thereon which each party may desire to produce.

223. Summoning Of Witnesses :-

If an application is presented by any party to the proceedings for citation of witnesses, the Claims Tribunal shall, on payment of such expenses and fees, if any, as it may determine, issue summons for the appearance of such witnesses, unless it considers that their appearance is not necessary for a just decision of the case:

224. Recording Of Evidence :-

The member constituting the Claims Tribunal or the Chairman thereof shall make a brief memorandum of the substance of the evidence of every witness as examination of the witness proceeds and such memorandum shall be written and signed by the member or the Chairman thereof with his own hand and shall form part of the record: Provided that, if the member or the Chairman 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 early as may be, word for word.

225. Local Inspection :-

(1) The Claims Tribunal may, at any time during the course of an inquiry 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 proceedings.

(2) Any party or the representative of any party may accompany the Claims Tribunal for local inspection.

(3) The Claims Tribunal, after making a local inspection shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and shall supply, any party, with a copy thereof.

(4) The memorandum shall form part of the record.

226. 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.

(2) No oath shall be administered to a person examined under subrule (1).

227. Recording Of Reasons For Postponement :-

If the Claims Tribunal finds it impossible to dispose of an application at one hearing, it shall record the reasons which necessitate the postponement.

228. Judgement :-

The Claims Tribunal, in passing orders, shall record concisely in a judgement the finding on each of the issues framed and its reasons for such finding.

229. Application Of Code Of Civil Procedure :-

In so far as these rules make no provision or make insufficient provision, the Claims Tribunal shall follow the procedure laid down in the Code of Civil Procedure, 1908 (V of 1908) for the trial of suits.

230. Savings :-

Notwithstanding anything contained in these rules:

(a) in the case of a claim under section 140, and in the case of any other claim not exceeding an amount of Rs. 10,000, the Claims Tribunal may, at its discretion, after hearing the arguments of the parties, or of their legal practitioners if allowed under rule 216 and after examining the documents and affidavits accompanying the application for compensation, decide the claim by recording a concise judgement and;

(b) in case of a claim exceeding an amount of Rs. 10,000 but not exceeding an amount of Rs. 1,00,000, the Claims Tribunal may, at its discretion, follow the provisions of order XIX of the Civil Procedure Code:

Provided that in case where cross-examination of the deponent who has filed an affidavit is permitted by it, the Claims Tribunal shall follow the procedure prescribed in rule 30 of the said Code.

231. Procedure Regarding Compensation On The Principle Of No Fault :-

Notwithstanding anything contained in rules 211 to 230 and 232 in the case of a claim for compensation under Chapter X of the Act, the procedure shall be as follows, namely:-

(1) An application for compensation shall be made to the Claims

Tribunal in Form CWF, in triplicate, and shall contain the particulars specified in that form.

(2) The application shall be accompanied by a fee of ten rupees in the form of Court fee stamps, and the following documents, namely:-

(i) First Information Report;

(ii) Injury certificate or Post-mortem report in case of death;

(iii) Heirship certificate in case of death;

(iv) Certificate from the registering authority regarding ownership of the vehicle involved in the accident;

(v) Particulars or insurance of the vehicle involved in the accident.

(3) No fees shall be charged for process of application for compensation made under this rule.

(4) The Claims Tribunal shall dispose of the application for compensation within six weeks from the date of receipt of such application.

(5) For the purpose of adjudicating and awarding the claim, the Claims Tribunal shall follow the procedure of summary trial as contained in Chapter XXI of the Code of Criminal Procedure, 1973.

(6) The Claims Tribunal shall not reject any application made under this rule on the ground of any technical defect, but shall give notice to the applicant and get the defect rectified.

(7) For the purpose of adjudicating and awarding the claim, the Claims Tribunal shall obtain whatever information and document considered necessary by it from the police, medical and other authorities.

(8) On receipt of the application for compensation, the Claims Tribunal shall give notice to the owner, and the insurer, if any, of the vehicle involved in the accident, directing them to appear on a date not later than ten 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 application for compensation. The Claims Tribunal shall state in such notice that, in case they fail to appear on such appointed date, the Tribunal shall proceed exparte on the presumption that they have no contention to make against the award of compensation.

