

## **Orissa Motor Vehicles Rules, 1993**

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## **Orissa Motor Vehicles Rules, 1993**

### **CHAPTER 1 PRELIMINARY**

#### **1. Short title and Commencement :-**

- (1) These rules may be called the Orissa Motor Vehicles Rules,

1993.

(2) They shall come into force on the date of their m publication in the Official gazette.

## **2. Definition :-**

(1) In these rules, unless the subject or the context otherwise requires:

(a) "Act" means the Motor vehicles Act, 1988 (59 of 1988):

(b) "Commissioner" means the Transport Commissioner appointed by the State Government;

(c) "Deluxe Stage carriage" means an Express stage carriage which is constructed and designed, as per specification as may be notified by the Government from time to time in the Official Gazette, and the seats of which are laid out with the specification mentioned in the Seventh Schedule;

(d) "Express Stage carriage" means a stage carriage with a permit authorizing the same to stop, to pick up and set down passengers once in an average distance of fifteen Kilometers covered by its route with the exception of district, subdivision, tahasil, block headquarters enroute, and the place of its starting and terminus;

(e) "Form" means a form appended to these rules;

(f) "Government" means the Government of Orissa;

(g) "passenger" for the purpose of chapter IV of these rules means any person traveling in a public service vehicles other than the driver, conductor or an employee of the permit holder while on duty in respect of the motor vehicle;

(h) "Regional Transport Officer" means any Officer appointed by such by the State Government to exercise the powers, discharge the Duties and perform the functions of a Regional Transport Officer under these rules and includes an Additional Regional Transport Officers and an Assistant Regional Transport Officers;

(i) "Secretary, State Transport Authority" means an Officers appointed as such by the State Government to exercise the powers, discharge the duties and perform the functions of the Secretary of the State Transport Authority provided under these rules and includes Special Secretary/Additional Secretary/Assistant Secretary/Additional Assistant Secretary. Additional Commissioner, Transport, shall function as Special Secretary, State Transport Authority and Additional/ Assistant Regional Transport Officers posted to Check gates shall function as Additional/Assistant Secretary, State Transport Authority;

(j) "Secretary, Regional Transport Authority" means an Officer appointed as such by the State Government to exercise the powers, discharge the duties and perform the function of the Secretary of the Regional Transport Authority. Provided under these rules and includes Additional Secretary and Assistant Secretary of the Regional Transport Authority. The Additional/Assistant Regional Transport Officers of the region concerned shall function as Additional/Assistant Secretary, Regional Transport Authority;

(k) "State" means State of Orissa ;

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

(m) "Schedule" means a Schedule appended to these rules.

(2) All other words and expressions which are used but not defined in these rules shall unless the context otherwise requires have the same meaning as are respectively assigned to them in the Act.

## **CHAPTER 2 LICENSING OF DRIVERS OF MOTOR VEHICLES**

### **3. Licensing Authority :-**

(1) The licensing authority shall be :

1[(i) In case of Panposh Subdivision and Bonai Subdivision in Sundergarh district, the Regional Transport Officer, Rourkela; in the case of rest of the Sundergarh district, the Regional Transport Officer, Sundergarh, 1[in the case of Puri district, the Regional Transport Officer, Puri and in the case of the districts of Nayagarh and Khurda, the Regional Transport officer, Bhubaneswar];

(ii) in the case of trainees of the Government Driving Training School, the Principal of that institution; and

(iii) in case of other not covered by clause (i) and (ii) in the State, in the Regional Transport Officer of the Region Concerned.

(2) The chairman of the Regional Transport Authority in the absence of the licensing authority may authorized by order in writing, any Officer Subordinate to him not below the rank of Deputy Collector to perform all or any of the functions of the licensing authority.

### **4. Appellate Authority :-**

Appeals under Sub-Section (2) of section 17 and sub-section (3) of section 19 shall lie to the Chairman of the concerned Regional Transport Authority :

Provided that appeal against the order of the Principal, Driving Training School shall lie to the Joint Commissioner, Transport

(Technical), Orissa under sections 17 (2) and 19(3).

## **5. Conduct and hearing of appeal :-**

(1) Appeal petitions made under sub-section (2) of section 17 or sub-section (3) of section 19 shall be preferred in duplicate in the form of a memorandum containing concisely grounds of objection to order of the licensing authority and also the date of service of such orders and shall be accompanied by the copy of the order appealed against together with a treasury challan in support of deposit of fee of rupees five.

(2) When an appeal, presented before the Appellate Authority, does not Comply with any of the requirement of sub-rule (1) the same may not be registered and may summarily be rejected.

(3) When an appeal, Presented is found to be in order, the same shall be registered in the records of the Appellate Authority and notice shall be issued to the authority against whose order the appeal is preferred in such form and manner as the Appellate Authority may direct requiring him to produce such records, as may be necessary, for hearing of the appeal

(4) The Appellate Authority shall, after giving an opportunity of being heard, to the parties concerned and making further enquiry if any, as it may deem necessary confirm, modify or set aside the order against which the appeal is preferred and shall make an order accordingly and pronounce the same in the open court.

## **6. Procedure for issue of duplicate licence :-**

(1) If a driving licence of the holder is at any time lost, destroyed or mutilated he shall forth with intimate the fact in writing to the licensing authority along with an affidavit in whose area he has his place of residence or carrying his business at the relevant time, with such particular as may be necessary relating to such licence. He may apply to the said authority for issue of a duplicate licence together with a fee of rupees fifteen in respect of licence in form 6 and rupees forty in respect of licence in form 7 of the Central Motor Vehicles Rules, 1989.

(2) Upon receipt such intimation as aforesaid Licensing Authority shall, if he is not the original licensing authority by whom the driving licence was issued, apply for the particulars of the driving licence and of any endorsement there on from the original authority and shall after making such enquiries, if satisfied that a duplicate licence may be issued, issue a duplicate driving licence to the

applicant and send intimation to the original authority.

(3) When a photograph is required to be affixed to the duplicate driving licence issued under the provisions of this rule, the holder of the licence shall furnish the licensing authority two clear copies of his recent passport size photograph, one of which shall be affixed to the duplicate licence and the other shall be transmitted by the authority issuing the duplicate driving licence to the original authority by whom the driving licence was issued.

(4) When a duplicate driving licence has been issued upon representation that driving licence has been lost and the original driving licence is afterward found by the holder thereof, he shall deliver the same to the licensing authority forthwith.

(5) Any other persons finding a driving licence shall deliver the same to the holder of the driving licence or to the nearest Police-Station.

(6) The driving licence as issued under this rule shall be clearly stamped "Duplicate" in red ink and shall be marked with the date of issue of the duplicate and the seal of the licensing authority.

(7) Fee payable under sub-rule (1) shall be paid in cash or bank draft or bankers cheque drawn on any, Nationalised Bank in favour of the licensing authority to whom application for issue of duplicate licence is made.

(8) Where the Licensing Authority refuses to issue such duplicate licence applied for, the fee as paid therefor, shall be refunded to the applicant and a refund voucher shall be issued accordingly.

## **7. Duties of person holding a licence to drive a Transport Vehicle :-**

(1) Any person to whom a driving licence or a duplicate driving licence has been issued under these rules shall retain and carry such driving licence, while driving or in control of such transport vehicle.

(2) The person holding such driving licence shall keep such licence issued to him in safe Custody and shall produce the same before any authority authorised in this behalf on demand for verification thereof for the purpose of the Act and these rules.

(3) Such person shall before the expiry of the driving licence shall make application for renewal thereof upon payment of usual fees and in the manner as provided under rule 18 of the Central Motor Vehicles Rules, 1989.

(4) A person not authorized to drive a particular class or description

of the transport vehicle shall not drive such vehicle except under the authorisation of a learners licence.

(5) Any person authorised to drive a transport vehicle under the licence issued to him shall abide by all the rules and regulation provided in the Act and the rules made there under

(6) Any person, who has applied for a duplicate driving licence under rule 6 shall demand and be issued with a receipt from the licensing authority with such particulars evidencing that all documents relating to licence has been submitted before the licensing authority and shall carry the same with him till the duplicate is issued to him. He shall return the said receipt to the licensing authority on being issued the duplicate licence.

### **8. Maintenance of State Register Driving Licence :-**

The State Register of driving licence shall be maintained by the licensing authority in the manner of a ledger the columns being vertical for entering horizontally the particulars of form 10 prescribed under sub-rule(1) of rule 23 of the Central Motor Vehicles Rules, 1989.

## **CHAPTER 3 REGISTRATION OF MOTOR VEHICLES**

### **9. The Registering Authority shall be :-**

(a) in the case of Panposh subdivision and Bonai Subdivision in Sundergarh district, the Regional Transport Officer, Rourkela;

[(b) in the case of the Sundergarh district other than the area Specified in clause (a), the Regional Transport Officer, Sundergarh;

(c) in the case of the district of Puri, 2[the Regional Transport Officer, Puri;

3[(d) in the case of the districts of Nayagarh and Khurda, the Regional Transport Officer, Bhubaneswar]; and

(e) in respect of the other cases in the State not covered by clauses (a) to (d), the Regional Transport Officer of the region concerned.]

### **10. Appellate Authority :-**

Appeals against the order of the registering authority shall lie before the Chairman of the concerned Regional Transport Authority.

### **11. Conduct and hearing of appeal :-**

(1) Any person aggrieved by an order passed by the registering

authority under sections 45, 48, 50, 54 and section 55 shall within 30 days from the date of the receipt of such order, appeal to the appellate authority.

(2) The appeals petition under sub-rule (1) shall be preferred in duplicate in the form of a memorandum together with a Treasury Challan showing a deposit of fee of rupees forty setting forth concisely the grounds of objection to the order of the registering authority and shall be accompanied by a copy of the order appealed against.

(3) When an appeal is preferred a notice shall be issued to the Registering authority against whose order the appeal is preferred in such form and in such manner as the appellate authority may direct.

(4) The appellate authority, after giving an opportunity to the parties to be heard and after such enquiry, if any, as he may deem necessary may confirm, vary or set aside the order of such authority and shall pass orders as deem proper.

## **12. Obtaining Copies of Document and Payment of fees :-**

Any person preferring an appeal under the provision of the Act and the rules shall be entitled to obtain copies of documents filed before the Registering authority in connection with any order against which he intends to prefer an appeal on payment of a fee of rupees four in cash in respect of each such document.

## **13. Assignment and Exhibition of Registration Marks :-**

(1) The Registering authority shall assign to each motor vehicle registered a registration mark in accordance with sub-section (6) of section 41.

(2) The registration mark to be assigned under sub-section (6) of section 41, in accordance with the group of letters allotted to the States by the Central Government from time to time by notification in the Official Gazette, by the registering authority specified in the first column of the first schedule to these rules, shall be as set forth in the corresponding entry in the second column of the said Schedule.

(3) The registration mark shall be displayed in such form in such manner as specified in rules 50 and 51 of the Central Motor Vehicles Rules, 1989.

## **14. Reservation and assignment of registration number**

**with marks :-**

(1) On receipt of an application the registering authority while assigning a registration mark under rule 13 shall assign the registration number which falls in serial after the last registration mark and number assigned subject to the provisions contained in sub-rules (2) to (6).

(2) The Commissioner may reserve any special registration number with mark as considered necessary to be assigned to a motor vehicle owned by the Government.

(3) (i) Subject to the provisions of sub-rule (2), the registering authority may, on application in writing made to it by any person in possession of a motor vehicle reserve a registration number with mark within one thousand from the last number assigned in serial order on the date of application on payment of an extra fee of one hundred rupees in case of a motor cycle, two hundred and fifty rupees in case of a light motor vehicle or a motor car, three hundred and fifty rupees in case of medium goods carriage or a medium passenger motor vehicle and five hundred rupees in case of a heavy goods carriage or heavy passenger motor vehicles;

(ii) The registering authority may on an application in writing made to it by any person reserve the registration number with mark of a vehicle earlier owned by the said person or any other person for a new vehicle to be owned by him subsequently, on payment of an extra fee of one hundred rupees in case of a motor cycle, two hundred and fifty rupees in case of a light motor vehicle or a motor car, three hundred and fifty rupees in case of medium goods vehicle or a medium passenger motor vehicle and five hundred rupees in case of a heavy goods vehicle or a heavy passenger motor vehicle. The registration number with marks of the vehicle owned earlier shall not be assigned unless up- to-date taxes for that vehicle have been paid.

(4) Notwithstanding any contained in this rule, the Commissioner may, for the reasons to be recorded in writing cancel any reservation made by any registering authority under sub-rule (3) in which case either the fee so deposited shall be refunded or the party reserving the number shall be given an opportunity to choose another number in place of the cancelled number within one thousand numbers from the last serial number assigned on the date of application .

(5) If there are more than one application for a particular number the reservation shall be made in favour of the applicant whose

application has been received first and the extra fee of the other applicant shall be refunded if they do not choose another number for reservation.

(6) The number so reserved shall be allotted on production of the vehicle fit for registration along with the application in Form-20 prescribed under rule 47 of the Central Motor Vehicle Rules, 1989.

(7) Reservation shall be cancelled if the vehicle is not produced within thirty days from the date of the issue of information.

(8) The extra amount of fee for reservation of registration number with mark shall, on no account be refunded except in the circumstances specified in sub-rules (4) and (5).

### **15. Issue of certificate of registration :-**

On receipt of an application in form 20, prescribed under rule 47 of the Central Motor Vehicles Rules, 1989 and after verification of the documents furnished there with, the registering authority shall subject to the provisions of section 44, issue to the owner of the motor vehicle a certificate of registration in form-23 prescribed under rule 48 of Central Motor vehicles Rules, 1989.

### **16. Registration record to be kept by the Registering Authority :-**

Every registering authority shall keep in form 24, prescribed under rule 49 of the Central Motor Vehicles Rules, 1989, a permanent register of motor vehicles registered by it under sub-section (5) of section 41 and of motor vehicles of other State for which new registration marks are assigned by it under sub-section (2) of section 47 and shall also enter in such records under the respective registration number all changes made with reference in the provision of sub-section (10) or sub-section (14) of section 41, sub-sections (5) of section 49, sub-section (6) of section 50, sub-sections (1), (2), (3) and (5) of section 51, sub-section (4) of section 52, orders of suspension under section 53 and orders of cancellation under section 54 and 55.

### **17. Renewal of Certificate of Registration and issue of duplicate :-**

(1) The registered owner or the person in possession or control of a motor vehicle other than a transport vehicle shall apply in Form 25 prescribed under rule 52 of the Central Motor Vehicle Rules, 1989

to the registering authority which used the certificate of registration for renewal of certificate of registration of the motor vehicle sixty days prior of the expiry of the date on which the registration of the vehicle would complete fifteen years.

(2) The registering authority shall on receipt of the application for renewal of the certificate of registration of a motor vehicle other than a transport vehicle shall cause the vehicle to be examined by the inspector of Motor Vehicles or a junior Inspector of Motor Vehicles and on the latter's recommendation, renew the certificate of registration and such renewal shall remain valid for a period of five years from the date on which it is granted.

(3) If at any time a certificate of registration is mutilated the owner shall be entitled to a duplicate one on surrender of the mutilated one and payment of fee prescribed for issue of duplicate.

(4) Upon receipt of such an application under rule 53 of the Central Motor Vehicles Rules, 1989 together with the fee prescribed under rule 81 of the said rules, the registering authority shall issue duplicate certificate of registration in the form prescribed under rule 48 of the said rules clearly stamped "Duplicate" in red ink.

(5) No person shall be liable to be convicted of an offence of violation of section 130 if, at the time when the certificate is demanded, he has already reported the loss, destruction or mutilation thereof in accordance with the rule and duplicate certificate has not been delivered to him.

**18. Authority to suspend certificate of registration, examination of vehicle and appeal thereto :-**

(1) Any magistrate in a proceeding before him, the Additional Commissioner Transport, Secretary or the Under-Secretary of the State Transport Authority, Joint Commissioner Transport, Deputy Commissioner Transport, any Police Officer not below the rank of Deputy Superintendent or the Inspector of Motor Vehicles may suspend the certificate of registration of a motor vehicle under sub-section (1) of Section 53.

(2) Any Officer of the Orissa Motor Vehicles Department not below the rank of Traffic Inspector may stop any motor vehicle the use of which in a public place, in his opinion, likely to constitute danger to the public and examine such vehicle.

(3) Any owner of motor vehicle aggrieved by an order made under sub-rule (1) may, within thirty days from the date of receipt of the order appeal

- (i) against the order of any Magistrate, to the court competent to hear appeal against such order under the code of Criminal Procedure, 1973 (2 of 1974);
  - (ii) against the order of Additional Commissioner Transport, Secretary or Under- Secretary of the State Transport Authority, Joint Commissioner Transport, Deputy Commissioner, Transport to the Commissioner, and
  - (iii) against the order of other authorities, to the Chairman of the Regional Transport Authority concerned.
- (4) The producer specified in rule 11 for the conduct of hearing of appeals shall apply to all appeals preferred under sub-rule (3).

### **19. Transport Vehicles :-**

- (1) The following particulars in respect of every transport vehicle shall be exhibited on the left-hand side of the vehicle, namely :
- (i) the name of the owner as set forth in the certificate of registration and his address in brief;
  - (ii) the unladen weight denoted by U.W..... Kilograms;
  - (iii) the gross vehicle weight denoted by G.V.W.....Kilograms;
  - (iv) the number of passengers for whom accommodation is provided denoted by pass.....
  - (v) the registered front axle weight denoted by F.A.W..... Kilograms;
  - (vi) the registered rear axle weight denoted by R.A.W..... Kilograms;
  - (vii) the registered axle weight of each inter mediate axle, if any, denoted by M.A.W..... Kilograms;
  - (viii) the number and size of tyres
- (2) The weight shall be stated in kilograms and the particulars shall be set forth in English letters and numerals each not less than two and half centimeters high and two and half centimeters wide legibly painted on a plain surface or a plate or plates affixed to the vehicle.

### **20. Transfer of ownership :-**

- (1) Intimation of transfer of ownership of motor vehicle under clause (b) of sub-section (1) of section 50 shall be made by the transfer in form 30 prescribed under rule 55 of the Central Motor Vehicles Rules, 1989.
- (2) The application shall be accompanied with a fee as specified in rule 81 of the Central Motor Vehicle Rules, 1989.
- (3) Communication of transfer to the original registering authority

under sub-section (7) of section 5 shall be made in form I.

**21. Intimation in respect of vehicle not registered within the State :-**

(1) When any motor vehicle which is not registered in Orissa has been kept within Orissa for a period exceeding thirty days, the owner or other person in charge of the vehicle shall send intimation to the registering authority of the area in which the motor vehicle is at the time of making the report and shall intimate.

(ii) his name and permanent address, and his address for the time being;

(ii) the registration mark of the vehicle;

(iii) the make and description of the vehicle; and

(iv) in the case of a transport vehicle the name of the authority within the State by whom the permit has been issued or countersigned:

Provided that in the case of a transport vehicle covered by a permit having validity in the State, it shall only be necessary to make a report under this sub-rule upon the first occasion when a report is due.

(2) Nothing in this rule shall apply to motor vehicle which requires registration under provisions of sub-section (1) of section 60.

**22. Certificate of Fitness (Issue and renewal) :-**

(1) A Certificate of fitness shall be granted or renew by an Inspector of Motor Vehicles or Junior Inspector of Motor Vehicles appointed for the purpose or the testing station authority by the State Government for the purpose :

Provided that the Transport Commissioner may also authorise any other Officer subordinate to himself and belonging to Orissa Transport Engineering Service to grant or renew the Certificate of fitness.

(2) The application for the grant or renewal of the certificate of fitness as the case may be, shall be made in Form II accompanied by a tax clearance certificate in Form III to the registering authority in whose functional area includes the major portion of the route or area to which the permit relating to the vehicle extends.

(3) The application shall be forwarded by the registering authority to the Inspector of Motor vehicles or in his absence to the Junior Inspector of Motor Vehicles or to any Officer authorised by the Commissioner or to the testing station authorised in sub-rule (1) for

disposal, within ten days from the date of receipt of such application and in case of renewal of the fitness certificate within fifteen days from the date of receipt of such application.

(4) The authority granting or renewing the certificate of fitness may endorse on the application the date, time and place appointed for the inspection of the vehicles not later than a date beyond seven days after receipt of the application from registering authority and the owner shall cause the vehicle to be produced to accordingly.

