

# The Maharashtra Motor Vehicles Rules, 1989

## CHAPTER I

### PRELIMINARY

**1. Short title and application**— (1) These rules may be called the Maharashtra Motor vehicles Rules, 1989.

(2) They shall, save as expressly provided otherwise, apply to and in relation to all motor vehicles in the State of Maharashtra.

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

- “Act” means the Motor Vehicles Act, 1988 (59 of 1988);
- “Assistant Inspector of Motor Vehicles” means any officer appointed as such by the State Government;
- “Form” means a form set—forth in the rules framed by the Central Government under the Act or to these rules;
- “Inspector of Motor Vehicles” means any officer appointed by the State Government to perform the functions of an inspector of Motor Vehicles under the Act, these rules and the rules framed by the Central Government;
- “passenger” means any person travelling in a public service vehicle other than the driver or the conductor or an employee of the permit holder, while on duty;
- “Regional Transport Officer” means any officer appointed by the State Government for any area to perform the functions of a Regional Transport Officer under these rules and the rules framed by the Central Government and includes an Assistant Regional Transport Officer appointed by the State Government for such area as may be specified in that behalf.
- “Schedule” means a Schedule appended to these rules;
- ‘Section’ means a section of the Act;
- “stamp” includes a motor vehicle fees stamp;
- “State” means the State of Maharashtra;
- “Superintendent of Stamp” means the Superintendent of Stamp, Bombay and includes any other officer appointed by the State Government to perform the functions of Superintendent of Stamps;
- “Transport Commissioner” means any officer appointed by the State Government to perform the functions of the Transport Commissioner, Maharashtra State under these rules and the rules made by the Central Government under the Act and includes a Joint

Transport Commissioner, Deputy Transport Commissioner or Assistant Transport Commissioner:

- “Treasury Officer” means a Treasury Officer or Additional Treasury Officer appointed by the State Government to perform the functions of the Treasury Officer;

(2) Words and expressions used in these rules but not defined shall have meaning respectively assigned to them in the Act.

## CHAPTER II

### LICENSING OF DRIVERS OF MOTOR VEHICLES

**3. Licensing Authorities.-** The Licensing Authority shall be,-

- (a) For Brihan Mumbai, the Regional Transport Officer. having jurisdiction over the limits of the Mumbai Municipal Corporation limits:
- (b) In the Thane region, for the Districts of Thane, Raigad. Sindhudurg and Ratnagiri, the Regional Transport Officer, Thane;
- (c) In the Kolhapur region, for the Districts of Kolhapur. Sangli and Satara, the Regional Transport Officer, Kolhapur;
- (d) In the Pune region, for the Districts of Pune and Solapur the Regional Transport Officer, Pune;
- (e) In the Nashik region, for the Districts of Nashik and Ahmednagar, the Regional Transport Officer, Nashik;
- (f) In the Dhule region, for the Districts of Dhule, Jalgaon and Nandurbar, the Regional Transport Officer, Dhule:
- (g) in the Aurangabad region, for the Districts of Aurangabad, Jalna, Beed and Osmanabad, the Regional Transport Officer, Au rangabad;
- (h) In the Nanded region, for the Districts of Nanded, Parbhani, Latur and Hingoli the Regional Transport Officer. Nanded.]

**4. Authorisation to drive public service vehicle—** (1) No person shall drive a public service vehicle unless an authorisation in the form prescribed by the Central Government has been granted.

(2) Subject to the provisions of sub-rule (3), a holder of driving licence may at any time apply to the licensing authority 2[in Form L.P.S.A. of the First Schedule alongwith a certificate obtained from the Competent Authority in the Forms S.E.C. of the First Schedule] for the grant of the aforesaid authorisation and shall forward his driving licence with such application.

(3) No authorisation to drive a medium passenger motor vehicle shall be granted, unless he has held a driving licence for at least one year to drive a light motor vehicle. No such authorisation to drive a heavy passenger motor vehicle shall be granted unless he has held a driving licence to drive a light motor vehicle for at least two years or a medium passenger motor vehicle for at least one year.

(4) The licensing authority to which application is made as aforesaid may if it thinks fit, in order to ascertain whether the applicant is fit person for being granted the authorisation, make enquiries into his character and antecedents and by notice in writing summon him to appear before it at such time and place as it may appoint. The fee shall be paid along with the said Form L.P.S.A. of the First Schedule to these rules and the same shall not be refunded in any circumstances.

(5) If the licensing authority is satisfied that the applicant is in all respect fit to be authorised to drive a public service vehicle, the driving licence shall be signed accordingly. The licensing authority shall then return the driving licence to the applicant thereof and shall at the same time. if the driving licence was issued by a different licensing authority, send an intimation to such licensing authority in Form L.P.S. of the First Schedule to these rules. The licensing

authority shall refuse to grant the authorisation if it finds that the applicant is not a fit and proper person to be charged with the safe carriage of passengers and property under the provisions of any of these rules and the rules made by the Central Government.

*1. Rule 3 was substituted by G.N. of 8.1.2008.*

*2. Sub. by G. N. of 31.1.1991 (M.G.G.. Pt. IV-A, 1992. p. 45.*

(6) Where a person holding an authorisation to drive a public service vehicle makes an application for its renewal, then he shall, if so required by the licensing authority, submit himself to medical examination to such registered medical practitioner as the State Government or the Transport Commissioner authorised by the State Government, specifies in this behalf and shall obtain certificate in the form prescribed by the Central Government from such notified medical practitioner on payment of a fee of twenty rupees and forward it to the licensing authority together with the driving licence.

(7) If the licensing authority on considering the certificate received by him under sub-rule (6) is of opinion that the applicant is suffering from a disease which makes driving of a public service vehicle by him undesirable, it may refuse to renew the authorisation applied for.

(8) If a licensing authority rejects an application under this rule, it shall inform the applicant in writing giving its reasons within one month and shall also return the driving licence to him.

**5. Power to make inquiries of applicant for driving licence**— Upon the receipt of an application for a driving licence, the licensing authority may make such enquiries as may reasonably be necessary to establish the identity of the applicant and to ascertain that the applicant is not disqualified for holding or obtaining a driving licence.

**5A. Additional evidence as to the correctness of address and age.**- In the absence of the documents prescribed under rule 4 of the Central Motor Vehicles Rules, 1989, every applicant for the issue of a driving licence shall produce additional any one or more of the following documents in original or relevant extracts thereof duly attested by a Gazetted Officer of the Central Government or of a State Government or an officer of a local body, who is equivalent in rank of a Gazetted Officer of the Government or Village Administration officer or Municipal Corporation, Councilor or Panchayat President, as additional evidence of his address and age namely -

(a) Income Tax PAN Card;

(b) Domicile Certificate issued by the Competent Authority;

(c) post paid bill of applicant's mobile telephone;

(d) applicant's telephone bill and if, he has no telephone, then the affidavit sworn by the head of the family, who held the telephone and the applicant has blood relation with him;

**Explanation-** For the purpose of this rule, blood relation means the relation of patriarchal grandfather and grandmother, father, mother son, daughter, brother, sister, wife, husband and daughter-in-law.]

**6. Exemption of driver of road-roller**— Sub-section (1) of Section 3 of the Act shall not apply to the driver of a road-roller.

*(1. Rule 5-A was inserted by G.N. of 18.10.2008)*

**7. Testing Officers** - (1) The test of competence to drive as prescribed by the Central Government shall be conducted by an Inspector of Motor Vehicles :

Provided that, it shall be competent for the licensing authority to have more than one test of competence to drive :

Provided further that, where an applicant is a member of the Home Guards the test of competence to drive any motor vehicle, other than a transport vehicle, may be conducted by the Commandant-General of the Home Guards or a Commandant of the Home Guards under whose control the applicant is serving if such Commandant is with the previous approval of the State Government, authorised by name in this behalf by the Commandant-General aforesaid.

(2) Subject to the provisions of sub-section (6) of Section 9, the applicant shall furnish a serviceable vehicle of the class to which the application refers, provided such a vehicle is equipped with breaking device which shall be easily accessible to the Testing Officer and present himself for the test at such time and place as may be specified by the Testing Officer concerned.

(3) No fees for the test of competence shall be payable by the applicant if he,—

(a) is employed in the service of the State Government for driving a motor vehicle: or

(b) is an ex-service person of Armed Forces. and produces a certificate of proficiency in driving a motor vehicle from an Officer in the Armed Forces of the Union: or

(c) has been exempted by special or general order of the State Government.

(4) Where an applicant has passed the test of competence to drive the motor vehicles, he shall, on the same day, or within a week thereof, pay to the licensing authority a fee as specified in the rules made by the Central Government :

Provided that, the applicant, unless he shows sufficient reasons for not paying the said sum within a week, shall be liable to pass a fresh test of competence.

**8. Appellate Authority**— (1) The Authority prescribed under sub-section (8) of Section 9 and sub-section (2) of Section 17 to hear appeals against any order made under any of the aforesaid provisions of [" \* \*1 shall be the Transport Commissioner. The appellate authority empowered under sub-section (3) of Section 19 to hear appeals against any order made under sub-section (1) of Section 19 shall be the Transport Commissioner.

(2) An appeal to any prescribed authority or appellate authority under this rule shall be made within thirty days of the receipt by him of the order appealed against.

**9. Conduct and hearing of appeals**— (1) An appeal referred to in Rule 8 shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order of the licensing authority, and shall be accompanied by a fee of twenty-five rupees in cash and a certified copy of that order. against which appeal is preferred.

*(1. The words, figures and brackets "sub-section (1) of section 17 were deleted by G.N.of 25.6.1989.)*

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

(3) The appellate authority, may give the parties copies of any document concerned with the appeal on payment of a fee calculated at the rate of /[twenty rupees] for the first page and /[five rupees] for each additional page of each copy of each document.

(4) The appellate authority may, after giving an opportunity to the parties to be heard and

after such further enquiry, if any, as it may deem necessary, pass such order as it thinks fit and an order passed by any such authority shall be final.

**10. Requirements as to photograph on driving licence,—**(1) Where at any time it appears to a licensing authority that the photograph affixed to the driving licence has ceased to be a clear likeness of the holder, the licensing authority may require the holder to surrender the driving licence forthwith, and to furnish two clear copies of a recent photograph of himself, and the holder shall, within such time as the licensing authority specify, appear in person before the licensing authority and present the photographs accordingly.

(2) Where the holder fails to comply with a requisition by the licensing authority under sub-rule (1) the driving licence shall cease to be valid on the expiry of the said period.

(3) Upon receipt of the copies of the photograph as provided in sub-rule (1), the licensing authority shall remove the old photograph from the driving licence and affix and seal thereto one copy of the new photograph and return the driving licence to the applicant and shall, if he is not the licensing authority by whom the driving licence was issued, forward the second copy of the photograph to that authority :

Provided that, if the holder of the driving licence so desires, the licensing authority shall issue a duplicate driving licence on payment of a fee of ‘(hundred rupees] with the new photograph affixed thereto and shall destroy the original driving licence. In such a case if the licensing authority is not the authority by whom the driving licence was issued he shall inform the original licensing authority.

(4) When a new photograph is affixed to a driving licence a note shall be made upon the photograph of the date of affixture.

**11. Lost or destroyed driving licence—** (1) Where at any time a driving licence is lost by the holder or is destroyed or mutilated, the holder shall forthwith intimate the fact in writing in Form L.L.D. of the First Schedule to these rules to the licensing authority in whose area he has his place of residence at the time or in a letter setting out the particulars required by that Form.

(2) Upon the receipt of intimation as aforesaid. the licensing authority shall, if it is not the authority by whom the driving licence was issued, write to that authority for particulars of the driving licence and of any endorsements thereon, and shall, after making such enquiries as it thinks fit, if satisfied, that a duplicate driving licence may properly be issued, issue a duplicate driving licence :

*(1. Sub. by G. N.. H.D., No. MVR. 0298/1531/CR—9/TRA-2, dt. 30.7.1999.)*

Provided that, where subsequent to the issue of a duplicate driving licence, it is found that there has been an endorsement by a Court since the date of the grant or last renewal of the licence, it shall be lawful for the licensing authority to call for the duplicate driving licence and make the necessary endorsements thereon.

(3) When a duplicate driving licence is required to be issued under the provisions of these rules, the holder of the driving licences shall furnish to the licensing authority, two clear copies of a recent photograph of himself, one of which shall be affixed to the duplicate driving licence and the other shall be transmitted by the authority issuing the duplicate driving licence to the authority by whom the driving licence was issued, and intimated that fact to that authority.

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

authority.

(5) Any other person finding a driving licence shall deliver it to the nearest Police Station or nearest licensing authority. The officer-in-charge of the Police Station on receipt of the driving licence, shall immediately forward it to the nearest licensing authority. The licensing authority shall restore the driving licence or substitute it for the duplicate in case such a duplicate has already been issued.

**12. Defaced or torn driving licence—** (1) If at any time it appears to a licensing authority that a driving licence held by any person is so torn or defaced in any way as to cease to be reasonably legible, the licensing authority may impound the driving licence and issue a duplicate.

(2) If a driving licence impounded as aforesaid, is required to have a photograph of the holder affixed thereto, then,-

- (i) where the photograph on the impounded driving licence is in the opinion of the licensing authority, satisfactorily and conveniently transferable to the duplicate driving licence, the licensing authority may so transfer, affix and seal the photograph to the duplicate driving licence; and
- (ii) where the photograph on the impounded driving licence is not in the opinion of the licensing authority such as can be transferred to the duplicate driving licence the holder of the driving licence shall, on demand by the licensing authority, furnish two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate driving licences and sealed and the other shall be retained by the licensing authority by whom the driving licence was issued.

**13. Issue of duplicate driving licences—** (1) Where a duplicate driving licence is issued under Rules, 10, 11 or 12, it shall be clearly stamped “Duplicate” in red and shall be marked with the date of issue of the duplicate and the seal of the licensing authority.

(2) If the licensing authority who issues a duplicate licence is not the authority by whom the driving licence was issued, he shall intimate the fact to the authority concerned.

(3) If the licensing authority who affixes a new photograph a duplicate driving licence is not the authority by whom the driving licence was issued, he shall forward the second copy of the photograph to that authority for record.

(4) The fee for a duplicate driving licence issued under Rule 10, 11 or 12, shall be as follows namely :-

- (a) Laminated card type driving licence in Form 7 ..... ..  
Rs. 2[200] of the Central Motor Vehicles Rules, 1989.
- (b) Other than laminated card type driving licence ..... .. 2[Rs. 100].

**13A. Manner of delivery of Driving Licence-** (a) On and from the date specified by an order issued in this by Transport Commissioner, every driving licence issued, either fresh or renewed, duplicate thereof, or issued as a consequence of any change in the details of such licence, shall be delivered by Registered Post Acknowledgment Due (RPAD) to the licence holder, at the address specified on such licence:

- (b) different dates may be specified for different offices for the purpose; and
- (c) a fee of Rs. 50 shall be recovered towards the delivery charges from the applicant per

driving licence so delivered under clause (a) above, in advance.

**14. Temporary authorisation in lieu of driving licence—** (1) Where the holder of a driving licence has submitted the driving licence to a licensing authority or the authority which issued the licence for renewal or for obtaining an authorisation to drive a public service vehicle and has deposited the prescribed fee. or where a police officer or any Court or other competent authority has taken temporary possession of a driving licence for any purpose and the driving licence has not been suspended or cancelled, the licensing authority or the police officer or the Court, or as the case may be, or a person authorised under sub-section (2) of Section 206, shall give him a temporary acknowledgement for the driving licence and temporary authorisation to drive, in Form L. Tem. to these rules, the production thereof on demand shall be deemed to be production of the driving licence.

(2) No fee shall be payable in respect of such temporary authorisation.

**15. Intimation of disqualification—** (1) A licensing authority taking possession of a driving licence under clause [a] of sub-section (2) of Section 19 shall, if the licence was issued by another licensing authority, intimate the fact to that authority.

(2) Where a licensing authority declares a person disqualified under sub-section (1) of Section 19, it shall cause the driving licence to be endorsed accordingly and retain the badge, if issued, during the period of disqualification and shall send an intimation of such declaration to the authority by whom the driving licence was issued.

*1. Sub. by G. N., H. D., NO. MVR. 0190/CR—75/TRA-2, dated 16.2.1991.*

*2. Sub. by G. N., H.D., NO. MVR. 0298/1531/CR—91/TRA-2, dt. 30.7.1999. o*

*3. Rule 13-A. was inserted by G.N. No. MVR 01 10/06/CR/ 16/TRA 2, dated 13.9.2010.*

**16. intimation to original authority of renewals and endorsements-** (1) A licensing authority making addition in the classes of motor vehicle under Section 11 of the Act which a driving licence authorises the holder to drive, shall if it is not the authority by whom the driving licence was issued, inform of such addition to that authority in Form L.Ad. to these rules.

(2) A licensing authority renewing a driving licence shall, as required by the provision of sub-section (6) of Section 15 inform of such renewal to the licensing authority by whom the driving licence was issued in Form L.R. to these rules.

(3) The Court making or causing to be made an endorsement on a driving licence under Section 24 shall send intimation in Form L.E. of the First Schedule to these rules to the licensing authority by whom the driving licence was issued and to the licensing authority by whom it was last renewed.

**17. Certificates by Automobile Association in lieu of driving test-** The State Government recognises the following automobile associations for the purpose of the second proviso to sub-section (3) of Section 9. namely:-

- (a) The Automobile Association of Bengal,
- (b) The Automobile Association of Northern India,
- (c) The Automobile Association of Southern India.
- (d) The United Provinces Automobile Association,
- (e) The Western India Automobile Association,

(f) The Deccan Indian Automobile Association, Hyderabad Deccan.

**18. Report of change of address of driving licence holder** — The holder of any driving licence shall, except in the case of temporary absence not involving a change of residence for a period exceeding three months, report within fourteen days any change of his temporary or permanent address as notified on the driving licence to the licensing authority by whom the driving licence was issued and to the licensing authority by whom it was last renewed.

**19. Certain persons to be exempted from driving licence fees**— No fee shall be charged :-

(a) for the issue of renewal of a driving licence or of a learner's driving licence :—

(i) to person employed in the service of Government for driving a motor vehicle:  
or

(ii) to such Foreign Consular Officer de Carrier, or to such class of persons as the State Government may by a general or special order specify in this behalf;

(b) for the issue of renewal of a driving licence to an ex-service person of Armed Forces holding a certificate of proficiency in driving a motor vehicle from an officer in the Armed Forces of the Union.

**20. Duties, functions and \_conduct of drivers of public service vehicles** - (1) The driver of a stage carriage or a contract carriage (other than a motor cab)-

(i) shall not cause or allow any person animal or thing to be in the space reserved for the driver's seat in accordance with Rule 175 or otherwise in such a way as to impede him in having a clear vision of the road or proper control of the vehicle;

(ii) shall not shout in order to attract a passenger:

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

(iv) shall not when bringing his vehicle to rest for the purpose of picking up or setting down any passenger at rest for the said purpose, drive the vehicle so as to endanger, inconvenience or interfere with the driver or the conductor of the other vehicle or any person mounting or preparing to mount person or alighting therefrom, and shall bring his vehicle to rest in front or behind the other vehicle and on the left hand side of the road or place:

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

(vi) shall not fl duty;

(vii) shall behave in a civil and orderly manner towards passengers and others;

(viii) shall wear Khaki shirt or bush shirt and Khaki trousers and shall be cleanly dressed:

Provided that, when drivers of such vehicles are or are likely to be called upon, to

perform duties in an emergency or to receive training, the State Government may, by general or special order, exempt such drivers from the operation of this clause for such period as may be specified in the order;

*Provided further that, the State Government on considering any special reasons may, by order in the Official Gazette, allow drivers of such vehicles to wear any special uniform as may be specified in such order, other than the uniform specified in this clause.)*

*(1. Proviso was added by G.N. of 24.8.2005.)*

- (ix) while on duty, the driver shall display his badge on his left [chest] and above the badge a plastic name plate indicating his initial and surname in Marathi in white letters on black background. The plastic name plate shall be of the size of 9cm x 2cm ;
- (x) shall maintain the vehicle in a clean and sanitary condition;
- (xi) shall not solicit customer save*é*/i'rTarcivil and quiet manner;
- (xii) shall not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be in accordance with the time-table pertaining to the vehicle or where there is no such time-table. with all reasonable dispatch ;
- (xiii) shall, in the event of the vehicle being unable to proceed to its destination on account of mechanical breakdown or other cause beyond his control, arrange to convey the passengers to their destination in some other similar vehicle, or if unable so to arrange within a reasonable time, after the failure of the vehicle, shall. on demand refund to each passenger the proportionate amount of fare relating to the completion of the journey for which the passenger had paid the fare;
- (xiv) shall not hold more than one badge issued by an authority;
- (xv) shall, if at any time the authorisation of his licence entitling him to drive a stage carriage or contract carriage (other than motor cab] is suspended or revoked by any authority or by any Court or ceases to be valid due to efflux of time, surrender the badge within seven days to the authority by which it was issued; and
- (xvi) shall, on demand by any police officer in uniform or any officer of the Motor Vehicles Department not below the rank of Assistant Inspector of Motor Vehicles, produce his driving licence for inspection ;

Provided that, if at the time his driving licence is demanded and he is displaying the badge prescribed in Rule 24, it shall be sufficient compliance with this sub-rule if he produces the driving licence within 48 hours at any Police Station in the State which specifies the Police Officer or the Inspector of Motor Vehicles. as the case may be, making the demand;

- (xvii) shall ensure that no passenger is seated in the vehicle and that the engine is not in motion, when the same is being filled with fuel;
- (xviii) shall, whenever the vehicle approaches an crossing, cause it to be stopped, and after ensuring that no train is approaching from either direction. drive the vehicle behind the conductor till the other side of level crossing is reached;
- (xix) shall, in case of accident of the vehicle, assist the passengers and should make arrangement of the injured passengers to the nearest hospital and also shall give immediate information or arrange to give information about the accident to the nearest hospital.

(2) The driver of a contract carriage and in case of stage carriage in the absence of a conductor or where a conductor on duty for reasons beyond his control cannot perform his

duties, shall, at the conclusion of any journey make reasonable search of the vehicle for anything left by any passenger and shall take into his custody anything found by him or by any other person in such vehicle and as soon as may be, make over the same to a responsible person at any office or station of the holder of the permit for the vehicle.

(2A) The driver of a contract carriage and in case of stage carriage in the absence of a conductor or where a conductor on duty for reasons beyond his control cannot perform his duties, shall cause the personal luggage or cargo, suspected to be containing substances of dangerous or flammable nature, or explosives, to be inspected under the supervision of the Officer or Stand-in-charge of Bus station of the Maharashtra State Road Transport Corporation or any Police Officer in uniform or any Officer of the Motor Vehicles Department not below the rank of Assistant Inspector of Motor Vehicle.

*(1. Added by G.N.. H.D.. NO. MVR. 0190/190/TRA-2, dated 20-3-1991).*

(3) No driver of a stage carriage or contract carriage (other than a motor cab) shall cause or allow to enter into or to be placed or carried in the vehicle, any person whom he knows or has reason to believe to be suffering from any infectious or contagious disease or the corpse of any person whom he knows or has reason to believe to have been suffering from any such disease.

(4) Notwithstanding the provisions of sub-rule (3), the driver may, upon application in writing by a registered medical practitioner, allow a person suffering from an infectious or contagious disease to be carried in a stage carriage or contract carriage provided that no other person, save a person or persons in attendance on the person so suffering, shall be carried in the vehicle at the same time.

(5) Where a person suffering from an infectious or contagious disease, or the corpse of any such person has been carried in a contract carriage or a stage carriage. the driver of the vehicle shall be responsible to report the fact of such carriage to the medical officer-in-charge of the nearest hospital, Zilla Parishad, Panchayat Samiti or Government Dispensary, and to the owner of the vehicle: and either the owner or the driver shall cause or allow any person to use the vehicle until the driver and the vehicle have been disinfected in such manner as the said medical officer may specify and a certificate to this effect has been obtained from the said medical officer.

**21. Rules for conduct and duties of drivers of motor cabs** – (1) The drivers of the first two motor cabs on any stand shall always stay near their cabs which shall be ready for immediate hiring by any person.

(2) All drivers shall move their cabs up as vacancies occur in the stand.

(3) Every cab shall be kept with front wheels straight at a distance of not less than thirty centimetres from the cab immediately in front of it and where the stand is by the side of a kerb, parallel to and not more than thirty centimetres from the kerb.

(4) No driver shall allow his cab to remain on the stand if it is disabled unless the disablement is of a temporary nature which can be immediately remedied and is so remedied.

(5) No driver shall allow his cab when it is not engaged to remain at any place other than a stand appointed for the purpose nor shall he loiter for the purpose of its being hired in any public place ;

(6) No driver shall prevent or attempt to prevent the first cab on the stand from being hired.

(7) No driver whose cab has been engaged for some future time shall keep his cab on a stand unless he is willing to accept an intermediate engagement that may be offered.

(8) A driver of a motor cab shall in the absence of reasonable cause to the contrary proceed to the destination named by the hirer by the shortest and quickest route.