(9) The Claims Tribunal shall proceed with the application for compensation, on the basis of-

(i) First Information Report;

(ii) Injury certificate or Post-mortem report in case of death;

(iii) Registration certificate of the motor vehicle involved in the accident;

- (iv) Cover note, certificate of insurance or the policy, relating to the insurance of the vehicle against third party risks;
- (v) the nature of the treatment given by the medical officer who has treated the victim.
- (10) The Claims Tribunal in passing the 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 owner or insurer, of the vehicle involved in the accident.
- (11) Where compensation is awarded to two or more persons, the Claims Tribunal shall also specify the amount payable to each of them.
- (12) The Claims Tribunal, in passing the orders, shall also direct the owner or insurer, of the vehicle involved in the accident, to pay the amount of compensation to the claimant within thirty days from the date of the said orders.
- (13) Where the Claims Tribunal thinks that the actual payment 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 Tribunal, and then proceed with the identification of the legal heirs for deciding the payment of compensation to each of the legal heirs.

232. Receipt Of Compensation Paid :-

Upon payment of compensation, the Claims Tribunal shall obtain a receipt from the claimant and shall forward such receipt to the concerned insurer or the owner of the vehicle, as the case may be, for the purpose of record.

233. Enforcement Of An Award Of Claims Tribunal :-

Subject to the provisions of section 174, the Claims Tribunal shall, for the purpose of enforcement of its award, have all the powers of a Civil Court in the execution of a decree under the Code of Civil Procedure, 1908, as if, the award were decree for the payment of money passed by such Court in a civil suit.

234. Manner Of Appeals :-

(1) Every appeal against 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 authorized in that behalf by the applicant and presented to the High Court or to such officer as it

appoints in this behalf. The 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 against which the appeal is preferred 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 XLI and Order XXI in First Schedule to the Code of Civil Procedure, 1908 (V of 1908) shall mutatis mutandis apply to appeals preferred to the High Court under section 173.

CHAPTER 11 OFFENCES, PENALTIES AND PROCEDURE

235. Temporary Acknowledgement In Lieu Of Driving Licence :-

(1) Where a police officer or an officer of the Motor Vehicles Department or other competent authority has taken temporary possession of a driving licence from the holder, under the provisions of section 206 or for any other purpose, such officer or authority, shall unless the driving licence has been suspended or cancelled, issue a temporary acknowledgement in Form L. Tem. to the holder, authorizing such holder to drive such class of vehicles, during such period as may be specified therein; and during that period, the production of such temporary acknowledgement on demand, shall be deemed to be the production of the driving licence:

Provided that the officer or the authority by which the temporary acknowledgement was granted may, in his or its discretion, extend the period for which such acknowledgement is to remain valid until the driving licence is returned; but such acknowledgement shall not be extended beyond the expiry of the driving licence.

(2) Until the driving licence has been returned to the holder, he shall not be entitled to drive motor vehicle without being in possession of his driving licence, beyond the period specified in the temporary acknowledgement.

(3) No fee shall be payable in respect of a temporary acknowledgement under this rule.

235A. Authority Under Section 206 (1) And (2) And Section 207 :- Any officer of the Police Department, of and above the rank of SubInspector shall exercise the powers under the provisions of subsections (1) and (2) of section 206 and sub-section (1) of section 207.

236. Temporary Acknowledgement In Lieu Of Certificate Of Registration :-

(1) Where a police officer or an officer of the Motor Vehicles Department or other competent authority has taken temporary possession of a certificate of registration from the owner or the driver of a motor vehicle, under the provisions of section 206 or for any other purpose, such officer or authority, shall unless the certificate of registration has been suspended or cancelled, issue a temporary acknowledgement in Form C. Tem. to the owner or the driver, as the case may be, authorizing such owner to use the vehicle during such period as may be specified therein; and during that period, the production of such temporary acknowledgement on demand, shall be deemed to be the production of the certificate of registration:

Provided that the officer or the authority by which the temporary acknowledgement was granted may, in his or its discretion, extend the period for which such acknowledgement is to remain valid until the certificate of registration is returned; but such acknowledgement shall not be extended beyond the expiry of the certificate of registration, if any, or the certificate of fitness, as the case may be, in respect of such vehicle.

(2) Until the certificate of registration has been returned to the owner, the vehicle concerned shall not be used beyond the period specified in the temporary acknowledgement.

(3) No fee shall be payable in respect of a temporary acknowledgement under this rule.