(5) The authority granting or renewing certificate of fitness shall after such inspection endorse on the certificate of registration the fact of such grant or renewal thereof with his signature, date and seal thereon. In case of refusal to grant or renew such certificate of fitness, he shall record in writing the reason thereof and shall communicate to the registering authority accordingly with a copy to applicant forthwith.

(6) An application for renewal of the certificate of fitness shall be made in Form II not less than thirty days before the date of expiry of the certificate of the owner or the person in control of the vehicle shall cause the vehicle to be produced for inspection such date and at such time and place as appointed under sub-rule (4).

(7) If owner or the person in control of the vehicle fails to make application under sub-rule (6) he shall be liable to pay a penalty of rupees 100% in addition to fee prescribed for the renewal of the fitness certificate and inspection of motor vehicles:

Provided that the delay in making the application may be condoned by the registering authority if he is satisfied that the owner or the person in control of the vehicle was prevented by sufficient cause for such delay.

(8) If the owner or the person in control of the vehicle fails to produce the vehicle before the inspecting authority on the date, time and place fixed under sub-rule (4) but produces the same on some later date, he shall have to pay a penalty of rupees twenty 100%

Provided that the omission to produce the vehicle for inspection on the date as fixed under sub-rule (4) may be condoned by the concerned authority as specified in sub-rule (3), if he is satisfied about the reasons of failure for such omission and in that case no penalty shall be imposed.

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

(10) If, owing to mechanical breakdown or other cause a motor vehicle is, after the expiry of the certificate, out side the functional

area of the inspector by whom the certificate is to be renewed, an inspector of Motor vehicles or in his absence the Junior Inspector of Motor vehicles, or the officer authorised under the proviso to the sub-rule (1) may, without prejudice to any penalty of which the owner or driver may have become liable, if the vehicle in his opinion is fit for use, by endorsement in Form-IV and subject to such condition as he may specify, authorise its continued use for such time as may reasonably be necessary for the vehicle to return to the area of the Inspector by whom 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 return to that area until the certificate has been renewed.

(11) If a vehicle is damaged at any time so as to be unfit for ordinary use during the validity of the fitness certificate and may, in the opinion of any Inspector of Motor Vehicles or in his absence the Junior Inspector of Motor vehicles be safely driven at a reduced speed to a place of repair and if, he is satisfied that, it is necessary that the vehicle should be driven, he may by endorsement in Form V specify the time, within which and the condition subject to which the vehicle may be driven to a specified destination for the purpose of repair and the limit of speed beyond which it shall not be driven.

(12) The registering authority or any Inspector of Motor Vehicles or in his absence the Junior Inspector of Motor Vehicles may, under sub-section (4) of section 56, cancel the certificate of fitness of a Motor Vehicle, if in his opinion, the vehicle does not comply with the requirements of the Act and rules made thereunder and shall record the reason for such cancellation in the certificate of fitness.

(13) The authority canceling the certificate of fitness shall give the owner of the vehicle an order in writing with the reasons thereof and if he is not the original authority, shall report such action and forward the certificate of fitness to the said original authority, for necessary orders to be communicated to the owner of the said vehicle.

(14) Any owner or the person in control of the vehicle aggrieved by an order made under this rule may, within thirty days of the date on which such order is received, appeal against the order to the Deputy Commissioner, Transport of the Zone concerned.

(15) The procedure specified in rule 11 for the conduct of hearing of appeals shall apply mutatis to all appeals presented under sub-rule (14).

### **23. Loss, Destruction or Mutilation of certificate of Fitness :-**

1) If a certificate of fitness is lost or destroyed or mutilated, the owner of the vehicle shall forthwith report the matter to the registering authority, in whose jurisdiction the vehicle was registered, and shall apply with a fee of rupees eight for issue of a duplicate certificate.

2) Upon receipt of such intimation and the fee, the registering authority shall direct the Inspector of Motor Vehicles or in his absence the Junior Inspector of Motor Vehicles or the authorised testing station to furnish the owner with a duplicate copy of the certificate duly marked as "Duplicate" in red ink who shall comply accordingly with such directions.

1. In the intimation as to loss or destruction or mutilation of the certificate of fitness has been given by the owner to the registering authority together with fee for issue of a duplicate certificate of fitness, the registering authority shall forthwith give the owner a receipt therefore which will be valid till the duplicate certificate is issued in such case, the owner shall not be liable for any conviction or penalty for non-production of the certificate of fitness on demand under the act or the rules made thereunder.

### **24. Intimation in respect of vehicle transferred under hiring agreement :-**

a. When possession of motor vehicle is transferred by the registered owner to another person under a hiring agreement the registered owner shall forthwith intimate the fact and the full name and address of the transfer fee to the registering authority of the area in which the said owner has his residence or place of business.

b. Possession shall not in the following circumstances be deemed to have been temporarily transferred for the purpose of clause (7) of section 2 and under sub-rule (1).

(i) unless the agreement is in writing and the items thereof include transfer to the hirer of the right of the sole use of the vehicle to the exclusion of the owner and all other person throughout a period of not less than seven days; and.

(ii) In case, if the vehicle is or is to be driven by the owner or his servant and is or is to be normally kept when not in use, upon the premises of the owner.

### **25. Gross Vehicle Weight Entry in the Certificate of Registration - Old Vehicles :-**

(1) On or after the commencement of these rules, no owner shall permit any goods carriage to be driven in any public place, liable for registration under the Act, unless the gross vehicle weight is entered in the certificate of registration in accordance with sub-section (2) of section 58 and is exhibited on the vehicle.

(2) The owner of goods carriage, the gross vehicle weight of which is not entered in the certificate of registration before the commencement of the Act and rules made there under, shall apply in Form VI to the registering authority of the area in which the goods carriages are normally kept for the assignment of gross vehicle weight to the vehicle.

(3) Upon receipt an application under sub-rule (2) the registering authority shall call upon the applicant to produce the vehicle at such time and place and before such person as the registering authority may appoint.

(4) After causing the vehicle to be inspected or making such enquiries as he may deem to be necessary, the registering authority shall assign a gross vehicle and call upon the registered owner to produce the certificate of registration and shall enter the same thereon.

(5) If the registering authority assigning the gross vehicle weight in accordance with this rule is not the authority by whom the records of registration are kept, he shall inform to that authority:

Provided that the registering authority may dispense with the with the provisions of this rule in any district or region, where there is no weighing machine available.

(6) in assigning gross vehicle weight to a vehicle for which makers documents as required under sub-section (1) of section 58 are produced, the registering authority shall assign such gross vehicle weight as may be prescribed by the Central Government From time to time.

(7) On the publication of the notification in the Official Gazette under sub-section (1) of section 58 and the particulars under sub-section (2) of the section 58 the registering authority having jurisdiction over the locality shall either from his own information or otherwise ascertain the particular of such vehicles used in such localities. There after he shall issue a notice calling open the concerned registered owners of such vehicles used in the said localities to explain as to why the gross vehicle weight shall not be revised in accordance with the notification. Thereupon he shall consider such explanation and being satisfied, revise the gross

vehicle weight of the vehicle and require the certificate of registration of the concerned vehicle to be produced within a period of fifteen days from the date of service of notice before him for such entry in the said certificate of registration, in accordance with the aforesaid notification.

## **26. Temporary Registration of Motor Vehicles :-**

(1) A temporary certificate of registration under section 43 shall be issued by the registering authority of the area in which it is applied for.

(2) An application for temporary registration shall be in form 20 prescribed under rule 47 of the Central Motor Vehicles Rules, 1989 and clearly marked "Temporary."

(3) A temporary certificate of registration shall be in Form VII.

(4) The authority granting a temporary certificate of registration shall in all cases, forward a copy of form VII to the registering authority in whose area the vehicle is to be ordinarily kept.

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

(6) The letter "TEMP", shall be used before the temporary registration number allotted to the vehicle. The temporary registration number shall be so chosen that it is not one of those already allotted to permanent registration mark of any other vehicle or shall not come in the serial so soon. Such temporary registration number may also be refused for any other vehicle after the expiry of the period of the temporary registration to be so fixed by the registering authority.

(7) The fee for temporary registration shall be fifty percent of the fee prescribed for registration of the particular vehicle under rule 81 of the Central Motor Vehicles Rules, 1989.

(8) The registering authority may not insist upon the production of vehicle at the time of and for the purpose of temporary registration if the application for temporary registration is made to the registering authority through the dealer with required documents, namely, the particulars in Form 21 and Form 22 appended to the Central Motor Vehicles Rules, 1989, duly issued under hand and seal by the dealer or manufacture or his authorised agent or representative. A copy of the Sale Certificate issued in Form 21 and

initial certificate of roadworthiness certificate in Form 22 shall be attested and retained by the registering authority and the original shall be returned along with the temporary certificate of registration to the dealer or manufacturer or his authorised agent or representative.

## **27. Exemption of Certain Vehicle :-**

Nothing contained in Chapter IV of the Act shall apply to road rollers, graders and other vehicles adapted to be solely used for construction, making, repairing and cleaning of roads save that every tractor capable of other use shall be registered and shall require a certificate of fitness.

## **28. Application for supply of copies of particulars of registration :-**

(1) Application for obtaining the certificate copies of the particulars of registered motor vehicles shall be presented to the registering authorities of motor vehicles concerned on together with a fee of Rs 50/- information shall be supplied Form VIII.

(2) Any additional information required shall be charged similarly on presentation of similar application.

## **29. Refund of fees :-**

Where the registering authority refuses to issue a certificate of registration or where an authority prescribed or authorised to grant certificate of fitness refuses to issue or renew a certificate of fitness, the registration fee or the for the issue or renewal of the certificate or fitness paid shall be refunded. If the fee is paid in cash, a refund voucher shall be issued:

Provided that no refund of fee for a certificate of fitness shall be made when the inspection of the vehicle in respect of which the certificate was applied for has been carried out.

Explanation : For the purpose of this rules, the fee paid for issue or renewal of a certificate of fitness and for inspection shall be refunded when actually the inspection of the vehicle has not been carried out by the authority prescribed or authorised to grant certificate of fitness, but in case the inspection has been carried on and the vehicle is not found fit for the issue of a fitness certificate, the fee for inspection only shall be retained and the fee for issue or renewal of the certificate of fitness shall be refunded. Where the

fee is paid in cash, a refund voucher shall be issued.

**30. The grant of certified copies of records relating to registration and licence :-**

A certified copy of the particulars of the certificate of registration entered in the record in the accordance with sub-section (5) of section 41 or of the particulars of any licence for the driving of a motor vehicle, shall be furnished ; to the person applying for the same on payment of a fee of rupees four for vehicle or licence, as the case may be.

**31. Application and fee for supplying information relating to the particulars of a motor vehicle :-**

Information relating to the particulars of a motor vehicle shall be furnished to a person applying for the same on payment of a fee of thirty paise for each item of information relating to a period not exceeding one year, but not exceeding five years and sixty paise when it exceeds five years.

**32. Exemption of fees in respect of certain Transport Vehicles :-**

The State Government may, by notification, exempt the transport vehicles which are the property of the State Government or the Central Government and are used exclusively for Government Purposes from the payment of fees prescribed in rule 81 of the Central Motor Vehicles Rules, 1989.

**33. Exemption of Fees :-**

The Government may, by notification, exempt any person or class of persons from payment of all or any portion of the fees payable under rule 81 of the Central Motor Vehicles Rules, 1989.

**34. Charges for delayed registration or renewal :-**

(1) If the owner of a vehicle falls to make an application for registration under sub-section (1) or for renewal of certificate of registration under sub-section (8) of section 41, within the period prescribed under rules 47 and 52, respectively of the Central Motor Vehicle Rules, 1989, the registering authority may having regard to the circumstances of the case, require the owner to pay, in lieu of

any action that may be taken against him under section 177, an amount of rupees twenty-five for the delay extending thirty days, rupees fifty for the delay for any period exceeding thirty days, up to ninety days and rupees one hundred for the delay for any period exceeding ninety days.

(2) If the owner of a vehicle fails to make an application as required under sub-section (1) of section 47, within the period prescribed under rule 54 of the Central Motor Vehicle Rules, 1989, the registering authority may having regard to the circumstances of the case required the owner to pay an amount of rupees twenty-five for the delay extending up to thirty days, rupees fifty for the delay for any period exceeding thirty days up to ninety days and rupees one hundred for the delay for any period exceeding ninety days.

(3) If the owner of a vehicle fails to intimate as to change of residence or place of business to the concerned registering authority within the period specified in sub-section (1) 49, the registering authority may, having regard to the circumstances of the cases require the owner to pay, in lieu of any action that may be taken against him under Section 177, an amount of rupees twenty-five for the delay exceeding up to thirty days, rupees fifty for the delay for any period exceeding thirty days and up to ninety days and rupees one hundred for the delay for any period exceeding ninety days.

(4) If the transfer or the transferee fails to report to the concerned registering authority the fact of transfer of owner ship of the motor vehicle within the period specified in clause (a) or clause (b) of sub-section (1) of section 50, the registering authority may having regard to the circumstances of the case, require the transferor or the transferee, as the case may be, to pay in lieu of any action that may be taken against him under section 177, an amount of rupees twenty-five for the delay for any period extending up to thirty days, rupees fifty for the delay for any period exceeding thirty days and up to ninety days and rupees one hundred for the delay for any period exceeding ninety days.

**35. Information regarding stolen and recovered Motor Vehicles to be furnished by the police to the State Transport Authority :-**

(1) As Officer-in-charge of the police Station, Where the theft of a motor vehicle is reported by the owner or any other person in

possession of the vehicle, shall immediately after registering the report, send intimation to the State Transport Authority, Orissa Officer authorised by the State Transport Authority in Form IX and send a copy thereof to the registering authority where the vehicle is registered and to all other registering authorities located in the State.

(2) On receipt of the intimation under sub-rule (1) the State Transport Authority shall inform all the registering authorities of the State the details of the stolen vehicle in Form X.

(3) The State Transport Authority shall also maintain a register of stolen vehicle in form XI.

(4) The registering authorities shall maintain the register of stolen vehicles in Form XII on the basis of the intimation received from the State Transport Authority or from the Police Officer, as the case may be.

(5) If the vehicle reported to be stolen is recovered, the Police - station which recovered the vehicle shall intimate the fact in Form IX to the State Transport Authority and the Original registering authority.

(6) Upon receipt of intimation under sub-rule (5) the State Transport Authority and the registering authority shall take a note of such recovery in the register maintained in forms Prescribed under sub-rules (3) and (4).

### **36. Furnishing of return by the manufacture or dealer :-**

(1) The manufacture or dealer shall furnish to the registering authority having jurisdiction in the locality the information in Form XIII and Form XIV in respect of the vehicles received in stock and sold by him during every month by fifteenth of the succeeding month.

(2) The manufacture or dealer shall furnish a copy of the sale certificate in Form 21 prescribed Under rule 47 of the Central Motor Vehicles Rules, 1989 to the registering authority of the concerned region where the vehicle is intended to be registered.

### **37. Maintenance of State Register of Motor Vehicles :-**

The State Register of Motor Vehicles shall be maintained by the registering authority in the manner of a ledger, the columns being vertical for entering horizontally the particulars of Form 41 Prescribed under rule 75 of the Central Motor Vehicles Rules, 1989.

## **CHAPTER 4 CONTROL OF TRANSPORT VEHICLES**

### **38. State Transport Authority :-**

(1) The State Transport Authority shall consist of such person not being more than four besides the Chairman, as may be appointed by the State Government by the notification in the Official Gazette. The State Government shall specify therein the Chairman and appointed the Secretary of the said authority:

Provided that the State Government where it considers necessary may by notification in the Official Gazette, appoint an Executive Officer of the said Authority and assign the duties to be performed and functions to be discharged by him.

(2) The Chairman, if unable to attend a meeting shall nominate a member to act as Chairman at the meeting.

(3) The Chairman or the member acting as Chairman being nominated under sub-rule (2). Shall have a second or casting vote.

(4) The State Transport Authority shall meet at such times and at such places as the Chairman may appoint provided the authority shall meet not less than once in every three months.

(5) Notice of meeting of the State Transport Authority shall be dispatched by the Secretary to each member not less than ten days before the meeting.

(6) The Chairman or the member nominated under sub-rule (2) to act as Chairman, as the case may be, and two members shall constitute the quorum for the meetings of the State Transport Authority.

(7) The State Government may, if it considers necessary to do so, the State Transport Authority Constituted under sub-rule (1) at any time and may constitute another Authority in its Place.

(8) Subject to the provisions of sub-rule (7), every non-Official member of the State Transport Authority Shall hold office for a period of three years on and from the date on which his appointment is notified in the Official Gazette or until the date on which the appointment of his successor is notified, whichever is later:

Provided that if during the period specified in this sub-rule the State Government reconstitutes the State Transport Authority, the term of office of the members of the authority shall expiry on the date immediately preceding the date on which the reconstitution of the said authority takes effect.

(9) Member of the state Transport Authority shall receive traveling

and halting allowances in accordance with the rules of the State Government which apply to Official and non- official members of the Committees constituted by the State Government, respectively.

(10) When a member of the Authority dies or is removed from under sub-rule (11) or vacates his office, the State Government may appoint another member by notification in the Official Gazette in his place for the unexpired period of the terms of the vacating member.

(11) The State Government may notwithstanding sub-rule (8), at any time after giving any member of the Transport Authority an opportunity of being heard, remove him from office for

- I. Failure to attend three consecutive meetings of the authority, or
- II. being incapable of discharging his duties as a member on account of any physical or mental disability; or
- III. misconduct in the discharge of his duties; or
- IV. any other cause deemed sufficient by the State Government.

### **39. Regions and Regional Transport Authorities :-**

(1) The regions for purposes of Section 68, shall be sixteen in number and shall comprise the areas as set forth in the Second Schedule to these rules;

Provided that the State Government may, by the notification in the Official Gazette, increase the number of the regions and define the area of their jurisdiction.

(2) The Regional Transport Authority shall consist of such members not being more than two besides the Chairman as may be appointed by the State government by notification. The State Government shall specify therein the Chairman and appoint the Secretary of the said Authority:

Provided that the State Government where it considers necessary may, notification in the Official Gazette, appoint an Executive Officer of the said authority and assign him the duties and functions as will be necessary for implementing the provisions of this chapter.

(3) The Chairman, if unable to attend any meeting of the Regional Transport Authority, shall nominate a member to act as Chairman at the meeting

(4) The number of members whose presence will constitute a quorum shall be two including the Chairman.

(5) The State Government may, if it considers necessary to do so, dissolve any Regional Transport Authority Constituted under sub-

rule (2) at any time and may constitute another authority in its place.

(6) A member of the Regional Transport Authority shall receive traveling and halting allowances in accordance with the rules of the State Government which apply to official and non-official members of committees constituted by the State Government respectively.

(7) The Regional Transport Authority shall meet at such times and at such places as the Chairman may appoint provided the authority shall meet not less than once in every two months.

(8) Subject to the provisions of sub-rule (5), every non-official member of the Regional Transport Authority shall hold office for a period of three years on and from the date on which is appointment is notified in the Official Gazette or until a later date on which the appointment of his successor is notified:

Provided that if the State Government reconstitutes the Regional Transport Authority, the term of office of the members of the Authority shall expire on the date immediately preceding the date from which the reconstitution of the said authority takes effect.

(9) When a member of the authority dies or is removed under sub-rule (10) or other wise vacates his office, the State Government may appoint another member by notification in the Official Gazette in his place for the unexpired period of the term of vacating member.

(10) The State Government may, at any time after giving an opportunity of being heard, remove any member of the authority from office for

I. failure to attend three consecutive meeting of the authority;

II. being incapable of discharging his duties as a member on account of any physical or mental disability, or

III. misconduct in the discharge of his official duties; or

IV. any other cause deemed sufficient for such removal by the State Government.

#### **40. Conduct of Business of Transport Authority :-**

(1) The Secretary appointed under these rules by the State Government shall perform such duties and exercise such powers as specified in these rules:

Provided that the State Government may, if it considers necessary in the public interest, appoint more than one secretary and an Executive Officer for any area of the rejoin for which the Transport Authority is constituted.

(2) When there is no meeting of the Transport Authority Procedure of circulation may be followed to take a decision in any concerned matter and in that case the Secretary shall send to each members of the Transport Authority such particulars of the mater as may be reasonably necessary in order to enable the members to arrive at a decision and shall specify the date by which the votes of members to be received in the office of the Transport Authority, Upon receipt of the votes of the 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 vote 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 Transport Authority. No decision shall be taken by circulation if, before the date by which the votes of members are required to reach the office of the Transport Authority, not less than one-third of the members of the Transport Authority by notice in writing to the Secretary demand that the matter be discussed in a meeting of the Transport Authority.