(9) No driver of a motor cab shall make use of his cab in connection with or for the furtherance of prostitution.

(10) No driver of a motor cab shall carry a cleaner or other attendant unless permitted specifically to do so by the Regional Transport Authority on such conditions as may be specified by it.

(11) No driver of a motor cab shall terminate the hiring thereof before he has been discharged by the hirer.

(12) No driver of a motor cab shall demand or exact any fare in excess of that to which he is legally entitled.

(13) No driver of a motor cab shall shout in order to attract a passenger.

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

(15) No driver of a motor cab shall solicit a customer except in a civil and quiet manner; nor shall he in any way interfere with any person boarding or preparing to board another vehicle.

(16) A driver of a motor cab shall not smoke while on duty.

(17) A driver of a motor cab shall behave in civil and orderly manner to passengers and others.

<sup>1</sup>(18) A driver of a motor cab or a permit holder when himself drives the motor cab, shall wear clean khaki shirt or bush shirt and khaki trousers. A driver of motor cab or permit holder when himself driving a motor cab shall display, a laminated identity card as illustrated in the Second Schedule to these rules. On the right side of the chest, issued by the licensing authority on payment of rupees fifty :

Provided that, when drivers of such vehicles are or are likely to be called upon to perform duties in an emergency or to receive the training, the Government may, by general or special order, exempt such drivers from the operation of this sub-rule for such period as may be specified in the order.

<sup>2</sup>(18-A) If the identity card is lost or destroyed, a duplicate identity card shall be issued by the licensing authority by which it was issued on an application made in Form D.I.D. of the First Schedule to these rules accompanied by a fee of twenty-five rupees. In case the original identity card is later found, upon the return to the issuing authority of the duplicate identity card, the driver of the motor cab or a permit holder, as the case may be, shall be entitled to a refund of twenty-five rupees. In case of suspension or revocation of a driving licence by an authority or by any court or ceases to be valid due to efflux of time, the driver or the permit holder, as the case may be, shall, within seven days of such suspension or revocation, surrender the identity card held by him to the authority by whom the same were suspended.

(19) A driver of motor cab shall maintain the vehicle in a clean and sanitary condition.

(20) No driver of a motor cab shall allow any person to be carried in any motor cab in excess of the seating capacity specified in the certificate of registration of the vehicle.

<sup>3</sup>(21) A driver of a motor cab shall not hold more than one laminated identity card issued by the licencing authority.

(22) If at any time the authorisation of a driver's driving licence entitling him to drive a

motor cab is suspended or revoked by an authority or by any Court or cease to be valid by the efflux of time, the driver shall within seven days surrender the badge to the authority by which it was issued.

*1. Sub-rule (18) was substituted by G. N. of 11.12.2007.*

*2. Sub-rule (18-A) was inserted, ibid.*

*3. Sub-rule (21) was substituted, ibid.*

(23) No driver of a motor cab shall cause or allow to enter into or to be placed or carried in the vehicle. any person whom he knows or has reason to believe to be suffering from any infectious or contagious disease, or the corpse of any person whom he knows or has reason to believe to have been suffering from any such disease.

(24) Notwithstanding the provisions of sub-rule (23), the driver may upon application in writing by a registered medical practitioner allow a person suffering from an infectious or contagious disease to be carried in a motor cab, provided that no other person save a person or persons in attendance on the person so suffering shall be carried in the vehicle at the same time.

(25) Where a person suffering from an infectious or contagious disease, or the corpse of any such person has been carried in a motor cab, the driver of the vehicle shall report the fact of such carriage to the medical officer-in-charge of the nearest Municipal, Zilla Parishad, Panchayat Samiti or Government dispensary and to the owner of the vehicle and neither the owner nor the driver shall cause or allow any person, to use the vehicle until the driver and the vehicle have been disinfected in such manner as the said medical officer may specify and a certificate to this effect has been obtained from the said medical officer.

(26) No person shall drive any motor cab unless once in every two months it is disinfected with D.D.T. or any other liquid insecticide, approved for the purpose by the Surgeon-General with the Government of Maharashtra.

(27) The owner of a motor cab shall maintain and on demand by an officer of the Motor Vehicles Department of and above the rank of Assistant Motor Vehicle Inspector or Police Officer, produce for inspection a current register showing the dates on which the motor cab was disinfected from time to time, and shall also satisfy him that a mechanical spray which shall be used for the purpose of such disinfection is in working order.

(28) A driver of a motor cab shall, on demand by any Police Officer in uniform or an Officer not below the rank of an Assistant Motor Vehicle Inspector, produce his driving licence for inspection.

(29) The driver of a motor cab shall at the conclusion of every journey make reasonable search in the vehicle for anything left by any passenger and shall take into his custody anything so found and shall as soon as may be convenient hand over the same to the Officer-in-charge of the nearest Police Station.

(30) The driver of a motor cab shall not, without the approval of its owner permit any other person to drive the vehicle.

(31) A driver of a motor cab shall, whenever the vehicle approaches an unguarded level crossing, cause it to be stopped and. after ensuring that no train is approaching in either direction. proceed to cross it.

**22. Additional rules for drivers of motor cars fitted with taxi meters** - In addition to the rules specified in Rule 21,-

(a) The driver of every motor cab fitted with a taxi-meter shall not set it in motion

before it is hired and shall stop it immediately the cab arrives at the destination.

**Note-** A cab shall be considered to be hired from the time it has been engaged or if called from a distance from the time of such call;

- (b) if the driver of any motor cab fitted with a taxi-meter which is hired by any person is unable to proceed owing to any defect in the mechanism or the tyres of the cab, he shall at once lower the flag to "stopped" position and shall not re-start his meter until such time as the defect is remedied;
- (c) no driver shall cover or obscure the face of a taxi-meter under any circumstances or at any time; and
- (d) no driver shall without reasonable excuse refuse to let the cab for hire when the flag is in a verticle position.

**23. Conduct of drivers of goods vehicles.-** The driver of a goods vehicle -

(1) shall not cause or allow any person, animal or thing to be placed or to be in the space reserved for the driver's seat in accordance with Rule 175 or otherwise in such a way as to impede him in having a clear vision of the road or proper control of the vehicle:

(2) shall at all times exercise all reasonable care me to maintain his vehicle in a fit and proper condition and shall not knowingly drive the vehicle when it or any brake, tyre or lamp thereof, is in a defective condition likely to endanger any occupant or other person or when there is not sufficient-fuel in the tank of the vehicle to enable him to reach the next fuel-filling station on the route;

(3) shall as far as may be reasonably possible, having regard to his duties be responsible for the due observance of the provisions of the Act and of these rules;

(4) shall behave in a civil and orderly manner to hirers or their nominees and intending hirers or their nominees;

(5) shall not solicit customers save in a civil and quiet manner;

(6) shall not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be with a reasonable dispatch;

(7) shall take all reasonable precautions to prevent the goods from being spoiled or lost on the way: and

(8) shall. whenever the vehicle approaches an unguarded level crossing cause it to be stopped. and after ensuring that no train is approaching in either direction, proceed to cross it.

(9) The driver of the goods vehicle on demand by any Police Officer not below the rank of Sub-Inspector of Police or any Officer of the Motor Vehicles Department of and above the rank of Assistant Inspector of Motor Vehicles shall produce all relevant documents of the vehicle for inspection.

**24. Badges of drivers of public service vehicles-** (1) A metal badge shall be issued to every person who has been granted an authorisation to drive a public service vehicle except motor cab, subject to the condition that he satisfies the authority about his topographical knowledge of the area of operation and working knowledge of Marathi and any one of the languages commonly spoken there. The badge shall be in the form illustrated in the Second Schedule of these rules. The metal badge shall be circular in shape and shall contain the name of the headquarter of the authority which has granted the authorization, the category of the motor vehicle and an identification number, inscribed thereon.

(2) The driver of a public service vehicle shall display on the left side of the chest the

requisite metal badge issued under sub-rule (1). No driver shall hold more than one badge of the same type ;

Provided that, the driver of a luxury cab and a tourist cab shall display badges bearing the letters "LCD" and "TCD". respectively.

*1. Sub—rules (1) and (2) were substituted by G.N. of 1 1.12.2007.*

(3) The fee for the issue of a badge as aforesaid shall be 1[two hundred rupees]. If the badge is lost or destroyed a duplicate badge shall be issued by the authority by which it was issued on an application made in Form D.T.V.B. of the First Schedule to these rules accompanied by a fee of 1[one hundred rupees]. In case the original badge is later found, upon the return to the issuing authority of the duplicate badge, the driver shall be entitled to a refund of 1[Twenty five] rupees.

(4) When an authorisation on a driver's driving licence entitling him to drive a public service vehicle is suspended or revoked by an authority or by any Court or ceases to be valid due to efflux of time, the driver shall, within seven days of such suspension or revocation, surrender the badge or badges held by him to the authority by whom 2[the same were suspended].

**25. Maintenance of State Register of Driving Licences—** (1) Every licensing authority shall maintain the State Register of Driving Licences in the Form prescribed by the Central Government.

(2) The licensing authority as soon as the licence is issued or renewed to a person shall cause an entry to be made in the State Register.

(3) The State Register shall be either a bound book or on a computer disc or tape.

(4) The register shall be maintained in alphabetical order beginning with the surname.

(5) Where a person holding a driving licence for any class of motor vehicle, obtains a driving licence of any other class or description of motor vehicle from the same authority, an entry to that effect shall be taken in the State Register against his name :

Provided that, if the driving licence is granted by any other authority or for any other class of motor vehicle, the licensing authority, adding the other class or description of motor vehicle shall make an entry of the name of that person with all classes of motor vehicles the person is entitled to drive.

(6) The licensing authority shall maintain a separate register for the persons who are above sixteen years and below eighteen years and authorized to drive a vehicle without gear.

*1. Sub. by G. N.. H. D.. No. MVR. 0212/1531/CR-107/TRA-2, dt. 24/06/2013.*

*2. These words were substituted for the words "the same were issued" by G.N. of 11/12/2007.*



## CHAPTER III

### LICENSING OF CONDUCTORS OF STAGE CARRIERS

**26. Licensing Authority.-** The Licensing Authority for the purposes of Chapter III of the Act, shall be.-

- (a) for Brihan Mumbai, the Regional Transport Officers having jurisdiction over the limits of the Mumbai Municipal Corporation limits;
- (b) in the Thane region. for the Districts of Thane, Raigad, Sindhudurg and Ratnagiri the Regional Transport Officer, Thane;
- (c) in the Kolhapur region, for the Districts of Kolhapur. Sangli and Satara the Regional Transport Officer, Kolhapur;
- (d) in the Pune region, for the Districts of Pune and Solapur the Regional Transport Officer, Pune;
- (e) in the Nashik region. for the Districts of Nashik and Ahmednagar the Regional Transport Officer, Nashik:
- (i) in the Dhule region, for Districts of Dhule, Jalgaon and Nandurbar the Regional Transport Officer, Dhule;
- (g) in the Aurangabad region, for the Districts of Aurangabad, Jalna, Beed and Osmanabad the Regional Transport Officer, Aurangabad:
- (h) in the Nanded region, for the Districts of Nanded, Parbhani, Latur and Hingoli the Regional Transport Officer, Nanded;
- (i) in the Amravati region, for the Districts of Amravati, Buldhana, Yavatmal, Akola and Washim the Regional Transport Officer, Amravati;
- (j) in the Nagpur (City) region, for the Municipal City Limits of Nagpur and Wardha Districts, the Regional Transport Officer, Nagpur (City);
- (k) in the Nagpur (Rural), region, for the Districts of Nagpur (excluding Municipal City Limits) Gadchiroli, Chandrapur, Gondia and Bhandara the Regional Transport Officer. Nagpur (Rural).

**27. When driver or any person can act as conductor without licence.-** (1) Where in an emergency it becomes difficult for the permit holder to provide for a conductor for his stage carriage, or where a conductor on duty. for reason beyond his control, cannot perform his duties, the driver of a stage carriage may for a period not exceeding one month, act as a conductor of a stage carriage without holding a conductor's licence under sub-section (1) of Section 29.

(2) Any person, other than a driver of a stage carriage may act as a conductor without holding a conductor's licence, for a period not exceeding one month, subject to the following conditions, namely :—

- (a) he intimates his intention to do so to the licensing authority within whose jurisdiction he intends to act as a conductor in Form L. Con. Int. of the First Schedule to these rules :
- (b) he is not disqualified for holding a conductor's licence;
- (c) he has not on previous occasions acted as a conductor without a licence for a total period exceeding one month.

*1. Rule 26 was substituted by G. N. of 8.1.2008.*

**28. Application for grant of conductor's licence** - (1) An application for a conductor's licence as required by sub-section (1) of Section 30 shall be made in Form L. Con. A of the First Schedule to these rules and shall be accompanied by a medical certificate from a Medical Practitioner authorised by the Transport Commissioner to issue such certificate, in Form M. C. Con. of the First Schedule to these rules and the fees provided under sub-section (5) of Section 30.

(2) Upon the receipt of an application for a conductor's licence, the licensing authority on making such enquiries as may reasonably be necessary to establish the identity of the applicant and on ascertaining that the applicant is not disqualified under Section 31 of the Act for holding or obtaining a conductor's licence. may issue such licence in Form L. Con. Of the First Schedule to these rules for a period of three years.

**29. Qualification for grant of conductor's licence** - No person shall be granted a conductors licence unless he satisfies the licensing authority that,

(i) he has adequate knowledge of the provisions of the Act and rules made thereunder relating to the duties and functions of a conductor:

(ii) he possesses a good moral character; and

(iii) he has passed Secondary School Certificate examination or an equivalent or higher examination and possesses working knowledge of the language or languages of the area in which he intends to work as a conductor :

Provided that, clause (iii) shall not apply to persons who have obtained conductor's licence before the date of coming into force of the Maharashtra Motor Vehicles Rules, 1989.

**30. Change of residence** - The holder of a conductor's licence shall, except in the case of a temporary absence not involving a change of residence for a period exceeding three months. report any change of his temporary or permanent address as notified on the licence to the licensing authority by whom the licence was last renewed.

**31. Renewal of conductor's licence** - (1) An application for the renewal of a conductor's licence shall be made in Form L. Con. R. of the First Schedule to these rules and shall be accompanied by conductor's licence, and the fees provided for in sub-section (5) of Section 30.

(2) Upon receipt of an application for the renewal of a conductor's licence, the licensing authority may. after making such enquiries as it may deem necessary, renew the licence.

(3) A licensing authority renewing conductor's licence shall intimate the fact of renewal in Form L. Con. RR. of the First Schedule to these rules to the licensing authority by whom the licence was issued.

**32. Appellate Authority** - (1) The authority empowered under sub-section (2) of Section 33 and under sub—section (4) of Section 34 to hear appeals against the order of the licensing authority shall. in Greater Bombay. be the Transport Commissioner and elsewhere, the District Magistrate of the district in which the aggrieved person ordinarily resides.

**33. Conduct and hearing of appeals** - (1) An appeal under Rule 32 shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the

order of the licensing authority, and shall be accompanied by a fee of twenty rupees in cash and a certified copy of that order.

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

(3) The appellate authority may give to the parties copies of any document connected with the appeal, on payment of fee (calculated at the rate of '(twenty rupees] for the first page and '(five rupees] for each additional page of each copy) of each document. .

(4) The appellate authority may, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, pass such order as it thinks fit and an order passed by any such authority shall be binding on the parties.

*1.Sub. by G.N.H.D No. MVR. 0212/CR-107/TRA-2, dated 24.06.2013*

**34. Duties and conduct of conductors of stage carriage -** The conductor of a stage carriage :-

- (i) shall, as far as may be reasonably possible, having regard to his duties, be responsible for the due observance of the provisions of the Act and of these rules;
- (ii) shall not smoke while on duty;
- (iii) shall behave in a civil and orderly manner to passengers and others:
- (iv) shall be cleanly dressed and shall wear khaki shirt or khaki bush-' shirt and khaki trousers of police pattern of khaki colour :

Provided that. nothing in this clause shall apply to persons lawfully working as conductors in accordance with Rule 27 :

Provided further that, the State Government on considering any special reasons may, by order in the Official Gazette, allow conductors of such vehicles to wear any special uniform as may be specified in such order. other than the uniform specified in this clause.)

- (v) shall maintain the vehicle in a clean and sanitary condition;
- (vi) shall not solicit customers save in a civil and quiet manner:
- (vii) shall not interfere with persons mounting or preparing to mount upon any other vehicle:
- (viii) shall not allow any person to be carried in any stage carriage in excess of the seating capacity specified in the certificate of registration of the vehicle and any additional number of passengers permitted under the terms of the permit to be carried standing in the vehicle;
- (ix) shall not save for good and sufficient reason, refuse to carry any person tendering the legal fare:
- (x) shall not allow any passenger to be carried in any stage carriage without payment of the legal fare;
- (xi) shall where goods are carried on a vehicle in addition to passengers, take all rasonable precautions to ensure that passengers are not endangered or unduly inconvenienced by the presence of goods:
- (xii) shall not. save for good and sufficient reason. require any person who has paid the legal fare to alight from the vehicle before the conclusion of the journey;
- (xiii) shall not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be in accordance with the time-table. with all reasonable despatch;
- (xiv) shall, in the event of the vehicle being unable to proceed to its destination on

account of mechanical breakdown or other causes beyond the control of the driver or conductor, arrange to convey the passengers to their destination in some other similar vehicle, or if unable so to arrange within a reasonable period after the failure of the vehicle, shall on demand refund to each passenger a proper proportion of the fare relating to the completion of the journey for which the passenger had paid the fare;

(xv) shall not cause or allow anything to be placed in the vehicle in such a manner as to obstruct the

entry or exit of passengers:

(xvi) shall issue a ticket immediately on payment of the legal fare or freight by the passenger except where arrangements outside the vehicle for the issue of tickets in advance to the intending passengers on payment of the legal fare has been made;

(xvii) shall, at the conclusion of any journey make reasonable search in the vehicle for anything left by any passenger and shall take into his custody anything so found by him or any other person in such vehicle and as soon as may be. make over the same to a responsible person at any office or station of the holder of the permit for the vehicle:

(xviii) shall not cause or allow to enter into or to be placed or carried in the vehicle any person whom he knows or has reason to believe to be suffering from an infectious or contagious disease. or the corpse of any person whom he knows or has reason to believe to have been suffering from any such disease:

(xix) may, notwithstanding anything contained in clause

(xviii) upon application in writing by a registered medical practitioner allow a person suffering from an infectious or contagious disease to be carried in a stage carriage provided that no other person save a person or persons in attendance on the sick person shall be carried in the vehicle at the same time:

(xx) shall be responsible, when a person suffering from an infectious or contagious disease. or the corpse of any such person has been carried in a stage carriage, for reporting the fact to a medical officer or health officer and to the owner of the vehicle and neither the owner nor the driver nor the conductor shall cause or allow any person to use the vehicle until the driver and conductor and the vehicle have been disinfected in such manner as the said medical officer may specify and a certificate to this effect has been obtained from the said medical officer;

(xxi) shall assist the driver and be on the look out for other motor vehicle approaching from behind and effectively signal their approach to the driver;

(xxii) shall take all reasonable precautions to prevent luggage being miscarried or lost on the way:

(xxiii) shall not, while on duty. be under the influence of drink or of any drug so as to render him incapable of discharging his duties efficiently:

(xxiv) shall on demand by any passenger. produce the complaint book for recording such remarks as the passenger may desire to make therein;

(xxv) shall not. while he is on duty. permit the vehicle to be used for illegal or immoral purpose;

(xxvi) shall not permit any petrol to be poured into the fuel tank while the engine is in motion: and

(xxvii) shall. whenever the stage carriage approaches an unguarded level crossing. cause

it to be stopped and after alighting therefrom and ensuring that no train is approaching from either direction, cause the vehicle to follow him till the other side of the level crossing is reached;

(xxviii) shall make all reasonable effort to help the injured persons in case of an accident to the bus and inform the nearest police station immediately ;

(xxix) shall help the infant, disabled, pregnant ladies. old aged passengers and the ladies with child in arm, to board and alight the bus:

(xxx) when the driver is taking the bus in reverse. shall get down from the bus and be on the look out for any other motor vehicle or other obstacle in the rear of the vehicle and effectively give signal to the driver;

(xxxi) shall not allow any explosives or dangerous or flammable substances to be carried in the bus as personal luggage or cargo;

Provided that he shall cause the personal luggage or cargo, suspected to be containing substances of dangerous or flammable nature or explosives. to be inspected under the supervision of the Officer or Stand-in-charge of Bus Station of the Maharashtra State Road Transport Corporation or any Police Officer in uniform or any officer of the Motor Vehicles Department not below the rank of Assistant inspector of Motor Vehicles].

*2. Proviso was added by G.N of 24.08.2005*

**35. Prohibition against holding more than one conductor's licence, etc -** (1) No person shall hold more than one conductor's licence.

(2) A conductor of a stage carriage shall. produce his conductor's licence for inspection on demand by any police Officer in uniform not below the rank of a Sub-Inspector or any officer of Motor Vehicles Department not below the rank of Assistant Inspector of Motor Vehicles in uniform or any member of the State Transport Authority or a Regional Transport Authority, within his respective jurisdiction, provided that. if at the time his licence is demanded he is displaying the badge prescribed in Rule 40 it shall be sufficient compliance with this sub-rule if he produces the conductor's licence within forty-eight hours at any police station which he specifies to the person making such demand.

*1. Proviso was added by G.N., H.D.,No.0190/190/TRA-2,dt.20.03.1991 (M.G.G.,Part IV-A, p.212)*

**36. Requirement as to photographs -** (1) The copies of photographs required for a conductor's licence shall be of a size not more than fifty millimetres by sixty-four millimetres. It shall be taken from front, and shall be in black and white colour on glazed paper.

(2) The photograph of the holder when affixed to a conductor's licence shall be sealed with the seal of the licensing authority in such a manner that part of the impression of the seal is upon the photograph and part on the margin.

(3) If at any time it appears to a licensing authority that the photograph affixed to the conductor's licence has ceased to be a clear likeness of the holder, the licensing authority may require the holder to surrender the conductor's licence forthwith. and to furnish two clear copies of a recent photograph of himself and the holder shall, within such time as the licensing authority may specify, appear in person before the licensing authority and present the photograph accordingly.

(4) Upon receipt of the copies of the photograph as provided in sub-rule(3). the licensing authority shall remove the old photograph from the conductor's licence and seal thereto one copy of the new photograph and return the conductor's licence to the applicant and shall, if he is not the licensing authority by whom the conductor's licence was issued, forward the second copy of the photograph to the authority who issued the licence:

Provided that, if the holder of the conductor's licence so desires the licensing authority shall issue a duplicate conductor's licence with a new photograph affixed thereto and shall destroy the original conductor's licence. In such a case if the licensing authority is not the authority by whom the conductor's licence was issued, he shall inform the original licensing authority.

(5) If the holder fails to comply with any requisition made by the licensing authority under sub-rule (3). the conductor's licence shall cease to be valid from the expiry of the said period.

(6) Where a new photograph is affixed to a conductor's licence. a note shall be made upon the date of affixture.

**37. Conductor's licence lost or destroyed** - (1) If at any time a conductor's licence is lost by the holder or is destroyed. the holder shall forthwith intimate the facts in writing. in Form C.L.D. of the First Schedule to the licensing authority in whose area he has his place of residence at the time.

(2) Upon the receipt of intimation as aforesaid. the licensing authority shall, if he is not the authority by whom the conductor's licence was issued. apply to that authority for particulars of the conductor's licence and of any endorsements thereon and shall, after making such enquiries as he thinks fit, is satisfied that a duplicate may properly, be issued, issue a duplicate conductor's licence and send intimation to the authority by whom the conductor's licence was issued :

Provided that. where subsequent to the issue of a duplicate licence it is found that there has been an endorsement by a Court since the date of the grant or last renewal of the licence. it shall be lawful for the licensing authority to call for the duplicate conductor's licence and make the necessary endorsement thereon.

(3) Where a photograph is required to be affixed to a duplicate conductor's licence issued under the provisions of these rules, the holder of the conductor's licence shall furnish the licensing authority with two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate conductor's licence and the other shall be transmitted by the authority issuing the duplicate conductor's licence to the authority by whom the conductor's licence was issued.

(4) Where a duplicate conductor's licence has been issued upon representation that a conductor's licence has been lost and the original conductor's licence is afterwards found or received by the holder. the holder shall immediately return the duplicate conductor's licence to the licensing authority.

(5) Any other person finding a conductor's licence shall deliver it to the nearest Police Station or the nearest licensing authority. The Officer-in charge of the Police Station, on receipt of the conductor's licence. shall immediately forward it to the nearest licensing authority. The licensing authority shall restore the conductor's licence to the holder of the conductor's licence in case the duplicate conductor's licence has not been issued. and shall substitute it for the duplicate in case such a duplicate has already

been issued.