237. Penalty For Causing Obstruction To Free-Flow Of Traffic :-

Notwithstanding anything contained in rule 190 and subject to the provisions of section 127 and section 201, any police officer not below the rank of a Sub-Inspector of Police may recover a penalty at the rate of fifty rupees per hour from a person who keeps a disabled vehicle on any public place in such a manner, so as to cause impediment to the free flow of traffic.

CHAPTER 12 MISCELLANEOUS

238. Refund Of Fees :-

(1) If the Commissioner of Transport or Director of Transport as the

case may be, the Regional Transport Officer or the Assistant Regional Transport Officer as the case may be, is satisfied that the amount paid is in excess or that it is paid erroneously towards fees under these rules, or that it is required to be refunded under the provisions of the Central Motor Vehicles Rules, 1989, he shall issue to the person entitled to the refund of such amount a certificate in Form R.F.

(2) Any person to whom a certificate in Form R.F. has been issued under sub-rule (1) shall, on presentation of the certificate at the local Government Treasury, the State Bank of India or any other bank conducting the cash business of the State Government within 90 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 receive 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 R.F. has been issued shall be entered in such register.

239. Powers Of Officers Of Motor Vehicles Department :-

Any officer of the Motor Vehicles Department, of and above the rank of an Assistant Inspector of Motor Vehicles shall exercise the powers under the provisions of sections 114 (1), 130 (1), (2) and (3), 132 (1), 133, 134 (b), 136, 158 (1) and (4), 202, 206, 207 and 213, subject to the restrictions imposed therein: Provided that powers shall not be exercised by any officer, of and above the rank of an Assistant Inspector of Motor Vehicles unless he is in uniform.

240. Performance Of Functions By Officers Of The Motor Vehicles Department :-

Notwithstanding anything contained in these rules,-

(a) the Commissioner of Transport or Director of Transport as the case may be, or the Joint Director of Transport may at any time perform any of the functions of a Regional Transport Officer or Assistant Regional Transport Officer or Inspector of Motor Vehicles under these rules;

(b) the Regional Transport Officer or the Deputy Director of Transport or the Assistant Regional Transport Officer or the Assistant Director of Transport may at any time perform any of the functions of an Inspector of Motor Vehicles or Assistant Inspector of Motor Vehicles under these rules;

(c) the Assistant Inspector of Motor Vehicle may at any time, if so

required by the Assistant Regional Transport Officer or the Regional Transport Officer, perform any of the functions of an Inspector of Motor Vehicles under these rules.

241. Uniform For The Officers Of The Motor Vehicles Department :-

The uniform for the Deputy Director of Transport, Regional Transport Officer, Assistant Director of Transport, Assistant Regional Transport Officer, Inspector and Assistant Inspector of Motor Vehicles shall be as follows-

- (1) Khaki forage cap or khaki peaked cap or khaki turban, or beret in navy-blue colour. Each of these dress shall have a head badge.
- (2) Khaki Shirt or khaki bush shirt or khaki tunic with khaki buttons.
- (3) Khaki trousers of police pattern.
- (4) Khaki whistle cord.
- (5) Whistle.
- (6) Police pattern cross belt or waist belt of Sam Browne leather.
- (7) Brown shoes.
- (8) Khaki stockings or socks.
- (9) The Deputy Director of Transport or the Regional Transport Officer to wear Ashok emblem, and the Assistant Director of Transport or the Assistant Regional Transport Officer to wear three stars and the badge with letters "GMVD", on the shoulder strap.
- (10) The Inspector of Motor Vehicles to wear three stars and the Assistant Inspector of Motor Vehicles to wear two stars, and the badge with letters "GMVD" and a strip in Red and Blue colour, on the shoulder strap.
- (11) The epaulettes, badges, head badges and strip shall be of design and descriptions, illustrated in the Sixth Schedule.

241A. Fascimile Of The Signature Stamped On Documents :- Every approval, authorisation, certification, intimation, letter, licence, notice, permission, permit, register or other document required by the Act or by rules made thereunder to bear the signature of the authority or the officer prescribed or specified under the Act or under rules made thereunder shall be deemed to be properly signed if it bears a facsimile of the signature of such authority or officer stamped thereon.

242. Repeal And Savings :-

(1) The Bombay Motor Vehicles Rules, 1959 are hereby repealed.

(2) Notwithstanding the said repealed anything done or any action taken under any of the provisions of the rules so repealed shall, in so far as it is not inconsistent with the provisions of these rules be deemed to have been done or taken under the corresponding provisions of these rules.