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

(4) The State or the Regional Transport Authority, as the case may be, may require any applicant for a permit to appear before it or before the officer authorised by it by a resolution and may not refuse the application for the permit until the applicant has been given a reasonable opportunity of being heard in the matter.

(5) Nothing contained in this rule shall prevent a State or a Regional Transport Authority from deciding. By following the procedure by circulation, any mater which has been considered at a meeting or has been the subject of a hearing and upon which a decision has been reserved.

(6) Where a mater is decided by vote of members present at a meeting of a State or a Regional Transport Authority no person other than a member of the Transport Authority shall be entitled to be [resent and no record of voting shall be kept save of the number of votes cast on either side:

Provided that when any matter is decided by exercise of the second or casting vote of the Chairman or the Presiding Officer, the fact shall be recorded.

## **41. Delegation of powers by the State Transport Authority**

:-

(1) The State Transport Authority may, by general or special resolution recorded in its Proceedings, delegate:

(a) to its Chairman or Secretary.

I. its powers under Section 72, Section 74, Section 76, Section 79, sub-section (9) of section 88 and sub-section (12) of section 88, respectively to grant with or without modification or the application or to refuse to grant a stage carriage permit, a contract carriage permit; a private service vehicle permit, a goods carriage permit, a tourist vehicle permit and a national permit; and to attach conditions to such permit and to vary such conditions;

II. its powers to grant a permit to a private motor vehicle adapted to carry more than nine persons excluding the driver;

III. its powers under sub-section (1) and sub-section (2) of section 87 to grant a temporary permit provided such powers may also be delegated to the Additional Secretary or Assistant Secretary or Additional Assistant Secretary posted at the checkgate;

IV. to exercise the powers of the Regional Transport Authority in the circumstances specified in sub-section (3) of section 68, which may be delegated under rule 42 to its Chairman or Secretary or any other officer to the condition specified in the said rule;

(b) to its Chairman or Secretary or any other officer not being below the rank of Assistant Secretary-

(i) its powers to approve time table of stage carriage permit;

(ii) its powers under sub-section (2) of section 81 to renew or to refuse to renew all kinds of permit other than a temporary permit or a special permit;

(iii) its powers under sub-section (1) and sub-section (2) of section 87 to grant a temporary permit provided that such powers may also be delegated to the Additional Secretary or Assistant Secretary or Additional Assistant Secretary posted at the checkgate;

(iv) its powers under sub-section (8) of section 88 to grant a special permit;

(v) its powers under section 83 to permit replacement of the vehicle by another;

(vi) its power under sub-section (1) and sub-section (3) of section 82 to transfer or to refuse to transfer a permit from one person to another;

(vii) its power to renew or refuse to renew countersignature of all kinds of permit ;

- (viii) its power to issue a duplicate permit;
- (ix) its powers to issue permit to the State Transport undertaking under sub-section (1) of section 103 or to any person under the proviso to section 104 in respect of a notified route or a notified area;
- (x) its powers to pass order as contemplated by sub-section (2) of section 103 for the purpose of giving effect to the approved scheme in respect of a notified route or notified area;
- (xi) its powers under sub-section (1) of section 86 and sub-section (4) of section 88 to suspend a permit or a countersignature of permit and to recover from the permit holder the sum of money agreed upon in accordance with sub-section (5) of section 86:

Provided that while passing the order to recover from a permit holder the sum of money agreed upon in accordance with sub-section (5) of the section 86, the person authorised shall specify there in the compounding money payable by the permit holder in case he agrees for composition, the date by which the permit holder is to intimate acceptance of composition and the date by which the composition money shall be remitted and receipt produced; and in determining the sum of money to be recovered in lieu of suspension of permits shall have regard to the nature, gravity and frequency of the offence committed, the quantum of punishment that would otherwise have been imposed and the earning capacity of the vehicle with reference to the nature of the road and passenger capacity in the case of stage carriage, daily mileage of the vehicle and hire charges, if any, in respect of other class of transport vehicles:

Provided further that the amount so recoverable in lieu of suspension of permits shall in no case be less than the amount specified the government by notification under section 200 for composition of the office.

(2) Notwithstanding any delegation made in favour of the Secretary or any other officer in pursuance of sub-rule (1).

(i) The Chairman may call for any record relating to such matter, powers for disposal whereof has been delegated to the Secretary or any other officer, and dispose of the matter;

(ii) subject to the orders of the Chairman under clause (i.e. if any, Secretary may also exercise similar powers in the relation to such matter, power for disposal whereof has been delegated to any other officer subordinate to him;

(iii) any other officer subordinate to the Secretary may refer any matter, powers disposal whereof has been delegated to him, to the

Secretary for disposal; and

(iv) the Secretary may refer, any such matter either referred to him for disposal by any other officer subordinate to him under clause (iii) or any other matter which are to be disposed of by him under the delegation made in pursuance of sub-rule (1) to the Chairman for disposal;

(3) The State Transport Authority, may for the prompt and convenient dispatch of its business, by a general or special resolution, delegate to its Chairman, its powers to give effect to any direction issued under section 67 by the State Government and to exercise and discharge the powers by and functions provided in sub-sections (3) and (4) of section 68.

(4) Notwithstanding anything contained in sub-rules (1) and (2), the State Transport Authority may give general instructions as to the manner in which the delegates shall exercise the powers delegated to them.

(5) The Secretary of the State Transport Authority shall place before the Authority a Statement of the actions taken by the various officers to whom powers have been delegated in pursuance of such delegation in the next meeting.

#### **42. Delegation of powers by the Regional Transport Authority :-**

The Regional Transport Authority may, by general or special resolution recorded in its proceeding delegated to its Chairman or Secretary all or any of its following powers namely:

(i) Powers under sections 72,74, 76 and 79 respectively to grant with or without modification of the application or to refuse to grant stage carriage permit, a contract carriage permit, a private service vehicle permit and a goods carriage permit, and to attach condition to such permit and a very such conditions;

(ii) Powers to grant a permit to a private motor vehicle adapted to carry more than nine persons excluding the driver;

(iii) Powers to approve time table for stage carriage permits;

(iv) Powers under sub-section (2) of section 81 to renew or to refuse to renew all kinds of permit other than a temporary permit or a special permit ;

(v) Powers under sub-section (1) and sub-section (2) of section 87 to grant a temporary permit;

(vi) Powers under sub-section (8) of section 88 to grant a special permit;

- (vii) Powers under sub-section 83 to permit replacement of the vehicle by another;
  - (viii) Powers under sub-section (1) and sub-section (3) of section 82 to transfer or refuse to transfer a permit from one person to another
  - (ix) Powers to issue a duplicate permit;
  - (x) Powers to issue permit to the State Transport Undertaking Under section (1) of section 103 or to any person under the proviso to section 104 in respect of a notified route or notified area;
  - (xi) Powers to pass orders as contemplated by sub-section (2) of section 103 for the purpose of giving effect to the approved scheme in respect of a notified route or notified area;
  - (xii) Powers under sub-section (1) of section 86 to suspend a permit and to recover from the permit holder the sum of money agreed upon in accordance with sub-section (5) of section 86; Provided that while passing the order to recover from a permit holder the sum of money agreed upon in accordance with sub-section (5) of section 86, the person authorised shall follow the same producer and recover such amount as specified in the provision to sub-clause (xi) of clause (b) of sub-rule (1) of rule 41.
- (2) The Secretary, Regional Transport Authority shall keep informed the Regional Transport authority from time to time of the action taken in pursuance of the powers delegated.
- (3) Notwithstanding any thing contained in this rule, a Regional Transport Authority may, from time to time, issue instructions to the Chairman/Secretary, Regional Transport Authority as to the manner in which he shall exercise the powers delegated to him.

#### **43. Disposal of application for permits :-**

- (1) Upon receipt of an application for grant, renewal or otherwise a permit, the Secretary of the State or Regional Transport authority or any other officer authorised in this behalf by the Chairman shall examine whether the powers to deal therewith has been delegated to the Chairman or Secretary or any other officer and shall forward the same to him for disposal if it has been so delegated.
- (2) Where the application referred to in sub-rule (1) is required to be disposed of by the State or Regional Transport authority itself, the Secretary or such other officer authorised under sub-rule (2) shall scrutinize the same and call for such further particulars and/or make such inquiries as he may consider necessary and shall, subject to any general directions of the State Regional Transport

Authority Place the same before the Chairman to decide whether the application shall be disposed of by the circulation procedure or at the next meeting of the Transport Authority

(3) Such application shall be ordinarily disposed of within a maximum period of three months of receipt thereof.

(4) In cases where the disposal of any matter relates to a contract carriage or stage carriage permit in respect of more than one region, such disposal shall be made by the State Transport Authority:

Provided that the State Transport Authority may delegated its powers to a Regional Transport Authority or to its Chairman to dispose of a matter relating to a contract carriage permit in respect of a motor cab valid in more than one region.

(5) The disposal of an application in relation to a national permit shall be made by the State Transport Authority.

#### **44. Provisions as to Motor Vehicles adapted to carry more than nine persons excluding the Driver :-**

The Provisions of sub-section (1) of section 66 shall, subject to the provision of sub-section (3) thereof apply to all motor vehicles adapted to carry more than nine persons excluding the driver.

#### **45. Forms of application for permit :-**

(1) Every application for a permit in respect of any transport vehicle shall be in one of the following forms, namely:

(a) in respect of a stage carriage in Form-XV;

(b) in respect of a contract carriage in Form-XVI;

(c) in respect of a goods carriage in Form-XVII;

(d) in respect of a temporary permit in Form-XVIII;

(e) in respect of a private service vehicles in Form-XIX

(f) in respect of a motor vehicle adapted to carry more than nine persons not used for hire or reward in Form-XX;

(g) in respect of goods carriage Under National Permit Scheme in Form 48 prescribed under rule 86 of the Central Motor Vehicles Rule, 1989.

(h) in respect of special permit under sub-section (8) of section 88 in form XXI.

(2) The application shall be addressed to the Secretary, State Transport Authority or the Secretary, Regional Transport Authority, as the case may be accompanied with receipt in support of deposit of the fees prescribed in rule 48:

Provided that in case of bordering checkgate the application should be accompanied with a receipt showing the payment of the required fee and submitted to the Officer-in-charge of the said checkgate.

#### **46. Forms of Permits :-**

(1) The Permit shall be issued in respective forms specified below namely:

- (i) in respect of a stage carriage in Form-XXII;
- (ii) in respect of a contract carriage I Form-XXIII;
- (iii) in respect of a goods carriage in Form-XXIV;
- (iv) in respect of a private service vehicle in Form-XXV.
- (v) in respect of a temporary permit in Form-XXVI;
- (vi) in respect of a motor vehicle adapted to carry more than nine persons not used for hire or reward in Form-XXVII;
- (vii) in respect of a goods carriage under National Permit Scheme in Form-XXVIII;
- (viii) in respect of special permit under sub-section (8) of section 88 in Form-XXIX.
- (ix) In respect of a tourist permit under sub-section (4) of section 88 in Form-XXX.

(2) The alphabetical symbols for different Regional Transport Authorities as specified in the sixth Schedule shall be leveled o the permit.

(3) Serial numbers in different alphabetic series shall be printed on the permit for different Regional Transport Authorities.

(4) Form shall be printed distinguishably in different colours for temporary permits and permanent permits for the State Transport Authority as well as Regional Transport Authorities in duplicate bearing serial numbers out of which the original will be issued to the applicant and the duplicate retained in the office.

(5) Every permit issued or countersigned shall be sealed and signed by the concerned officer of the Transport Authority.

#### **47. Area of Validity of the permit and Extension thereof :-**

(1) Subject to the provision of section 88, a Regional Transport Authority which issues a permit (hereinafter referred to as the Original Transport Authority) may extend the effect of the permit to any other region within the State and may attach conditions to the permit with effect to such other region and may vary the conditions of the permit in different regions:

Provided that subject to the provisions of the following sub-rules, the vehicles to which the permit refers are normally kept within the region of the Original Transport Authority.

(2) The Original Transport Authority may issue permit having validity in any other region in accordance with any general or special resolution recorded by any other Regional Transport Authority and any permit so issued shall be of life effect in the region of the other Transport Authority as if it were issued by that Authority.

(3) Subject to the provisions of sub-rule (2) the Original Transport Authority may issue a contract carriage permit to be operative in another region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be issued beyond the region of the Original Transport Authority under contract for a return journey commencing and ending within the Original Transport Authority and shall not be offered for hire outside the region.

(4) The Original Transport authority which issue a permit to be operative in any other region shall send a copy of the permit to the authority or that other region.

(5) Nothing in this rule shall affect the right of the holder of any permit to apply to Any Regional Transport Authority for countersignature of a permit.

(6) Every application for the grant of a permit under sub-section (9) of section 88 in respect of a tourist vehicle and for the authorisation for such tourist permit shall be made to the State Transport Authority in forms 45 and 46 prescribed under rules 82 and 83, respectively of the Central Motor Vehicles Rules, 1989 Accompanied by the fees as prescribed in rule 83 of the said rules.

(7) On receipt of an application under sub-rule (6), the State Transport Authority shall follow the same procedure in considering the application as for grant of a Contract Carriage Permit under the Act and these rules and may grant the permit in the prescribed form.

(8) Where a Permit is granted under sub-rule (7), the State Transport Authority shall forward to every other State Transport Authority information relating to:

(i) the number of the permit and the registration mark and other particulars of the vehicle necessary for the purpose of its identification ;

(ii) the suspension or cancellation, if any, of the permit; and;

(iii) the grant of say, if any where on appeal or revision stay has

been granted and when the appeal or revision is finally decided, such decision;

(9) Every application for the grant of a national permit in respect of a goods carriage shall be made to the State Transport Authority in form accompanied by the fee as prescribed in rule 86 and 87 of Central Motor Vehicle Rules, 1989.

(10) On receipt of an application under sub-rule (9), the State Transport Authority shall follow the same procedure in considering the application as for the grant of a goods carriage permit under the Act and these rules and may grant the permit in the prescribed form.

#### **48. Fees :-**

(1) The fees in respect of application for grant, renewal, extension, countersignature or transfer o permit shall be as follows, namely;

(i)	For a goods carriage permit;	Rupees forty
(ii)	For a private service, vehicle permit;	Rupees forty
(iii)	For a private service, vehicle permit;	Rupees forty
(iv)	For a contract carriage permit (other than motor cab)	Rupees forty
(v)	For a goods carriage under National Permit Scheme;	Rupees forty
(vi)	For any other Permit and for countersignature of a permit	Rupees forty

(2) The fees in respect of grant, renewal, extension, countersignature or transfer of a permit shall be as follows, namely:

(i)	For a goods carriage permit per annum or any part thereof.	Rupees one hundred per vehicle.
(ii)	For a stage carriage permit per annum or any part thereof.	Rupees one hundred per vehicle.
(iii)	For a contract carriage permit other than motor cab.	Rupees one hundred and fifty per vehicle per annum or any part thereof.
(iv)	For any other permit	Rupees fifty per vehicle per annum or any part thereof
(v)	Surcharge for permit for covering more than one region	Rupees fifty per vehicle for a permit.
(vi)	For a temporary permit:  (a) if valid for one region	  Rupees thirty for first week or part thereof and rupees twenty-five for every subsequent week or

	(b) if valid for more than one region	part thereof.  Rupees sixty for the first week or part thereof and rupees fifty for every subsequent week or part thereof.
(vii)	For replacement of a vehicle covered by a permit by another.	Rupees Fifty one hundred
(viii)	For Transfer of a permit of a contract carriage other than motor cab.  (a) stage carriage (b) contract carriage (c) goods carriage (d) for motor cab	Rupees five hundred  Twenty five thousand  Five thousand  Five thousand  Rupees one thousand
(ix)	For transfer of any other permit	Rupees one hundred
(x)	Countersignature of permanent permit  (a) Goods carriage permit  (b) Stage carriage permit and contract permit other than a motor cab  (c) Any other permit.	  Rupees two hundred per annum per vehicle  Rupees three hundred per annum per vehicle  Rupees fifty one thousand per annum per vehicle.
(xi)	Countersignature of temporary permit	Rupees one hundred and fifty per vehicle.
(xii)	Counter signature of temporary permit	Rupees two thousand per vehicle
(xiii)	Fee for Curtailment/ Extension/ Variation to any route in respect of stage carriage permit	Rupees five thousand
(xiv)	Fee for variation of area in respect of goods Carriage permit for operation in neighboring States under reciprocal transport agreement.	In addition to fee payable under clause (2) (i) rupees five thousand.
(xv)	(a) Fee for change of route (excluding permit fee).  (b) Fee for change of timing	Rupees five thousand  Rupees three thousand
(xvi)	Fee to measure distance of any route by transport authority to be paid by permit holder or applicant.	Rupees five per Kilometer.
(xvii)	Process fee with every	Rupees one hundred

(xvii)	Process fees with every application/objection field	Rupees one hundred.
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#### **49. Refund of permit fees :-**

Where the regional Transport Authority refuses to grant or renew a permit, the fee for grant or renewal of permit, if any paid, shall be refunded if the fee is paid in cash, a refund voucher shall be issued.

#### **50. Issue of duplicate permits in case of loss or destruction of original :-**

(1) When part A or part B of any permit has been lost or destroyed, the holder shall forthwith intimate the fact in an application to the Authority by which the permit was issued and shall deposit the prescribed fee for the issue of a duplicate and in the case of the loss or destruction of Part B, he shall forward also Part A of the permit. The name of the Police Station where the loss is reported is to be specified in this application and it shall also be accompanied by an affidavit indicating the manner of loss or destruction.

(2) The Authority shall, upon receipt of application under sub-rule (1) and on being satisfied regarding the genuineness of the loss or destruction of the original, issue a duplicate permit or part of permit, as the case may be, and to the extent that it is able to verify the facts may endorse thereon countersignature of other authority and intimate the fact to that authority.

(3) A duplicate permit or duplicate part of permit issued under this rule shall be clearly stamped "Duplicate" in red ink and the endorsement of any countersignature of any other Transport Authority on a permit or a part of permit made under this rule shall be valid in the region of that other authority as if it were a countersignature.

(4) When a permit or a part of permit has become mutilated so as in the opinion of the Transport Authority to be illegible, the holder thereof shall surrender the permit or part of the permit, as the case may be, to the Transport Authority and apply for the issue of a duplicate permit or part of a permit in accordance with this rule.

(5) The fees for the issue of a duplicate permit or a duplicate part of a permit shall be the same as permit fee prescribed under rule 48.

(6) Any permit or part of a permit which is found by any person other than the permit holder shall be delivered to the nearest police

station or to the holder or to the Transport Authority by which it was issued and if the holder finds or receives any part of the permit in respect of which a duplicate has been issued, he shall return the original to the Transport Authority, by which it was issued

(7) The Officer-in-charge of the police station after receiving the permit or any part of the permit or any part of the permit form any person, shall forward the same to the Transport Authority by which it was issued.

## **51. Procedure on Cancellation, Revocation or Expiry of permits :-**

(1) The holder of a permit may at any time surrender the permit to the State Transport Authority or Regional Transport Authority by which it was granted and the State Transport Authority or Regional Transport Authority shall forthwith cancel any permit so surrendered.

(2) When a State Transport Authority or Regional Transport Authority revokes or cancels any permit:

(i) the holder shall surrender parts A and B of the permit within seven days of receipt of a demand in writing by the State Transport Authority or Regional Transport Authority, as the case may be; and  
(ii) the authority cancelling or revoking the permit shall send intimation to the authority by which the permit has been countersigned.

(3) Within fourteen days of the expiry of any permit by the efflux of time, the holder shall deliver Part A and Part B or Part B to the State Transport Authority or Regional Transport Authority by which it was issued and the State Transport Authority or Regional Transport Authority receiving any such permit shall intimate the fact to the Authorities by which it was countersigned.

## **52. Renewal of permits :-**

(1) Application for the renewal of a permit shall be made in writing to the State/ Regional Transport Authority by which the permit was issued with in the time specified in sub-section (2) of section 81 and shall be accompanied by Part A of the permit and the fees prescribed in rule 48:

Provided that the State/Regional Transport Authority may entertain an application for renewal of the permit made after the time referred to above as per the enabling provisions of sub-section (3) of section 81.