**38. Defaced or torn conductor's licence** - (1) If at any time it appears to a licensing authority that a conductor's licence held by any person is so torn or defaced in any way as to cease to be reasonably legible, the licensing authority may impound the conductor's licence and issue a duplicate in accordance with Rule 39.

(2) If a conductor's licence impounded as aforesaid is required to have a photograph of the holder affixed there. then.-

(i) if the photograph on the impounded conductor's licence in the opinion of the licensing authority satisfactory and conveniently transferable to the duplicate conductor's licence, the licensing authority may so transfer, affix and seal the photograph to the duplicate conductor's licence; or

(ii) if the photograph affixed to a conductor's licence impounded under the provisions of sub-rule (1) is not in the opinion of the licensing authority such as can be transferred to the duplicate conductor's licence, the holder of the conductor's licence shall, on demand by the licensing authority, furnish two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate conductor's licence and sealed and the other shall be recorded by the licensing authority by whom the conductor's licence was issued.

**39. Issue of duplicate of conductors licence** - (1) When a duplicate conductor's licence is issued under Rules 36, 37 and 38 it shall be clearly stamped "Duplicate" in red and shall be marked with the date of issue. he shall intimate the fact to that authority.

(2) If the licensing authority who affixes a new photograph to a duplicate conductor's licence is not the authority by whom the conductor's licence was issued, he shall forward the second copy of the photograph to that authority for record.

(3) The fee for a duplicate conductor's licence under Rules 36, 37 and 38 shall be 'Three Hundred Rupees].

**40. Conductors badge** - (1) The licensing authority issuing a conductor's licence shall also issue simultaneously on payment of a fee of [Three Hundred Rupees] a metal badge inscribed with its name. the word "Conductor" and an identification number, in the form illustrated in the Second Schedule appended to these rules. If the badge is lost or destroyed, a duplicate badge shall be issued on payment of [Two hundred rupees] by the authority which issued it or an application made to it in Form D.C.B. of the First Schedule. In case the original badge is later found by the conductor, he shall return the duplicate badge to the issuing authority, and shall be entitled to a refund of ten rupees.

(2) While on duty a conductor shall display his badge on his left breast and above the badge a plastic name plate indicating his initials and surname in Marathi. The plastic name plate shall be of the size of 9 cm. x 2 cm.

(3) No conductor shall lend or transfer to any other person, or permit the use by any other person of the badge issued to him under sub-rule [1].

(4) If at any time a conductor's licence is suspended or revoked by an authority competent to suspend or revoke or by any Court or ceases to be valid by efflux of time. the conductor shall, within seven days. of such suspension, revocation or ceaser, surrender the badge

to the authority by which it was issued.

**41. The effectiveness of conductor's licence issued by any other**

**State other than the State of Maharashtra -** (1) The permit-holder of the stage carriage shall not employ a person as a conductor having a conductor's licence issued by any licensing authority located outside the State of Maharashtra.

(2) A person can act as a conductor having a conductor's licence issued in any other State in respect of stage carriage operation in the State of Maharashtra on the routes included in the reciprocal Transport Agreement as well as on the routes mutually agreed by both the State Transport Undertaking, with the intention to include the same in the subsequent Reciprocal Transport Agreement but shall comply with the provisions of Rule 84.

*1. Sub. by G.N.. H.D., NO. MVR.0212/CR-107/TRA-2, dated 24.06.2013*

**CHAPTER IV  
REGISTRATION OF MOTOR VEHICLES**

**42. Registering Authority -** The Registering Authority shall be :-

- (a) For Brihan Mumbai, the Regional Transport Officers having jurisdiction over the limits of the Mumbai Municipal Corporation limits;
- (b) in the Thane region, for the Districts of Thane, Raigad, Sindhudurg and Ratnagiri, the Regional Transport Officer, Thane;
- (c) In the Kolhapur region, for the Districts of Kolhapur, Sangli and Satara the Regional Transport Officer, Kolhapur;
- (d) In the Pune region, for the Districts of Pune and Solapur, the Regional Transport Officer, Pune;
- (e) In the Nashik region, for the Districts of Nashik and Ahmednagar, the Regional Transport Officer, Nashik;
- (f) In the Dhule region. for the Districts of Dhule, Jalgaon and Nandurbar, the Regional Transport Officer, Dhule;
- (g) In the Aurangabad region, for the Districts of Aurangabad, Jalna, Beed and Osmanabad, the Regional Transport Officer, Aurangabad;
- (h) In the Nanded region. for the Districts of Nanded, Parbhani, Latur and Hingoli the Regional Transport Officer, Nanded;
- (i) In the Amravati region. for the Districts of Amravati, Buldhana, Yavatmal, Akola and Washim, the Regional Transport Officer, Amravati;
- (j) In the Nagpur (City) region, for the Municipal City Limits of Nagpur and Wardha District, the Regional Transport Officer, Nagpur (City);
- (k) In the Nagpur (Rural). region, for the Districts of Nagpur (excluding Municipal City Limits) Gadchiroli, Chandrapur, Gondia and Bhandara the Regional Transport Officer, Nagpur (Rural).]

*1. Rule 42 was substituted by G.N. of 08.01.2008.*

**43. Appellate Authorities -** (1) The authority to hear appeals against any appellate order

passed by the registering authority under Chapter IV of the Act shall be the Transport Commissioner.

(2) The authority to hear appeals against any order passed by any police officer or an inspector of Motor Vehicles specified in Rule 52 shall be the registering authority having jurisdiction in the area.

(3) The authority to hear appeals against an order in respect of certificate of fitness under Section 56 read with Rule 45 shall be the registering authority having jurisdiction in the area, in which the order was passed.

**44. Conduct and hearing of Appeals -** (1) An appeal referred to in Rule 43 shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order of the registering authority or Inspector of Motor Vehicles or the Police Officer, as the case may be, and shall be accompanied by a fee of [Two hundred rupees] in cash or stamp and a certified copy of that order. If the appeal succeeds, the Transport Commissioner Maharashtra State, or the registering authority concerned, as the case may be, may refund the fees in whole or in part, as he thinks fit

(2) The appellate authority, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary may confirm, vary or set aside the order of the registering authority or the Inspector of Motor Vehicles or the Police Officer. as the case may be and shall make an order accordingly.

(3) Any person preferring an appeal under the provisions of Chapter IV of the Act shall be entitled to obtain a copy of any document filed with the registering authority in connection with any order against which he is preferring an appeal on the payment of a fee calculated at the rate of [twenty rupees] for first page and [five rupees] for each additional page for each copy of document.

(4) Subject to the provisions of sub-rule (3), the Transport Commissioner or the registering authority may give any person interested in appeal preferred under Chapter IV of the Act. copies of any document connected with the appeal. on payment of a fee calculated at the rate of [twenty rupees] for the first page and [five rupees] for each additional page per copy of each document.

*1. Sub. by G.N. H.D., No. MVR. 0212/CR-107/TRA-2, dated 24.06.2013.*

**45. Issue and renewal of certificate of fitness -** (1) Certificate of fitness shall be issued or renewed by the officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicles or an authorised testing station, specified by State Government under sub-section (2) of Section 56 of the Act.

(2) An application for issue or renewal of certificate of fitness shall be made in Form C.F.A. of the First Schedule to these rules to the Officer or the authorised testing station in whose jurisdiction the vehicle is normally kept.

(3) The officer of the Motor Vehicles Department or the authorised testing station by whom the certificate of fitness was last renewed may endorse thereon the date, time and place appointed for the next inspection of the vehicle and the owner shall cause the vehicle to be produced accordingly before the concerned authority or any authorised testing station located in the jurisdiction of the officer endorsing the certificate, as specified by the State Government.

(4) If the owner finds that the vehicle cannot be produced for the next inspection on the

date endorsed on the certificate of fitness. he shall apply to the officer of Motor Vehicles Department, not less than 15 days before the aforesaid date. for a change in the date of inspection. stating the reasons therefor. If the next date is given by the authorised testing station, the owner of the vehicle shall apply. for the change in the date of inspection stating the reasons, to an officer not below the rank of Assistant Regional Transport Officer. in whose jurisdiction the vehicle is normally kept and such Assistant Regional Transport Officer if satisfied, may specify the next date before which the vehicle should be produced for inspection before any authorised testing station in his area or jurisdiction or before him.

(5) If no date, time and place for the next inspection is endorsed on the certificate of fitness as provided for in sub-rule (3) an application for the renewal of a certificate of fitness shall be made in Form C.F.R.A. of the First Schedule to these rules, not less than one month before the date of expiry of the certificate and the owner of a vehicle in respect of which such application is made shall cause the vehicle to be produced for inspection on such date and at such time and place as the Inspector of Motor Vehicles or authorised testing station may appoint. If the owner fails to make the application and produce the vehicle for inspection on or before the date aforesaid, he shall be liable to pay the full fee prescribed under clause (o) of Section 64 in addition to the usual fee chargeable for inspection, and on payment of such fee, a new certificate of fitness may be issued to him.

(6) If owing to mechanical break-down or other cause, a motor vehicle, after the expiry date of the certificate, remains outside the area in which the officer of the Motor Vehicles Department by whom the certificate is to be renewed has jurisdiction, the officer of the Motor Vehicles Department may, without prejudice to any penalty to which the owner or driver may have become liable, and if the vehicle in his opinion fit for use, make an endorsement in Form C.F. of the First Schedule subject to such condition as he may specify and authorise its continued use for such time as may reasonably be necessary for the vehicle to return to the area of said officer and the vehicle may be driven to such area in accordance with such endorsement but shall not be used after return without renewal :

Provided that, no authorised testing station situated outside the area of jurisdiction in which the owner should have obtained the certificate of fitness, shall issue such authorisation to any vehicle under this sub-rule.

(7) If a vehicle is damaged at any time so as to be unfit for ordinary use and may in the opinion of any inspector of Motor vehicles, be safely driven at a reduced speed to a place of repairs, and if such Inspector is satisfied that it is necessary that the vehicle should be so driven, he may endorse in Form C.F. of the First Schedule and specify the time, speed and other conditions if any, subject to which the vehicle may be driven to a specified destination for the purposes of repairs.

(8) When a certificate of fitness has been issued by a prescribed authority then the Inspector of Motor Vehicles shall be the authority for the purposes of cancellation of the certificate under sub-section (4) of Section 56 :

Provided that, the certificate of fitness issued by the authorised testing station shall not be cancelled under this sub-rule by an officer below the rank of Assistant Regional Transport Officer :

Provided further that, the above proviso shall not apply to the vehicles involved in an accident.

(9) The authority mentioned in sub-rule (8) of this rule, cancelling the certificate of fitness shall give the owner or other person in charge of the vehicle, a notice in Form C.F.C. of

the First Schedule to these rules, and shall along with a report of his action forward the certificate of fitness. certificate of registration and permit, if any, to the registering authority under whose direction and control he may be :

Provided that, if the certificate of fitness issued by the authorised testing station is to be cancelled, an officer not below the rank of Assistant Regional Transport Officer shall send a copy of this notice to the authorised testing station by whom the certificate of fitness was issued.

After the authority has cancelled the certificate of fitness, such authority after making an endorsement in Form C.F.X. of the First Schedule to these rules, specify the time and the conditions subject to which the vehicle may be driven to a specified destination for the purpose of repair.

(10) Nothing in sub-rule (8) shall debar the owner or the person in charge of the vehicle, the certificate of fitness of which has been cancelled from applying at any time for the restoration of the certificate of fitness if the vehicle has been repaired in such a manner that the provisions of the act and the rules made thereunder are complied with. If such a vehicle is inspected and passed within fourteen days of the date of cancellation of the certificate of fitness but before the date of expiry specified in such certificate, no restoration fee shall be charged. If, however, the vehicle is brought for inspection at any later time, fresh certificate of fitness shall be required:

Provided that, notwithstanding anything contained in this rule, the renewal fee in such a case shall be in addition to the usual fee as prescribed by the Central Government chargeable for inspection.

(11) While inspecting a motor vehicle, the authority or the authorised testing station shall fill in Form M V. Ins of the First Schedule to these rules in duplicate. and shall, on completion of inspection deliver the original copy to the owner or his driver.

**46. Loss or destruction of certificate of fitness -** (1) If a certificate of fitness is lost or destroyed. the owner of the vehicle shall forthwith report the matter to the authority by whom the certificate was issued or last renewed and shall apply for a duplicate certificate in Form C. R. L. D. of the First Schedule to these rules with a fee as prescribed by the Central Government by rules.

(2) Upon receipt of intimation of the loss or destruction of a certificate of fitness, the authority shall furnish the owner with a duplicate copy of the duly stamped "Duplicate" in red ink.

(3) Where a duplicate certificate of fitness has been issued upon representation, that a certificate of fitness has been lost and the original certificate of fitness is afterwards found or received by the holder, the holder shall immediately return the duplicate certificate of fitness to the registering authority or the authorised testing station.

(4) Any other person finding a certificate of fitness shall deliver it to the nearest police station or nearest registering authority. The officer-in-charge of the police station, on receipt of the certificate of fitness shall immediately forward to the nearest registering authority. The registering authority shall restore the certificate of fitness to the holder of the certificate of fitness in case the duplicate certificate of fitness has not been issued and shall substitute it for the duplicate in case such a duplicate has already been issued.

**47. Torn or defaced certificate of fitness -** (1) If at any time it appears to the registering authority or the authorised testing station that the certificate of fitness is so torn or defaced in any way as to cease to be reasonably legible, he may impound such certificate, and direct the owner

to apply in Form C.R.L.D. of the First Schedule to these rules, for a duplicate certificate.

(2) Upon receipt of an application under sub-rule (1) in Form C.R.L.D. of the First Schedule to these rules together with a fee of [One hundred rupees], the Inspector of Motor Vehicles or the Authorised Testing Station shall issue a duplicate certificate of fitness clearly stamped "Duplicate" in red ink.

*1.Sub by G.N.,H.D., No.MVR. 0212/CR-107/TRA-2, dt.24.06.2013.*

**48. Temporary registration -** (1) An application for temporary registration shall be in Form C. R. Tem. A. of the First Schedule to these rules.

(2) A temporary certificate of registration shall be in Form C.R. Term of the Schedule appended to these rules, and shall ordinarily be valid for a period not exceeding one month.

Provided that, where a motor vehicle so temporarily registered is a chassis to which a body has not been attached and the same is detained in the workshop beyond the said period of one month for being fitted with a body, the said period may be extended on payment [of a fee prescribed in the Table given below] per calendar month or part thereof, for such further period or periods as the registering authority may allow.]

**Table**

Sr. No.	Type of Motor Vehicle	Fee in Rupees
1.	Two wheeler	100
2.	Light motor vehicle	200
3.	Medium goods vehicle or medium passenger motor vehicle	300
4.	Heavy goods vehicle or heavy passenger motor vehicle	500

(3) The authority granting a temporary certificate of registration shall in cases where the registration under Section 40 is proposed to be effected by another authority forward to the latter a copy of Form C. R. Tem. of the First Schedule.

(4) Any officer approved by name, of a manufacturer of motor vehicles and any officer of a State Transport Undertaking in respect of motor vehicles on the chassis whereof new bodies are built by it, shall also be competent to grant a temporary certificate or registration under this rule :

Provided that, the Transport Commissioner, Maharashtra State, shall not give such approval in writing to an officer of a manufacturer unless he is satisfied that the manufacturer manufactures a substantial number of motor vehicles, and the vehicle is proceeding immediately on registration to a place outside the region :

Provided further that, the powers conferred by this sub-rule shall not be exercised in respect of any vehicle, which is a tractor-trailer combination of a rigid frame having more than two axles. and has dimensions exceeding those prescribed in these rules. or a vehicle the unladen weight of which exceeds the laden weight limits specified for the time being under Section 115.

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

(6) (i) The temporary registration mark shall be assigned by the registering authority as follows :-

"The registration mark shall consist of the State Code i. e., 'MH', followed by the code number of the registering authority and shall be followed by the temporary registration mark indicated by letters 'T.R.' and number running upto 3 digits, e.g. temporary registration mark to be assigned by say Regional Transport Officer, Bombay (C) , shall be displayed as follows :—

O1  
MH - -----  
T.R. - 1 to 999

After exhaustion of this series, a fresh series with alphabet 'A' shall start. This shall be [succeeded] by 'B' and so on except alphabets 'I' and 'O'.

(7) In case of imported vehicles brought into the State, the owner of the motor vehicle shall apply in Form C. R. Tem. A of the First Schedule to the nearest registering authority along with Bill of Entry.

(8) Whenever there is an application for a temporary registration of a vehicle. it shall not be necessary to produce the vehicle before the registering authorities.

(9) The records of the prescribed authority maintained for the purpose of issue of temporary certificates of registration marks, shall be open for inspection at all reasonable time, by any police officer not below the rank of sub-inspector and by any officer of the Motor Vehicles Department not below the rank of inspector.

1. Sub-rule (1) was sub.by G.N.,H.D., No. MVR.0212/CR-107/TRA-2,dt.24.06.2013
2. Proviso was added by G.N.,H.D., No. MVR.0189/CR-1043/TRA-02,dt.06.07.1991
3. These words were substituted for the words "by the owner a fee of rupees fifteen" by G.N. of 27.09.2007.
4. Table was substituted by G.N.,H.D., No. MVR.0212/CR-107/TRA-2,dt.24.06.2013
5. sub by G.N.,H.D., No. MVR.0189/CR-1043/TRA-2, dt.06.07.1991 (M.G.G., Pt. IV-A.Ex.1991 , p.405)
6. This word was substituted by corrigendum No. MVR. 0189/CR-1043/TRA-2, dt.02.11.1992

**49. Failure to apply for renewal of registration of motor vehicles other than transport vehicle** - Failure of the owner in making an application for renewal of certificate of registration under sub-section (8) of Section 41 may result in the registering authority requiring the owner to pay twenty-five rupees per calendar month or part thereof as composition fee :

Provided that, the total amount payable shall not exceed one hundred rupees.

**50. Exemption from payment of registration fee** - (1) Such foreign consular officers, or such international officers, or such international organisations or associations (being bodies which in the opinion of the State Government are engaged in the development of economic resources and production capacities of the country) and their officers as may be notified by a general or special order of the Government in respect of the Motor Vehicles belonging to them.

(2) Owners of, —

- (i) tractors intended to be used solely for agricultural purposes;
- (ii) motors, ambulance and hearse and other motor vehicles designed and

intended to be used exclusively for affording free medical and other relief;

(3) Any Government in respect of motor vehicles belonging to it shall be exempted from payment of registration fee payable under Chapter IV of the Act.

**1[50A. Exemption from payment of fitness certificate fees -** Any Government motor vehicle shall be exempt from payment of fitness certificate fee, payable under rule 81 of the Central Motor Vehicles Rules, 1989.]

*1.Rule 50A was substituted by corrigendum No.MVR. 0189/CR-1043/TRA-2/, date 02.11.1992(M. G.G.,Pt.IV-A, Dt.26.11.1992, p.942)*

**51. Loss or destruction of certificate of registration -** (1) When a duplicate certificate of registration has been issued upon representation that a certificate of registration has been lost and the original certificate of registration is afterwards found or received by the holder. the holder shall immediately return the duplicate certificate of registration to the registering authority.

(2) Any other person finding a certificate of registration shall deliver it to the nearest police station or nearest registering authority. The Officer-in-charge of the police station on receipt of the certificate of registration shall immediately forward it to the nearest registering authority. The registering authority shall restore the certificate of registration to the holder of the certificate of registration or substitute it for the duplicate in case such a duplicate has already been issued.

(3) If the registering authority who impounds such certificate is not the authority by whom the certificate was issued or the fresh registration mark was assigned, it shall intimate such action to the authority by whom the certificate was issued or the fresh registration made was assigned. as the case may be.

**<sup>2</sup>[51A. Manner of delivery of certificate of registration -** (a) On and from the date specified by an order issued in this behalf by Transport Commissioner. every certificate of registration issued either, fresh or renewed, duplicate thereof or issued as a consequence of any change in the details of such certificate of registration. shall be delivered by Registered Post Acknowledgment Due (RPAD) to the owner of the Motor Vehicle, at the address specified on such certificate of registration.

(b) different dates may be specified for different offices for the purpose; and

(c) fee of Rs. 50 shall be recovered towards the delivery charges from the applicant per certificate of registration so delivered under sub-rule (a) above, in advance.]

*1. Rule 51A was inserted by G.N.NO. MVR. 0110/06/CR-16/TRA 1, dated 13.09.2010*

**52. Authority to suspend certificate of registration and examination of vehicles -** (1) Any police officer not below the rank of an Inspector of police or an Inspector of Motor Vehicles may suspend the registration of a motor vehicle under clause (b) of sub-section (1) of Section 53.

(2) Any officer of the Motor Vehicles Department, not below the rank of an Assistant Inspector of Motor Vehicles, may stop any motor vehicle, the use of which in a public place, in his opinion, is likely to constitute danger to the public and examine such vehicle on a road, or

subject to the consent of the owner of the premises, or any premises where the vehicle is kept for the time being.

<sup>1</sup>[**53. Amount in lieu of <sup>2</sup>[action] for failure to give timely intimation under sub-section (2) of Section 49 and sub-section (8) of section 50**] - The amount payable by any person in lieu of action for failure to give timely intimation about <sup>3</sup>[change of address and] transfer of ownership as required, shall be at the rate of twenty-five rupees per calendar month or part thereof by which the giving of such intimation is delayed by such person, provided that the amount so payable shall not exceed one hundred rupees.

*1. Sub by G.N. dt.06.07.1991 (M.G.G., Pt. IV-A, Ex. 1991, p.405)*

*2. this word was substituted for the word "section" by corrigendum No. M.V.R. 0189/Cr-1043/TRA-2, dt.02.11.1992.*

*3. These words were inserted by G.N.,H.D., No. MVR.0189/CR-1043/TRA-2/, dt.06.071991 (M.G.G., Pt. IV-A, p.405)*

**54. Assignment of new registration mark -** (1) Application for a new registration mark under sub-section (1) of Section 47 shall be in the form prescribed by the Central Government.

(2) The registering authority shall, before assigning a registration mark under sub-section (1) of Section 47 or before entering the particulars of transfer of ownership of a motor vehicle in the certificate of registration, require the owner or, as the case may be, the transferee, to produce the motor vehicle before itself or before the Inspector of Motor Vehicles, in order that the registering authority may satisfy itself that the particulars of the vehicle recorded in the certificate of registration are correct and the vehicle complies with the provisions of these rules.

(3) The owner of a motor vehicle, which is registered in one State and is brought into or is for the time being kept in the State of Maharashtra, shall intimate to the registering authority in whose jurisdiction the vehicle is kept for use in Form F. T. of the First Schedule within seven days from the date of entry of the motor vehicle in the State.

(4) If the owner of the motor vehicle or the person in possession of the motor vehicle fails to apply for the assignment of new registration mark under sub-section (1) of Section 47 of the Act, he shall be liable to pay the amount of fifty rupees for the default for first month and twenty-five rupees for the default of subsequent months, if continued :

Provided that, the amount payable under this rule in lieu of <sup>1</sup>[action under Section 177 of the Act,] shall not exceed one hundred rupees.

(5) The registering authority assigning a new registration mark to a motor vehicle, shall be in Form R. M. I. of the First Schedule appended to these rules, and shall intimate the registering authority which originally issued the certificate of registration, that, a new registration mark has been assigned to the motor vehicle and call for the records of registration of vehicle or certified copies thereof. The registering authority shall simultaneously inform the owner and the other party, if any, to an agreement of hire-purchase, specified in the note appended to the certificate of registration of such new registration mark.

*1. For the words and figures "action under section 117 of the Act." these words were substituted by G. N. dt. 6.7.1991 (M.G.G., Pt. IV-A, Ex. 1994, p. 405].*

**154-A. Allotment of Registration Mark** - (1) The Registration Mark to Motor Vehicles be assigned, shall be as per the notification issued by the Central Government under sub-section (6) of section 41 of the Act.