(2) On receipt of the application, the State/Regional Transport Authority may call for such further particulars or documents as it may consider to be necessary.

(3) The State/ Regional Transport Authority renewing a permit shall call upon the holder to produce Part A thereof, and shall endorse Parts A and B accordingly and shall return them to the holder.

### **53. Renewal of Countersignature of Permits :-**

(1) An application for the renewal of a countersignature of a permit shall be made in writing to the State/ Regional Transport Authority concerned within the appropriate period specified in sub-section (2) of section 81 of and shall, subject to the provisions of sub-rule (2) be accompanied by part A of the permit. An application for renewal of countersignature of a permit issued under the Reciprocal Agreement may however be made after the permit is renewed.

(2) If at the time of application for renewal of a countersignature of a permit, Part A of the permit is not available being under renewal by the authority by which it was issued, the application shall state the number and date of the permit the name of the authority by which it was granted, the number and date of the countersignature to be renewed.

(3) The Transport Authority granting, the renewal of a countersignature shall call upon the holder to produce Parts A and B of the permit and shall endorse the Part A and B accordingly the return them to the holder.

### **54. Grant of goods carriage permit by the Regional Transport Authority for two or more regions without the countersignature :-**

The Regional Transport Authority of any one region may subject to the provisions of section 88 grant a goods carriage permit to be valid in any other region within the State without the countersignature of the Regional Transport Authority of the other region or each of the other regions concerned and shall, as soon as possible, send intimation relating to the issue of such permit to the other region or regions concerned.

### **55. National permit issued by other Transport Authority :-**

The national permit issued by the Transport Authority in any State/Union Territory to a goods vehicle shall be deemed as a

permit issued by the State Transport Authority, Orissa and shall be valid in the State without countersignature.

**56. Limitation of capacity of stage carriage and contract carriage :-**

The State Government may, by notification in the Official Gazette, on the recommendation of Regional Transport Authority specify the areas within which no stage carriage or contract carriage shall be used having seating accommodation for more than twenty-five passengers and no permit shall authorise then use within such areas of any such stage carriage or contract carriage.

**57. Conditions as to carriage of goods in a stage or contract carriage :-**

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

(2) No goods, liable to foul the interior of the Vehicle or to tender it in sanitary, shall be carried at any time in any stage carriage or contract carriage.

(3) The State Transport Authority or 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 the preceding sub-rules, goods may be carried in a stage carriage or a contract carriage 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) If the holder of a stage carriage or contract carriage permit uses a vehicle for the carriage of goods to the detriment of the public convenience by falling there by to meet the demand for passenger transport, State Transport Authority or Regional Transport Authority may, after giving the holder of such permit an opportunity of being heard, declare that a breach of the condition of the permit has occurred and any thereafter proceed under the provisions of section 86.

(6) When goods are carried in stage carriage in addition to passengers the goods shall be of such nature and shall be so packed and secured on the vehicle that no danger, inconvenience or discomfort is caused to any passenger. Such number of seats as may be specified in the permit shall be kept free and unimpeded

for the use of passengers and access to the entrance to and exits from the vehicle required under Chapter V of these rules shall be unobstructed.

(7) The weight in Kilograms of goods carried on a stage carriage shall not exceed  $(N-X) \times 68$  in relation to a single decked stage carriage or to the lower deck of a double decked stage carriage.

NOTE: N is the registered passenger seating capacity of the vehicle and X is the number of passengers carried on the vehicles or the number of the passenger for whom seats are kept free and unimpeded by goods, whichever is greater.

**58. Condition as to carriage of personal luggage and mail in a stage or contract carriage :-**

(1) The State Transport Authority or Regional Transport Authority shall have power to make regulations regulating the weight of luggage and goods which may be carried in any stage carriage or contract carriage generally or in any specified area.

(2) The State Transport Authority or Regional Transport Authority may attach to a stage carriage permit, the condition that the carriage in the respect of which the permit is granted shall carry mails at such rates as may be fixed by the Government from time to time.

**59. Fixation of freight and fares of a stage carriage :-**

(1) Subject to the direction, if any, issued by the State Government under clause (i) of sub-section (1) of section 67 or by the State Transport Authority under sub-section (4) of section 68, the State Transport Authority or Regional Transport Authority may attach to a stage carriage permit the condition that the stage carriage in respect of which permit is granted shall carry passenger at such fares as the said authority may, after giving the holder of the permit an opportunity to make representations and after taking into consideration the matters specified fix hereunder, in that behalf from time to time, namely:

- (i) the condition of roads on which the stage carriage piles;
- (ii) the density of traffic on the routes;
- (iii) the cost of operation of the stage carriage; and
- (iv) other matter affecting the interest of the public generally.

(2) The State Transport Authority or Regional Transport Authority may attach to a stage carriage permit the condition that not more than a specified number of passenger shall be carried on such stage

carriage at any point of time

(3) Any holder of a permit contravening the conditions provided in sub-rule (2) of rule 58 and sub-rules (1) and (2) of this rule shall, in addition to any other penalty to which he may be subject under any law for the time being in force, be liable to cancellation of his permit or revocation thereof for a specified period by the State Transport Authority or Regional Transport Authority provided that no such permit shall be cancelled unless an opportunity has been given to the holder to submit his explanation.

**60. Condition as to list of passenger :-**

(1) The owner or operator of every contract carriage other than taxi cabs and auto-rickshaws shall maintain a list of passengers traveling in Form XXXI in respect of each trip and such list shall be produced before the officers of the Orissa Motor Vehicles Department on demand or before any other officer authorised by Government for the purpose.

(2) The owner/operator of every contract carriage other than motor cabs and auto-rickshaws shall furnish a list of passengers as provided in sub-rule (1) at the Police station of the area from which the vehicle starts or at the first police station on the way to its destination.

(3) It shall be condition of every permit of a motor cab or an auto rickshaw that the vehicle shall not be driven in a public place except by the permit holder or licensed driver duly authorised by the permit holder in writing and that such writing shall be carried by the driver when driving and produced on demand by any police officer or officer of the Orissa Motor Vehicles Department or any other officer authorised by the Government.

**61. Procedure for disposal of articles left by passenger :-**

The driver of a public service vehicle or conductor of a stage carriage shall at the end of any journey make search in the vehicle for anything left by any passengers and shall take into his custody if anything so found and upon the first opportunity make over the same to a responsible person at office or station of the holder of the permit for the vehicle or to an officer at a police station and shall likewise take into his custody and dispose of anything so found by any other person in the manner indicated below, namely.

(i) The responsible person at any office or station of the holder of the permit of the vehicle shall keep these articles lying with him for

a period of one month and if during that period nobody comes to claim them, the property shall be deposited at the nearest police station as unclaimed property.

(ii) if during a period of one month the claimant of the article appear, than after verification of the claim, the articles may be disbursed to him by the responsible person at any office or station of the holder of the permit of the vehicle.

(iii) In case of perishable articles so found in public service vehicles, these articles will be sold as quickly as possible by the aforesaid responsible officer and the sale proceeds shall be held in deposit at the office or the station of the holder of the permit of the vehicle for a period of one month. If no claimant turns up during this period, the amount will be deposited in the treasury.

## **62. Restrictions upon the traveling of persons suffering from infectious or contagious disease :-**

(1) No driver or the conductor, as the case may be, of a public service vehicle 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.

(2) Notwithstanding the provisions of sub-rule (1), the driver or the conductor as the case may be, may upon certificate in writing by a Registered Medical Practitioner, allow a person suffering from an infectious or contagious disease to be carried in a public service vehicle.

(3) When a person suffering from an infectious or contagious disease or the corpse of any such person has been carried in a public service vehicle, the driver or the conductor of the vehicle, as the case may be shall be responsible that the fact is reported to a Medical Officer Of Health and to the owner of the vehicle and neither the owner nor the driver shall cause to allow any person to use the vehicle until the driver and the conductor and the vehicle have been disinfected in such manner as the said Medical Officer may specify and a certificate to this effect has been obtained from the said Medical Officer.

## **63. Stands and halting places :-**

(1) The Regional Transport Authority, 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 both, may in respect of taking up or setting down of passengers, or both by public service vehicles or by any specified class of public service vehicles.

(i) Conditionally or unconditionally prohibit the use of any specified nature or class, or

(ii) require that within the limits of any Municipality, notified area or cantonment or such other limits as may be specified in the notification, certain specified stands or halting places only shall be so 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) When a place has been notified or has been demarcated by traffic sign 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 provision of these rules, be deemed to be a public place within the meaning of the Act and the Regional Transport Authority may enter into an agreement with or grant a licence to any person for the provision or maintenance of such place including the provision or maintenance of the buildings or the works necessary there, 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 directions:

(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 vehicle 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 a serviceable, clean and sanitary condition; and

(v) Prohibiting the use of such place by specified persons or by persons 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 falling to comply with any rule or direction made or given to him under this rule, the competent authority may prohibited the use of such a place for the purposes of this rule.

#### **64. Permit holder Change of Address of :-**

(1) If the holder of a permit ceases to reside or to have his place of business as the case may be at the address set forth in the permit, he shall within one month send Part A of the permit to the Transport Authority by which the permit was issued intimating the new address.

(2) Upon receipt at intimation under sub-rule (1), the Regional Transport Authority or the State Transport Authority, as the case may be shall after making such enquiries as the Authority deems fit enter in the permit the new address and shall intimate the particulars to the Authority any region in which the permit is valid by virtue of countersignature or otherwise.

#### **65. Inspection of Transport vehicles and their contents :-**

(1) Any Magistrate or any officer to the Motor Vehicles Department not below the rank of traffic Sub-Inspector and Junior Inspector of Motor Vehicles or any Police Officer in uniform not below the rank of Sub-Inspector may, at any time when the vehicle is in a public place call upon the driver of a transport vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable him to make reasonable examination of the content of the vehicle or its documents.

(2) Notwithstanding the provisions of sub-rule (1), the Police Officer or Officer of the Motor Vehicles Department shall not be entitled to examine the contents of any goods vehicle unless:

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

(ii) the Police Officer or officer of the Motor Vehicles Department has reason to suppose that the vehicle is being used in contravention of the provisions of the Act and the rules made thereunder.

(3) Any Police Officer in uniform or any officer of the Vigilance Police in plain clothes possessing identity card or any officer of the Motor Vehicles Department may at any time when the vehicle is in

a public place call upon the driver of a public service 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 the vehicle so as to satisfy himself that the provisions of the Act and the rules made thereunder and the provisions and conditions of the permit in respect of the vehicle are being complied with.

(4) Any Junior Inspector of Motor Vehicles or Joint Commissioner. Transport (Technical, shall be entitled at all reasonable time to stop and inspect any transport vehicle and also check Registration Certificate permit licence and any other documents connected with the vehicle in any public place within his jurisdiction.

(5) The Secretary and the Executive Officer and any other officer of the State Transport Authority may at call reasonable time stop and inspect any transport vehicle in any public place.

#### **66. Record to be maintained :-**

(1) The Regional Transport Authority may by general or special order require the owner of any transport vehicle to maintain records and submit returns in respect of the vehicles in such form as the authority may specify and such records and returns shall inter-alia include particulars of the daily use of the vehicle in respect of the following namely:

(i) the name and licence number of the driver and conductor and other attendants, if any:

(ii) the rout upon which or the area within which the vehicle was used:

(iii) the number of Kilometers traveled :

(iv) the time of commencement and termination of a journey and any halt on a journey when the driver obtained rest:

(v) the weight of goods carried between specified place and the nature on the goods, and

(vi) in the case of goods carried in a stage carriage, the number of trips and the meter age when goods were carried solely and when goods were carried in addition to passengers and in that case 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.

## **67. Carriage of Animals in goods carriage :-**

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

(a) in the case of goats, sheep, deer or pig

(i) a minimum floor space of 0.2 square meter per head of such cattle is provided in the vehicle,

(ii) proper arrangements for drainage are made on each floor, and

(iii) if carried in a double decked goods carriage, the upper deck flooring is covered with metal sheets with a minimum height of 7.62 centimeters raised on all four sides so as to prevent the animal waste matter such as urine, litter, etc. falling on the animals on the lower deck,

(iv) proper arrangement for drainage are made on each floor, and

(v) wooden battens are provided on each floor to prevent slipping of hoofs of the animals; and

(b) in the case of any other cattle

(i) a minimum floor space of (2m X 1m) per head of cattle and half such floor space for a young one cattle which weaned is provided in the vehicle,

(ii) the load body of the vehicle is constructed of strong wooden planks or of iron sheet with a minimum height of 1.5 meters measured from the floor of the vehicle on all sides and the back and a roof constructed of some light materials is provided on the load body at a suitable height so as to allow free movement to the tallest animal that is carried and supported with posts firmly fixed to the floor of the vehicle,

(iii) floor battens are provided to prevent slipping of hoofs,

(iv) every projection likely to cause suffering to an animal is removed; and

(v) the cattle are properly secured by ropes tied to the sides of the vehicle.

Explanation- "Cattle" for the purpose of this sub-rule includes Goat, Sheep, Buffalo, Bull, Ox, Cow, Deer, Horse, Pony, Mule, Ass, Pig, or the young ones thereof.

(2) No animal belonging to or intended for a circus, manager 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 either separate from or integral with the load body of the vehicle used of sufficient strength to contain the animal securely at all times is provided; and

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

(3) No goods carriage when carrying any cattle under sub-rule (1) or (2) shall be driven at a speed in excess of 24 Kilometers per hour.

**68. Exemption of fees :-**

The State Government may by notification exempt any person or class of persons from payment of all or any portion of the fees payable under these rules.

**69. Carriage of persons other than the Driver in Goods Carriages :-**

(1) Save in the case of a stage carriage in which goods are being carried in addition to passengers, no person shall be carried in goods vehicle other than a bona fide employees of the owner or the hirer of the vehicle and except in accordance with this rule.

(2) No person shall be carried in the cab of a goods carriage beyond the number for which there is sitting accommodation at the rate of the forty-five centimeters measured along the seat excluding the space reserved for the driver for each person and not more than six person in addition to the driver shall be carried in any goods carriage.

(3) No person shall be carried upon the goods or otherwise in such a manner that such person is in danger of falling from the vehicle and in no case shall any person be carried in a goods carriage in such manner that any part of the person, when he is in a sitting position, is at a height exceeding 3 meters from the surface upon which the vehicle rests.

(4) Notwithstanding the provision of sub-rule (2), the Regional Transport Authority may as a condition of the permit granted for any goods carriage specify the conditions subject to which a larger number of persons may be carried in the vehicle provided such number shall not exceed the area in square decimeters of the floor of the vehicle divided by sixty-five.

(5) Nothing contained in this rule shall be deemed to authorise the carriage of any person for hire or reward on any such vehicle.

**70. Power of State Government to allow carriage of persons in goods carriage in special case :-**

Notwithstanding anything contained in rule 69, the State Government may, in special case, allow a goods vehicle to carry

such number of persons not exceeding the number reckoned by dividing the floor area of the vehicle in square decimeters by forty-six.

**71. Badges and uniforms to be worn by the driver of a Transport Vehicle :-**

(1) The driver of public service vehicle or of a goods carriage shall display on his left side of the chest a metal badge in the form illustrated in the Third Schedule to these rules issued by and inscribed with the name of the authority by which an authorisation to drive a public service vehicle or to drive a transport vehicle without the special authorisation to drive a public service vehicle, as the case may be, has been granted and the word "driver" together with an identification number.

(2) Driver of a transport vehicle shall not hold more than one such badge issued by an Authority in the State.

(3) The fee for the issue of a badge as aforesaid shall be fifteen rupees. If the badge is lost or destroyed a duplicate badge shall be issued by the authority by which it was issued on payment of twenty rupees and upon the return to the issuing authority of a badge or a duplicate badge the driver shall be entitled to a refund of eight rupees.

(4) If at any time authorisation on a drivers licence entitling him to drive a transport vehicle is suspended revoked by any authority or by any court or ceases to be valid by the efflux of time, the driver shall within seven days surrender the badge to the authority by which it was issued.

(5) The driver of a public service vehicle while on duty shall display on his right side of the chest of the uniform worn by him a plate in white plastic of size 8 centimeters X 2.5 centimeters inscribed with his name in bold black letters of size 0.5 centimeters in English and Oriya one below the other respectively. The cost of the nameplate shall be borne by the driver himself.

(6) The driver of a public service vehicle shall wear a Khaki uniform consisting of long trousers and a bush shirt or coat having two pockets and a pair of shoes.

(7) No driver shall lend or transfer the badge prescribed in these rules to any other person.

(8) Any person finding a drivers badge shall, unless he returns the same to a person whom he knows to be the holder, forthwith surrender it to the authority by which it was issued or to a Police

officer.

## **72. Stage Carriage to carry conductor :-**

No Stage Carriage with a seating capacity of more than nine shall be used in a public place unless it carries in addition to the driver or a conductor:

Provided that in respect of a stage carriage the Authority who granted the permit under sub-section (1) of section 72 or last renewed it under sub-section (2) of section 81 may allow such carriage to be used in a public place without carrying a conductor subject to the conditions that tickets or issued to the passengers thereof before the start of the journey and any other conditions as he may deem fit to impose.

## **73. Variation of permit or condition thereof :-**

(1) Upon application made in writing by the holder of any permit or the permit granting Authority suo-motu may at any time, in its discretion vary the permit or any of the conditions thereof subject to the provision of the following sub-rules.

(2) Where any application has been made by any person in connection with grant of stage carriage permit or goods carriage permit under sub-section (1) of section 71 or section 78, the permit granting Authority shall be not subsequent to the issue of the permit vary the permit or any condition therein in a manner prejudicial to any person by whom such application has been made unless the authority has afforded such person a reasonable opportunity of making an objection or suggestion in respect of the proposed variation of the permit or any condition thereof.

(3) Notwithstanding the provisions of sub-rule (2) a Regional Transport Authority may vary any stage carriage permit or any goods carriage permit without affording any person an opportunity of making a representation of in the opinion of the Regional Transport Authority, the representation made by such person in respect of the issue or of the renewal of the permit was frivolous or vexatious or if the variation of the permit or any condition thereof is in accordance with any particular of 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 which has not been modified upon appeal.

(4) Tax and Additional tax under the Orissa Motor Vehicles Taxation

Act, 1975 shall be regularly paid in respect of the vehicle in order to operate under the permit.

(5) In a public service vehicle except in a motor cab or tourist vehicle, no audio-visual appliance shall be used save with prior approval of the Commissioner or of any other officer authorised by him.

#### **74. Production of permit :-**

(1) Part A of a permit shall be produced on demand made at any reasonable time by any Police Officer not below the rank of Sub-Inspector or any officer of the Motor Vehicles Department not below the rank of Traffic Sub-Inspector.

(2) Any Police Officer in Uniform or any officer of the Motor Vehicle Department shall be, permitted on demand, to inspect Part B of the permit of any transport vehicle.

#### **75. Schedule of timings and trips :-**

(1) The Transport Authority may, from time to time:

- (i) by a general order prescribe a schedule of timings for stage carriage running on specified routes; or
- (ii) by a special order prescribe a schedule of timings for each stage carriages.

(2) When schedule of timings has been prescribed under sub-rule (1), every stage carriage on such route shall run in accordance with it except:

- (i) when prevented by accident or other unavoidable cause; or
- (ii) when otherwise authorised in writing by the authority granting the permit.

(3) If at any time a stage carriage is prevented from running in accordance with the Schedule prescribed or where no schedule is prescribed is prevented from performing the service for which a permit has been granted, the holder of the permit shall forthwith report the reason thereof to the authority which granted the permit.

(4) The holder of the permit shall be responsible and punishable for any breach of sub-rule (2) in addition to any other person who may be responsible for such breach.

(5) If the holder of a stage carriage permit purposes to withdraw the service which the vehicle covered by the permit is providing before the expiry of the permit, he shall unless prevented by unavoidable circumstance give at least one months notice of his

intention to the Transport Authority which issued the permit and shall surrender the permit on the date from which the service is withdrawn. Upon receipt of the notice, the transport authority shall paste a copy of the notice on Notice Board situated in the premises of the authority.

(6) The Transport Authority may, by general order, direct that every stage carriage shall stop at such stations on its route as the Transport Authority may prescribe and thereupon the conductor of every stage carriage shall correctly enter in the register in Form XXXII kept at each station, the particulars specified therein.

(7) The driver or conductor of every public service vehicle shall maintain trip sheets serially numbered in a bound book in Form XXXIII or Form XXXIV, as the case may be, in English or in one of regional languages of the State.

(8) Trip sheets shall

(i) be carried by the conductor or, in case there is no conductor, by the driver, whenever the vehicle is in use;

(ii) be duly filled up from time to time as occasion arises by the conductor or, in case there is no conductor, by the driver, and

(iii) be open to inspection by any Police Officer not below the rank of Sub-Inspector or any officer of the Motor Vehicles Department not below the rank of Traffic Sub-Inspector.

(9) Every holder of a permit shall in respect of every public service vehicle specified in the permit maintain in English or in Oriya a trip register in Form XXXV in bound book of which the pages are serially numbered. The trip register shall be pasted daily from the trip sheets maintained under sub-rule (7) and be at all times open to inspection by any Police Officer not below the rank of Sub-Inspector or officer of Motor Vehicle Department not below the rank of Traffic Sub-Inspector or any Magistrate.

(10) The destination to which the stage carriage is proceeding or is about to proceed shall be clearly stated in English and Oriya on boards at conspicuous place on the front and rear of the vehicle.

## **76. Intimation of damage or failure of public service vehicles :-**

The permit holder of any stage carriage or any contract carriage by reference to the registration number of such vehicles 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 thirty days.

**77. Goods carriage record :-**

(1) Every driver of a good carriage shall keep every holder of a goods carriage permit shall cause to be kept in the vehicle, in English or Oriya language a record in Form XXXVI which shall mention in respect of each day, on which the driver was employed in driving all informations prescribed in the form.

(2) Each items of information, required by such form shall be entered in the record soon after the journey in question is completed and the work is over.

(3) The record in such form shall be carried by the driver till he has completed his journey, and shall while in his custody, be open for inspection by any person, authorised to stop and inspect a goods carriage. The driver shall deliver the record to the holder of the permit of the goods carriage within seven days of expiry of the period to which the record relates.

(4) The permit holder shall preserve the record in such form for two years after expiry of the period to which it relates and shall produce it for inspection at any time within that period on demand by the Secretary of the Regional or State Transport Authority, Joint Commissioner, Transport (Technical) or Inspector or Junior Inspector of Motor Vehicles or by a Police Officer not below the rank of Sub-Inspector or other officer of Motor Vehicles Department not below the rank of Traffic Sub-Inspector.

(5) The permit holder shall send in duplicate copies of the goods Carriage, Record for each month to the concerned Regional Transport Officer before the tenth day of the succeeding month.

**78. Duties of driver of a public service vehicle :-**

The driver of a public service vehicle shall:

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

(ii) not smoke while on duty;

(iii) behave in a civil and orderly manner to passengers and intending passengers;

(iv) be dressed cleanly and in the manner in which the Regional Transport Authority may specify;

(v) maintain the vehicle in a clean and sanitary condition;

- (vi) not solicit custom save in a civil and quiet manner;
- (vii) not interfere with persons mounting or preparing to mount upon any other vehicle;
- (viii) not allow any person to be carried in any public service vehicle in excess of the seating capacity specified in the certificate of registration of the vehicle and any additional numbers permitted under the terms of the permits to be carried standing in the vehicles;
- (ix) save for good and sufficient reason, not refuse to carry any person tendering the legal fare;
- (x) Where goods are carried on the vehicle in addition to passengers, take all reasonable precautions to ensure that passengers are not endangered or unduly inconvenienced by the presence of the goods;
- (xi) save for good and sufficient reason, not require any person who has paid the legal fare to alight from the vehicle before the conclusion of the Journey;
- (xii) not loiter or unduly delay upon any Journey but shall proceed to his destination as nearly as may be in accordance with the timetable, pertaining to the vehicle and where there is no such timetable, with all reasonable dispatch;
- (xiii) in the event of a stage carriage being unable to proceed to its destination on account of mechanical breakdown or other cause beyond the control of the driver or the conductor, arrange to convey the passengers to their destination in some other similar vehicle, or if unable so to arrange within a period of half an hour after the failure of the vehicle, shall on demand refund to each passenger the proportion of the fare relating to the completion of the Journey for which the passenger has paid the fare;
- (xiv) in the case of a stage carriage not cause or allow anything to be placed in such a manner as to obstruct the entry or exit of passengers;
- (xv) not permit the public service vehicle to be used for an illegal or immoral purpose;
- (xvi) not permit any petrol to be poured into the tank while the engine is in motion;
- (xvii) not cause or allow any person, animal or thing to be placed or to be in the space reserved for the driver's seat in accordance with rule 112 or otherwise in such a way as to impede him in having a clear vision of the road or proper control of the vehicle;
- (xviii) not shout in order to attract a passenger;
- (xix)

(xx) subject to any rule or regulation in force, prohibiting the taking up or setting down of passengers at, or except at certain places, bring the vehicle to rest for a period of sufficient time in a safe and convenient position upon the demand or signal of the conductor or any passenger desiring to alight from the vehicle and unless there is no room in the vehicle, upon the demand or signal of any person desiring to become a passenger

(xxi) When bringing his vehicle to rest for the purpose of taking up or setting down of passengers at or near the place where another public service vehicle is at rest for the same purpose, not drive the vehicle so as to endanger, inconvenience or interfere with the driver or conductor of the other vehicle or any person mounting or preparing to mount thereon or alighting there from, and shall bring his vehicle to rest in front or behind the other vehicle and on the left hand side of the road or place; and

(xxii) at all times exercise all reasonable care and diligence to maintain his vehicle in a fit and proper condition and shall not knowingly drive the vehicle when any break, tyre, tube or lamp thereof is in a defective condition likely to endanger any passenger or other person or when there is not sufficient petrol in the tank of the vehicle to enable him to reach the next petrol filling station on the route.

## **79. Conduct of passengers in Stage Carriage :-**

(1) Save in the case of pass-holders every passenger shall demand and keep in his/ her possession a ticket for the fare paid.

(2) A passenger in a Stage Carriage shall not

(i) behave in a disorderly manner, or

(ii) behave in a manner likely to cause annoyance to any female passenger, or

(iii) use abusive language, or

(iv) molest any other passenger, or

(v) spit inside the carriage, or

(vi) obstruct the conductor or the driver in the execution of his duties, or

(vii) interfere with the working of the vehicle , or

(viii) refuse to alight from the vehicle on being asked to do so by the conductor or any other authorised person if, he is reasonably suspected to be suffering from any contagious or infectious disease, or

(ix) commit or abet any offence under the Act; or

(x) try to alight from the vehicle without paying the legal fare; or  
(xi) smoke where a notice prohibiting smoking is exhibited or the vehicle is being refilled with inflammatory substance.

(3) A passenger shall when request by the driver, conductor or any authorised person:

- (i) produce during the Journey the ticket issued to him/her,
- (ii) leave the vehicle on the completion of the journey for which he/she has paid the fare, and
- (iii) surrender on completion of the journey the ticket issued to him/her.

(4) Any passenger who contravenes or abet the contravention of any of the provisions of sub-rules (1), (2) and (3) shall, besides being guilty of an offence on being required by the driver, conductor or any Police Officer of and above the rank of Sub-Inspector or officer of the Motor Vehicles Department of and above the rank of traffic Sub-Inspector and Junior Inspector of Motor Vehicle on their request alight from the vehicle forthwith and if such passenger fails to comply with such requirement, the driver or conductor or such Police Officer or officer of the Motor Vehicles Department may remove him/her from the vehicle. Such passenger shall not be entitled to the refund of any fare which he/she might have paid. The driver or the conductor may stop the vehicle and keep it standing until the passenger alight from the vehicle.

### **80. Carriage of children and infants in a public service vehicle :-**

In relation to the number of persons who 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;
- (ii) a child of not more than three years of age shall be reckoned as one half;
- (iii) a blind or other physically handicapped person shall be allowed to travel in a public service vehicle with full exemption of fare or on payment of a part thereof as may be notified by the Government.

### **81. Alteration to Motor Vehicle :-**

The owner of a transport vehicle or if the owner is not the holder of the permit, the holder of the permit shall, at the same time as the notice required under section 52 is made to the Registering Authority forward a copy thereof to the Transport Authority by

which the permit relating to the vehicle was granted.

**82. Provision as to trailers :-**

(1) No trailer other than the trailing half of an articulated vehicle shall be attached to a public service vehicle.

(2) No person other than the attendant or attendants as provided in rule 151 shall be carried on a trailer.

(3) Subject to the provisions of sub-rule (4) all the provisions of these rules relating to a goods carriage permit shall apply to any trailer used for the purpose of a goods carriage.

(4) A State Transport Authority or a Regional Transport Authority granting or countersigning a goods carriage permit may require, as condition of the permit or of the countersignature, as the case may be, that no trailer or that not more than one trailer or that no trailer of a specified description shall be attached to any transport vehicle covered by the permit.

**83. Exemption of permits in respect of transport vehicles used for public purposes :-**

(1) A transport vehicle which is used solely for transporting students to and from any School or Colleges or Universities or such other educational institution, recognised by the Central or State Government or whose Managing Committee is a Society registered under the Societies Registration Act, 1860 (21 of 1860) shall be deemed to be used for the public purpose under clause (f) of sub-section (3) of Section 66.

(2) A transport vehicle owned by any religious or charitable non-profit making institution recognised as such by the Government and used solely for the transport its members, employees or goods as may be prescribed by the Government from time to time shall be deemed to be used for other public purpose under clause (f) of sub-section (3) of section 66.

**84. Application for permits and receipt thereof :-**

(1) Application for permit shall be presented personally by the applicant or by his lawyer or duly authorised representative before the Secretary of the State/Regional Transport Authority or any other responsible officer authorised by the Chairman to receive the same:

Provided that the Secretary of the State or Regional Transport

Authority or such other responsible officer may also receive such application at his discretion from any other person authorised by the applicant in this behalf if his identity is well known to him.

(2) Subject to the provisions of rule 87, every application shall contain all required particulars including the correct permanent address of the applicant and shall invariably be accompanied by the motor vehicles documents like the registration certificate of the vehicle, fitness certificate and insurance certificate where required, together with the tax clearance certificate in respect of the Motor Vehicles obtained from the taxing authority. Applications for renewal of permit shall also be accompanied by the renewal fee and part A of the permit.

(3) An application which is not complete in all respect may not be entertained for consideration.

(4) The officer receiving the application shall check it or cause it to be checked forthwith to see if it is in order. If the application is defective, than it shall not be registered but returned to the party forthwith pointing out the defects found therein and requiring its resubmission after rectifying the defects.

(5) If the application is found to be in order, it shall be registered forthwith in the relevant register of applications and a receipt in the form attached to the application form shall be given to the person presenting the application.

(6) An application for a temporary permit under clauses (a) and (b) of sub-section (1) of section 87 shall, if it is received complete in all respects, be disposed of as far as possible within four days of its presentation. In cases, falling under clause (c) of sub-section (1) of section 87, necessary steps for initiating preliminary proceedings should be taken within five days of the receipt of the application and shall be disposed of within fifteen days thereafter.

(7) The permit when ready to be delivered may be handed over to the applicant personally or to any person authorised by him after taking his signature on the reverse of the receipt in that behalf. It may also be sent by registered post to any address, if so desired specifically by the application at the time of taking the receipt mentioned in sub-rule (5).

(8) An application received by post may be entertained for consideration only when it is received correctly filled up in all respects including the permanent address of the applicant and is also accompanied by the required documents and fees where necessary. In such cases, when the permit is ready it shall be dispatched to the applicant by registered post to his permanent

address or to such other address as shall have been mentioned in the application. If the application is defective, then it shall not be registered but returned to the party pointing out the defects found therein.

#### **85. Grant of receipt :-**

When any person has submitted a certificate of registration, certificate of fitness, insurance certificate, permit and any other such documents to the registering or other authorities for renewal or for any other purpose and has deposited the prescribed fee/tax, where necessary, or when a police officer or any court or other competent authority has taken temporary possession of such document (s) for any enquiry, investigation or other purpose and the documents has not been suspended or cancelled, the registering or other authority, the court, the police officer or other competent authority, as the case may be, shall furnish a receipt for the documents (s) deposited or taken possession of in form XXXVIII to the person from whom it is taken/seized. During such period as may be specified in the said Form the production of such receipt on demand, shall be deemed to be production of the documents (s) specified therein;

Provided that the authority, court, or the police officer, by which receipt was granted, may in its or his direction by order in writing endorsed thereon extend the period specified in the said Form but such extension shall not be beyond the period of the original documents (s).

#### **86. Hearing of Application :-**

An applicant for a permit which is considered at a meeting of Transport Authority shall be entitled to appear and conduct his case in person or through a lawyer or other person duly authorised in his behalf.

#### **87. Entry of Registration Mark on permit :-**

(1) Save in the case of temporary permit, where the registration mark of the vehicle is to be entered on the permit and the applicant is not at the date of application in possession of the registration mark of the vehicle duly registered, then the applicant shall, within one month of the sanction of the application by the State or Regional Transport Authority or such longer period as the

authority may specify, produce the certificate of registration of the vehicle before that authority in order that the particulars of the registration mark may be entered in the permit.

(2) No permit shall be issued until the registration mark of the vehicle to which it relates has, if the form of permit so requires, been entered therein and in the event of any applicant failing to produce the certificate of registration within the prescribed period, the State or Regional Transport Authority may revoke its sanction of the application.

### **88. Entry of registration mark on temporary permit :-**

(1) A temporary permit may, if the State or the Regional Transport Authority thinks fit, be granted to any person whether he is the registered owner of the vehicle or vehicles to be used thereunder or not.

(2) When, at the time of application for a temporary permit, the applicant is not in possession of the vehicle or vehicles or has not entered into a contract to hire that vehicle or vehicles otherwise satisfies the State or Regional Transport Authority that he is for good and sufficient reason unable to specify the registration mark or marks of the vehicle or vehicles to be used under the permit applied for, the State or the Regional Transport Authority, as the case may be, may, if it is satisfied that undue inconvenience would otherwise be caused, issue a temporary permit in which the registration mark of vehicle is not set out and may, if it thinks fit, require as condition of the permit that the applicant shall, within twenty-four hours or longer period as the authority may specify of the commencement of the first Journey under the authorisation of the temporary permit, furnish to the authority particulars of the registration mark.

(3) Nothing contained in a temporary permit shall be deemed to authorise the use of any vehicle which is not duly registered or in respect of which there is not existence a valid certificate of fitness or which otherwise contravenes any of the provisions of the Act or the rules made thereunder.

### **89. Replacement of a particular vehicle authorised by a permit :-**

(1) If the holder of a permit relating to a vehicle, desires at any time to replace the vehicle with another, he shall forward Part A of the permit and apply in writing to the Transport Authority by which

the permit was issued standing the reasons why the replacement is desired and shall

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

(ii) if the new vehicle is not his possession, state any material particulars in respect of which the new vehicle will differ from the old.

(2) Upon receipt of an application under sub-rule (1), the permit granting Authority may in its discretion reject the application if:

(i) the new vehicle proposed differs in material respect from the old;or

(ii) the holder of the permit has contravened the provisions thereof has been deprived of possession of the old vehicle under the provisions of any agreement of hire purchase;

Provided that difference in carrying capacity of the vehicle shall not be deemed to be a difference in material respects as referred to in clause (i) of this sub-rule.

(3) if the permit granting authority grants an application for the replacement of a vehicle under this rule it shall call upon the holder of the permit to produce Part-B of the permit and the certificate of registration of the new vehicle, if not previously delivered to it and shall correct parts A and B of the permit accordingly under its seal and signature and return them to the holder.

#### **90. Validation of replacement orders in respect of countersignature :-**

(1) The Authority granting permission for the replacement of a vehicle under rule 89 shall, unless the authority by which the permit was countersigned has by general or special resolution otherwise directed, endorse on the correction made to parts A and B of the permit the words "Valid also for countersignature" and shall intimate the fact and the particulars of the replacement to the authority concerned.

(2) Unless the permit has been endorsed as provided in sub-rule (1) or unless the alteration has been approved by endorsement by the countersigning authority, the countersignature on a permit shall not be valid in respect of any new vehicle.

#### **91. Procedure for transfer of permit :-**

(1) When the holder permit desire 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 joint application in writing to the State/Regional Transport Authority by which the permit was issued, setting forth the reasons for the proposed transfer.

(2) The State/Regional 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.

(3) (i) If the State/Regional Transport Authority is satisfied that the transfer a permit may be made, it shall call upon the holder of the permit in writing to surrender Parts A and B of the permit within seven days of the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred to deposit the transfer fees specified under rule 48.

(ii) Upon receipt of Parts A and B of the permit and of the prescribed fee, the State/Regional Transport Authority shall cancel the particulars of the holder thereon and endorse particulars of the transferee and shall return the permit to the transferee:

Provided that where the transfer has got more than one vehicle covered by Part A of the permit, the State/Regional Transport Authority shall cancel the particulars of the vehicle not required by the transferor and return the permit to him. The transferee shall be issued a fresh Part A of the permit in respect of the transferred vehicle.

(iii) The State Regional Transport Authority making a transfer of permit as aforesaid may, unless any other Regional Transport Authority by which the permit has been countersigned has by general or special order otherwise required, endorse on Part A and B of the permit with the words "Transfer of permit valid for ....." and also inserting the name of the authority by which the permit has countersigned with effect from the date of transfer.

(4) Unless Parts A and B of the permit have been endorsed as provided in sub-rule (3) or unless the transfer of the permit has been approved by endorsement by the authority which countersigned the permit, the countersignature shall be of no effect after the date of transfer.

## **92. Control of the goods carriage by Transport Authority :-**

The State Transport Authority or Regional Transport Authority, as the case may be, may by general order direct that-

- (i) every goods carriage shall stop at such Police-stations or outposts or beat house on its route as may be specified therein and thereon the driver shall fill correctly, the register prescribed in Form XXVII maintained at each such police-station, outposts or beat houses; and
- (ii) every goods carriage shall so stop such public places on its route as may be specified in the said order.

**93. Prohibition of user of goods carriage in certain regions**  
:-

The Regional Transport Authority or its Chairman, authorised in its behalf may, by general order prohibit use of goods carriage during any hour of the day within its region in the interest of public administration.

Explanation- Day shall indicate a period of twenty-four hours from midnight to midnight.

**94. Complaint Book** :-

- (1) A complaint book in the Form XXXIX shall be maintained in every stage carriage to enable the passengers to record any legitimate complaints in connection with the stage carriage service.
- (2) Such complaints shall be written clearly and in an intelligible manner in English or any of the languages of the district and the complaints shall also clearly and legibly record in the complaint book his full name, address and date on which such complaints are written.
- (3) The owner or manager of the stage carriage service 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 week 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 complaints. A copy of the report shall be forward by the owner of the vehicle or the permit holder, as the case may be, to the complaint.
- (4) The complaint book shall be so securely kept in the stage carriage as the same cannot be removed and shall at all times be made available to any passenger desiring to record a complaint or to any officer of the State Transport Authority or to the Regional Transport Authority or to any Inspector of Motor Vehicles or to the Joint Commissioner, Transport (Technical) for the purpose of

inspection.

(5) The provision of this rule shall apply in respect of all stage carriages in the State.

**95. Fixing hours of work of drivers in advance :-**

The Transport Authority which granted the permit in respect of a transport vehicle may require the holder of such permit to make to the satisfaction of the said authority such time table, schedule or regulation, as may be necessary to fix in advance the hours of work of the driver (s) employed by him and upon approval of the hours of work so fixed by such authority of any time table, Schedule or regulation as aforesaid, it shall be the record of the hours of work fixed for the person (s) concerned for the purpose of sub-section (3) of section 91:

Provided that where a person has obtained permits for different vehicles from different Transport Authorities, he may, with permission of the Commissioner get approval of the hours of work fixed in the time table, Schedule or regulation, as the case may be, from any one of such Transport Authorities in respect of all his transport vehicles.

**96. Interval of rest of drivers :-**

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 for rest and refreshment although required to remain within sight of the vehicle shall be deemed to be an interval of rest for the purpose of clause (a) of sub-section (1) of section 91.

**CHAPTER 5 CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES**

**97. General :-**

(1) No person shall use or cause use or allow to be used in any public place any motor vehicle which does not comply with the provisions of this chapter.

(2) Nothing in this rule apply to a motor vehicle which has been damaged in an accident while at the place of the accident or to a vehicle so damaged or otherwise defective while being removed to the nearest place of repair or disposal.