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

(3) The registering authority shall reserve a registration mark to the owner of a motor vehicle of his choice from amongst the registration mark on payment of fees as specified below, namely :

Sr.No.	Registration marks	Other than Two and Three wheelers and transport vehicles	Two and Three wheelers and transport vehicles
(1)	(2)	(3)	(4)
1	0001	*3,00,000	50,000
2.	0009,0099,0786,0999,9999	1,50,000	20,000
3.	0111,0222,0333,0444,0555,0666, 0777, 0888,1111,2222,3333,4444,5555,6666, 7777,8888	70,000	15,000
4.	0002,0003,0004,0005,0007,0008,0010, 0011,0022,03033,0044,0055,0066,0077, 0100,0123,0234,0345,0456,0500,0505, 0567,0678,0789,0900,1000,1001,1234, 1515,1818,2345,2525,2727,3456,3636, 4545,4567,5000,5454,5678,6363,6789, 7007,7272,8181,9000,9009,9090.	50,000	10,000
5.	0088,0101,0200,0202,0300,0303,0400, 0404,0600,0606,0700,0707,0800,0808, 0909,1010,1011,1100,1112,1200,1212, 1213,1221,1300,1313,1314,1331,1400, 1414,1415,1500,1516,1600,1616,1617, 1700,1717,1718.	15,000	5,000
	800,18191900,1919,1920,2000,2002, 2020,2021,2100,2121,2122,2200,2223, 2300,2323,2324,2400,2424,2425,2500, 2526,2600,2626,2627,2700,2728,2800, 2828,2829,2900,2929,2930,3000,3003, 3030,3031,3100,3131,3132,3200,3232, 3233,3300,3334,3400,3434,3435,3500, 3535,3536,3600,3637,3700,3737,3738, 3800,3838,3839,3900,3939,3940,4000,	15,000	5,000

4004,4040,4041,4100,4141,4142,4200,  
 4242,4243,4300,4343,4344,4400,4445,  
 4500,4546,4600,4646,4647,4700,4747,  
 4748,4800,4848,4849,4900,4949,4950,  
 5005,5050,5051,5100,5151,5152,5200,  
 5252,5253,5300,5353,5400,5455,5500,  
 5556,5600,5656,5657,5700,5757,5758,  
 5800,5858,5859,5900,5959,5960,5995,  
 6000,6060,6061,6100,6161,6162,6200,  
 6262,6263,6300,6364,6400,6464,6465,  
 6500,6565,6566,6600,6667,6700,6767,  
 6768,6800,6868,6869,6900,6969,6970,  
 7000,7070,7071,7080,7100,7171,7172,  
 7200,7273,7300,7373,7374,7400,7474,  
 7475,7500,7575,7576,7600,7676,7677,  
 7700,7778,7800,7878,7879,7900,7979,  
 8000,8008,8080,8081,8100,8182,8200,  
 8282,8283,8300,8383,8384,8400,8484,  
 8485,8500,8585,8586,8600,8686,8687,  
 8700,8787,08788,8800,8889,8900,8989,  
 8990,9091,9100,9191,9192,9200,9292,  
 9293,9300,9393,9394,9400,9494,9495,  
 9500,9595,9596,9600,9696,9697,9700,  
 9797,9798,9800,9898,9899,9900.

- |                                                                                                  |       |       |
|--------------------------------------------------------------------------------------------------|-------|-------|
| 6. Additional charge for any number, more than 1000 from the last serial number.                 | 7,500 | 4,000 |
| 7. Additional charges for any number which is a non serial number i.e jumping number up to 1000. | 5,000 | 3,000 |

-----  
 (4) The application for allotment of any specific registration mark may be made on plain paper.

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

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

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

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

(6) Unless aregistration series of a particular class or catagory of vehicles is exhausted, no new registration series shall be started by the registering authority for the same class or catagory.

Providede that, the Transport Commissioner may give an order in writing to start a

new series by assigning registration mark 0001, on the recommendation of the registering authority for which the applicant will have to pay the fee which is three times the fees specified in sub-rule (3). The applicant, who desires to obtain the registration mark in this series thereafter, will have to pay the fees at the rate of three times of specified in sub-rule(3). of this rule till the exhaustion of the original series. Another new series shall not be started concurrently until he first series is completely exhausted.

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

(8) The registration mark once reserved shall not be transferred and shall be allotted on strictly on "first come first serve" basis:

Provided that, if a particular registration number is sought by more than one applicant on any particular day, the registration mark shall be allotted by way of public auction, The procedure for the auction shall be notified by the Government in the official Gazette.

(9) The reservation of the registration mark shall be cancelled if the vehicle is not produced within thirty days from the date of reserving the registration mark and the registration mark so cancelled may be allotted by the registering authority to any other person, who makes an application alongwith the fees specified in sub-rule (3).

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

**55. Exemption of road plant** - Nothing contained in Chapter IV of the Act, shall apply to road rollers, graders and other vehicles designed and used solely for the construction, repair and cleaning of roads.

**56. Supply of copies of particulars of registration** - A registering authority may, in his discretion supply copies of the particulars of any motor vehicle registered in the records maintained by him to any person who may apply for the same. <sup>1</sup>[For every such copy in respect of each vehicle involved in an accident, a fee of rupees twenty shall be charged, and in respect of each vehicle in any other case a fee of rupees fifty] shall be charged:

Provided that, the State Government may, if it is of opinion that it is in the public interest so to do, by general or special order :-

- [a] exempt any Government Department, local authorities, Associations, or bodies of individuals from payment of the fee chargeable under this rule; or
- [b] reduce the fee payable by any such Departments, local authorities, associations or bodies of individuals to such extent as may be specified in the order.

*1. Sub by G.N.,H.D., No. MVR. 0807/CK-110/TRA-2, dated 10.03.2011*

**57. Notice of alteration of motor vehicle under sub-section (1) of Section 52** - (1) The notice by the owner of a motor vehicle to the registering authority in accordance with sub-section (1) of Section 52 shall be in Form B. T. I. of the First Schedule to these Rules.

(2) The registering authority may, on receipt of such notice require the owner of a motor vehicle to produce the certificate of registration in respect of the vehicle before him or his nominee, within seven days from the date on which such requisition was made, for the purpose of the revision of the entries therein.

**58. Intimation regarding stolen or recovered motor vehicles -** (1) An officer-in-charge of the police station where the theft of a motor vehicle is reported by the owner or any other person in possession of the vehicle, shall, immediately after the registration of an offence send intimation to the State Transport Authority, Maharashtra State or the officer authorized by the State Transport Authority in Form M. V. T. of the First Schedule and send a copy thereof to the registering authority where the vehicle is registered.

(2) If the police station mentioned in sub-rule (1) is located in the jurisdiction of the Commissioner of Police, Bombay, the Police Officer shall also simultaneously send one copy of intimation of Form M. V. T. to all other registering authorities located in Greater Bombay.

(3) On receipt of this intimation under sub—rule (1) the Transport Commissioner, shall inform all the registering authorities the details of the stolen vehicle in form M. V. T. R. of the First Schedule.

(4) The Transport Commissioner shall also maintain a register of stolen vehicles in Form M. V. T. Reg. (T) of the First Schedule.

(5) The registering authorities shall maintain the register of stolen vehicles in Form M. V. T. Reg (R) on the basis of the intimation received from the Transport Commissioner or from the Police Officer, as the case may be.

(6) If the vehicle reported to be stolen is recovered. the police station which has recovered the vehicle shall intimate the fact in Form M. V. T. to the State Transport Authority and the relevant registering authority.

(7) Upon receipt of intimation under sub—rule (6), the Transport Commissioner and the registering authority shall take a note of such recovery in the register maintained in Form prescribed under sub-rules (4) and (5).

**59. Maintenance of State Registers of Motor Vehicles -** (1) The Registering Authorities shall maintain a State Register of motor vehicles in such Form prescribed by the Central Government.

(2) This register may be either in bound book form or on computer disc or tape.

(3) As soon as the vehicle is registered, the necessary entries shall be taken up or entered in the State Register of motor vehicles.

(4) The State Register for motor vehicles shall be maintained according to the class of the vehicle that is to say, transport or non-transport and also if the registration of all types of vehicles is in large number according to the detail classification of the vehicles that is, to say two wheeler, cars. Goods carrier, tractors, etc., as decided by the registering authority.

## **CHAPTER V CONTROL OF TRANSPORT VEHICLES**

**60. Meeting etc., of State Transport Authority** – (1) The State Transport Authority shall meet at such times and at such places as its Chairman may appoint provided that it shall meet not less than twice in each year.

(2) Not less than seven days' notice shall be given to every member of any meeting of the State Transport Authority.

(3) A non-official member of the State Transport Authority shall hold office for a period of three years and thereafter until a successor is appointed :

Provided that when any such member dies or is removed or vacates office his successor shall hold office for the remainder of the period of office of the member whose place he takes and thereafter until a successor is appointed.

(4) The quorum to constitute a meeting of the State Transport Authority shall be the Chairman of the State Transport Authority and two other members either official or non-official.

(5) The Chairman shall have a second or casting vote.

(6) The Joint Transport Commissioner or the officer appointed by the Government by notification in the Official Gazette shall be the Secretary of the State Transport Authority.

**61. Meeting etc., of Regional Transport Authorities** - (1) The Regional Transport Authority shall meet at such times and at such places as its Chairman may appoint :

Provided that it shall meet not less than once in two months unless the State Transport Authority otherwise directs.

(2) Not less than seven days notice shall be given to every member of any meeting of the Regional Transport Authority.

(3) A member of a Regional Transport Authority shall attend at least three meetings in each financial year. The State Government may at any time remove any such member from office on his failure to attend the minimum number of meetings fixed under this sub-rule. The State Government may also remove from office any member for any other cause.

(4) Subject to the provisions of sub-rule (3) a non-official member of the Regional Transport Authority shall hold office for a period of three years and thereafter until a successor is appointed :

Provided that, when any such member dies or is removed or vacates office, his successor shall hold office for the remainder of the period of office of the member whose place he takes and thereafter until a successor is appointed.

(5) The quorum to constitute a meeting of the Regional Transport Authority shall be the Chairman of that Authority and one other member whether official or non-official.

(6) The Chairman shall have second or casting vote.

(7) The Regional Transport Officer or the officer appointed by the State Government shall be the Secretary of the Regional Transport Authority.

**62. Conduct of business of Transport Authorities -** (1) Secretary appointed under these rules or appointed by the State Government shall perform such duties and exercise such powers as may be specified in these rules and in the by-laws made by the Transport Authority under sub-rule

(2) :

Provided that, the State Government may, if it considers necessary in the public interest, appoint more than one Secretary for any area of the region for which the Transport Authority is constituted.

(2) Subject to the provisions of the Act and these rules and after prior approval of the State Government, a State or a Regional Transport Authority shall have power to regulate the conduct of its business and the business of such Transport Authority shall be conducted according to such by-laws under the direction of the Chairman.

(3) In the event of procedure by circulation being followed, the Secretary shall send to each member of the Transport Authority such particulars of the matter as may reasonably be necessary in order to enable the member to arrive at a decision and shall specify the date by which the votes of members are to be received in the office of the Transport Authority. Upon receipt of the votes of members as aforesaid, the Secretary, shall lay the papers before the Chairman who shall record the decision by endorsement on the form of application or other document. as the case may be, according to the votes received and the vote or votes cast by the Chairman. The record of the votes cast shall be kept by the Secretary and shall not be available for inspection by any person save by a member of the Transport Authority. No decision shall be made upon procedure by circulation if , before the date by which the votes of members are required to reach the office of the Transport Authority, not less than one—third of the members of the Transport Authority by notice in writing to the Secretary demand that the matter be referred to a meeting of the Transport Authority.

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

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

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

(7) Where a matter is decided by the votes of members present at a meeting of a State or a Regional Transport Authority, no person other than a member of the Transport Authority shall be entitled to be present and no record of the voting shall be kept save of the number of votes cast on either side : provided that when any matter decided by the exercise of the second or casting vote of the Chairman of the Presiding Officer the fact shall be recorded.

(8) Save in the case of specifying fares and freights including the maximum and minimum thereof for stage carriages, contract carriages and goods carriages, a State or Regional Transport Authority, as the case may be, may decide any matter. without holding a meeting, by the majority of the votes of members recorded in writing and sent to the Secretary (in this rule referred to as procedure by circulation].

**63. Delegation of powers by Regional Transport Authority** – A Regional Transport Authority may, by general or special resolution recorded in its proceedings and subject to the restriction, limitation and conditions herein specified, delegate, to the Regional Transport Officer all or any of its following powers, namely :—

(i) power under sub-section (1) of Section 76 to grant, refuse or renew a private service vehicle permit;

(ii) powers under Sections 66 and 74 to refuse a contract carriage permit, to grant with or without modification such an application, and attach conditions to the permit ;

(iii) powers under Sections 66 and 79 to grant permit with or without modification or refuse goods carriage permit and power to impose conditions under sub-section (2) of Section 79 or vary the conditions thereof;

(iv) powers to attach to a stage carriage permit conditions under sub-section (2) of Section 72. or to vary the conditions thereof;

(v) powers to renew goods carriage permit and contract carriage permits under Section 81 and to renew, countersignature of any such permits:

(vi) powers under '[sub~section (3)1 of Section 82 of the Act to transfer permit;

(vii) power under Section 83 to permit the replacement of one vehicle by another:

(viii) powers under Section 86 to suspend a permit or to recover from the holder thereof the sum of money agreed upon in accordance with sub-section (5) of the said Section :

(ix) power under Section 87 and under sub-sections (7) and (8) of Section 88 to grant or refuse to grant. a temporary or, as the case may be, a special permit :

(x) power under sub-sections (1) and (3) of Section 88 to countersign a permit or to attach or vary conditions thereof ;

(xi) power under sub-section (12) of Section 88 to grant, renew and refuse the National Permit for goods carriage ;

(xii) power under Rules 125, 126 and 127 to grant, refuse or renew licences of agents or power under Rule 127 to suspend a licence or to recover from the holder thereof sum of money agreed upon in lieu of suspension :

Provided that, such Regional Transport Officer shall,—

(i) keep informed the Regional Transport Authority, from time to time, of the action taken by him in pursuance of the powers delegated : and

(ii) arrange to paste on a notice board on the Regional Transport Authority, a copy of every resolution of that Transport Authority delegating its powers to him :

Provided further that. the delegation of powers referred to in sub-clause (ii) of clause (a) of this sub-rule shall also be subject to the condition that the Regional Transport Authority shall

ensure that the Regional Transport Officer in exercising the said powers in relation to applications for contract carriage permit shall have due regard to the views of a committee as may be appointed by the State Government for this purpose from time to time, and where in any case the Regional Transport Officer differs from such views, he shall record his reasons therefor.

*1. Sub. by o. N. of 30.91995.*

**64. Delegation of powers by State Transport Authority** - (1) The State Transport Authority may, by a general or special resolution recorded in its proceedings, delegate the following powers to the,—

(A) Transport Commissioner—

(i) the powers under Section 88 to countersign permits granted in any other State as a result of any reciprocal agreement arrived at with that State and its powers under Section 86 to cancel or suspend such permit to the Transport Commissioner;

(ii) the powers under Section 87 and under sub-sections (7) and (8) of Section 88 to grant or to refuse to grant a temporary, or as the case may be, a special permit, to the Transport Commissioner;

(iii) <sup>1</sup>[\*\*\*]

(iv) the powers of Regional Transport Authority in the circumstances mentioned in clause (b) of sub-section (3) of Section 68, which may be delegated to Regional Transport Officer under Rule 66, may in addition be delegated to Transport Commissioner, subject to conditions specified in the provisions to sub-rule (1) of Rule 63;

(B) (a) <sup>2</sup>(Assistant Transport Commissioner) and above- (a) the powers under sub-section (3) of Section 69 to grant a permit other than stage carriage permit, where the vehicle is proposed to be used in two or more regions plying in different States, to a committee of one or more members of that Authority, as that Authority may appoint or to an officer of the Motor Vehicles Department not lower in rank than Assistant Transport Commissioner: including— its power mentioned below, namely :-

(b) (i) to attach to a stage carriage permit conditions under sub-section (2) of Section 72 or to vary the conditions thereof;

(ii) to attach to a permit other than a stage carrier permit referred to in this clause and in clause (c) conditions including those under sub-section (1) of Section 88 read with sub-section (2) of Section 74 or to vary the conditions thereof;

(iii) to renew a permit, and to renew the counter signature of such permit;

(iv) to permit replacement of one vehicle by another under Section 83;

(v) to grant stage carriage permits to the State Transport Undertakings on inter-State routes agreed upon between two States in accordance with <sup>3</sup>(reciprocal agreements under sub-section (5) of section 88.)

(vi) its powers under sub-section <sup>4</sup>[( 1) and (3)] of Section 82 of the Act to transfer permit:

<sup>5</sup>[(vii) \* \* \*]

(viii) to suspend a permit referred to in this clause <sup>6</sup>[and in clause (c) of sub-section (1) of Section 86]. or to recover from the holder thereof the sum of money agreed upon in accordance with sub-section (5) of the said Section 86.

<sup>7</sup>[(c) Assistant Regional Transport Officer, the powers to grant, renew or refuse permits under sub-section (9) of sec. 88 of the Act.]

1. *In clause (A) sub-clause (iii) was deleted by G.N. dt. 8.2.1994.*
2. *In clause (B) for the words "Deputy Transport Commissioner" the words "Assistant Transport Commissioner" were substituted ibid.*
3. *These words were substituted for the words and figures "reciprocal agreement under section 103" by G.N., H.D., No. MVR. 0189/CR-1043/TRA- 2 dt. 9.7.1991. (M.G.G.. Pt. IV-A, Ex. 1991. p. 405).*
4. *Sub. by G.N., H.D., No. MVR. 0193/751/CR-225/TRA-2 dt. 30.9.1995, (M.G.G.. Pt. IV-A, p. 647.*
5. *Entry VII was deleted by G.N., H.D., No MVA. 0593/7393/TRA-2. dt. 8.2.1994.*
6. *Sub. by G.N. of 8.2.1994 (M.G.G.\_ Pt. IV-A. EX. p. 159).*
7. *Clause (c) was added, ibid.*

(2) The State Transport Authority may, for the prompt and convenient despatch of its business, by a general or special resolution, delegate to its Chairman its powers to give effect to any directions issued under Section 67 by the State Government.

(3) Notwithstanding anything contained in sub-rules (1), (2), (4) and (5) the State Transport Authority may, give general instructions as to the manner in which the delegatee shall exercise the powers delegated, to them.

(4) All orders of delegation made by the State Transport Authority under sub-rules (1), (2) or (3) shall be pasted on a notice board at the office of that Authority.

(5) The officers to whom the powers are delegated shall intimate the action taken by them in pursuance of the powers delegated, to the Secretary of the State Transport Authority who shall place them before that Authority from time to time.

**65. Exemption from Section 66** - The provisions of sub-section (1) of Section 66 shall not apply to any transport vehicle used as relief vehicle for carrying passengers and their luggage from a disabled stage carriage to the place of destination.

**66. Disposal of application for contract carriage, goods carriage and private service vehicle permit** - (1) When an application for contract carriage permit or a goods carriage permit or a private service vehicle permit is received by the Secretary of the Regional Transport Authority, he shall examine whether the powers to deal therewith has been delegated to the Regional Transport Officer under Rule 63 and forward the same to him for disposal if it has been so deleted.

(2) In case where the application referred to in sub-rule (1) is required to be considered by the Regional Transport Authority, the Secretary shall scrutinise whether the application is in order and call for such further particulars and make such other inquiries as he may consider necessary

and shall subject to any general directions of the Regional Transport Authority decide whether the application be disposed of by the circulation procedure or at the meeting of Transport Authority.

(3) Normally the application referred to in sub-rule (1) shall be disposed of within two months of the receipt thereof.

**<sup>1</sup>[66-A. Grant of Contract Carriage Permits in respect of motor cabs fitted with vehicle tracking devices (Phone / Fleet Taxi) to companies registered under Companies Act, 1956 or Partnership Firms.-** (1) The Regional Transport Authority of one region may grant a permit to the Licenced operators of motor cabs fitted with vehicle tracking devices to ply as a contract carriage to be valid throughout the area decided by the State Transport Authority, Maharashtra State without the countersignature of Regional Transport Authorities of the other regions.

(2) The following guidelines shall be followed before issue of licences to such holder :

(a) The holder of Phone /Fleet Taxi shall obtain final licence from the State Transport Authority, Maharashtra State. No person shall engage himself in the business of Phone / Fleet Taxi Service under the Scheme without valid licence.

(b) (i) Every application for issue of a Licence to operate Phone/ Fleet Taxi fitted with vehicle tracking devices shall be filed before the State Transport Authority, Maharashtra State in FORM "PFTA".

(ii) The fee for application for issue or renewal of Licence shall be Rs 1.00.000 in Mumbai and outside of Mumbai Rs. 25,000. This licence shall be valid for a period of 5 years from the date of issue.

(iii) The fee for application for grant of one permit issued under the Phone /Fleet Taxi scheme shall be Rs. 1.00.000 (Minimum) or the fees determined by Government of Maharashtra through bidding, whichever is higher. This shall be valid for a period of 5 years. After the period 5 years, the renewal of each permit shall be done for a further period of 5 years. A fee of Rs. 100 per

permit or as may be amended from time to time, shall be levied. Each permit shall have renewable clause as per provisions of Motor Vehicles Act after every 5 years.

(iv) The Phone /Fleet Taxi Licence shall be issued in FORM "PFTL".

(v) The validity of Phone / Fleet Taxi Licence shall be for five years.

(vi) A Phone / Fleet 'Taxi Licence may be renewed on an application in FORM "PFTA" made within thirty days of its expiry. The late fee for renewal of licence after expiry of the licence shall be Rs.500 per day.

(vii) The application for issue of duplicate Phone / Fleet Taxi Licence shall be in FORM "PFTD".

(viii) A duplicate licence issued shall be marked DUPLICATE in red ink with details of date of issue under the signature of the Authority.

(ix) The fee for issue of duplicate Phone / Fleet Taxi Licence shall be Rs. 5000.

(x) Any request for alterations or additions in the Licence shall be made with sufficient proof and documents and the application shall be treated as if the application is for grant of fresh licence.

(c) (i) The Licensee shall operate not less than 100 permits in cities other than in Mumbai Metropolitan Region further Mumbai Metropolitan Region, the company shall have to operate not less than 1000 permits and each permit shall be used to operate air conditioned Phone / Fleet Taxis, fitted with electronic fare meter having printer facility.

The Government of Maharashtra shall have the right to distribute the permits by way of inviting bids.

(d) The Licensee shall deposit a sum of Rs. 5 crore interest free Security deposit. This shall be kept with Government for a period of 1 year at the time of bidding. The successful bidder shall have to start the business within one year from the date of issue of licence by S.T.A. If the successful bidder fails to start the operation within one year or as per the time extended by the Government, the security deposit shall be forfeited however, after successful implementation of the project within the stipulated time frame. to the satisfaction of Government. the interest free security deposit shall be refunded by Government.

(e) The vehicles used for Phone/ Fleet Taxi shall be brand new at the time of induction or any other imported vehicles meeting; he prescribed emission standards as approved by the State Transport Authority.

(f) The engine capacity of the vehicle used shall not be less than 1200 c.c. in Area of the State other than MMR. Area for MMR area the capacity of engine shall not be less than 1400 c.c. The cab should have independent facility for storing of luggage.

(g) After awarding licence by STA, the successful bidder shall purchase new Air-Conditioned vehicles for operation as Phone /Fleet and each such vehicle shall be fitted with GPS/GPRS devices enabling communication with the central control unit of the Licence holder with live tracking and facility to record excess speed driving.

(h) (i) The Licence shall not be transferable before 10 years from date of its issuance.

(ii) The licensee shall pay transfer fee as may be notified by State Government from time to time.

(iii) The licensee shall not shift the principal place of business without prior permission and approval of the State Transport Authority. Maharashtra State.

(i) The State Transport Authority, Maharashtra State shall not ordinarily refuse to issue or renew the Licence if the above conditions are satisfied. If it is decided to refuse to issue or renew the licence an opportunity of being heard shall be given to the applicant.

(j) If any of the aforesaid conditions is violated, the State Transport Authority, Maharashtra State may, after issuing a notice and giving to the Licensee holder an opportunity of being heard, cause an enquiry to be made and cancel the Licence.

(k) The Government of Maharashtra in Home Department shall be the Appellate Authority in the matters of issuance or renewal or cancellation of the Licence. The appeal shall be filed within 30 days of the order of the State Transport Authority and shall be accompanied by a fee of Rs. 1,000.

(3) The following conditions shall be observed by the Licensee-

(a) The Licensee for operation of Phone / Fleet Taxis shall have experience in human resource management and infrastructure to manage the vehicles.

(b) He shall provide training facility to the drivers and have technical expertise.

(c) The vehicle shall display prominently the words "PHONE/FLEET TAXI" on the top of the vehicle which shall have illuminating facility during night to be visible both front and rear.

(d) The vehicle must be equipped with First-Aid-Box.

(e) For driving the Phone Fleet Taxi, the Licence holder shall employ a driver in accordance with the stipulation of Maharashtra Motor Vehicles Rules. 1989.

(f) The driver shall undergo training on a LMV simulator at the time of employment and after that annually. Also, the driver shall be made to undergo health check up every year

for his sight, hearing and other health problems. .

(g) The Licensee shall hold the responsibility for the conduct and character of the driver to render safe and trustworthy service. He shall ensure that the driver is free from criminal antecedents.

(h) The Licensee shall display a toll free call number " ..... on all the four sides of the Cab for the purpose of lodging a complaint, if any.

(i) The Licensee shall affix a sticker of 6" x 6" dimension on the top right hand side windscreen with particulars of the vehicle registration number, registered owner's name, the driver's name, his photograph and the driving licence number.

(j) The vehicles shall always be kept ready for hire at all times.

(k) The fare to be charged shall be as fixed by the State Transport Authority.

(l) The Licence holder shall display a fare chart on side windows prominently and easily visible to the commuters.

(m) Any other condition as may be prescribed by the State Transport Authority from time to time.

(4) The following conditions shall be observed by the driver of the Phone/Fleet Taxi :

(a) The driver's uniform shall be as specified by the State Transport Authority.