**98. Mirror :-**

A mirror shall be fitted externally in every transport vehicle other than a motor cab and either externally in every other motor vehicle so that the driver shall be able to have a clear and distinct vision of vehicles approaching from the rear.

**99. Use of red light :-**

A flickering red light with bulb of not more than seven watts power may be fitted on the roof top of the vehicle used by the dignitaries who are authorised to fly (display) National flag as per the instruction embodied in the flag Code of India or the Honourable Judge of the High Court of Orissa or police patrolling or for hire service purposes, provided that such lights shall be put to use only when the vehicles are in use by such dignitaries or as the case may be when the police patrolling/fire service vehicles are on actual duty.]

**100. Restrictions regarding Television set, video display unit, radio or tape recorder type of devices in motor vehicles :-**

Television set or video display unit or radio or tape recorder type of devices shall not be used or kept for use in any public service vehicle other than a tourist vehicle or a motor cab save with the approval of Commissioner or of any other officer authorised by him. Provided that no television set or video display unit shall be fitted or kept on or near the dashboard of any motor vehicle nor shall be kept within the view of the driver.

**101. Dangerous projections :-**

(1) No mascot or other similar fitting or device shall be carried by any motor vehicle in any position where it is likely to strike any person using the road unless the mascot is unlikely to cause injury to any person by reason of any projection thereof.

(2) No motor vehicle shall be so constructed that any axle/hub or hub cap projects laterally more than ten centimeters 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 and is provided with an adequate guard.

**102. Springing :-**

Every motor vehicle and every trailer shall be fitted with suitable and sufficient means of springing adequately maintained in good and sound condition.

**103. Mudguard :-**

Every motor vehicle except a tractor shall, unless adequate protection is offered by the body of the motor vehicle, be provided with mudguards or other similar fittings to prevent, so far as practicable, mud or water being thrown by rotation of the wheels.

**104. Attachment to Motor Cycle :-**

(1) Every side car shall be attached to a motor cycle at its left hand side in such manner that the wheel thereof is not outside perpendicular planes at right angles to the longitudinal axis of the motor cycle passing through the extreme projecting points in front and in the rear of such vehicle.

(2) Every pillion seat attached to a motor cycle shall have a suitable spring cushion seat.

(3) No pillion seat attached to a motor cycle with less than a distance of fifteen centimeters from the engine.

**105. Maintenance of public Service Vehicle :-**

Every public service and all parts thereof including paint work shall be maintained in a clean and sound condition and the engine mechanism and all working parts shall be kept in reliable working order.

**106. Body construction :-**

The body of every public service vehicle shall be securely fastened to the chassis of the vehicle.

**107. Stability :-**

(1) The stability of public service vehicle other than a motor cab (or a single decked trolley bus) shall be such that under any conditions of load at an allowance of 68 Kilograms per passenger and his personal luggage, for which the vehicle is registered if the surface on which the vehicle stands is tilted to either side of an angle of 35 degrees from the horizontal, the point at which overturning occurs would not be reached.

(2) The stability of a trolley bus shall be such that under any conditions of loads, at an allowance of 68 Kilograms per passenger and his personal luggage for which the vehicle is registered, if the surface on which the vehicle stands are tilted to either side to an angle of 32 degrees from the horizontal, the point at which over-turning occurs, would not be reached.

(3) For the purpose of conducting tests of stability the height of any stop used to prevent wheel of the vehicle from slipping sideways shall not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel is loaded in accordance with the requirements of this rule.

### **108. Seating accommodation :-**

(1) In every public service vehicle there shall be provided for each passenger a reasonably comfortable seating space of not less than 38 centimeters square measured on straight lines along and at right angles to the front of each seat and the seating capacity of the vehicle shall be fixed by counting one passenger for every 38 centimeters square of seating space measured as above.

(2) The seats in every public service vehicle shall be provided with cushions of not less than 3.50 centimeters in thickness made of foam, rubber or fiber-flex or equivalent materials and shall be covered by leather or rexin cloth.

(3) There shall be a distance of not less than 135 centimeters and not more than 150 centimeters between the back of the seats on one side and the backs of the seats on the other side, when the seats are placed along the vehicle:

Provided that in every express stage carriage or deluxe stage carriage and in every stage carriage running on a route covering more than 160 Kilometers or comprising of any ghat road, all seats shall be placed across the vehicle facing the driver except that the seats in the left side of the engine may be placed along the vehicle in a full forward control vehicle.

1[(4) There shall be clear space of sixty five-centimeters between back surface of the backrest of one seat including the driver seat and the front surface of the back rest of the seat immediately behind when the seats are placed across the vehicle and are facing towards the driver.]

(5) There shall be clear space of 125 centimeters between the back

of the facing seats when the seats are placed across the vehicle and are facing each other.

(6) Sub-rules (4) and (5) shall not apply to the seats in between which a door is placed and in that case the space indicated in sub-rules (4) and (5) shall not exceed 160 centimeters and 220 centimeters respectively.

(7) The backs of all seats shall be closed to height of 40 centimeters above the seat level and the upper portion of the back rest shall be covered with cushions for not less than 21 centimeters from the top downwards and such cushion shall be of similar materials and covered as specified in sub-rule (2) thickness of which being not less than 2.5 centimeters.

(8) There shall be a clear space of not less than 27.9 centimeters between front surface of the back rest of the drivers seat and the point of the steering wheel nearest to the said surface.

(9) (i) The drivers seat shall be separated by not less than 3 centimeters and not more than 15 centimeters from other seats when placed across the vehicle and along the line of the drivers seat. When the seats are placed along the vehicle, the extreme end of the seats immediately behind the drivers seat shall not be separated from the back surface of the back rest of the drivers seat by more than 15 centimeters.

(ii) The width of the drivers seat across the vehicle shall not be less than 68.6 centimeters and shall extend to the left of the center of the steering column by no case less than 25.4 centimeters so that a line drawn parallel to the axis of the vehicle through the center of any gear lever, break lever or other device to which the driver has to have frequent access, lies not less than 5.1 centimeters inside the width reserved for the drivers seat.

(iii) The space reserved in accordance in with clause (ii) shall at the left hand end be enclosed with a rigid wooden or other suitable partition to a height of not less than 30.5 centimeters above the seat:

Provided that this clause shall not be applicable to a vehicle with full forward control engine.

(10) The seats in every public service vehicle shall be so provided that in case of seats placed across the vehicle, there shall not be a space of more than 15 centimeters between the back surface of the rear most seat and the inner surface of the last part of the body of the vehicle, when the seats are placed along the vehicle, there shall not be a space of more than 5 centimeters between the side of a seat and the adjoining inner surface of the side of the vehicle

except when the seat is placed immediately behind the drivers seat:

Provided that the above specification may be suitable altered under written orders from the State Transport Authority or the Regional Transport Authority where the said authority permits a motor vehicle to be used as a Deluxe Vehicle:

Provided further that in such cases, a body design shall be submitted by the operator for approval by the State Transport Authority/Regional Transport Authority and the construction shall be taken up only after obtaining the written approval of any of the aforesaid Authorities as the case may be save that if no orders is communicated within a period of three months from the date of submission of the body design in relation to a vehicle, it will be deemed that the body design has been approved.

(11) These rules, so far as may apply, shall also be complied with by goods carriage.

(12) Inspection of the motor vehicle for fixation of the seating capacity under this rule shall be conducted by the Inspector of Motor Vehicles or in his absence by the Junior Inspector of Motor Vehicles or by any other officer of Orissa Transport Engineering Service authorised by the Commissioner.

(13) Notwithstanding anything contained hereinafter these rules shall not apply to motor cabs built by the manufactures with the approval of Government of India.

### **109. Gangways :-**

There shall gangway along the vehicle in every compartment of a public service vehicle having entrance either towards the front end or rear end or middle of the left side of the vehicle;

Provided that where the seats are placed along the vehicle there shall be a gangway with a clear space of not less than 60 centimeters measured between the fronts of the seats;

Provided further that when the seat are placed across the vehicle there shall be a gangway with a clear space of not less than 30 centimeters between any part of adjoining seats or their supports.

### **110. Head-room :-**

Every Public Service Vehicle other than a motor cab, shall have the following internal height or head-room measured along the center of the vehicle from the top of the floor boards of battens to the inner side of the roof supports.

- (i) in the case of a single-decked vehicle with a permanent top not less than 140 centimeters and not more than 180 centimeters;
- (ii) In the case of a single-decked vehicle with a movable hood, not less than 140 centimeters, and
- (iii) In the case of double-decked vehicle, not less than 175 centimeters in each floor:

Provided that the Regional Transport Authority may vary the above measurements in respect of any public service vehicle plying solely in any specified municipal or cantonment area and the environs thereof.

#### **111. Conditions for carrying standees :-**

Notwithstanding anything specified in rule 108, passengers may be carried standing on the deck on any public service vehicle only if there is fixed to the roof of the gang-way a grabber with hanger straps:

Provided that the number of standees shall in no case exceed the number arrived at by dividing the length of gangway, or gangways in centimeters provided in the vehicle by 40.

#### **112. Drivers Seat :-**

(1) No public service vehicle shall be driven other than from the right hand side of the vehicle.

(2) On every public service, so much of space as is required under the provisions of sub-rule (8) of rule 108 shall be reserved for the drivers seat so as to allow him to have full unimpeded control of the vehicle.

(3) No public service vehicle shall be so constructed that any person may sit or any luggage may be carried on the right hand side of the drivers seat.

#### **113. Doors :-**

In every public service vehicle other than a motor cab which has no distinct and separate compartment for men and women, there shall be one door near about the middle of the left side of the vehicle and another emergency on the right or the rear side of the vehicle. These doors shall be at least 53 centimeters in width and of sufficient height and shall be provided with a strong catch to keep them in place.

#### **114. Internal lighting :-**

Every public service vehicle other than a motor cab having a permanent roof shall be furnished with one or more electric lamps adequate to give reasonable illumination throughout the passengers compartment or compartments without impairing the forward vision of the driver.

**115. Electric Wires :-**

All electric wires or leads shall be adequately insulated.

**116. Electric Lamps :-**

No lamp other than an electric lamp shall be fitted to or used in any public service vehicle.

**117. Fuel Tanks :-**

period NO fuel tanks shall be placed in any public service vehicle under any part of any gangway which is within sixty centimeters of an entrance or exit, the fuel tank of every public service vehicle shall be also placed that no overflow there from shall fall upon any wood work or accumulate where it can be readily ignited. The off position of the means of operation shall be clearly marked on the out side of the vehicle. The filling points of all fuel tanks shall be outside the body of the vehicles and the filter caps shall be so designed and constructed that they can be securely fixed in position.

**118. Carburetor :-**

In every public service vehicle, any carburetor and apparatus associated therewith shall be so placed and shielded that no fuel leaking there from shall fall upon any part of fittings that is capable of igniting it or into any receptable where it might accumulate.

**119. Fire Extinguishers :-**

Every public service vehicle shall be equipped with a fire extinguishing apparatus of a type specified by the State Government in working condition.

**120. Locking of Nuts :-**

All moving parts of every public service vehicle and all parts subject

to service 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 devices so as to prevent them working or coming loose.

**121. Floor Boards :-**

(1) The floorboard of every public service vehicle shall be strong and closely fitted so as to prevent as far as possible draughts and dust.

(2) The floor board may be pierced for the purpose of drainage but for no other purpose.

**122. Spare Wheel and tools :-**

(1) Every public service vehicle shall at all times be equipped with not less than one spare wheel or rim fitted with a pneumatic tyre in good and sound condition properly inflated and mounted in such a way that it can be readily dismantled and fitted to the vehicle in place of any one of the road wheels.

(2) Sub-rule (1) shall not apply to a public service vehicle during the completion of any journey during which it has been necessary to bring the spare wheel or rim and tyre into use.

(3) Every public Service Vehicle shall at all times be furnished with an efficient jack and other tools necessary to change a wheel or rim and tyre and the equipment necessary to repair a puncture.

**123. First-Aid Box :-**

Every public service vehicle shall carry a First-Aid Box containing the articles specified below:

- (i) A copy of the First-Aid leaflet;
- (ii) Twenty-four sterilized finger dressings;
- (iii) Twelve sterilized hand or foot dressings;
- (iv) Twelve sterilized large or body dressings;
- (v) One extra large and two large and three small sterilized burn dressings;
- (vi) Twenty grams packed of sterilized cotton wool;
- (vii) A bottle of 2 percent tincture of iodine;
- (viii) Pain killer medicines;
- (ix) Empty bottle fitted with cork and camel hair brush for eye drops with eye drops; and
- (x) Fifty ml. medicine glass.

#### **124. Prohibition of painting or marking in certain manner :-**

(1) The Registering Authority may for reasons to be recorded in writing by a general or special order prohibit the exhibition of any advertising device, figure or writing on any public service vehicle.

(2) A public service vehicle when regularly used for carrying Government Mail by or under a contract with the Indian Posts and Telegraph Department, may exhibit in a conspicuous place upon a plain surface of the motor vehicle the words "MAIL" in red colour on a white ground each letter being not less than fifteen centimeters in height and of a uniform thickness of two centimeters.

(3) Save as aforesaid no motor vehicle shall display any sign or inscription which includes the word "MAIL"

(4) On and from such date as the State Government may appoint the hood of every motor cab other than a motor cab granted with a permit under sub-section (9) of Section 88 shall be painted in cream yellow and the rest of the body in black colour:

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

Provided further that no motor vehicle other than a motor cab shall be painted in colour specified above;

Provided also that motor cab used solely for the transport of tourists and specifically exempted by the Commissioner shall not be required to be painted in colour specified above and shall prominently display on it letter "T" which shall not be less than 5 centimeters in height and 4 centimeters in breadth and shall be painted on the front fender of the motor cab on a white surface enclosed by a circle drawn in green.

(5) The stage carriage belonging to the State Transport Undertaking shall be painted in deep orange with royal ivory for streamlining design and roof:

Provided that no other stage carriage plying in Orissa shall be painted with this colour combination.

(6) Every educational institution bus shall be painted in yellow colour and no other omni bus shall be painted in such colour:

Provided that this will not prevent the continued use of the existing educational institution busses not painted in the above colour up to a period of two years.

#### **125. Sanitation and clearing :-**

Every public service vehicle shall be kept in a clean and sanitary condition. For this purpose every such vehicle shall among other things be disinfected with D.D.T. spraying at least once in every two months and in the presence of the Inspector of Motor Vehicles at the time of every inspection for issue of fitness certificate. It shall be the duty of the Inspector of Motor Vehicles to endorse the compliance of the above provision on each certificate of fitness issued by him in respect of every such vehicle.

**126. Springs :-**

(1) Chassis springs shall be properly hung and shall be of sufficient strength and flexibility to meet all likely contingencies.

(2) The rear springs shall be attached to or bear upon the back axle casing as near as possible to the road wheels and the distance between the springs from outside to outside shall not be less than 50 percent of the overall width of the vehicle.

(3) The front springs shall be as wide apart as possible and the difference between the spring shall not be less than 37 percent of the overall width of the vehicles;

Provided that if the width of the rear springs is 53 percent or more of the overall width of the vehicle, the minimum distance between the front springs may be less than 37 percent of the overall width of the vehicle by 2.54 centimeters.

(4) There shall be no cross springs.

**127. Wheels track :-**

The wheel track of both front and rear wheels shall coincide and the distance between the center lines of the tracks of the front wheels shall not be less than 69 percent of the overall width of the vehicle.

**128. Protection of passengers from weather :-**

(1) Every public service vehicle shall be either constructed with a fixed and watertight roof or equipped with a watertight hood that may be raised or lowered as required.

(2) Every public service vehicle shall have suitable windows, ventilators, screens capable at all times of protecting the passengers from the weather without preventing adequate ventilation in the vehicle. When the screens are made of fabric the whole of them shall at all time be fastened securely of the vehicle.

## **129. Grab Rail :-**

The grab rail shall be fitted to every entrance or exit, other than in emergency exit, a public service vehicle other than a motor cab to assist passengers in boarding or alighting from the vehicle.

## **129A. Checking of pollution standard and authorisation of pollution Testing Centers :-**

(1) The "Pollution under control" certificate referred to in sub-rule (7) of rule 115 of the Central Motor Vehicle Rules, 1989 shall be issued by any pollution testing center authorised in this behalf in accordance with the provisions contained in this Rule.

(2) A "Pollution under control" certificate issued under this rule shall be valid for a period of six months.

(3) A fee of rupees ten shall be charged for testing of two wheelers and auto-rickshaws; rupees twenty for light more vehicles and rupees thirty for other vehicles by the authorised pollution testing center for conducting the test including issue of the "Pollution under control" certificate in Form XLII or as the case may be, "Pollution level certificate" in Form XLIII.

(4) An application for grant or renewal of authorisation for pollution testing center shall be made in Form XL to the Joint Commissioner, Transport (Technical) and for such authorisation a fee of rupees two thousand shall be charged:

Provided that no such application shall be entertained unless the same is accompanied by a receipts showing payment of fee of rupees two thousand and the security deposit of rupees in ten thousand in the manner specified by the Commissioner

(5) The Joint Commissioner, Transport (Technical) may, on receipt of an application under sub-rule (4) grant, or renew authorisation in Form XLI. Where grant or renewal of an application is refused, he shall furnish the applicant an order in writing specifying the reasons for such refusal and refund the security deposit in full and fifty percent of the fee paid along with the application and accordingly wills issue a refund voucher.

(6) The authorisation issued or renewed under sub-rule (5) shall be in respect of such area as mentioned therein and shall be valid for a period of one year:

Provided that application for renewal of an authorisation shall be made not less than thirty days before the date of expiry:

Provided further that an application for renewal of authorisation

made after the date specified above may be entertained on payment of an additional fee of rupees one thousand

(7) The Joint Commissioner, Transport (Technical), while considering an application for grant of renewal of an authorisation under this rule, shall have regard to the following matters, namely-

(a) that the applicant is engaged in the business of maintenance and servicing of vehicles and the applicant has the infrastructure as required for carrying the job connected with repairs, maintenance and servicing of vehicles:

Provided that an owner of the filling station either having or without having the facility for maintenance and servicing of vehicle may be considered for grant of authorisation;

(b) that the applicant at the time of making an application possesses-

(i) a smoke meter of the type approved under sub-rule (3) of rule 116 of the Central Motor Vehicle, Rules, 1989, and

(ii) an instrument for the measurement of carbon monoxide and hydrocarbons of the type approved under sub-rule (3) of rule 116 of the Central Motor vehicles Rules, 1989.

(c) that the applicant and his staff are duly qualified to test and repair vehicles with regard to emissions.

(d) that adequate space available for testing, repair, maintenance, servicing and parking of vehicles:

(e) that the applicant is financially sound to maintain the pollution testing center;

(f) that in case of renewal, the past conduct of the applicant and performance of the pollution testing center are satisfactory; and

(g) any other matter which may be specified by the Commissioner.

(8) The pollution testing center shall-

(a) maintain a register in the following format and record correct and complete particulars required under different columns therein neatly in respect of every vehicle tested.

FORMAT						
Registration No. of the vehicle	Make, Model and date of first Registration of the Vehicle	Carbon Monoxide, hydrocarbons oxide of nitrogen, emission level test (as the case may be) at the	Date and time of test	Signature of the person conducting the test	Details of certificate issued	Signature of the authorised person who signed the certificate

		time before adjustment and tuning				
1	2	3	4	5	6	7

(b) issue "Pollution under control" certificate in Form XLI only under the signature of a person authorised by the Joint Commissioner, Transport (Technical) in respect of every vehicle if the standard of pollution in relation to such vehicle is found after the test to be within the limit prescribed under sub-rule (2) of rule 115 of the Central Motor Vehicles Rules, 1989;

(c) Issue a certificate to the owner of the vehicle if the pollution standards of a vehicle is found after test to be contravening the limit prescribed under sub-rule (2) of rule 115 of the Central Motor Vehicles Rules, 1989 and the vehicle requires major repairs to control the emission level, giving the detailed particulars and the result of the test and repairs recommended in Form-XLIII;

(d) produce all records maintained for inspection on demand by any officer of the Orissa Motor Vehicles Department not below the rank of Traffic Inspector or Junior Inspector of Motor Vehicles or any other officer authorised by the Commissioner;

(e) allow any officer authorised by the Commissioner on his behalf to inspect the pollution testing center with regard to the efficiency of the equipments, procedure followed for testing of vehicles issue of "Pollution Under Control" certificates, behaviour of the staff towards the vehicle owners and the representatives and other aspects of working of the testing center;

(f) keep open the testing center from 8 A.M. to 12 O'clock noon and 4 P.M. to 8 P.M. and shall operate on all the seven days in a week except on national holiday;

(g) prominently display a board with inscription "Pollution Testing Center" open from 8 A.M. to 12 O'clock noon and from 4 P.M. to 8 P.M. in front of the center to enable the vehicle owner to easily locate the center;

(h) keep in the center up to date copy of the Motor Vehicles Act, 1988 and Orissa Motor Vehicles Rules, 1989 and relevant notifications which shall be referred to in case of any doubt entertained by any vehicle owner or his agent producing the vehicle for test;

(i) obey all directions/instructions issued by the Commissioner from time to time;

(j) maintain proper record of vehicles checked for pollution levels in the center in the prescribed format and submit monthly reports to the Commissioner by fifteen of the succeeding month;

(k) not alter its place of business specified in the authorisation without prior approval of the Commissioner;

(l) not issue any certificate in respect of any vehicle without testing the pollution level;

(m) subject the instruments for periodic inspection and calibration to ensure proper functioning of the exhaust gas analyzer with the officers authorised by the Commissioner; and

(n) suspend the testing activities if on inspection the instruments found not to be in conformity with the standard calibrated values till the instrument is rectified and calibrated to the satisfaction of the authorised officer.

(9) The Joint commissioner, Transport (Technical), may be order in writing cancel an authorisation or suspend it for such as he thinks fit, after giving the applicant concerned a reasonable opportunity of being heard and if he is satisfied that any of the provisions of this rule has been contravened by a pollution testing center.

(10) The Commissioner may by order in writing authorise any officer subordinate to him not below the rank of Joint Commissioner, Transport (Technical) to perform any duty exercise any power under this rule:

(11) (a) Any person aggrieved by the order of the Joint Commissioner, Transport (Technical) may prefer an appeal before the Commissioner within thirty days from the date of order accompanied by a certified copy of the said order along with a fee

of rupees two hundred paid in the manner specified by the Commissioner.

(b) The appellate authority may after giving an opportunity of being heard to the appellant pass such orders as he considered appropriate.

(12) (a) When the original authorisation has been lost or destroyed, the holder shall forthwith intimate the loss to the issuing authority which granted/renewed the authorisation for issue of a duplicate.

(b) On receipt of such application along with the fee of rupees one thousands the issuing authority shall issue a duplicate authorisation marked "DUPLICATE"

#### SPECIAL RULES APPLICABLE TO GOODS CARRIAGE

### **130. Body and loading platform :-**

Every goods carriage including a trailer shall be equipped with a strong platform of body so constructed as to be capable of carrying the load for which it is used without danger to other road users and so constructed that the load can be securely packed within or fastened to the body or platform.

### **131. Drivers Seat :-**

Rule 112 relating to the drivers seat shall apply to every goods carriage other than a delivery van.

#### SPECIAL RULES APPLICABLE TO MOTOR CABS

### **132. Taxi meters :-**

A taximeter if so required to be fitted to a motor cab under the condition of its permit shall be of the type and make approved under the rule 134 and the provisions of rules 133 to 142 shall be complied with in relation to such motor cab.

### **133. Locking of taxi meters :-**

(1) Every taxi meter when in use shall be locked and bear the seal of the registering authority so that it may not be tampered with.

(2) Whoever with intent to deceive breaks or in anyway tampers with the taxi meter or the driving mechanism thereof or the seal placed on the taxi meter, shall be deemed to have committed breach of this rule.

### **134. Approval and fitment of taxi meters :-**

(1) (i) An application for the approval of a new or modified type of meter by the manufacture or his agent shall be sent to Chairman, State Transport Authority and shall be accompanied by two

complete specimens of the meter, a detailed description with drawings of its mechanism and a working specimen of the flexible cable by which the meter shall be driven.

(ii) The Chairman, State Transport Authority, send the meters to him institute to be specified for the purpose by the State Government in a notification in the Official Gazette where they shall be subject to an exhaustive test in order to ascertain whether they comply with all the requirements of the special rules relating to taxi meters and whether they would otherwise be suitable. At least one of the meters shall be opened and such parts removed as may be required for comprehensive examination of the mechanism.

(iii) After the test, one instrument shall be retained in the aforesaid institute, as a sample instrument and the other shall be sealed and returned to the Chairman, State Transport Authority.

(iv) After considering the report received from the aforesaid institute, the Chairman, State Transport Authority shall if he is satisfied that the meter complies with the requirements of the rules relating to taxi meter and is suitable for the purpose, approve the meter and inform the applicant of his decision.

(2) Taxi meters shall be fitted in such position and operated in such manner as may be approved by the registering authority having regard to the design of the motor cab, subject to general instructions, if any, of the Chairman, State Transport Authority.

(3) A taxi meter shall under no circumstances be used upon a motor cab in which the circumference of which is different from that for which the time has been designed, geared and tested.

(4) No taxi meter which is in any, defective shall be used upon a motor cab.

(5) No flexible cable or driving gears except as approved by the Chairman, State Transport Authority shall be used in a taxi meter nor they shall be so affixed that any part of the cable, gear, etc can be readily reached by an unauthorised person. All connections shall be so made as to be capable of being sealed in an approved manner to prevent improper removal.

(6) The owner of the motor cab of which the registration has been cancelled shall forthwith detach the taxi meter intimating the Chairman, State Transport Authority and the registering authority concerned in writing to that effect.

### **135. For Hire Indicator :-**

Every taxi meter shall be fitted with an indicator or handle in the

form of a flag, on which there shall be painted the words for hire. The taxi meter shall be so constructed that when the flag is horizontal, the taxi meter shall be out of action. Such indicator shall be so placed as to be clearly visible to any person outside of and in front of the vehicle and to the hirer when inside the vehicle.

Provided that the horizontal position of the flag shall indicate that the vehicle is available for hire and no driver shall then without reasonable excuse refuse to accept a fare.

### **136. Sealing of meter-fitting after test :-**

(1) The taxi meter of a type and make approved by the Chairman, State Transport Authority shall weather for the first time or after repair or adjustment be submitted to the registering authority or as the case may be any other officer as that authority may from time to time depute in this behalf for examination and test who shall examine the meter with regard to the correctness of its fitness. When it is produced for inspection, it shall bear the necessary holes and wires and be provided with the wires for the lead seals to be fixed to it.

(2) The taxi meter shall be subject to a practical road test of 8 Kilometers for each of the distance scales and a time test for detention charges for not less than half an hour.

(3) If the meter is found to be correct its fittings to the cab shall be sealed in such manner that it cannot be opened or tampered with or adjusted without removing the seals.

### **137. Setting of taxi meter in motion :-**

The driver of every motor cab provided with a taxi meter shall set the taxi meter in motion as soon as it is hired and shall immediately stop the same after the termination of the hiring:

Provided that if the motor cab is called from a garage or stand to take up passenger at any place less than 457 meters from the garage or stand. The taxi meters shall not be set in motion until the motor cab shall arrive at such place and be ready to take up the passenger:

Provided further that in the event of a motor cab falling to proceed on account of any failure of the tyre or mechanism, of the vehicle either temporarily or otherwise, the driver shall at once stop the mechanism of the taxi meter and shall not restart the same until the defect is remedied.

**138. Means of communication between passengers and drivers :-**

Every motor cab having a partition between the driver and the passengers shall be provided with a means of communication between the passengers and drivers.

**139. Lighting of taxi meter :-**

Every motor cab fitted with a taxi meter shall have a light so fitted as to illuminate the taxi meter when the vehicle is in use in a public place during the period between half an hour after sunset and half an hour before sunrise.

**140. Audible warning :-**

Every taxi meter shall be also constructed that it will give audible warning by means of suitable bell or gong whenever the driver moves the lever which operates the recording mechanism.

**141. For hire to be painted :-**

The owners of every motor cab plying outside the limits of the area or areas shall cause to be painted in a conspicuous part of the vehicle the words "For hire" in English and in Oriya.

**142. Fee for test of taxi meter :-**

The following fees shall be charged for the test of taxi meters:

(i) For a test of a meter

Of approved type..... Rs. 10/-(Rupees ten)

(ii) For re-test Rs. 5/- (Rupees five)

**143. Power of Officers of the Motor Vehicles Department to inspect taxi meters :-**

Any officer of the Orissa Motor Vehicles Department not below the rank of Traffic Sub-Inspector in uniform may, if he has reason to believe that a motor cab fitted with a taxi meter has been or is being plying with a meter which is defective or has been tampered with, stop such motor cab and direct the driver or the person in charge of such motor cab to withdraw the cab from use and produce the taxi meter for test.

**144. Revocation of approval :-**

(1) If on receipt of a complaints any member of the public or of a report submitted by an officer of the Orissa Motor Vehicles Department not below the rank of traffic Sub-Inspector, the Chairman, State Transport Authority is satisfied that meters of any type and make approved under rule 134 do not record fares correctly or develop defects or go out of order at frequent intervals or have ceased to conform to the requirements of the special rules relating to taxi meters, he may, after giving the person on whose application such type of meter was approved reasonable opportunity of being heard and after making such enquiry as he may deem fit, by order revoke the approval given to such type of meter and shall inform the person aforesaid of his order along with the reasons.

(2) Such order of revocation shall be published in the Official Gazette and on issue of such a notification, use of all taxi meters of the type and make to which such order relates shall cease immediately after ninety days from the date of the order of revocation unless such order has been set aside on appeal, if any, in the mean time.

#### **145. Appeal against Revocation of Approval :-**

(1) Any person aggrieved by the order of Chairman, State Transport Authority under rule 144 may, within ninety days from the date of receipt of intimation of such order appeal to the State Government.

(2) The Minister, Transport, shall hear such appeal.

#### **146. Conduct and hearing of Appeals :-**

(1) An appeal under rule 145 shall be preferred in duplicate in the form of a memorandum setting forth concisely the grounds of objection to the order of the Chairman, State Transport Authority and shall be accompanied by a fee of Rs.15 (Rupees fifteen) in cash and a certified copy of that order.

(2) When an appeal is filed, intimation of such appeal shall be given to the Chairman, State Transport Authority.

(3) The appellate authority, after giving an opportunity of being heard to the party and after such further enquiry as it may deem necessary may confirm, vary or set aside the order of the Chairman, State Transport Authority and shall make an order accordingly.

(4) Any person preferring an appeal under rule 145 shall be entitled to obtain from the Chairman, State Transport Authority a copy of any document connected with the appeal on payment of a fee of Rs.2/-(Rupees two) per copy of each such document.

**147. Provision as to Trailers :-**

No trailer other than the trailing half of an articulated vehicle shall be attached to an auto-rickshaw.

**148. Prohibition & Restriction on use of trailers with motor cycles and invalid carriage :-**

(1) A motor cycle having not more than two wheels and attached with a sidecar shall not draw a trailer.

(2) A motor cycle having not more than two wheels and without a sidecar shall not draw a trailer unless the combination complies with the following requirements:

(i) The connection of the trailer to the motor cycle behind the apex of the rear tyre of the wheel base:

(ii) The trailer motor cycle connection shall allow the motor cycle complete freedom of movement in the lateral plane and it shall rotate freely about the vertical axis preferable through 180 degrees.

(iii) The motor cycle shall remain always in a vertical or in a lined plane without requiring the rider to balance it.

**149. Prohibition of attachment of trailer to certain vehicle :-**

No motor vehicle which exceeds 8.4 meters in length , not being a motor vehicle used for towing a disabled motor vehicle, shall draw a trailer.

**150. Restriction on number of trailer to be drawn :-**

(1) No tractor shall draw more than three trailers.

(2) No tractor shall draw on a public road with.

(i) a trailer exceeding half metric ton in weight unladen and fitted with solid steel wheels less than 60 centimeters in diameter, and

(ii) A disc harrow without trolley wheels used trailing implements behind a tractor.

(3) No other goods vehicle shall draw more than trailer.

### **151. Attendants on trailer :-**

(1) Where a trailer is or trailers are being drawn by a motor vehicle there shall be carried in the trailer or trailers or on the drawing motor vehicle, as the case may be, the following persons above the age of twenty years capable of discharging the following duties

(i) If the breaks of the trailer or trailers cannot be operated by the driver of the drawing motor vehicle or by some person carried on that vehicle.

(a) One person on every trailer capable of applying the breaks, and

(b) one person placed at or near the rear of the last trailer in train in such a position as to be able to have clear view of the road in the rear of the trailer, to signal to the drivers of overtaking vehicles and to communicate with the driver of the drawing motor vehicle;

(ii) if the breaks of the trailer can be operate by the driver of the drawing motor vehicle or by some other person carried on that vehicle such other person in addition to the driver shall be carried on that vehicle and one person in the last trailer in train in accordance with the provisions of sub-clause (b) of clause (i);

(iii)if the trailer is or trailer are being drawn by a tractor the unladen weight of which exceeds 7.250Kilograms,notwithstanding that the breaks of the trailer or trailers can be operated by the driver or some other person on the tractor not less than one person on each trailer or not less than two persons on the trailer in train, one of whom shall be the person as described under the provisions of sub-clause (b) clause (i).

(2) The provisions of this rule shall not apply-

(i) to any trailer having not more than two wheels and not exceeding 771 kilograms in weight laden when used singly and not in a train with other trailers;

(ii) to the trailing half an articulated vehicle;

(iii)to any trailer used solely for carrying water for the purpose of the drawing vehicle when used and not in a train with other trailers;

(iv)to any agricultural or road-making or road-repairing or road cleaning implement drawn by a motor vehicle, or

(v) to any closed trailer specially constructed for any purpose and specifically exempted from any or all of the provisions of this rule by an order in writing made by the registering authority to the extent so exempted.

### **152. Restriction on length of train of vehicle and trailers :-**

The sum of the length of any vehicle and its attached trailer or trailers shall not exceed 18 meters.

**153. Distinguishing mark for trailers :-**

(1) No person shall drive or cause to drive at any public place any motor vehicle to which a trailer is or trailers are attached unless there is exhibited on the front of the principal vehicle and back of the trailer or at the last trailer in train, as the case may be, a distinguishing mark in the form set out in the diagram contained in the forth schedule to these rules in white on a black back 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 shall be vertical and easily distinguishable from the rear of the trailer;

(ii) the mark shall be either on the center or to the right hand side of the back of the trailer; and

(iii) no part thereof shall be at a height exceeding one meter and twenty centimeters from the ground.

(3) This rule shall not apply to the cases referred to in sub-rule (2) 20 of rule151.

**154. Checking of designs of locally manufactured Trailers :-**

(1) An application for the approval of a new design of trailer manufactured in India and intended to be used as transport vehicle shall be forward to the Commissioner in triplicate by the manufacture or his authorised assembler. Such an application shall be accompanied by three copies of each of the following documents, namely;

(i) Full Specifications

(ii) Drawing giving all dimension and details, and

(iii) Set of design calculation of:

(a) Axles,

(b) Springs,

(c) Long bearers,

(d) Cross bearers,

(e) Flat form tank or anything that may be carried on the cross bearers,

(f) Tow bar,

(g) Turn table or any other scribbling device for the front axil, in case of two axle trailers,

(h) Breaking arrangements, and

(i) Any other item such as shock absorbers, if included.

(2) (i) The Commissioner shall forward the application and the copies of documents to the Joint Commissioner, Transport (Technical), Orissa or any other office authorised by the Commissioner (hereinafter referred to as the Technical Officer) for verification and inspection of the vehicle at such place and on such dates as may be specified by the Technical Officer.

(ii) The Technical Officer shall then scrutinizes the design and calculation and if the design is found satisfactory certify what in his opinion would be the greatest laden and axle weights of the trailers which are compatible with reasonable safety.

(iii) in case the design is not found satisfactory, the technical officer shall advice the applicant to that effect and recommended such changes in design as may be required to make the trailer suitable for the desired load.

(iv) The Technical Officer may call upon the applicant to furnish further details, if required, in which case the applicant shall furnish fresh specifications and drawings incorporating alteration, if any.

(v) When a design is found satisfactory, the technical Officer shall return two copies of the approved design specifications and calculations with his recommendations as to the maximum laden and axle weight compatible with reasonably safety to the Commissioner. The Commissioner may approve the design and inform the applicant.

(vi) The applicant, on approval of his design shall, if he wants to manufacture the trailers for trade, supply the Commissioner with as many extra copies of the approved type of the design, specifications and calculations as may be required by him for sending them to different registering authorities for their record.

(3) The fee chargeable for checking of a design shall be 250 (Rupees two hundred fifty) payable in cash or by means of Bank Draft or Bankers Cheque.

(4) Notwithstanding anything contained in sub-rules (1), (2) and (3) the design and laden weight of a locally manufactured trailer approved in any other State by competent authority shall not necessitate approval by the appropriate authority of this State.

### **155. Turning Circle :-**

Every motor vehicle shall be so constructed as to be capable of turning in either direction in a circle not exceeding in a diameter of

eighteen meter and twenty-nine centimeter in the case of a vehicle the overall length of which does not exceed seven meters and ninety-two centimeters; and twenty meters and ten centimeters in the case of a vehicle the overall length of which exceeds seven meters and ninety-two centimeters. For the purpose of this rule, such diameter shall be determined by reference to the extreme outer edge of the wheel track at ground level:

Provided that the Regional Transport Authority, may in his direction, permit the use of any vehicle which has a turning circle of diameter in excess of twenty meters and ten centimeters in any specified route or region.

## **CHAPTER 6 CONTROL OF TRAFFIC**

### **156. Vehicles abandoned on roads :-**

(1) if any motor vehicle is allowed to stand in any place other than a duly appointed parking place in such a ways as to cause obstruction to traffic or danger to any person any Police Officer may:

(i) forthwith cause the vehicle to be moved under its own power or otherwise to the nearest place when the vehicle will not cause obstruction or danger,

(ii) unless it is moved to a position where it will not cause obstruction or danger, take all reasonable precautions to indicate the presence of the vehicle, and

(iii) if the vehicle has been stationary in one place for a continuous period of twenty-four hours and adequate steps have not been taken for its repair or removal by the owner or his representative remove the vehicle and its contents to the nearest place of safe custody.

(2) If a motor vehicle has been stationary in a duly appointed parking place for a period exceeding that specified by the competent authority in respect of the said place or, if no such period has been specified for a period of 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 on conviction for the contravention of the provisions of section 122 or of any regulations made by competent authority in relation to the use of duly appointed parking place, the owner of the motor vehicle or his hires 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-rule (1) or (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 and shall upon receiving such payment, give a receipt to the person making payment.

1[(4) The penalty referred to in sub-section (1) of section 201 shall be recoverable by any officer of the Orissa Motor Vehicles Department not below the rank of Traffic Sub-Inspector or by any police officer not below the rank of Sub-Inspector or by any police officer not below the rank of Sub-Inspector.]

### **157. Installation and use weighing devices :-**

(1) A weighing device for the purpose of section 114 may be:

- (i) a weigh-bridge installed and maintained at any place under the orders of the State Government or local authority
- (ii) a weigh-bridge installed and maintained by any person and certified by the registering authority to be a weighing device for the purpose of the Act and these rules; or
- (iii) a portable wheel weigher of any kind approved by the State Government:

Provided that the Commissioner may issue instructions regarding the process to be followed by the registering authority for installation of a weigh-bridge under clause (ii).

(2) The inspection fee of the weigh bridge for this purpose shall be rupees two hundred fifty. The certificate shall remain valid for a period one year from the date of inspection by the registering authority or any other officer authorised by the Commissioner for this purpose.

(3) The driver of any goods vehicle shall upon demand by a competent authority so and manipulate the vehicle as to place it or any wheel or wheels thereof as the case may be upon any weigh bridge or wheel weigher in such a manner that the weight of the vehicle or the weight transmitted by any wheel or wheels may be exhibited by the weigh-bridge or wheel weigher.

(4) If the driver of motor vehicle fails with in a reasonable time to comply with a requisition under sub-rule (3) person authorised under section 114 may cause any person being the holder of a licence authorising him to drive the vehicle so to drive and manipulate the vehicle.

(5) 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.

(6) Upon the weighing of a vehicle in accordance with the said section and this rule, the person who has required the weighing or the person in charge of the weighing device shall deliver to the driver or other person in charge of the vehicle a statement in writing of the weight of the vehicle and of any axle, weight of which is separately determined.