(b) The driver must carry his original driving licence while driving the vehicle."

*1. Rule 66A was inserted by Mah. G.N. MVR 0809/2221/CR-354/TRA 2 dated 14m July. 2010.*

**67. Power of refusal to accept applications for stage and contract carriage permits –**

(1) Where the State Government by notification in *Official Gazette* directs the State and Regional Transport Authorities to limit the number of stage carriages, contract carriages generally or of any

specified type under sub-section (3) of Section 71, sub-section (3) of Section 74 and has limited the number of vehicles of any class for which permits may be granted in any specified area or any specified route and has in fact granted permits equal to the maximum number of vehicles of any class, in such area or, as the case may be, on such route, the relevant Transport Authority shall, notify this fact on the notice board of its office and may decline to receive any further applications for permits in respect of class of vehicle in the area or on the route aforesaid.

**68. Reservation of permits granted under Sections 71 and 88 -** Where the number of stage carriages are fixed under clause (a) of sub-section (3) of Section 71, the vacancies available shall be 13 per cent and 7 per cent for Scheduled Caste and Scheduled Tribe, respectively.

**69. Power of transport authorities to demand proof or documentary evidence. -** It shall be lawful for any Transport Authority competent to grant the permits for which a representation is made under Rule 68 to direct any applicant for grant of such permit to produce such documentary evidence as may be deemed necessary to ascertain the eligibility for a permit from amongst the reserved vacancies.

**70. Matters for consideration of application for stage carriage permit -** In addition to the matters mentioned in sub-clauses (i) and (ii) of clause (d) of sub-section (3) of Section 71, the

Regional Transport Authority may also consider the applications of persons who are,-

- (i) educated unemployed;
- (ii) displaced persons affected by any project under any Law for the time-being in force;
- (iii) having a minimum qualification of diploma in Automobile Engineering, Tourism or Transport Management from an institution recognised by the State Government;
- (iv) travel agent approved by the India Tourism Development Corporation or Maharashtra Tourism Development Corporation.

**71. Forms of application for permits -** (1) Every application for a permit in respect of any transport vehicle shall be in one of the following

Forms of the First Schedule, namely :-

- (i) in Form P. St. S. A. for stage carriage;
- (ii) Form P. Co. P. A. for contract carriage permit;
- (iii) Form P. Gd. C. A. for goods carriage permit;
- (iv) Form P. Tem. A. for temporary permit;
- (iv) Form P. Pr. S. A. for private service vehicles permit; and
- (vi) Form P. CO. Sp. A. for special permit.

(2) The application shall be addressed to the State Transport Authority or the Regional Transport Authority, as the case may be, and accompanied by the fee prescribed by Rule 75.

**72. Forms of permits -** (1) Every permit shall be in one of the following Forms or the First Schedule namely :—

- (i) Form P. St. S. for stage carriage permit;
- (ii) Form P. Co. P. for particular contract carriage permit;
- (iii) Form P. Co. S. for casual contract carriage permit;
- (iv) Form P. Co. Pr. for contract carriage permit to be used for private hire;
- (v) Form P. Gd. C. for goods carriage permit;
- (vi) Form P. Tem. for temporary permit;
- (vii) Form P. Pr. S. for private service vehicle permit;
- (vii) Form P. Co. Sp. for contract carriage special permit;
- (ix) Form P. Co. T. for tourist vehicle permit; and
- (x) Form N.P. Gd. C. P. for National permit.

(2) Every permit, issued in accordance with Section 85 shall be signed and sealed by the Transport Authority by which the permit is issued, in the event the permit to be counter signed under sub-section (1) of Section 88, the countersigning Transport Authority shall sign and seal the same.

**73. Entry of Registration mark on permit -** (1) Where the registration mark of the vehicle is to be entered on the permit, and the applicant is not the registered owner of the vehicle on the date of application, then the applicant shall, within one month of the sanction of the application by the Regional Transport Authority, or such longer period as such Transport Authority may specify, produce before that Authority the certificate of registration of the vehicle registered in his name in order that particulars of the registration mark may be entered in the permit.

(2) No permit shall be issued until the registration mark of the vehicle to which it relates has been entered therein, and in the event of any applicant, failing to produce the certificate of

registration within the period specified in sub-rule (1) or the extended period, as the case may be, the Regional Transport Authority may withdraw its sanction of the application.

**74. Extension of area of validity of permit** - (1) Subject to the provisions of Section 88. a Regional Transport Authority which issues a permit (hereinafter referred to as "the original Transport Authority") other than a permit in Form P. St. S. of the First Schedule and a permit in Form P. Co. S. of the First Schedule, may extend the area of validity of the permit to any other region within the State subject to such additional conditions attached, for different regions : Provided that, subject to the provisions of the following sub-rules, the vehicles to which the permit refers shall be normally kept within the region of the original Transport Authority.

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

(3) Subject to the provisions of sub-rule (2), the original Transport Authority may issue a contract carriage permit to be operative in another region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be used beyond the region of the original.

Transport Authority under contract for a return journey commencing and ending within the region of the original Transport Authority and shall not be offered for hire when outside that region.

(4) The original Transport Authority which issues a permit to be operative in any other region shall send a copy of the permit to the authority of the other region.

(5) Every application for the grant of permit under sub-section (9) of Section 88 in respect of a tourist vehicle shall be made to the State Transport Authority in form prescribed by Central Government and shall be accompanied by the fee prescribed in Rule 75.

(6) On receipt of an application under sub—rule (1), the State Transport Authority shall follow the same procedure as prescribed for considering an application for the grant of a contract carriage permit under the Act and these rules, and may grant the permit in Form P. Co. T. of the First Schedule.

(7) Where a permit is granted under sub-rule (6), the State Transport Authority shall forward to every other State Transport Authority information relating to,-

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

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

(iii) the grant of stay, if any, where an appeal or revision or stay has been granted, and when the appeal or revision is finally decided.

(8) The State Transport Authority shall also forward to every other State Transport Authority. at intervals 'of not more than three months, a statement giving information in regard to the numbers of the permit and the dates of expiry of such permit.

(9) Every application for the grant of a National Permit in respect of a goods carriage shall be made to the Regional Transport Authority and shall be accompanied by fee of fifty rupees.

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

the First Schedule.

**75. Permit fees.** <sup>1</sup>[(1) Subject to the provisions of this rule, the fees in this respect of an application, shall be,

<sup>2</sup>[(a) for the grant and renewal of a permit or a countersignature for the Metered Motor Cab two hundred rupees;

(b) for the grant and renewal of a permit or a countersignature for non Metered Motor cab. five hundred rupees;

(c) for the grant and renewal of a permit or a countersignature for maxi Cab three hundred and fifty and two hundred rupees respectively;

(d) for the grant and renewal of a permit or a countersignature for contract carriage other than mentioned in clauses (a), (b) and (c) of this rule, four hundred rupees, three hundred rupees and three hundred rupees respectively;

(e) for the grant and renewal of a permit or a countersignature for stage carriage four hundred rupees, three hundred rupees and three hundred rupees respectively;

(f) for the grant and renewal of a permit or a countersignature for goods carriage six hundred rupees, four hundred rupees and two hundred fifty rupees;

(g) for the grant and renewal of a permit or a countersignature for private service vehicle, four hundred rupees, three hundred rupees and two hundred fifty rupees

(2) The fees in respect of an application for a permit, for a tourist vehicle shall be <sup>2</sup>[six hundred rupees] and the fee for the renewal of such permit shall be <sup>2</sup>four hundred fifty rupees].

(3) The fees in respect of an application for a national permit shall be <sup>2</sup>[seven hundred rupees] and the fee for the renewal of such permit shall be <sup>2</sup>[seven hundred rupees].

(4) The fee in respect of an application for a temporary permit or countersignature on a temporary permit shall be <sup>2</sup>[two hundred rupees] for each calendar month or part thereof, in respect of each vehicle.

(5) The fee in respect of an application for replacement of a vehicle covered by a stage carriage permit, goods carriage or a contract carriage permit, to which the provisions of sub-rule (3) of Rule 88 apply, shall be <sup>2</sup>[two hundred rupees].

<sup>3</sup>[(6) If the application for renewal of permit is made after the last date specified in sub-section(2) of section 81 of the Act, in such case, the applicant shall pay, in addition to the fees specified in sub rules (1), (2) and (3) one hundred rupees for each calendar month or part thereof, in respect of each vehicle.]

*1. Sub. by G.N., H.D., No. MVR-0212/CR-107/TRA-2. dated 24.06.2013.*

*2. Sub by ibid.*

*3. Sub clause (6) was added by MVR. 0809/2004/CR-378/TRA-2, dt. 19.06.2010.*

**76. Exemption from payment of fees –** <sup>1</sup>[(1) Persons belonging to the Scheduled Castes and Scheduled Tribes shall be exempted from payment of fees under Rule 78 to the extent of half of such fees.

(2) The vehicle registered as a tourist vehicle having minimum seating capacity of 25 seats and operating exclusively within the area of Municipal Corporation and hill stations and used for sight seeing, shall be exempted from payment of fees under rule 75 to the extent of half of such fees.]

**77. Stage carriage to ply on routes other than those specified in permit under certain circumstances** - Holder of a permit granted in respect of a stage carriage shall, if so directed by the authority granting the permit, such direction being made in the interest of public order, public safety or in any emergency use a stage carriage on such route or such area in the region other than that specified in such permit and during such period and at such timings as may be specified in the direction.

**78. Additional conditions in respect of certain permits** - (1) A permit in respect of a stage carriage may be subject to one or more of the following conditions, namely :-

- (a) that its holder, if required, shall not use a stage carriage in a public place for the purpose of carrying or intending to carry passengers unless it carries in addition to the driver, a conductor;
- (b) that there shall be exhibited on the vehicle adequate particulars indicating to the public, the place to which the route by which the vehicle is proceeding : and
- (c) that the service shall be regularly operated on the specified route in accordance with the approved time-table except,-
  - (i) when prevented by accident, unmotorability of the route, or any unavoidable cause, and
  - (ii) when otherwise authorised in writing, by the Regional Transport Authority.

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

- (a) that the vehicle shall not be driven in a public place except by the permit holder or a licensed driver holding an authorisation to drive a public service vehicle and duly authorised by the permit holder in writing which shall be carried by the driver when driving, and produced on demand by any Police Officer or Officers of the Motor Vehicle Department:
  - (b) that the number of persons to be carried in the vehicle shall not exceed the number which may be specified in the permit; and
  - (c) no advertising device, figure or writing shall be exhibited on the vehicle.
- (3) A permit in respect of a public service vehicle may be subject to the condition that its holders shall make provision on such vehicle for the conveyance of a reasonable quantity of passenger's luggage with efficient means for securing it and protecting it against rain.
- (4) A permit in respect of a transport vehicle may be subject to a condition that the holder of the permit shall comply with all the provisions of the Act and the rules.

**79. Carriage of goods on stage carriages** - (1) Subject to the provisions of sub-rule (2) of this Rule and of Rule 81 luggage may be carried on the roof of a stage carriage or in boot, locker or compartment set aside for the purpose, but where it is so carried on a roof, adequate protection in the form of a guard rail shall be provided.

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

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

(4) Where the holder of a stage carriage permit uses a vehicle authorised by the permit for the carriage of goods to the detriment of the public convenience by failing thereby to meet the demand for passenger transport, the Regional Transport Authority may, after giving the holder an opportunity of being heard declare that a breach of the conditions of the permit has occurred and

may thereafter, proceed under the provisions of Section 86 of the Act.

(5) Subject to the provisions of sub-rule (2) and Rule 81, goods may be carried in a stage carriage at any time in accordance with the conditions specified in the permit, provided that the obligation of the holder to carry passengers in accordance with the terms of the permit is discharged.

(6) Where goods are carried in stage carriage in addition to passengers, the goods shall be of such nature and shall be so packed and secured on the vehicle that no danger, inconvenience or discomfort is caused to any passenger. Such number of seats may be specified in the permit shall be kept free and unimpeded for the use of passengers and the access to the entrance to and exit from, the vehicle, required under Chapter VII of these rules shall be unobstructed.

(7) The weight in kilograms of goods carried on a stage carriage shall not exceed  $(N-X) \times 68$  where in relation to a single-decked stage carriage or to the lower deck of a double-decked stage carriage. For the purpose of this sub-rule, "N" is the registered passenger seating capacity of the vehicle; and "X" is the number of passengers carried on the vehicle, or the number of passengers for whom seats are kept free and unimpeded by goods whichever is greater.

**80. Carriage of goods on contract carriage prohibited** - The Regional Transport Authority may, authorise the use of contract carriage for the carriage of goods used for—

(a) special reasons on particular occasions and subject to conditions and restrictions to be specified on the permit:

(b) the carriage of the personal, office or household effects of a hirer, so authorised in the permit but not the carriage of general merchandise.

**81. Carriage of certain goods in stage or contract carriage prohibited** - (1) No goods liable to foul the interior of the vehicle or to render it insanitary shall be carried at any time in any stage carriage or contract carriage.

(2) The Regional Transport Authority may, specify in any permit the goods which shall not be carried in a stage carriage or a contract carriage or the conditions subject to which such classes of goods may be so carried.

**82. Carriage of personal luggage in stage carriages** - Except in the case of stage carriage services operated exclusively within municipal areas, a passenger in stage carriage shall be entitled to carry free of charge not more than 14 kilograms of luggage and personal effects.

**83. Carriage of animals in goods vehicle** - (1) No cattle shall be carried in a goods vehicle in public place unless,

(i) in the case of goat, sheep, deer or pig —

(a) a minimum floor space of <sup>1</sup>[0. 15] square meter per head of such cattle is provided in the vehicle.

(b) proper arrangements for ventilation are made: and

(c) if carried in a double-decked goods vehicle—

(1) the upper deck flooring is covered with metal sheets with a minimum height of 7.62 centimeters raised on all four sides so as to prevent the animal waste matter such as urine, litter, etc., falling on the animals on the lower deck:

(2) proper arrangements for drainage are made on each floor; and

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

(ii) in the case of any other cattle-

(a) a minimum floor space of <sup>2</sup>[2 meter x 0.75] meter per head of cattle and half of such space for a young one of cattle which is weaned is provided in the vehicle;

(b) the load body of the vehicle is constructed of strong wooden planks or of iron sheets with a minimum height of 1.4 metres measured from the floor of the vehicle on all sides and back; and

(c) floor battens are provided to prevent slipping of hoofs;

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

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

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

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

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

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

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

*1. Sub. for the figures "0.20" by G. N., H.D., No. MVR. 0104/147/CR-22/TRA-2, dt. 1.1.2005 (M.G.G., Pt. IV-A, Ex.. Ord.. p. 5].*

*2. Substituted for the figures and word "2 meter x 1 meter" by G. N., H.D.. No. MVR. 0104/147/CR-22/TRA-2. dt. 1.1.2005 (M.G.G., Pt. IV-A, Ex.. Ord., p. 5].*

**84. Carriage of luggage in private service vehicles** - (1) Not more than <sup>1</sup>[40 kilogrammes] of luggage or personal effects per occupant may be carried in a private service vehicle :

Provided that, if the permit so provides, such vehicle may, in addition, carry the personal or household effects of the holder of such permit or the office articles of such holder, subject to the condition that the total weight of the luggage or personal or household effects or office articles and persons does not exceed the permissible carrying capacity.

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

*1. Sub. by G. N. H.D. No. MVR. 0588/CR-570/I-TRA-2, dt. 23.10.1992 (M.G.G.. Pt. IV-A 1993. p. 235).*

**85. Renewal of permits** - (1) An application for the renewal of permit shall be made in writing to the State Transport Authority or the Regional Transport Authority, as the case may be, by which the permit was issued and shall be accompanied by the permit. The application shall state the period for which the renewal is desired and shall be accompanied by the fee

prescribed in Rule 75.

**86. Renewal of countersignature of permits** - (1) Subject to the provisions of Rule 87 an application for the renewal of a countersignature on a permit shall be made in writing to the Transport Authority concerned and shall, subject to the provisions of sub-rule (2) of this rule, be accompanied by the permit. The application shall set forth the period for which the renewal of the counter signature is required.

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

(3) The Transport Authority granting the renewal of a countersignature shall call upon the holder to produce the permit, if it has not been produced and shall endorse the permit accordingly and return the same to the holder.

**87. Validation of renewal in respect of countersignature of permit** - (1) The authority by which a permit is renewed may, unless any authority by which the permit has been countersigned (with effect not terminating before the date of expiry of the permit) by a general or special order otherwise directed. likewise renew any countersignature of the permit by endorsement on the permit in the manner set forth in the appropriate Form and shall, in such case, intimate the renewal to such Authority.

(2) Unless the permit has been endorsed as provided in sub-rule (1) or unless the period of validity of the counter signature has been endorsed by the authority making the countersignature, the countersignature shall be of no effect beyond the date of expiry stated therein

**88. Replacement of a vehicle covered by a permit** (1) If a holder of permit desires at any time to replace any vehicle covered by the permit by another vehicle, he shall forward the permit and apply in Form M. V. Rep. A of the First Schedule to the Transport Authority by which the permit was granted, stating the reasons why the replacement is desired and shall also simultaneously, —

(i) if the replacer vehicle is in his possession, forward the certificates of registration of that vehicle: or

(ii) if the replacer vehicle is not in his possession, state any material particulars in respect of which the replacer vehicle shall differ from the vehicle to be replaced.

(2) On receipt of an application under sub-rule (1) the Transport Authority may, subject to the provisions of sub-rule (3) and after ensuring that the other conditions for granting a permit are fulfilled, grant permission for such replacement.

(3) The Transport Authority may, for reasons to be recorded and communicated to the applicant, reject any application made to it under sub-rule (1) if the holder of the permit has contravened any provisions thereof or has been deprived of possession of the vehicle proposed to be replaced under any hire-purchase agreement.

**89. Validation of replacement order in respect of countersignature on permit** - (1) The Transport Authority granting permission for the replacement of vehicle under Rule 88, shall,

unless the authority on behalf of which the permit was countersigned has, by a general or special "resolution otherwise directed, endorse on the correction made to the permit, the words "Valid also for ..... .." inserting the name of the authority concerned and shall intimate the fact and the particulars of the replacement to such authority.

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

**90. Procedure on cancellation, suspension or expiry of permit** - (1) The holder of a permit may, at any time surrender the permit to the Transport Authority by which it was granted and the Transport Authority shall forthwith cancel any permit so surrendered.

(2) Where a Transport Authority suspends or cancels any permit -

(i) the holder shall surrender the permit immediately and the suspension or cancellation shall take effect;

(ii) the Transport Authority suspending or cancelling the permit shall send intimation to any authority by which it has been countersigned with effect at the time of suspension or cancellation and to any authority to whose area the validity has been extended under Rule 87.

(3) Where a Transport Authority suspends any permit, the permit holder shall also surrender the registration certificate in respect of the vehicle and the plates bearing the registration mark assigned there to.

(4) Within fourteen days of the expiry of any permit by efflux of time the holder shall deliver the permit to the Transport Authority by which it was issued and the Transport Authority receiving any such permit shall intimate the fact to the authority or authorities by which it was countersigned with effect upto the date of expiry and to any authority to whose area the validity has been extended under Rule 87.

(5) The holder of the permit shall, if so required by the Transport Authority intimate to it within twenty four hours of the receipt of suspension order, the place where the vehicle in respect of which the order is passed shall be kept during the period of suspension. Subject to the provisions of sub-section (2) of Section 192, such holder shall not remove the vehicle from the place so intimated without the prior permission of the Transport Authority.

**91. Transfer of permit** <sup>1[\*\*\*]</sup>- (1) Where the holder of a permit desires to transfer the permit to some other person under sub-section (1) of Section 82, he shall together with the person to whom he desires to make the transfer, make a joint application in writing in Form Tr. PA. of the First Schedule to the Transport Authority by which the permit was issued, setting forth the reasons for the proposed transfer.

(2) On receipt of an application under sub-rule (1), the Transport Authority may require the holder and the other party to state in writing whether any premium, payment or other consideration arising out of the transfer, is to pass or has passed between them and the nature and amount of any such premium, payment or other consideration.

(3) Without prejudice to any other penalties to which the parties may be liable, the Transport Authority may declare void any transfer or a permit made upon such application and thereupon such transfer shall be void and of no effect, if after such enquiry as it thinks fit, the Transport Authority is satisfied that any matter stated to it under sub-rule (2) or any material particular in the application, was false.

(4) The Transport Authority may, summon both the parties to the application to appear before it and may, deal with the application as if it were an application for a permit.

(5) If the Transport Authority is satisfied that the transfer of a permit may properly be made, it shall call upon the holder of the permit in writing to surrender the permit within seven days from the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred to pay a sum of <sup>2</sup>[hundred rupees] as transfer fee.

<sup>3</sup>[(6) In respect of transfer of contract carriage permits issued for motor cabs including autorickshaw.-

(a) where the holder of a permit desires to transfer the permit to some other person under sub-section (1) of section 82, he shall together with the person to whom he desires to make the transfer, make a joint application in writing in Form TRPA of the First, Schedule appended to the Transport Authority by which the permit was issued, setting forth the reasons for the proposed transfer.

(b) the transport Authority shall, by order in writing call upon the holder of the permit to surrender the permit within seven days from the receipt of the order. It shall also call upon the person to whom the permit is to be transferred to produce an affidavit sworn before the Magistrate for the transfer of the permit and to pay fees for transfer of permit, as may be notified by the Government of Maharashtra for Motor cab including autorickshaw, from time to time by an order.

(c) the person to whom the permit is to be transferred shall be resident in the State of Maharashtra for not less than fifteen years as on the date of application and he shall produce a domicile certificate to that effect issued by the Authority competent to issue.

(d) The person to whom the permit is to be transferred shall possess an effective driving licence issued by the licensing Authority to him authorizing to drive a motor cab and also possesses necessary badge to drive the public service vehicle.]

*1. The words "other than Motor Cab" were deleted by G.N., l-l.D., No. MVR. 0193/75/CR-225/TRA-2. dt. 30.9.1995.*

*2. Sub. by G. N., H.D., NO. MVR. 0298/1531/CR—91/TRA-2, dt. 30.7.1999.*

*3. Sub-rule (6) was substituted by G.N. dated 1 1.1.2010.MGG,Pt.IV-B, dt.11.01.2010 p.3. R.93.*

### NOTIFICATIONS

**No. MVR. 0309/545/C.R. 142(Pt. I) TEA-2 MGG, EO Pt IVA P.3 dt.25.03.2010** - In pursuance of the powers conferred by Clause (b) of sub-rule (6) of Rule 91 of the Maharashtra Motor Vehicles Rules, 1989, the Government of Maharashtra hereby notify the fees for transfer of the permit in respect of the Motor Cab including autorickshaw as follows :-

No.	Area	Fees
1.	MumbaiCity and its suburbs Thane And Pune City.	Rs.25,000 (Rupees Twenty Five Thousand Only)
2.	In the State of Mharashtra other the Area mentioned at Serial No.1	Rs.5000 (Rupees Five Thousand Only)

The following persons are exempted from payment of the Transfer fees mentioned above

:

- (1) Transfer of permit in the name of legal heir.
- (2) Transfer of permit effected by court order.
- (3) Transfer of permit within the family viz husband to wife and *vice versa*, / mother to son or unmarried daughter and *vice versa*.

**92. Transfer of permit in case of death of permit holder** - (1) In case of death of the permit holder, the person succeeding to the possession of the vehicle covered by the permit may, within <sup>1</sup>[sixty days] from the death of the permit holder, inform the Transport Authority which granted the permit about the death of the holder and of his own intention to use the permit in Form Int. D. Tr. of the First Schedule.

(2) The person succeeding to the possession of the vehicle covered by the permit may, submit an application in Form Tr. P.A. of the First Schedule to the Regional Transport Authority for transfer of permit in his name.

(3) Along with the application under sub-rule (2), the applicant shall attach a copy of the newspaper notice published in the local newspaper in Form ND of the First Schedule indicating that he is the person succeeding the permit of the deceased permit holder.

(4) (i) In case where the transfer of permit is allowed by the Transport Authority on account of the demise of the permit holder, a photograph of transferee shall be affixed on the permit and sealed by the authority.

(ii) Upon receipt of the permit and of the prescribed fee of <sup>1</sup>[fifty rupees], the Transport Authority shall make the necessary changes therein, and issue a new permit to the transferee.

(iii) The Transport Authority making a transfer of a permit as aforesaid may endorse the permit with the words “Transfer of permit valid for .....”, inserting the name of the authority by which the permit has been countersigned with effect from the date of transfer.

(iv) Unless the permit has been endorsed as provided in clause (iii) above, the countersignature shall be of no effect after the date of transfer.

*1. Sub. by o. N.. 11.0.. No. MVR. 0558/CR-570/I-TRA»2, dt. 23. 10. 1992 (M.G.G.. Pt. IV-A. p. 235).*

**93. Issue of duplicate permits** - (1) When any permit including a temporary permit has been lost or destroyed, the holder shall forthwith intimate the fact to the Transport Authority by which the permit was issued and shall deposit the prescribed fee for the issue of a duplicate permit.