(7) The driver or other person in charge of, or the owner of a vehicle which has been so weighed may challenge the accuracy of the weighing device by a statement in writing accompanied by a deposit of rupees fifty only delivered:

(i) within one hour of the receipt of the statement referred to in sub-rule (6), to the person by whom the statement was delivered to him, or

(ii) within fourteen days of the service on him of notice of proceedings against him under section 113, to the court issuing such notice.

(8) Upon receipt of a statement challenging the accuracy of a weighing device under sub-rule (7), the person or the court, as the case may be, shall apply to the registering authority for the weighing device to be tested by such person as the registering authority may appoint and the certificate of such person as may be so appointed regarding the accuracy of the weighing device shall be final.

(9) If, upon the testing of weighing device under sub-rule (8), the weighing device is certified to be accurate or to be inaccurate to an extent less than any weight by which the laden weight or unladen weight or any axle weight of the vehicle is shown in the statement referred to in sub-rule (6) to have exceeded the gross vehicle weight or the registered axle weight, as the case may be, a contravention of sub-section (3) of section 113 shall be deemed to have been proved.

(10) If, upon the testing of 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 or any axle weight of the vehicle is shown in the statement referred to in sub-rule (6) to have exceeded the gross vehicle weight or the

registered unladen weight or the registered axle weight, as the case may be no further proceedings shall be taken in respect of any such laden weight or unladen weight or axle weight and if the device is certificate to be inaccurate to the said extent in respect of every such laden weight, unladen weight or axle weight actually weighted, the deposit prescribed in sub-rule (7) shall be refunded.

(11) No person shall by reason of having challenged the accuracy of any weighing device under sub-rule (7), be entitled to refuse to comply with any order in writing issued under section 114.

#### **158. Restriction on driving with gear disengaged :-**

On any hill or other road marked by traffic sign No.C9 of the Schedule to the Act person shall drive a transport vehicle with the engine free that is to say 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 break when the vehicle is traveling down an incline.

#### **159. Precaution for crossing the railway line :-**

The driver of a motor vehicle shall, when his vehicle approached a guarded railway crossing, slow down the vehicle so as to ensure that the leaves are open to road traffic before negotiating the railway crossing in the event of the railway crossing gates open to road traffic he shall continue to exercise great caution and look on either side of the railway crossing to ensure that no train is approaching from either direction.

#### **160. Prohibition of mounting or taking hold of vehicle in motion :-**

(1) No person shall mount or attempt to mount or dismount from any motor vehicle, other than a motor cycle, 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.

#### **161. Towing :-**

(1) No vehicle, other than a mechanically disabled or incompletely

assembled motor vehicle, registered trailer or a side car, shall be drawn or towed by any motor vehicle.

(2) No motor vehicle shall be drawn or towed by any other motor vehicle unless there is, in the drivers seat of the motor vehicle being drawn or towed, a person holding a licence authorising him to drive the vehicle or unless the steering wheels of the motor vehicle being towed are firmly and securely supported clear of the road surface by some crane or other device on the vehicle which is drawing or towing it

(3) NO motor vehicle, when towing another vehicle other than a trailer or side car, shall driven on a speed exceeding 24 Kilometers per hour.

### **162. Footpaths, cycle track and traffic segregation :-**

When any road or street is provided with footpaths, or tracks reserved for cycle or specified classes of other traffic, no person shall, save with sanction of a police Officer in uniform on duty drive any motor vehicle or cause or allow any motor vehicle to be driven on any such footpath or track.

### **163. Restrictions on carriage of dangerous substances :-**

(1) Except for fuel and lubricants necessary for the use of the vehicle, no explosive, highly inflammable or otherwise dangerous substance shall be carried on any public service vehicle.

(2) Nothing contained in sub-rule (1) shall apply to the transport of manufactured fire works in public service vehicle, other than a motor car by person entitled to posses them without a licence as required under sub-rule (1) of rule 113 of the Explosives Rules,1983:

Provided that:

(i) not more than 2.5 kilograms of manufactured fire works are so transported; and

(ii) such fire works are contained in a substantial receptable which is exclusively appropriated for the keeping of explosive.

(3) if in the opinion of a Police Officer not below the rank of a Sub-Inspector, any public service vehicle which is at any time loaded in contravention o this rule, he may order the driver or other person in charge of the motor vehicle to remove the or repack the fire works.

### **164. Restriction on use of sound signals :-**

(1) No driver of a motor vehicle shall sound the horn or other device for giving audible warning with which the motor vehicle is equipped or shall cause or allow any person to do so, needlessly or continuously or to an extent beyond that which is reasonably necessary to ensure safety. No driver shall also play or allow the plying of any such sound producing device in the vehicle causing annoyance to the public.

(2) The District Magistrate may by notification published in the Official Gazette or in one more newspapers in the district and by the erection in suitable places of traffic sign No.M-18 as set forth in the Schedule to the Act prohibit the use by drivers of motor vehicle of any horn gong or other device for giving audible warning in any area within the district and during such hours as may be specified in the notification:

Provided that when the District Magistrate prohibits the use of any horn, gong or other device for giving audible warning during certain specified hours he shall cause a suitable notice in English and in Oriya setting forth the hours within which such use is so prohibited to be affixed below the traffic sign.

#### **165. Prohibition of the use of cut-outs :-**

No driver of a motor vehicle shall in any public place make use of any cut-out or other device by means of which the exhaust gases of the engine are released save through the silencer.

#### **166. Restrictions of traveling backwards :-**

No driver of a motor vehicle shall cause the vehicle to travel backwards without first satisfying himself that he will not thereby cause danger or undue inconvenience to any person or in any circumstances save in the case of a road roller for any greater distance or period of time than may be reasonably necessary in order to turn the vehicle round.

#### **167. Use of lamps when a vehicle is at rest :-**

(1) If, within the limits of any 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 the District Magistrate.

(2) Outside the limits of any 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.

**168. Restriction of use of dazzling light :-**

the driver of a motor vehicle shall at all times when the lights of the motor vehicle are in use so manipulate them that danger or undue inconvenience is not caused to any person by dazzle.

**169. Visibility of lamps and registration mark :-**

(1) No load or other things shall be placed on any motor vehicle so as or at any time to mark or otherwise interrupt vision of any lamp registration mark or other mark required to be carried by or exhibited on any motor vehicle under the Act, unless a duplicate of the lamp or mark so marked otherwise obscured is exhibited in the manner required under then Act for the exhibition of the merland or obscured lamps or mark.

(2) All registration and other marks required to be exhibited on a motor vehicle under the provisions of the Act shall at all times be maintained as far as may be reasonably possible in a clear and legible condition.

**170. Stop sign on road surface :-**

(1) When any line is painted on or is laid in to the surface of any road at the approach to a road junction or to a pedestrian crossing or otherwise, no driver shall drive a motor vehicle so that any part thereof projects beyond the line at any time when a signal to stop is being given by a police officer or by means of traffic control lights or by the temporary display of sign No.M-6 of the Schedule to the Act.

(2) A line for the purpose of this rule shall be not less than 5 centimeters a width at any part and shall be either in white, black or yellow.

**171. Observance of Traffic Signs :-**

Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by a traffic sign the election of which is

permitted under sub-section (1) of section 116.

**172. Use of helmet :-**

The protective head gear required under section 129 to be worn shall be a crash helmet bearing I.S.I. mark.

**173. Delegation of powers by State Government :-**

(1) District Magistrates are authorised to exercise in their respective jurisdictions the powers conferred by sub-section (2) of section 112, section 115, sub-sections (1) and (2) of section 116 and section 117.

(2) The powers conferred by section 114th may be exercised by any Police Officer in uniform of and above the rank of Sub-Inspector.

**174. Inspection of vehicle involved in an accident :-**

The Inspector of Motor Vehicles or in his absence the Junior Inspector of Motor Vehicles or any other officer of Orissa Transport Engineering Service authorised in this behalf by the Commissioner shall inspect the motor vehicles involved in an accident and for that purpose may enter at any reasonable time any premise, where the vehicle may be and may remove the vehicle for inspection and in that case intimation shall be given to the owner as required under the proviso to section 136 and after such inspection return the vehicle to the owner upon such condition without unnecessary delay.

**175. Exemption :-**

The State Government may, by notification, exempt to such extent as may be specified therein any motor vehicle or class of motor vehicles from all or any of the provisions of this chapter.

**CHAPTER 7 MOTOR VEHICLE DEPARTMENT**

**176. Powers exercisable by Officers of Orissa Motor Vehicles Department :-**

Any Officer of the Orissa Motor Vehicles Department established under section 213 of and above the rank of Traffic Sub-Inspector and Junior Inspector of Motor Vehicles shall exercise the powers under sub-section (1) of section 114, sub-section (1) of section

119, sub-section (1), (2) and (3) of section 130, sub-section (1) of section 132, section 133, clause (b) of section 134, sub-sections (1) and (4) of sections 158, section 202,203,204,205,206 and 207: Provided that the Constable of Motor Vehicles (Enforcement) Wing shall also exercise the powers under the provisions of sub-section (1) of section 119, sub-section (1) of section 130 and clause (a) of sub-section (1) of section 132.

### **177. Subordination of Officers of Orissa Motor Vehicles Department :-**

All the officers of the Orissa Motor Vehicles Department shall be sub-ordinate to the Commissioner and shall exercise the powers and perform the duties as assigned to them from time to time under the Act and these rules and the notifications issued there under. They shall carry out the instructions and orders issued by the Commissioner from time to time.

### **178. Uniform and badges :-**

(1) The Additional Commissioner, Transport (Enforcement), the Assistant Transport Commissioner (Enforcement), Inspector of Motor Vehicles, Traffic Inspector, Traffic Sub-Inspector and Junior Inspector of Motor Vehicles shall wear the following uniform and badge, namely:

(A)	Uniform to be worn	Officers with Designation
(i) a)	Khaki peaked cap or khaki turban with badge as specified in the Fifth Schedule	Additional Commissioner Transport (Enforcement), Assistant Transport Commissioner, Transport (Enforcement) and Inspector of Motor Vehicles.
(b)	Khaki hat, beret or turban with the above monogram	Traffic Inspector, Traffic Sub-Inspector and Junior Inspector of Motor Vehicles
(ii)	Cast (open collar) or bush shirt all in khaki of police Pattern	All Officers
(iii)	Shirts or trousers of police pattern in khaki colour	All Officers
(iv)	Cross belt of police pattern of dark brown leather with silver fittings.	All officers
(v)	Blue tie	Additional Transport Commissioner (Enforcement),

		Assistant Transport Commissioner, (Enforcement) and Inspector of Motor Vehicles.
(vi)	Whistle and blue whistle card	All Officers.
(vii)	Khaki stocking or socks	All Officers
(viii)	Brown shoes	All Officers
(ix)	Silver plated button as prescribed in the Fifth Schedule	All Officers
(B) Badges to be worn		
(i)	The State Emblem	Additional Commissioner Transport (Enforcement).
(ii)	If a Deputy Superintendent of Police or an Inspector of Motor Vehicles of five years or more of service-Three Stars	Assistant Commissioner Transport (Enforcement) and Inspector o Motor Vehicles
	If a Deputy superintendent of Police or an Inspector of Motor Vehicles between two five years of service-Two Stars.	
	If a Deputy superintendent of Police or an Inspector of Motor Vehicles of less than two years of service-One Star	
(iii)	Three Stars with a blue ribbon	Traffic Inspector or Junior Inspector of Motor Vehicles
(iv)	Two Stars with a blue ribbon	Traffic Sub-Inspector.

(2) The Star shall be five pointed, as shown in the Fifth Schedule and shall be of white metal and shall be slightly frosted. These shall be of 25 millimeters in diameter and shall conform to the Star of Indian pattern.

(3) Each of the officers specified under sub-rule (1) shall also wear a shoulder badge, at the base of shoulders strap with letters "O.M.V.D." The letters shall be of white metal and in block letters as shown in the Fifth Schedule.

(4) The constables, Motor Vehicles (Enforcement) shall wear the following uniform and badges, namely:

- (i) Khaki shirt of Police pattern,
- (ii) Khaki shirts of police pattern,
- (iii) Twill (Khaki),
- (iv) Peshawari Chappal (Black),
- (v) Flat brass button with inscription "O.M.V.D."
- (vi) Shoulder badges at the base of shoulder and strap with letters "O.M.V.D." in white metal.
- (vii) Leather belt (dark brown),
- (viii) Brass belt plate with inscription "Orissa Motor Vehicles Department".
- (ix) Pugree consisting of pugree (red), Kullah (red), green fringe,
- (x) Short Lathi.

### **179. Procedure for conduct of proceedings :-**

The proceedings conducted under the Act and these rules shall, unless otherwise provided in the Act or these rules, be summary and shall be governed so far as may be practicable, by the following provisions of the First Schedule of the Code of Civil Procedure, 1908 namely:

- (a) for the service of summons and notice, Order V rules 9 to 12, 15 to 21 and 23 to 30;
- (b) for summoning parties and witness and enforcing their attendance, Order V rules 1, 3, 4 and 6, Order IX 1, 6, 7 and 10 to 14 and Order XVI rules 1 to 5 and 7 to 21;
- (c) for the examination of parties and witness, Order XVIII rules 1, 2, 4, 6, 8 to 12, 15 (1) and 16 to 18 and Order XXVI rules 1 to 3;
- (d) for the production of documents Order V rule 7, Order XI rules 12 to 15 and 17 to 21, Order XII rule 2, Order XIII rules 1 to 11 and Order XVI rule 6.

### **180. Interpretation :-**

If any question arises relating to the interpretation of these rules, it shall be referred to the Government.

### **181. Repeal and Savings :-**

(1) The Orissa Motor Vehicles, Rules, 1940 are hereby replaced. Notwithstanding such repeal, any order issued, appointment made, action taken or things done under any the provisions of the rules so repealed, shall be deemed to have been issued, made taken or done under the provisions of these rules.

### **SCHEDULE 1**

#### **FIRST SCHEDULE**

#### **THE FIRST SCHEDULE**

[See rule 13 (2)]

Registration marks to be assigned by Registering Authorities.

<b>Designation of registering Authority</b>	<b>Registration Mark</b>
Regional Transport Officer, Balasore	OR-01
Regional Transport Officer, Bhubaneswar	OR-02
Regional Transport Officer, Balasore	OR-03

Regional Transport Officer, Balangir	OR-03
Regional Transport Officer, Chandikhole	OR-04
Regional Transport Officer, Cuttack	OR-05
Regional Transport Officer, Dhenkanal	OR-06
Regional Transport Officer, Ganjam	OR-07
Regional Transport Officer, Kalahandi	OR-08
Regional Transport Officer, Keonjhar	OR-09
Regional Transport Officer, Koraput	OR-10
Regional Transport Officer, Mayurbhanj	OR-11
Regional Transport Officer, Phulbani	OR-12
Regional Transport Officer, Puri	OR-13
Regional Transport Officer, Rourkela	OR-14
Regional Transport Officer, Sambalpur	OR-15
Regional Transport Officer, Sundergarh	OR-16

Where four figures reaches 9999, the next series shall being with alphabet "A" followed by not more than four figures and thereafter with alphabet "B" followed by not more than four figures and so on until all the alphabet excluding "I" and "O" are exhausted:

Provided that of letters shall be in English and the figures shall be in Arabic numerals and the letters and figures shall be painted in reflecting colours and shall be shown:

- (a) in the case of transport vehicles other than those under the "Rent a Cab Scheme, 1989", in black on a white ground
- (b) in the case of motor vehicles temporarily registered, in red on a yellow ground;
- (c) in the case of a motor vehicles in the possession of dealers, in white on a red ground ;
- (d) in other cases, in white on a black ground;
- (e) in the case of transport vehicle under the Rent a Cab Scheme, 1989, in yellow on a black ground.

## **SCHEDULE 2**

### **SECOND SCHEDULE**

#### **THE SECOND SCHEDULE**

**[See rule 39(i)]**

#### **Definition of regions constituted for the purpose of section 68, Code letters and address of office of Regional Transport Authorities.**

Name of the Region and Code letter	Territorial Extent (or boundaries)	Address of the office of the Regional Authority
Balasore-01	Existing area of the district of Balasore	Office of the Regional Transport Officer
Bhubaneswar-02	Existing area of the Police district of Bhubaneswar	„
Balangir-03	Existing area of the district of	

Balangir-03	Existing area of the district of Balangir.	„
Chandikhole-04	Existing area of Jajpur Subdivision and Kendrapara Subdivision Cuttack district.	„
Cuttack-05	Existing area of the district of Cuttack except Jajpur Subdivision and Kendrapara Subdivision.	„
Dhenkanal-06	Existing area of the district of Dhenkanal	„
Ganjam-07	Existing area of the district of the Ganjam.	„
Kalahandi-08	Existing area of the district of Kalahandi.	„
Keonjhar-09	Existing area of the district of Keonjhar	„
Koraput-10	Existing area of the district of Koraput.	„
Mayurbhanj-11	Existing area of the district of Mayurbhanj	„
Phulbani-12	Existing area of the district of Phulbani	„
Puri-13	Existing area of the district of Puri except Police district of Bhubaneswar	„
Rourkela-14	Existing area of Panposh subdivision and Bonai Subdivision in Sundergarh district	„
Sambalpur-15	Existing area of the district of Sambalpur.	„
Sundergarh-16	Existing area of the district of Sundergarh except Panposh Subdivision and Bonai Subdivision	„

### **SCHEDULE 3**

#### **THIRD SCHEDULE**

#### **THIRD SCHEDULE**

#### **DRIVER'S BADGES**

[See rule 7(1)]

Driver's Badge	Cuttack 294 Public Service DRIVER	Cuttack 294 Goods Carriage DRIVER

Note: Diameter of badge 6 Centimeters Number to be in larger figures

**SCHEDULE 4**

FOURTH SCHEDULE

XXX XXX XXX

**SCHEDULE 5**

FIFTH SCHEDULE

**SCHEDULE 6**

SIXTH SCHEDULE

**THE SIXTH SCHEDULE**

[See rule 46(2)]

**ALLOTMENT OF ALPHEMET SYMBOL FOR DIFFERENT REGIONAL  
TRANSPORT AUTHORITIES AND STATE TRANSPORT AUTHORITY**

<b>Serial Number</b>	<b>Designation of the permit issuing authority</b>	<b>Symbol</b>
1.	Regional Transport Officer, Balasore	BLS
2.	Regional Transport Officer, Bhubaneswar	BBS
3.	Regional Transport Officer, Balangir	BLG
4.	Regional Transport Officer, Chandikhole	CHL
5.	Regional Transport Officer, Cuttack	CK
6.	Regional Transport Officer, Dhenkanal	DKL
7.	Regional Transport Officer, Ganjam	GM
8.	Regional Transport Officer, Kalahandi	KLD
9.	Regional Transport Officer, Keonjhar	KNJ
10.	Regional Transport Officer, Koraput	KPT
11.	Regional Transport Officer, Mayurbhanj	MBJ

12.	Regional Transport Officer, Phulbani	PHB
13.	Regional Transport Officer, Puri	PR
14.	Regional Transport Officer, Rourkela	RKL
15.	Regional Transport Officer, Sambalpur	SBP
16.	Regional Transport Officer, Sundergarh	SNG
17.	State Transport Authority, Orissa, Cuttack	OR

## **SCHEDULE 7**

### **SEVENTH SCHEDULE**

#### **THE SEVENTH SCHEDULE**

#### **ARRANGEMENT OF SEATS, ETC. IN**

#### **DELUXE STAGE CARRIAGE**

[See rule 2(I) (c)]

The seats face of the Deluxe Stage Carriage shall be in the following manner, namely:

- (i) the seats face forward having comfortable leg space not less than 28 centimeters with seating space for each person not less than 42 centimeters squares and where a separate lounge is provided inside the coach with partition, seats are so comfortably placed across the vehicle facing forward or facing sideways as is found suitable at the time of construction. Seat cushions should be comfortable having foam rubber not less than 8 centimeters thick for the seats and 5 centimeters thick the back rests with elegant looking upholstery;
- (ii) back rests of the seats should have comfortable head rest either adjustable or fixed so that the head can remain in slanting position towards back side while taking rest;
- (iii) the seats on either side in the two-seater rows shall have comfortable hand rest;
- (iv) hat racks should be provided on either side of the coach excepting inside the lounge. Where the coach is constructed with extra compartment for lounge arrangement;
- (v) drinking water is made available inside the bus.