(2) The Transport Authority shall, upon receipt of an application in accordance with sub-rule (1) issue a duplicate permit, and to the extent that it is able to verify the facts may cause to be endorsed thereon certified copies of any countersignature by other authority intimating the fact to that authority.

(3) A duplicate permit issued under this rule shall be clearly stamped “Duplicate” in red ink and the certified copy of any countersignature by any other Transport Authority on a permit made under this rule, shall be valid in the region of that other authorities as if it were a countersignature.

(4) Where a permit has become dirty, torn or otherwise so defaced as in the opinion of the

Transport Authority to be illegible, the holder thereof shall surrender the permit to the Transport Authority and apply for the issue of a duplicate to him in accordance with this rule.

(5) The fee for the issue of a duplicate permit shall be <sup>1</sup>[two hundred rupees]. The fee for the issue of a duplicate temporary permit shall be <sup>1</sup>[hundred rupees].

(6) Where a duplicate permit has been issued upon representation that a permit has been lost and the original permit is afterwards found or received by the holder, the holder shall immediately return the duplicate permit to the Regional Transport Authority.

(7) Any other person finding a permit shall deliver it to the nearest Police Station or nearest Regional Transport Authority. The officer-in-charge of the Police Station, on receipt of the permit, shall immediately forward it to the nearest Regional Transport Authority, which shall restore the permit in case the duplicate permit has not been issued and shall substitute it for the duplicate in case such a duplicate has already been issued.

**94. Variation of permit** – (1) Subject to the provisions of this rule, upon application made in writing by the holder of any permit, the Transport Authority may at any time, in its discretion vary the permit or any of the conditions thereof.

(2) A Transport Authority may vary any condition of any permit in accordance with any particular or general direction issued by the State Transport Authority under sub-section (4) of Section 68 or involves a question of principle which has already been decided by a ruling of the Regional Transport Authority or the State Transport Authority, and such ruling has not been modified upon appeal.

<sup>2</sup>[(3) Fees for making any variation in permit including the extension of permit shall be rupees one hundred for three wheeler auto- rickshaws and for vehicles other than three wheeler auto-rickshaws be rupees two hundred.]

1. *Sub by G.N.;H.D., No. MVR. 0212/107/CR-91/TRA-2, dated 24.06.2013.*

2. *Sub- rule (3) was added by ibid.*

**95. Production of permit.**— (1) A permit shall always be carried in the vehicle and shall be produced on demand made by an officer of the Regional Transport Authority.

(2) Any Police Officer or an officer of and above the rank of Assistant Inspector of Motor Vehicles of the Motor Vehicles Department in uniform may amount to any transport vehicle for the purpose of inspecting the permit.

**96. Temporary authorisation in lieu of permit** - (1) When the holder of a permit has submitted the permit to the State Transport Authority or a Regional Transport Authority for renewal, countersignature or for any other purpose, or any police officer or Court or any competent authority has taken temporary possession of such permit from the holder, such authority. officer or the Court, as the case may be, shall furnish to the holder a receipt for the permit and temporary authorisation in Form Tem., P. A. of the First Schedule to ply the vehicle during such period as may be specified therein and during that period, the production of the temporary authorisation on demand shall be deemed to be production of the permit :

Provided that, the authority granting such authorisation may extend the period of validity of authorisation so however, that the authorisation shall remain valid until the permit is returned or the expiry of the permit, whichever is earlier.

(2) Until the permit is returned to the holder thereof, the vehicle concerned shall not be plied beyond the period including the extended period specified in the temporary authorisation.

(3) No fee shall be payable in respect of such temporary authorisation.

**97. Appeals and revision applications against orders of State or Regional Transport Authority** - (1) An appeal to the State Transport Appellate Tribunal under Section 89 against the order of the State or a Regional Transport Authority shall be made within thirty days of the date of receipt of the order by the person preferring the appeal. It shall be in the form of a memorandum submitted in duplicate setting forth the grounds of objections to the order of the State Transport Authority or the Regional Transport Authority, and shall be accompanied by a certified copy of the

order appealed against and a fee of <sup>1</sup>[ three hundred rupees] in cash. The grounds of objection to the order shall be stated concisely and under distinct heads, without any argument or narrative, and numbered consecutively.

(2) An application under Section 90 to the State Transport Appellate Tribunal by a person aggrieved by an order of the State or a Regional Transport Authority, shall be in the form of a memorandum, submitted in duplicate, setting forth the grounds of objection to the order concisely and under distinct heads, without any argument or narrative and numbered consecutively. It shall be accompanied by a certified copy of the order of the authority sought to be revised.

**98. Supply of copies of documents to persons interested in appeal or revision** - (1) Where an appeal under Section 90 is made to the State Transport Appellate Tribunal, the Secretary of the State or Regional Transport Authority concerned, shall give to any person on payment of a fee calculated at the rate of <sup>1</sup>[twenty rupees] for the first and <sup>1</sup>[five rupees] for each additional page per copy of each such document filed with him.

**99. Procedure in appeal or revision** - (1) After the State Transport Appellate Tribunal has admitted an appeal under sub-section [1] of Section 89 or a revision application under Section 90, it shall appoint time and place for the hearing of the appeal or revision application, as the case may be, and give an intimation to the authority against whose order the appeal or revision application is made and also to the appellant or applicant concerned and any other person likely to be affected by the grant of the relief prayed for. Such appellant, respondent or the person interested, shall appear before the Tribunal in person or through an authorised representative with original document or record pertaining to the case on the appointed date and place of the hearing if any.

(2) The Secretary of the State or Regional Transport Authority concerned shall within fourteen days of the receipt of such intimation, send all the original documents and record pertaining to any appeal or revision application with proper index and paging to the State Transport Appellate Tribunal when the same are called for by it.

(3) The Tribunal may after following the procedure in sub-section (1) of Section 89 or, as the case may be, Section 90 and after such further inquiries, if any, as it may consider necessary, shall pass such order in relation to the facts of the case as it deems fit, and every such order shall be final.

*1. Sub. by G. N., H.D.. NO. MVR. 0212/CR-107/TRA-2, dated.24.06.2013.*

**100. Fixing in advance hours of work** - The Regional Transport Authority shall direct the employer of the drivers of the transport vehicles, such as any stage carriage operating solely within the Region, or from the Region to another Region, to the satisfaction of the authority such time-table, schedule or regulation, as may be necessary to fix in advance the hours of work of persons employed by him, and upon approval by such authority any time-table, schedule or regulation as aforesaid in a suitable format, it shall be the records of hour of work fixed for the persons concerned for the purpose of this section.

**101. Definition of period of rest** - For the purposes of clause (a) of sub-section 91,-

(i) any time spent by the driver of a vehicle on work other than driving in connection with the vehicle or with the load carried or to be carried on the vehicle, including any time except on the vehicle during a journey, save as a passenger in a public service vehicle shall not be treated as an interval, or rest: and

(ii) any time spent by the driver of a vehicle, on or near the stationary vehicle, when he is at liberty to leave for rest and refreshment although required to remain within sight of the vehicle, shall be deemed to be an interval of rest for the purposes of clause (a) of sub-section [1] of Section 91.

**102. Conduct of persons using stage carriage operating in Maharashtra State** - (1) If at any time, a passenger or person using or intending to use a stage carriage, -

(i) obstructs any authorised employees of the permit holder in the execution of his duties; and

(ii) has bulky luggage of a form or description which obstructs, annoys or inconveniences another passenger or is likely, to do so: or

(iii) carries any animal, bird, flesh or fish (other than tinned food in its original packings) any instrument, implement, substance or any other article which annoys or is offensive to any other passenger or is likely to do, or be, so; or

(iv) without lawful excuse occupies any seat exclusively reserved for <sup>1</sup> [women, physically handicapped person and senior citizens]; or

(v) signs or plays upon any musical instruments or operates a transistor radio; or

(vi) rings without lawful excuse, or otherwise interferes with, any signal of the stage carriage; or

(vii) is reasonably suspected to be suffering from any contagious or infectious disease: or

(viii) knowingly or intentionally enters a stage carriage which is carrying the maximum number of passengers according to the seating capacity specified in the certificate of registration of the vehicle and any additional number permitted under the terms of the permit to be carried in excess of the seating capacity of the vehicle: or

(ix) has dress or clothing which is likely to spoil or damage the seats or the dress or clothing of another passenger or which for any other reason is offensive to other passengers; or

(x) commits or abets any breach of the provisions of the Act or rules made thereunder –

the driver or the conductor may require such person to alight from the vehicle forthwith and may stop the vehicle or keep it stationary until such person has alighted. Such person shall

not be entitled to a refund of any fare which he may have paid and any person failing to comply forthwith may be removed by the conductor or the driver or any police officer on being requested by the driver or conductor or any passengers in that behalf, and shall be guilty of an offence.

(2) No passenger, or person using or intending to use a stage carriage shall -

(i) refuse to pay the legal fare: or

(ii) refuse to show any ticket on demand by any authorised person; or

(iii) refuse to pay a fresh fare when he has altered or defaced his ticket so as to render the number or any portion thereof illegible; or

(iv) behave in a disorderly manner; or

(v) behave in a manner likely to cause alarm or annoyance to any female passenger; or

(vi) use abusive language; or

(vii) spit, eject betel nut juice: or

(viii) smoke in any vehicle on which a notice prohibiting smoking is exhibited; or

(ix) enter or leave or attempt to enter or leave any stage carriage while it is in motion except at a bus stop; or

(x) enter or attempt to enter into or alight or attempt to alight from stage carriage except by the entrance or exit provided for the purpose; or

(xi) continue to remain in the vehicle when it is being filled with fuel; or

(xii) interfere with the driving of the vehicle; or

(xiii) use or attempt to use a ticket other than the ticket valid for a particular journey; or

(xiv) wilfully damage or soil or remove any fittings in or on the stage carriage or interfere with any light or any part of the stage carriage or its equipment; or

(xv) board a stage carriage unless he is an employee of the permit holder, or a bonafide passenger or an intending passenger, or hang on to any exterior part of a stage carriage: or

(xvi) travel beyond the destination to which the fare he has paid entitles him to travel without informing and paying to the conductor the legal fare for the additional journey, sufficiently in advance, or when so required refuses to get off the stage carriage in which he is travelling at the terminus of the route for which it is booked; or

(xvii) on demand being made by the driver or conductor or a police officer when reasonably suspected of contravening any of the provisions of this rule, refuses to give his correct name and address to such driver or conductor, or police officer; or

(xviii) on request being made by the conductor, refuses to declare to him the journey he intends to take or has taken in the stage carriage, or before leaving the stage carriage, omits to pay to the conductor the legal fare for the whole journey, as specified in the table of fares exhibited in the stage carriage; or

(xix) smoke in an air-conditioned vehicle.

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

(4) Every passenger shall be entitled to receive a ticket from the conductor corresponding to the fare paid.

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

<sup>2</sup>[(5) The passenger who has been directed by the conductor or the driver of the bus to exhibit the contents of his personal luggage or cargo as the case may be, for the inspection as required under clause (xxxix) of Rule 34 and sub-rule (2A) of Rule 20, shall comply with such directions and any such passenger failing to comply with the directions forthwith may be removed by the conductor or the driver or any Police Officer in uniform on being requested by the conductor or the driver or any passenger in that behalf, and shall be held guilty of such offence.]

1. *The words were substituted for the words "female passengers" by G.N. of 6.9.2005 R.102*
2. *Added by G.N.;H.D. No.MVR.0190/190/TRA-2, dated 20.03.1991 (M.G.G.,Pt. IV-A.p212). R.104*

**103. Additional provisions relating to conduct of passengers and other persons in buses operating within limits of a Municipal Corporation or Municipality in State of Maharashtra** - (1) No person shall enter or leave or attempt to enter or leave any bus whilst it is in motion and except at a bus stop.

(2) No person shall enter or alight from a bus except by the entrance or exit as the case may be provided for the purpose.

(3) No person shall enter a bus without first permitting all passengers leaving the bus to alight.

(4) No passenger or intending passenger or unauthorised person shall mount the driver's platform or talk or interfere with or otherwise distract the attention of the driver of a bus while he is driving.

(5) No passenger shall place his foot upon any seat of a bus.

(6) A ticket shall be valid only for the journey during which and by the bus in which it has been issued.

(7) If at any time, a passenger in a bus occupies more than one seat or reserves or attempts to reserve another seat either for himself or for another passenger, the driver or the conductor, if any, shall request such passenger to desist from doing so, and on the passenger not complying, may require him to alight from the bus forthwith and may stop and keep it standing until the passenger has alighted. Such passenger shall not be entitled to any refund of fare which he may have paid and any person failing to comply forthwith with such a requirement may be forcibly removed by the driver or conductor or on the request of the driver or conductor, or any passenger by any police officer and shall also be guilty of an offence.

(8) The provisions of this rule shall apply in respect of buses, operating within the limits of a Municipal Corporation or a Municipality, in addition to those contained in Rule 102.

(9) A copy of Rule 102 and of this Rule in English and such other languages as the Regional Transport Authority may direct, shall be carried in a prominent place in every bus.

*Explanation* - For the purposes of this rule, unless there is anything repugnant in the subject or context -

(a) "bus" means a stage carriage for the conveyance of passengers within the limit of a Municipal Corporation or a Municipality;

(b) "ticket" includes an identity card issued by the Undertaking ;

(c) "Undertaking" means any Transport Undertaking duly authorised to ply buses within the limits of a Municipal Corporation or a Municipality.

<sup>1</sup>[(10) The provisions of sub-rule (5) of Rule 102 shall apply to passengers travelling in a

bus operating within the municipal limits of the Municipality].

**104. Maintenance of complaint books in stage carriages.**— (1) A bound complaint book duly ruled, paged, signed and stamped with the seal of the manager of the stage carriage service, and where there is no manager, of the stage carriage permit holder, approved and countersigned by the Regional Transport Authority concerned, shall be maintained by such manager or the permit holder, as the case may be, at such bus stands as may be directed by the Regional Transport Authority and also in every stage carriage to enable passengers to record any legitimate complaint in connection with the stage carriage service.

(2) Such complaint shall be written clearly and in an intelligible manner and complainant shall also clearly and legibly record in the complaint book his full name, address and date on which such complaint is written.

(3) The manager of the stage carriage service or the stage carriage permit holder, as the case may be, shall promptly look into every complaint recorded in the complaint book, remove the cause of the complaint or of its recurrence and submit within a month of the recording of the complaint an explanation to the Regional Transport Authority which granted the permit, together with a copy of the complaint stating the action taken by him in connection with the complaint. A copy of the report shall be forwarded by the manager of the stage carriage service or the stage carriage permit holder, as the case may be, to the complainant.

(4) The complaint book shall be so securely kept in the stage carriage and at the bus stand, as the case may be, as cannot be removed and shall at all times be made available by the driver and the conductor, if any, of the stage carriage to any passenger desiring to record a complaint or to any

1. Added by G.N., H.D.. No. MVR. 0190/190/TRA—2. dated 20-3-1991 (M. G. G.,Pt. IV-A, p. 212). \_

officer of the Motor Vehicles Department, not below the rank of an Assistant Inspector of Motor Vehicles for the purposes of inspection.

(5) If the complaint book is lost or destroyed, the manager of the stage carriage service or the stage carriage permit holder, as the case may be, shall within one week of such loss or destruction, intimate the fact in writing to the Regional Transport Authority.

**105. Conduct of passengers in motor cabs.**— (1) No passenger in motor cab shall,-

- (i) wilfully or negligently damage the cab or any of its fittings; or
- (ii) on termination of the hiring, refuse or omit to pay the legal fare;
- (m) smoke.

(2) In the case of a dispute between the driver of a motor cab and the passenger, either party may require the other to proceed to the nearest police station where the officer-in-charge shall, if the dispute is not settled

amicably, record the names and addresses along with the substance of the respective contentions of both parties.

106. Carriage in public service vehicle of children and infants.-

‘[(1)] In relation to the number of persons that may be carried in a public service vehicle, —

(i) a child of not more than twelve years of age shall be reckoned as one half; and

(ii) a child of not more than three years of age shall not be reckoned.

2[(2) (a) In relation to the number of persons that may be carried in contract carriages used either part-time or full time for carrying school going students exclusively and in buses used by education institution.-

(i) a row of two seats shall be deemed to be adequate to accommodate three children of not more than twelve years of age; and

(ii) a row of three seats shall be deemed to be adequate to accommodate four children of not more than twelve years of age.

(b) The provisions of clause (c) of sub-rule [2] of Rule 173 shall not apply to the contract carriages buses used by educational institutions for carriage of school going students referred to in clause (a).]

107. Disinfection of public service vehicles.— (i) No person shall drive any public service vehicle and no owner of a public service vehicle shall cause or allow such vehicle to be used unless, it is disinfected once in every two months with D.D.T. or any other liquid insecticide, approved for the purpose by the Director of Health Services. Government of Maharashtra.

(2) The owner of a public service vehicle shall maintain and on demand by an Inspector of Motor Vehicles, produce for inspection a current register showing the dates on which the public service vehicle was disinfected from time to time, to the satisfaction of the authority.

108. Carriage of persons in goods vehicles.—(1) Subject to the provisions of this rule, no person shall be carried in a goods vehicle: Provided that the owner or the hirer or a bona fide employee of the owner or the hirer of the vehicle carried free of charge or a e Motor Vehicles Department may be carried in a goods vehicle the total number ‘5 persons so carried,— 2 \*7’

1. Renumbered by G.N., H.D., NO. MVR. 0191/3062/TRA-2. dt. 28-10-1993.

2. Added by G.N., H.D.. No. MVR. 0191/3062/TRA-2. dt. 28-10-1993.

(i) in light transport goods vehicle having registered laden weight less 990 kgs. be not more than one;

(ii) in any other light transport goods vehicle. not more than three; and

(m) in any goods vehicle other than light transport vehicle. not more than seven :

Provided further that, the provisions of sub-clauses (ii) and (m) of the above proviso shall not be applicable to the vehicles plying on inter-State

route or the vehicles carrying goods from one city to another city or the vehicles carrying material in liquid form in tanker.

(2) Notwithstanding anything contained in sub-rule (1). but subject to the provisions of sub-rules (4) and (5). Regional Transport Authority may, by an order in writing permit that a larger number of persons may be carried in the vehicle on condition that no goods at all are carried in addition to such persons, and such persons are carried free of charge in connection with the work for which the vehicle is used, and that such other conditions as may be mentioned by the Regional Transport Authority are observed and where the vehicle is required to be everéby a permit, the c6ridi'tTons of the permission aforesaid are also made conditions of the permit.

(3) Notwithstanding anything contained in sub-rules (1) and (2) but subject to the provisions of sub-rules (4) and (5), —

(a) for the purpose of enabling a c9;Qpegative\_g)§iety or class of co-operative societies owning or hiring a goods vehicle to carryfiits members under its authority in such goods vehicles when used for the purpose of carrying goods of the society in the ordinary course of its business. the Secretary of the Regional Transport Authority;

'[(al) for the purpose ofg \_@ connection with the Republic Day, Independence Day gflIndia or Maharashtra Day, the Regional Transport Officer;]

(b) where it is considered expedient in public interest. in respect of vehicles owned or hired by it. and in respect of other vehicles on such inescapable grou'nds\_of,urge\_nt\_nati.i\_re,rto be specified in the order. the State Government;

may, by general or special order, p\_ermit goods vehicles to be used for the carriage of persons for the purposes aforesaid and subject to such conditions as may be specified in the order.

(4) No person shall be carried in any goods vehicles. —

(a) unless an area of f the floor of the vehicle is kept open for each person,

(b) in such manner,—

(i) that such person when carried on goods or otherwise is in danger of falling from the vehicle.

(ii) that any part of his body. when he is in a sitting position is at a height exceeding three metres from the surface upon which the vehicle rests.

(5) The provisions of this rule shall not apply to motor vehicles registered under Section 60.

(6) No pe n an/attendant or attendants required by Rule 246 shall be carried on a trail\_eLwhich is a goods vehicle.

my

l. Inserted by G.N. dt. 23.10.1992.

109. Duty to carry goods by goods carriage.— A goods carriage shall not, save for reasonable and lawful excuse, refuse to carry any goods of any person, tendering the same for not less than the maximum freight, if any, permitted under Section 67.

110. Stands or halting places.— [1] With the approval in the Greater Bombay, of the Commissioner of Police, and elsewhere of the District Magistrate the Regional Transport Authority, by notification in the Official Gazette and by the erection of traffic signs which are permitted for the purpose under clause (a) of sub-section (1) of Section 116, and may, in respect of the taking upon, setting down of passengers of the public service vehicles or any specified class of public service vehicle, -

(i) conditionally or unconditionally prohibit the use of any specified place or of any place of a specified nature or a specified class of vehicle;

(ii) require that certain specified stands or halting places only shall be so used within the limits of any Municipal Corporation, Municipality, notified area of cantonment or within such other limits as may be specified in the notification :

Provided that, no place which is privately owned shall be so notified except with the previous consent in writing of the owner thereof.

(2) Where a place has been notified and has been demarcated by traffic signs, as being a stand or halting place for the purpose of this rule, then the place shall, subject to the provisions of these rules be deemed to be a public place within the meaning of the Act and the Regional Transport Authority may enter into an agreement with, or grant a licence to any person for the provision or maintenance of such place including the provisions or maintenance of the buildings or works necessary thereto, subject to the termination of the agreement or licence forthwith upon the breach of any condition thereof and may give directions for the conduct of such place thereby,-

(i) prescribing the fees to be paid by the owners of public service vehicles using the place and providing for the receipt and disposal of such fees;

(ii) specifying the public service vehicles or the class of public service vehicles which shall use the place or which shall not use the place;

(m) appointing a person to be the manager of the place and specifying the powers and duties of the manager:

(iv) requiring the owner of the land, or the local authority, as the case may be, to erect such shelters, lavatories and latrines and to execute such other works as may be specified in the direction and to maintain the same in a serviceable, clean and sanitary condition:

(v) requiring the owner of the land or the local authority, as the case may be, to arrange for the free supply of drinking water for passengers including intending specified passengers; and

(vi) prohibiting the use of such place by specified persons or by other than specified persons.

(3) Nothing in sub—rule (2) shall require any person owning the land, which has been appointed as a stand or halting place to undertake any work or incur any expenditure in connection therewith without his consent and. in the event of any such person declining to carry out such work or to incur

such expenditure or failing to comply with any rule or direction made or given to him under this rule, the authority competent may prohibit the use of such a place for the purposes of this rule.

#### NOTES

Power of the Regional Transport Authority to prescribe specified stands or halting places of public service vehicles.- The power to prescribe specified stands or halting places for taking or settling down of passengers of public vehicles is not a power which is traceable to section 117, but one which was the exercise of rule making power has been vested by rule 110 in the Regional Transport Authority. It is for the Regional Transport Authority to determine as to whether a stand or halting place \_should be specified for the purposes of rule 110. For this reasons the decision which has been taken by the Deputy Commissioner of Police is ultra vires. the scope of his powers and cannot be imposed as such without an authoritative decision by the R.T.O. in that respect.- Mumbai-Pune Taxi Tourist Service Centre v. The Pune Taximens Consumer Co-operative Society Ltd. & Ors.. 2006 (4) All M.R. 501 : 2006 (3) Mah. L.J. 686.

111. Returns to be furnished in respect of transport vehicles.— (1)

The Regional Transport Authority may, by general or special order, require the owners of transport vehicles. —

(a) to maintain record, and submit returns in respect of the vehicles in such form and by a such dates as the Regional Transport Authority may specify, and such records and returns may include all or any of the following  
lars :—

particu

- (i)
- (ii)
- (m)
- (iv)
- (v)
- (vi)
- (vii)
- (vm)
- (ix)
- (X)
- (X1)
- (xii)
- (xm)
- (xiv)

(Xv)

(Xvi)

the registration number of the vehicles;  
the name and address of the permit holder;  
the type of permit held : permanent/temporary:  
the date of each journey undertaken;  
the name and licence number of the driver and conductor and other attendant. if any;  
the place of origin and destination of the goods vehicle:  
the time of commencement and termination of the journey and of every halt thereon:  
the route upon which or the area within which the vehicle is used:  
the serial number of the trip:  
the description of the goods carried in each trip (each commodity to be shown separately), and the number of packages of each commodity. received from each consignor;  
the name and address of the consignor and consignee for each commodity;  
the name and address of the booking, forwarding or collecting agencies for each commodity;  
the weight in quintals of each commodity;  
the total maximum weight of the goods carried in the vehicle in each trip; '  
the number of kilometres travelled between the places of origin and destination in respect of each commodity;  
the quintal kilometres performed in respect of each commodity (item xm and xv);

(xvii) the freight leviable in respect of each consignor or consignee for each commodity;

(xvm) the freight charged for each commodity;

(xix) the volume of traffic carried by the vehicle during the year in metric tons;

(xx) in the case of goods carried in stage carriage the number of trips and kilometres travelled to be given separately when the goods were carried exclusively in the stage carriage, and when the goods were in addition to passengers; and in the latter case, also the number of seats available for passengers: and

(b) to issue to each consignor a receipt in respect of every consignment received by or on behalf of the owner of a transport vehicle, showing details regarding the date of receipt of the goods. particulars of such goods commodity-wise. place from which the destination to which the goods are to be carried and the freight charged in respect of each

commodity.

(2) No owner or other person shall cause or allow any person to drive a transport vehicle unless the owner or other person has in his possession a record in writing of the name and address of the driver as set forth in his driving licence, the number of the licence and the name of the authority by which it was issued.

(3) No person shall drive a goods vehicle and no owner or other person shall cause or allow any person to drive such a vehicle unless the driver carries a way-bill containing all or any of the particulars which may be specified by the Regional Transport Authority under sub-rule (1).

(4) The records required to be maintained under this rule shall be produced for inspection on demand by any Police Officer not below the rank of Sub-Inspector or an officer of the Motor Vehicles Department.

1 12. Change of address of permit holder.— (1) If the holder of a permit ceases to reside or to have his place of business as the case may be, at the address set forth in the permit, he shall, unless the change be for a temporary period not exceeding three months, send within fourteen days the permit to the Transport Authority by which the permit was issued intimating the new address.

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

1 13. intimation of damage to or failure of public service vehicle.-

(1) The holder of any stage carriage permit in respect of a particular vehicle by reference to the registration mark shall, within seven days of the occurrence, report in writing to the Transport Authority by which the permit was issued any failure of, or damage to such vehicle or to part thereof, of such a nature as to render the vehicle unfit for use in accordance with the conditions of the permit for a period exceeding three days.

(2) The holder of any permit of service of stage carriages shall, within twelve hours of the occurrence, report in writing to the Transport Authority by which the permit was issued, and failure of, or damage to, any vehicle

used by him under the authority of the permit of such a nature as to prevent the holder from complying with any of the provisions of conditions of the permit for a period exceeding twenty-four hours.

(3) Upon receipt of a report under the preceding sub-rules, the Transport Authority by which the permit was issued may, subject to the provisions of Rule 88.—

(i) direct the holder of the permit within such period, not exceeding two months from the date of the occurrence as the authority

may specify, either to make good the damage to or failure of the vehicle or to provide a substitute vehicle : or

(ii) if the damage to or failure, of the vehicle is such that in the opinion of the said authority it cannot be made good within a period of two months from the date of the occurrence. direct the holder of the permit to provide a substitute vehicle. and where the holder of the permit fails to comply with such a direction, may suspend, cancel or vary the permit accordingly.

(4) The Transport Authority giving a direction or suspending, cancelling or varying a permit under sub-rule [3] shall send intimation of the fact to the Transport Authority of any other region in which the permit is valid by virtue of counter signature or otherwise.

114. Alteration to motor vehicle.— [1] The owner of a transport vehicle, shall give notice to the registering authority as required under Section 52 (of the Act) and simultaneously report the alteration to the Transport Authority which has granted the relevant permit for the use of the vehicle.

(2) Upon receipt of a report under sub-rule (1). the Transport Authority by which the permit was issued may, if the alteration is such as to contravene any of the provisions or conditions of the permit,-

(i) vary the permit accordingly; or

(ii) require the permit holder to provide a substitute vehicle within such period as the authority may specify and if the holder fails to comply with such requirement, cancel or suspend the permit.

(3) A Transport Authority varying, suspending or cancelling a permit or causing another vehicle to be substituted for a vehicle covered by a permit. shall intimate the particulars to the Transport Authority of any other region in which the permit is valid by virtue of countersignature or otherwise.

115. Conditions for use of trailers.— (1) Subject to sub-rules [2] and (3), the operation of goods carriages drawing any trailer shall be permitted in the areas or routes other than.— w

(i) ghat sections as may be declared by the Public Works Department;

(ii) areas falling within the limits of the Municipal Corporations and Municipal Councils in the State..

(2) The goods carriage drawing trailers shall not be drawn at a speed more than 30 k . per hour et and sun rise.

( Board indicating the extra-length of such vehicle shall be exhibited on the drawing vehicle in reflecting colours. The Board shall read as follows :-

“v\_Caution-Extra longvehicle“.

## NOTES

For extra long vehicle display of cautionary board necessary.- The

object of Rules 115 and 226 of the Rules is to indicate to the persons seeing or following the motor vehicle that it is a long vehicle carrying trolleys. Non-exhibiting of the board apart from violation of the Rules would show negligence on the part of the driver was much as the persons following the tractor with the attached trolleys were not warned that the tractor was a long vehicle with trolleys attached.- Jagadeoppa Muttayappa Birajdar u. Satish Nagnath Gaikwad and another, 2010 (5) Mah LJ 478.

116. Distinguishing boards for goods vehicles.— Every goods transport vehicle shall carry in a prominent place on the front of the vehicle a distinguishing board in the regional language or in English with the letters “goods carrier” painted in black on white background. The height and the width of each letter shall not be less than 127 millimetres and 64 millimetres, respectively. "

117. Inspection of transport vehicles and their contents.— (1) Any police officer in uniform not below the rank of Sub-Inspector or any officer of the Motor Vehicles Department within his respective jurisdiction may, at any time when a goods vehicle or a public service vehicle is in a public place, call upon the driver of such vehicle to stop the vehicle for such time as may be necessary to enable the police officer or the officer of the Motor Vehicles Department to make a reasonable examination of the contents of the vehicle and the number of passengers, if any, so as to satisfy himself that the provisions of the Act and these rules and the provisions and conditions of the permit in respect of the vehicle are being complied with.

\* (1) Notwithstanding anything contained in sub-rule (1), the police officer or officer of the Motor Vehicle Department shall not be entitled to examine the contents of any goods vehicle unless, —

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

(ii) the police officer or the officer of the Motor Vehicle Department has reason to believe that the vehicle is being used in contravention of the provisions of these rules.

(3) In the event of a motor vehicle being stopped for examination under sub-rule (1), such officer shall give to the driver or any person in charge of the vehicle a certificate stating the date on which, the hour at which and the period for which the vehicle was detained.

118. Inspection of brakes of transport vehicle.— Any officer of the Motor Vehicles Department not below the rank of an Assistant Inspector of Motor Vehicles, specially authorised in this behalf by the State Government, may at any time when a transport vehicle is in public place, call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the officer to inspect the brakes of the vehicle so as to satisfy himself about compliance of the rules prescribed by Central Government in this behalf.

K. 1Au | r we .--.....e.. \_\_\_\_

1 19. Motor cabs fitted with 'ltaxi meters].— (1) A Regional Transport Authority may, by notification in the Official Gazette, require that within the limits of such area as may be specified in the notification all motor cabs or any class of motor cabs shall be fitted with 'ltaxi meter].

(2) Where a notification as aforesaid has been issued, permits in respect of any motor cab covered by the notification shall not be granted unless fitted with 'ltaxi meter], except under the following conditions :—

[i] that such owner shall provide such garage accommodation for cabs as is approved by the Regional Transport Authority:

'](ii) the cabs shall not be let on hire from public stands or from public places

(m) that the cabs shall have an engine of not less than 750 c.c.

(3) The rule of fitment of 'ltaxi meter] will not be applicable to luxury or tourist or almaxi cab or jeep type of motor cab].

Explanation .— For the purposes of this rule,-

' [i] "luxury cab" means a motor cab with a licensed seating capacity of not less than three adult passengers excluding the driver, in respect of which a permit has been granted under the conditions specified in sub-rule (2).

(ii) "tourist cab" means a motor cab for which a permit has been granted under sub-section (9) of Section 88 [of the Act].

'](m) jeep type of motor cab" means jeep type of motor vehicle with-

(a) either a fibre re-enforced plastic or metal body and not canvas tops;

[b] a seating arrangement especially of the seats on the rear, facing the front and across the width of the vehicle and separate entrances for the rear seats on two sides of the vehicle unless the seat in the front is collapsible and where such an arrangement cannot be provided, the seating arrangement on the rear consists of seats along the length of the vehicle and facing each other, with armrests to provide support for the passengers against the lateral jerks and with two bars running along the length of the vehicle under the roof and fitted with the hanger straps made up of either rexine or leather material and a third entrance at the rear with steps to enable entry into the vehicle without undue difficulty:

(c) the side entrances fitted with either half or full length doors.]

120. Power of Inspector of Motor Vehicles to inspect taxi meters .-

Any officer of and above the rank of Assistant Inspector of Motor Vehicles in uniform or any police officer not below the rank of Sub-Inspector, may, if he has reason to believe that a motor cab fitted with a taxi meter has been

or is being plied with a meter which is defective or has been tampered with. stop such motor cab and, in order to test such taxi meter, direct the driver

j

1. These words were substituted for original words by G.N. of 30.7.2007.
2. Sub. by G.N., H.D.. No. MVR. 0192/5013/TRA-2, dt. 14.6.1993 (M.G.G., Pt. IV—A. 1994, p. 115).
3. These words were substituted by G.N. of 4.4. 1994 (M.G.G., Pt. IV-A, 1994. Ex., p. 252).
4. Clause (m) was added by G.N., H.D.. No. MVA. 0193/675/CR-57 /TRA-2, dt. 4.4.1994 M.G.G., Pt. IV-A. pp. 252-2531.

or the person in charge of such motor cab to cover a distance or connect the taxi meter to the measuring equipment to ascertain the accuracy of the taxi meter or to proceed to an institution referred to in sub-rule (1) or Rule 141 and take or cause to be taken such other steps as he may consider proper for the purpose.

121. Licensing and regulation of conduct of agents for sale of tickets for travel by public service vehicles.— (1) Every owner of a public service vehicle to be let or plied for hire shall intimate to the Regional Transport Authority concerned, the name and address of the person appointed on his behalf as the agent who has been engaged in the sale of tickets to passengers for travel by such vehicle.

(2) No person shall act as an agent of the owner of such public service vehicle and no owner shall so employ any person unless he has obtained an agent's licence in Form L. Ag. (PSV) of the First Schedule to these rules from the Regional Transport Authority concerned.

Explanation.- For the purposes of this sub-rule, persuading any person soliciting or attempting to persuade any person to travel in a vehicle shall be deemed to be acting as an agent for the sale of tickets for travel thereby.

(3) An agent's licence shall be valid for a period of twelve months from the date of issue or renewal and shall be effective only in the region wherein it is issued or renewed.

(4) No person under the age of eighteen years shall hold an agent's licence.

(5) Application for an agent's licence shall be made in writing to the Regional Transport Authority of the region wherein the applicant resides. in Form L. Ag. A. (PSV) of the First Schedule to these rules and shall be accompanied by two clear copies of a recent photograph of the applicant and the prescribed fee.

(6) The fee for an agent's licence shall be '(hundred and fifty rupees] and the fee for its renewal or for the issue of a duplicate shall be '[hundred rupees.)

(7) An application for the renewal of an agent's licence shall be in writing enclosing the licence accompanied by the prescribed fee. addressed to the Regional Transport Authority, by which the agent's licence was issued. if

the application for renewal accompanied by the appropriate fee prescribed under sub-rule (6) is not received on or before the date of expiry of the licence. the fee payable for the renewal of the licence shall be '(hundred and fifty rupees.)

(8) The Regional Transport Authority may. for reasons to be recorded in writing, decline to issue or renew an agent's licence or grant licence on such conditions as the Regional Transport Authority may consider fit to impose.

(9) (i) The Regional Transport Authority may, for reasons to be recorded in writing. suspend or [cancel] revoke an agent's licence;

(ii) On an agent's licence being suspended. [cancelled] revoked or not renewed, it shall be surrendered forthwith to the Regional Transport Authority which issued the licence.

l. Sub. by G.N.. H.D.. N0. MVR. 0298/1531/CR-91/TRA-2. dt. 30.7.1999.

(10) An agent shall. on demand by any Motor Vehicle Officer in uniform not below the rank of Assistant Inspector of Motor Vehicles produce his agent's licence for inspection.

(11) The Regional Transport Authority may. specify that the agent shall wear a uniform of the type approved by it in that behalf.

(12) No person shall hold more than one agent's licence effective in the same region.

(13) The agent shall. while on duty. wear in a conspicuous place on his a metal badge as prescribed in the Second Schedule issued by the Regional Transport Authority on payment of a fee of '(thirty rupees) alongwith his name plate in black letters on white background in bold letters in English or Hindi. No agent shall lend or part with the badge to any other person and he shall surrender it to the Regional Transport Authority in the event of his licence being suspended. revoked or not renewed. If the badge is lost or destroyed, a duplicate badge shall be issued by authority which issued it on payment of '(fifty rupees.)

(14) The provisions of this rule shall apply to such districts. areas or routes and from such dates as the State Government may, by notification in the Official Gazette specify in this behalf.

#### NOTIFICATION

MVA. 0493/703/TRA-2, dt. 15.1.1994.- In exercise of the powers conferred by sub-rule (14) of Rule 121 of the Maharashtra Motor Vehicles Rules. 1989 the Government of Maharashtra hereby specifies 15th January. 1994 to be date on which the provisions of the said Rule 121 shall apply to all districts in the State of Maharashtra.

M.G.G., Pt. IV-A, 1994, p. 26.

122. Lost property.— (1) Where a permit holder or his employee receives any article under clause (xvii) of Rule 34 or under sub-rule (2) of Rule 20. he shall. keep that article for a period of seven days and shall. if

the article is not claimed during that period. hand over the same to the officer-in-charge of the nearest police station :

Provided that. if the article is of a perishable nature. it may be handed over to the officer-in-charge of the nearest police station even before the expiry of seven days.

(2) Where during the period mentioned in the preceding sub-rule.-

(a) the article if claimed by not more than one person. the permit holder may. after making such enquiries as he deems fit and if necessary after taking an indemnity agreement from the claimant. hand over the article to the claimant: and

(b) the article if claimed by two or more than two persons then the permit holder may hand over the same to the officer-in-charge of the nearest police station.

(3) Where any article is received by an officer-in-charge of a police station under this rule or under sub-rule (xxix) of Rule 21 then the provisions of Sections 82 to 88 of the Bombay Police Act. 1951 (Bom. XXII of 1951) shall, so far as may be apply to such article as they apply in relation to unclaimed property under that Act.

1. Sub. by G.N.. H.D.. No. MVR. 0298/1531/CR-91/TRA-2, dt. 30.7.1999.

123. Licensing of agents.— In Rules 124 to 132 (both inclusive) unless the context otherwise requires.—

(a) “agent” means any person who engages in the business of collecting or forwarding and distributing goods carried by road by goods vehicle plying for hire;

(b) “agent's licence” means a licence granted to an agent under sub-rule (4) of Rule 125 for the principal establishment and includes a supplementary licence granted to such agent for any additional establishment, such as branch officers specified in such supplementary licence; and

(c) “Licensing authority” means the Regional Transport Authority of the region in which the applicant intends to carry on the business, and in any other case of the region in which the applicant has his principal place of business.

124. Prohibition to act as Agent except under licence.— No person shall act as an agent unless he holds a valid licence authorising the carrying of his business of an agent at the place or places specified in the licence.

125. Agent's licence.— (1) Any person desiring to obtain an agent's licence shall make an application to the Regional Transport Authority of the region in which he has his place of business or as the case may be. his principal place of business. Such application shall be made in Form L. Ag. A. of the First Schedule.

(2) The application shall be accompanied by the fee prescribed in Rule 1 29.

(3) In considering an application made under this rule. the Licensing authority shall have due regard. among other things to.—

(a) the number of goods vehicles. if any. either owned by the applicant or under his control:

(b) the suitability of accommodation, under the control of the applicant for the storage of goods at every operating place;

(c) the facilities provided by the applicant for parking the goods vehicles while loading or unloading without hindrance to the general traffic in the area; and

(d) the financial resources of the applicant and experience in the trade.

(4) The licensing authority shall either grant or renew the licence including a supplementary licence, for a branch office, if any, in Forms L. Ag. P. (Goods) and L.Ag. S. (Goods) of the First Schedule, as the case may be. specifying the place or places where the business may be carried on. or refuse to grant or renew the licence:

Provided that. the licensing authority shall not refuse to grant or renew a licence or. a supplementary licence for a branch office applied for. unless the applicant is given an opportunity of being heard. and the reasons for refusal are recorded and communicated to him in writing.

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

(6) The licence shall be in two parts. namely. the principal part (hereinafter referred to as “the principal licence”). in which supplementary licence issued for every separate establishment or branch office for loading. unloading or receipt of delivery of consignments is carried on. shall be mentioned. and the supplementary part (hereinafter referred to as “the supplementary licence”). The details of the establishment or branch office such as municipal house number. the nearest road. bye-lane. the postal delivery district and other landmarks in the vicinity to enable identification of the place of licence duly attested by the licensing authority. shall be attached to the licence.

(7) The principal licence shall be kept and displayed prominently at the head office. and the supplementary licence shall be kept and displayed prominently at each branch office to which it refers. except when the principal licence or supplementary licence. as the case may be. is forwarded to the licensing authority for effecting renewal. and the licensee is in possession of an acknowledgement to that effect. Such licence or acknowledgement shall be produced before any inspecting officer of the

Motor Vehicles Department.

(8) An agent's licence shall be non-transferable.

(9) An agent's licence shall be valid for a period of one year from the date of grant or its renewal. The date of expiry of the supplementary licence shall be co-terminus with the date of expiry of the principal licence irrespective of the date on which the supplementary licence is granted.

126. Renewal of agent's licence.— (1) An agent's licence may be renewed on an application in Form L. Ag. A. (C-oods) of the First Schedule, made to the licensing authority not less than thirty days before the date of its expiry, and shall be accompanied by the principal and all supplementary licences, if any, and the fee specified in Rule 129.

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

127. Cancellation of agent's licence and forfeiture.— (1) Without prejudice to any other action which may be taken against a licensee, the licensing authority may, by order in writing, revoke an agent's licence or suspend it for such period as it thinks fit, if in its opinion any of the conditions under which the premises have been approved or under which the licence has been granted have been contravened.

(2) Before making any order of suspension or revocation under sub-rule (1), the licensing authority shall, give the licensee an opportunity of being heard and shall record reasons in writing for such revocation, or suspension.

(3) The licensing authority may order the forfeiture in whole or in part, of the security furnished by the licensee under sub-rule (5) of Rule 125 for contravention of any provision of this Rule or Rules 124, 125, 130, 131 and 132 or for breach of any of the conditions specified in Rule 130 by the licensee :

Provided that, no such forfeiture shall be made unless the licensee is given an opportunity of being heard.

(4) In the event of the forfeiture of security deposit or part thereof, by the licensing authority, the licence shall cease to be valid if the licensee fails

to make payment to bring the security already furnished by him to its original value within thirty days of the receipt of the order of the forfeiture.

128. Issue of duplicate licence.— If at any time an agent's licence is lost, destroyed, torn or otherwise defaced so as to be illegible, the agent shall forthwith apply to the licensing authority for the grant of a duplicate licence. The application shall be accompanied by the fee mentioned in Rule 129, upon receipt of such an application, that authority shall issue a duplicate agent's licence clearly stamped "Duplicate" in red ink. If the duplicate agent's licence is issued on a representation that the licence originally granted has been lost or destroyed and the original licence has

been subsequently found, the original licence shall be surrendered to the licensing authority.

129. Fees for licence, etc.— The fee for the grant or renewal of licence or supplementary licence or for a duplicate thereof, shall be —

[a] for grant of a licence .. '[Rs. 500]

(b) for grant of a supplementary licence of .. '[Rs. 300]  
each additional establishment.

(c) for renewal of a licence if application is made in time —

(i) Principal licence .. Rs. '[200]

(ii) Each supplementary licence .. Rs. '[30]

(d) for renewal of a licence if application is made late-

(i) Principal licence .. Rs. '[300]

(ii) Each supplementary licence .. Rs. '[50]

(e) for issue of a duplicate of copy of — -

(i) Principal licence .. Rs. '[30]

(ii) Each supplementary licence .. Rs. '[20]

130. Conditions of agent's licence.— An agent's licence shall be subject to the following conditions, namely :—

(1) the licensee shall, subject to the provisions of Rule 132, provide adequate space for the parking of vehicles for the purpose of loading and unloading of goods;

(2) the licensee shall be responsible for proper arrangement for storage of goods collected for despatch or delivery or both;

(3) the licensee shall,-

(a) take all necessary steps for proper delivery of the goods to the consignee;

(b) be liable to indemnify the consignee for any loss or damage to goods while in his possession, by adequate insurance cover. where available, at the cost of the consignor or consignee;

(c) issue to the consignor and consignee a goods transport receipt only after he actually receives goods for despatch and state therein the weight, nature of goods, destination, approximate distance over which the goods are to be carried, the freight charged, the service charges, if any, such as local transport, insurance while in his custody and labour charges, if any, for loading and unloading provided that, the service charges shall be reasonable and the licensing authority may, require the agent to prove the said charges to be reasonable;

l. Sub. by G.N.. H.D., No. MVR. 0298/1531/CR-91/TRA-2, dt. 30.7.1999.

(d) not deliver the goods to the consignee without actually receiving the consignee's note or any such note issued by the office which received the goods for despatch or if this note is lost or misplaced. an indemnity bond covering the value of the goods:

- (e) issue a copy of every goods transport receipt issued to the consignor or consignee to the driver of the goods vehicle transporting the goods and shall not allow any consignment to be loaded without handing over a copy of the receipt in respect thereof to the driver;
- (f) maintain in Form A.R. 11 of the First Schedule, proper record of collection, despatch or delivery of goods, registration mark of the vehicle in which the goods are carried for transport and make the same available for inspection by the licensing authority, or by any person duly authorised by it in this behalf;
- (g) maintain proper account of the commission charged by him to every operator of goods vehicles engaged by him;
- (h) maintain a weighing device in good condition and capable of weighing at a time not less than 250 kilograms;
- (i) not refuse to accept goods for transport without valid reasons; and
- (j) comply with the provisions of this Rule and Rules 124, 125, 130, 131 and 132;
- (k) not effect the transport unless he verifies the identity of the consignor and also obtains the signature of the consignor or his agent with details of material to be transported and full address of the consignor and shall not deliver the goods to the consignee unless he verifies the identity of the consignee or his agent and also obtains a receipt with signature, names and address in detail of the consignee or his agent, when the goods are booked at consignor's risk with a condition that the consignor shall pay the transport charges.

131. Particulars to be mentioned in contract of agency.— All contracts entered into or way-bills issued by a licensee for the purpose of collecting, forwarding or distributing goods shall be in writing, and shall contain the following particulars, namely :—

- (i) names and addresses of consignors and consignees;
- (ii) description and weight of consignment;
- (iii) destination and its approximate distance in kilometres from the starting station;
- (iv) freight on weight—destination or weight—distance or on truck-distance basis for long distance haulage and for local transport for collection at consignor's place or delivery at consignee's place if required;
- (v) delivery instructions that is the approximate date by which and the place at which goods are to be delivered to the consignee; and .
- (vi) terms of payment separately for long distance transport, local transport, home delivery and collection, labour charges for loading and unloading and the demurrage.

132. Places to be used for loading and unloading of goods etc.— (1) The Regional Transport Authority, may, in consultation with the local municipal authority, or police authority having jurisdiction over the local area concerned. or both, approve any premises owned or to be used by an applicant for an agent's licence for loading, unloading and for parking goods vehicles or for the storage of goods, while in the custody of the licensee having regard to the suitability of the site, traffic conditions obtaining in the locality, sanitary conditions, storage facilities, space for parking vehicles for the purpose of loading or unloading from transporting trucks provided at such premises, as the place of carrying on the business under the licence.

(2) Any approval under sub-rule (1), shall be subject to the following conditions, namely :—

(a) that the premises shall at all times be kept in clean condition and in good state of repair:

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

(c) that the licensee shall not change the premises or make any external alterations to it or in the parking arrangements thereat, as may likely cause obstruction to the general traffic in the vicinity without prior approval, of the licensing authority;

(d) that the licensee shall take suitable precautions to ensure that no breach of any provisions of the Act or of these rules in so far as these provisions relate to the following matters is committed in respect of any vehicle engaged by him and which is entering or leaving or standing at such premises, namely :—

(A) requirements that a goods vehicle shall be covered by —

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

(ii) valid certificate of fitness: zand

(m) valid certificate of insurance: and

(iv) payment of tax under the Bombay Motor Vehicles Tax Act, 1958;

(B) observance of the rules and conditions as to —

(i) construction, equipment and maintenance of motor vehicles to the extent the defects are easily noticeable from the exterior appearance of a motor vehicle;

(ii) limits of weight and prohibitions or restrictions on use of motor vehicles:

(m) loading of goods, overall height. width and projections of load laterally. to the front, to the rear and in height:

(iv) transport of dangerous or explosive substances contraband articles, under any law for the time being in force;

(v) parking or abandonment of motor vehicles on road in such a way as to cause obstruction to traffic or danger to any person or other user of roads;

- (vi) leaving vehicles in dangerous position; and
  - (vii) driving of motor vehicles by persons holding valid and effective driving licence.
- (3) Where the Regional Transport Authority refuses to approve any premises under sub-rule (1), it shall communicate in writing the reasons for such refusal.

133. Powers of entry and inspection.-- Any officer of the Motor Vehicles Department in uniform. may enter upon the premises at all reasonable times for inspection of the premises used by the permit holder for the purpose of his business.

134. Prohibition of painting or marking in certain manner.— ‘[( 1) No advertising device, figure or writing shall be exhibited on any transport vehicle save as may be permitted by the Regional Transport Authority by general or special order :

Provided that, the Regional Transport Authority, by its Resolution, may exempt certain classes of permit holders or classes of vehicles from the provisions of this sub-rule, in public interest :

Provided further that, the provisions of this sub-rule shall not apply to private service vehicles while displaying advertisements of the products or services produced or rendered by the permit holders.

(1A) The permit holder shall apply to the Secretary, Regional Transport Authority seeking permission or renewal thereof to display advertisements on transport vehicle in Form PDAA along with prescribed fees and the permit.

[1B) The Secretary, Regional Transport Authority shall issue an order in Form PDA permitting the permit holder to display the advertisements in accordance with the guidelines issued by the State Transport Authority or Regional Transport Authority or both that may be for the time being in force. The permission shall be valid for a period of one year or till the date of expiry of the permit, whichever is earlier.] V

(2) A transport vehicle when regularly used for carrying Government Mail by or under a contract with the Indian Posts and Telegraphs Department, shall be painted in red colour and shall exhibit in conspicuous place upon a plain or a plain surface of the motor vehicle the word “MAIL” in red colour on a white background, each letter being not less than fifteen centimeters in height and of a uniform thickness of nineteen millimetres.

(3) Save as aforesaid, no stage carriage or contract carriage shall be painted in postal red colour or display any sign or inscription which includes the word “MAIL” :

Provided that, a stage carriage belonging to a municipal transport service be painted in signal red colour, with a band in any colour except postal red colour.

(4) Stage carriages, both city service buses and municipal service buses

belonging to the Maharashtra State Road Transport Corporation should be painted in the manner approved by the State Transport Authority from time to time.

Explanation.- For the purposes of this rule.—

- (i) “city service buses” means buses plying mainly within the limits of any Municipal Corporation, municipality or cantonment constituted under any law for the time being in force; and
- (ii) “mofussil service buses” means buses plying mainly in other areas.

(5) Save as aforesaid no other transport vehicle plying in the State shall be painted in any of the colour combination prescribed in sub-rules (3) and (4)-

1. Sub-rule (1) was substituted by G.N., H.D., No. MVA. 1190/CR-66/TRA-2, dt. 5.1.1994 (M.G.G.. Pt. IV-A, Ex., p. 6].

‘[134A. Fees for permission to display advertisements.— Subject to the provisions of rule 134, the fees in respect of an application for permission to display advertisements on following classes of transport vehicles shall be. as follows. namely :-

- (a) Goods carriages [Rupees two hundred]
- (b) Omnibuses 2[Rupees two hundred]
- (c) Motor Cabs [Other than autorickshaws) 2]Rupees hundred]
- (c) Autorickshaws “(Rupees sixty]

135. Painting and marking of motor cabs in certain manner.— (1) The lgoocl\_of\_e\_ey\_ry\_ motor catrshall be painted in cream yellow and the res\_t of the body in black colour. '

' o the registration mark. a serial number of permit allotted by the registering authority shall be painted on the motor cab at each of the following different places. namely :-

- (i) tl\_1\_e\_l(;"l\_hand.top portion of the front windscreen:
- (ii) on the rear boot on the left side of the registration mark;
- (m) in the middle of the left front dooriand
- (iv) in the middle of ghtfrontdoor.

(3) The aforesaid number shall be painted in white and in red circle and the numerals shall not be less than 50 millimetres and 38 millimetres in breadth.

(4) The number on the left portion to the windscreen shall be so painted as to be readable from inside and the number on the rear boot. the left front door and the right front door shall be painted against the black back ground.

(5) Notwithstanding anything contained in these rules but subject to the provisions of sub-rule (7), no permit shall after the coming into force of these rules, be granted or renewed in respect of any motor cab which does

not conform to the provisions of sub-rules (1) to (4).

(6) No motor vehicle

manner prescribed in sub-rule (1).

(7) Notwithstanding anything contained in this rule, the State Government may, by general or special order, exempt any motor cab or class of motor cabs, from all or any of the provisions of this rule either generally or in such area or areas, or such route or routes and subject to such conditions, if any, as may be specified in the Order.

(8) Notwithstanding anything contained in this rule, the body of every Air-conditioned motor cab shall be painted in "Peacock-Blue" colour and the rest of the hood in "Peacock-Blue."

136. Taxi meters.— No motor cab required to be fitted under Rule 119 that a taxi meter (hereinafter referred to as 'the meter') shall be used. In a public place unless—

1. Rule 134A was inserted by G.N., H.D., NO. MVA. 1190/CR-66/TRA-2, dt. 5.1.1994 (M.G.G. Pt. IV-A. p. 6).

2. Sub. by G.N., H.D., NO. MVR. 0298/1531/CR—91/TRA—2. dt. 30.7.1999.

3. Sub-rule (8) was added by G. N. dt. 6.9.1996.

4. Corrg. NO. MVR. 0195/1625/CR-196/TRA-2, dt. 25.9.1996.

1\ A-/U ,

(1) It is fitted with a mechanical metre or an electronic digital metre of a type, which in the opinion of the Transport Commissioner complies with the provisions of Rule 140, or is so designed or constructed that the constructional requirements as specified in Rule 140 are substantially complied with;

[(1-A) Notwithstanding anything contained in sub-rule (1) of this rule and rule 137, the Air-conditioned motor cab shall be fitted with an electronic digital meter inside the cab].

(2) The provisions of Rules 141, 142, 143 and 144 are complied with.

[137. Fitment of electronic digital taxi meter.— (1) A new motor cab including auto-rickshaw shall be fitted with an electronic digital taxi meter.

(2) In case of existing motor cabs, or any class of motor cabs including auto-rickshaws, having fare meter and registered in the jurisdiction of different Regional Transport Offices, the date for fitment of new electronic digital taxi meter shall be as specified by the State Government, from time to time, by notification in the Official Gazette.]

138. Approval of Type of Meters.— (1) An application for the approval of new modified type of meter shall be sent to the Transport Commissioner and shall be accompanied by two complete specimens of the meters and a detailed description with drawings of its mechanism. A working specimen, the flexible cable by which the meter will be driven shall also be forwarded along with the meters for the test.

(2) The Transport Commissioner, shall send the meters to the 3[Veeramata

Jijabai Technological Institute. Mumbai] or any other Institution approved by the State Government for the purpose of testing the meters, where they shall be subjected to an exhaustive test in order to ascertain whether they comply with the requirements specified in Rule 140 and whether they would otherwise be suitable. At least one of the meters shall be opened and such parts removed as may be required for a comprehensive examination of the mechanism.

[3] After the test, one instrument shall be retained at the “[Veermata Jijabai Technological Institute. Mumbai] or the other Institute, as the case may be, as a sample instrument and the other shall be returned to the Transport Commissioner.

[4] After considering the report received from the “[Veermata -Jijabai Technological Institute. Mumbai] or any other approved Institute, as the case may be, the Transport Commissioner shall, if he is satisfied that the meter complies with the requirements specified in Rule 140 and is suitable for the purpose, approve the meter. He shall inform the applicant of his decision.

1. Clause (IA) was inserted by G. N. of 6.9. 1996.

2. Rule 137 was substituted by G. N. of 30.7.2007.

3. These words were substituted for the words "Victoria Jubilee Technical institute".  
ibid.

4. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

139. Revocation of approval.— If on receipt of a complaint from any member of the public or a report submitted by the Secretary, Regional Transport Authority or an Inspector of Motor Vehicles or a police officer not below the rank of a Sub-Inspector, the Transport Commissioner is satisfied that the meter or any tape approved by him under sub-rule (4) of Rule 138 do not record fares correctly or develop defects or go out of order at frequent intervals, or have ceased to conform to the requirements of Rule 140 he may, after giving the person on whose application such type of meter approved reasonable opportunity of being heard and after making such inquiries as he may deem fit or order revoke the approval given to such type of meter shall inform the person aforesaid of his order and the reasons therefor :

Provided that, the order of revocation shall not apply to the meters of such type which are already sealed and in use on the date of such order.

140. Constructional requirements-Method of indicating fare, etc.—

[1] Every mechanical or electronic digital meter shall be so constructed as-

(a) to indicate upon the dial in suitable slots or on a suitable digital display consisting of light emitting diode (LEDS) as the case

may be, the amount of fare calculated by time and/or by

distance in kilometers: and

(b) to have a flag showing its position or to have a window with illuminated words showing whether or not the meter is in action (that is "Hired" or "For Hire" or "stopped").

(2) The nature of the information given in each slot of a mechanical meter or digital display of an electronic meter shall be indicated by suitable wording immediately above or below the slots or digital display, as the case may be. The words or signs denoting rupee or rupees and paise shall be placed immediately above, below or beside the appropriate disc or drum position.

(3) (i) The letters and figures shown in the slots of a mechanical meter or a digital display of an electronic meter shall be of a size which the Transport Commissioner considers to be reasonable and shall be so placed as to be easily read by the hirers.

(ii) All letters and figures required to be shown on meter and gear boxes shall be of such size, form and colour as would render them clearly legible.

(4) The flag of a meter shall be of suitable strength and shall bear the words "For Hire" in white letters of plain block type at least 50 millimeters in height and of proportionate thickness on a red coloured ground so that they may be easily read from a distance. The arm lever which carries the flag shall be of such length that when it is kept vertical, the lower edge of the flag is above the highest part of the meter. If it is an electronic digital meter, it shall be provided with two switches that is meter-switch and stop-switch, for operating the meter and shall also be provided with "Roof Light" synchronized with the operation of the meter.

(5) The mechanism of meters shall be so designed that —

(a) (i) the words "For Hire" are indicated in the appropriate slot when the flag arm is vertical:

[ii] the word "Hired" is indicated when the arm has been depressed through 180 degrees and the time and distance gears are in engagement;

(m) the word "Stopped" is indicated when the arm is arrested in a horizontal position at 270 degrees.

the flag arm shall not normally remain in any position other than the three positions mentioned in clause (a):

the fare by time ceases to be recorded when the flag is in the "Stopped" position;

the fare by distance is recorded on the meter if the taxi cab is driven with the flag in the "Stopped" position:

the fare recorded is not obscured when the flag is in the "Hired" or "Stopped" position;

it is not possible —

(i) to move the flag back from the "Hired" position to "For Hire", or  
(ii) to return the flag from "Stopped" position to "Hired" position;  
when the flag arm is raised to a vertical position that is the "For Hire" position. the previous record of fare is cleared and the various mechanisms are brought to their initial positions;

before the flag can again be depressed, the full vertical position shall be reached. and a positive stop made there to ensure that the mechanism comes to rest and that the fare indication is obscured by shutter:

the mechanism for recording the time and distance cannot be engaged or disengaged except by the normal sequence of operation of the flag arm referred to in clauses (a) to (f); and  
the operation of the shutter of obscuring the fare synchronises with the engaging and disengaging of the time and distance mechanism of the meter.

(6) The mechanism of an electronic digital meter shall be so designed that —

(a) (i) "for hire" window is illuminated with the meter switch in "off position" and the roof light [is] in "on position":

(ii) the "Hired" window is illuminated and the roof lights is turned "off" when the "meter switch" is pressed "on" and the time and distance modes are in engagement;

[m] the "stopped" window is illuminated with the stop switch is pressed "on":

it shall not be possible to set in any position other than the three positions in clause (a) in the meter;

the fare by the time ceases to be recorded when the flag is not in stopped position;

the fare by distance is recorded on the meter if the taxi cab is driven with the meter in "stopped" position;

the rate recorded is not obscured when the meter is in hired and or in stopped position:

when the meter switch is turned off". 'for hire' window is illuminated.

the roof light is turned on and the previous recording of fare is acquired and the various mechanism of the meter are brought back to the initial position; and

the mechanism recording time and distance cannot be engaged or disengaged except by the normal sequence of operation of switches referred to in clauses (a) to (f).

(7) Every meter shall be so constructed that it gives audible warning by means of a suitable bell or gong whenever the driver moves the lever which operates the recording mechanism.

[[7-A) Every electronic digital meter to be fitted to a "[motor cab

excluding autorickshaw] shall be either provided with an inbuilt printer or external printer which. can print bill containing the particulars such as the date of journey. vehicle number, distance travelled in kilometer, duration of journey and actual fare.)

(8) (a) After the meter has been tested and approved, every meter shall be capable of being sealed by seals of the type approved by the Transport Commissioner in this behalf.

(b) When the gear which operates the distance recording apparatus is not contained in the main part of the machine, the case or cover enclosing it shall be so made that it may be sealed either by the inset or wired-on type of seal.

(c) All meter cable connections shall be so made as to be capable of being sealed by means of inset or wired-on lead seals to prevent improper removal.

[2] In case of a mechanical meter. the mechanism driving the distance recording gears and in case of electronic digital meters. the mechanism giving signals to the distance recording mechanism of the electronic meters shall be fitted not to the driving wheels of the cab but to the non-driving wheels of the chassis gear box attached to the cab.

(10) (a) A plate of a suitable size and pattern shall be attached to the meter or its gear box in such a manner that it cannot be removed without either removing the seals affixed by the testing institution or opening the meter or the gear box. The plate shall bear raised or sunken words or figures denoting the measurement of the effective circumference of the wheel by which the meter will be driven and by which its action and accuracy may be tested.

(b) The measurements shown on the plate shall be in accordance with the circumference of the wheels of minimum size normally attached to cabs.  
Explanation .- The effective circumference of the cab wheel to which the meter transmission gearing is attached and by which the meter is driven is the distance which the cab moves forward for one complete revolution of the wheel and may be measured by making a mark on the tyre of the wheel where it touches the ground and pushing the cab in a straight line until mark is again in contact with the ground. the cab being in its normal working condition and carrying two passengers.

141. Further test of meters of approved type.— (1) A meter of any type approved under Rule 138 shall, before being fitted to a motor cab be sent to the Veermata Jijabai Technological Institute. Mumbai]. or other institution approved by the Regional Transport Authority in this behalf for a rough test whether the meter accurately registers time and distance and

1. Sub~rule (7-A) was inserted by G. N. of 30.7.2007.

2. These words were substituted for the words "motor cab including the autorickshaw" by the Mah. Motor Vehicles (Second Amendment) Rules, 2008. G.N. of 29.3.2008 w.e.f. 1.3.2008.

3. These words were substituted for the words 'Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

also for examination as regards its external appearance, general action and conformity with the approved type.

(2) Every meter in use shall be submitted for test at the 'Veermata Jijabai Technological Institute. Mumbai] or other institution approved by the Regional Transport Authority under sub-rule (1) at least once in every twelve months in case of mechanical meters and once in every twenty four months in case of electronic meters and also whenever its seals are removed for any repairs or adjustments.

(3) If after test and examination. the meter is found to be suitable it shall be sealed at the '[Veermata Jijabal Technological Institute. Mumbai] or institution, as the case may be. in such a manner that its interior parts cannot be reached without breaking the seal.

142. Method of test.— (1) Arrangements shall be made at the 'Weermata Jijabai Technological Institute. Mumbai] or other testing institution approved under sub-rule (1) or Rule 141 for the action of the meter to be demonstrated by a person familiar with its construction and technical details. and after such demonstration the person submitting the meter shall supply. for at least one day. a motor cab fitted with such meter or to which one of such meters submitted may be fitted.

(2) Every person submitting meter of an approved type shall be required to give an assurance that the instrument conform with the approved specimen deposited under Rule 138.

(3) Meters submitted for rough test may be opened for interior examinations if deemed necessary. 1

143. Requirements as to fittings, etc.— (1) The meter shall be fitted in such position and in such manner as may be approved by the Executive Officer of the Regional Transport Authority. having regard to the design of the motor cab. It shall normally be fixed on the near side of the driver's seat. with the face or dial towards the interior of the cab so as to be clearly visible to the hirer and also capable of being read both by the hirer and the driver: 2[Provided that. the electronic digital taxi meter shall be fixed inside the motor cab including the auto-rickshaw at left side of the driver's seat.]

(2) Flexible or driving gears of gear-boxes shall be so affixed that no part of the cable etc.. can be reached by an unauthorised person.

{3} A meter or its gear-box shall not be fitted to a cab the effective circumference of the wheel of which is different from that for which the meter has been designed. geared and tested.

(4) The effective circumference of the wheel by which a meter is driven shall not be more than five per cent (off and not less than the measurement shown on the plate attached to the meter under sub-rule (10) of Rule 140.

(5) Every cab required to be fitted with meter shall have a light so fixed as to illuminate the meter at night.

144. Sealing of meter fitting after test.— After a meter is affixed to a cab and before the cab is let or plied for hire. it shall be taken to the

1. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.
2. Proviso was added by G. N. of 30.7.2007.

Inspector of Motor Vehicles. who shall examine the meter as to the correctness of fittings and submit to a practical road test of about eight kilometers and a time-test of not less than half an hour. If the meter is found to be correct, its fittings to the cab shall be sealed by such Inspector in such manner that they cannot be removed or tampered with without removing the seals.

145. Meter and its seals and Marks not to be tampered with.— (1) No person shall break or in any way tamper with any seals or marks placed on a meter. or. with intent to deceive. tamper with a meter.

(2) No meter shall be altered without the written permission of the Transport Commissioner.

146. Cab fitted with a defective meter not to be used.— (1) No meter which is in any way defective may be fitted to any cab and no cab which is fitted with a defective meter shall be used in any public place.

(2) Upon service of a notice issued by an Inspector of Motor Vehicles on the owner of any cab prohibiting the use of meter fitted to it. the meter shall at once be removed and the cab shall be immediately withdrawn from service.

147. Repairs and repairers.— (1) After it is sealed under Rule 144, no repairs to any meter shall be made except by a maker or repairer authorised by, and registered with. the Executive Officer. Regional Transport Authority.

(2) Any person applying for being authorised and registered as a maker or repairer under sub-rule (1) shall satisfy the Executive Officer, Regional Transport Authority, that —

(i) the applicant is of good character and of good business repute;

(ii) the applicant's financial position is sound;

(m) the applicant maintains an efficient staff and suitable equipment at his premises and has a sufficient supply of spare parts for the repair of meters;

(iv) the applicant is generally a fit and proper person to undertake the repair or adjustment of taxi meters.

Such person shall also agree that the premises where the work of repairs or adjustment of meters is to be carried on. shall be open at all reasonable times for inspection by officers of the Motor Vehicle Department and that he shall notify to the Executive Officer of the Regional Transport Authority if the situation of the premises is at any time changed.

(3) The Executive Officer of a Regional Transport Authority may, in his discretion. cancel the registration of a marketer or repairer if it is proved that such person is unable to comply or has not complied with the

requirement set out in sub-rule (2) or if the business is not carried on in accordance with these rules to the satisfaction of such Executive Officer.

148. Fees.—The following are the maximum fees that may be charged by the [Veer mata Jijabai Technological Institute, Mumbai or other approved institutions for the different tests namely :—

I. Test of new types — Rs.

For a complete examination [1000]

For testing a flexible staff [60]

II. Rough test approved type —

For test of a single meter of approved type “[50]

For re-tests “[25]

1

₹

1. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

2. Sub. by G.N.. H.D., N0. MVR. 0298/1531/CR~91/TRA-2. dt. 30.7.1999.

3. This figure was substituted for the figure "20" by G. N. of 30.7.2007.

## CHAPTER VI SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS

149. Form of proposal of transport undertaking.— (1) The proposal to be prepared by a State Government under the provisions of Section 99 shall be in Form S.S.T.U. in the First Schedule to these rules containing all the particulars specified in the said Form and shall be published in that Form in the Official Gazette and cause such proposal regarding Road Transport Service Scheme to be published on the notice boards in the office of the State Transport Authority, Regional Transport Authority and Collector within whose jurisdiction the area or the route or portion thereof lies and in such newspaper or newspapers as the State Government may direct: Provided that, at least one of such newspapers shall be in the regional language circulating in the area and the publication of the proposal regarding Transport Service Scheme shall be accompanied by a notice stating that any person affected thereby may, within 30 days from the date of publication of the proposal in the Official Gazette, file objections thereto before the State Government as provided in Section 100.

150. Manner of filing objections to proposal of the scheme.— (1)

Any person affected by the proposal may file any objections thereto, in the form of a memorandum. in duplicate, addressed to the State Government.

The memorandum shall set forth concisely the grounds for objections to the proposal, and shall in addition contain the following particulars. namely :—

- (a) the name and address of the objector:
- (b) the information regarding permit or permits held under the provisions of Chapter V of the Act, together with particulars of the route or routes or area specified in such permits;
- (c) the manner in which the objector is affected by the proposal:
- (d) details of any alternative route or area for which he desires to have permit.

(2) Any person filing objections under Section 100 shall send a copy thereof simultaneously to the State Transport Undertaking which has submitted the proposal.

151. Manner of considering objections.— (1) The State Government may, subject to the provisions of sub-rule (2), consider the proposed scheme and objections at a hearing of which at least seven days notice shall be given to every objector and the State Transport Undertaking.

(2) The notice under sub-rule (1) shall ordinarily be sent at the address of the objector by ordinary post under certificate of posting:

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

152. Publication of approved scheme.— The approved proposal to be published under sub-section (3) of Section 100 shall be in Form A.S.S.'I'.U. of the First Schedule to these rules.

153. Application for permit under Section 103.— (1) Every application under sub-section (1) of Section 103 shall be made —

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

(2) The State Transport Authority or, as the case may be, the Regional Transport Authority (hereinafter in this Chapter referred to as the relevant Transport Authority) shall, on receipt of an application referred to in sub-rule (1), satisfy itself that the application relates to notified area or a notified route specified in an approved scheme and issue thereafter to the State Transport Undertaking applying therefor a stage carriage permit applied for under sub-section (1) of Section 103, the State Transport Undertaking applying therefore a stage carriage permit in Form P.S.T.U.S. a public carrier's permit in Form P.S.T.U.P.C. a contract carriage permit in Form P.S.T.U. C0.

(3) Notwithstanding anything contained in this rule, pending the issue of a permit applied for under sub-section (1) of Section 103, the State Transport Undertaking may operate the service in the notified area or on a notified route specified in the approved scheme.

154. Disposal of article found in vehicle.-- (1) The maximum period

for claiming any article left by the owner in any transport vehicle operated by the State Transport Undertaking, shall be fifteen days.

(2) Where any article found in any such vehicle is not claimed by its owner within the said period, the State Transport Undertaking may sell the article by public auctions. A notice of such auction shall be displayed fifteen days in advance of the date of the auction on the notice board at the place where the auction is to be held, and published in local newspaper.

(3) Nothing in this rule shall apply to any article which is of a perishable nature or is in danger of losing the greater part of its value and it shall be lawful for the State Transport Undertaking to dispose of any such article at any time as the circumstances may require.

155. Manner of service of orders under Chapter VI.— Every order under Chapter VI of the Act shall be served,-

(a) by tendering or delivering a copy thereof to the person on whom it is to be served or his agent: if any; or

[b] by sending it by registered post at the known address of the person on whom it is to be served; or

[c] by fixing it to some conspicuous place of his last known residence or place of business in case the above two methods are considered impracticable.

156. Extension or modification of permits.— Where the holder of a permit for a public service vehicle applies to the relevant Transport Authority extending or modifying the operation of the road transport service, so however that such extension or modification results in operation of such service in a notified area or on a notified route or part thereof. specified in an approved scheme, then the relevant Transport Authority shall send a copy of such application to the State Transport Undertaking. The relevant Transport Authority shall. before passing any order on such

application. give an opportunity to the State Transport Undertaking of being heard.

157. Grant of permit under the proviso to Section 104.— The relevant Transport Authority on granting a permit to any person under the proviso to Section 104 shall inform the State Transport Undertaking concerned of the grant of such permit.

158. Notice of application hearing etc.— The State Transport Undertaking shall. in order to give effect to the provisions of this Chapter intimate to the relevant Transport Authority, the designation and addresses of its officers to whom notice of applications, hearing, orders or any other matter shall be sent and shall also inform them of the changes therein. from time J to time. --

CHAPTER vn

CONSTRUCTION, EQUIPMENT AND MAINTENANCE  
OF MOTOR VEHICLES

159. Definitions.— For the purposes of this Chapter, unless there is anything repugnant in the subject or context.—

(a) “generator” means the part of a producer in which gas is produced:

(b) “model” means a model of producer:

(c) “producer” means the whole equipment necessary for generation, cooling and cleaning of gas, and its supply to the engine of a motor vehicle:

(d) “standard specification” means the specification approved as such by the Director of Industries for the construction of a producer;

(e) “test schedule” means the schedule approved by the Director of Industries for inspection and testing of a producer:

(f) “sleeper coach” means a public service vehicle constructed or adapted to carry more than one sleeping berth for sleeper

berth excluding the crew member as per the specifications prescribed in this behalf known as “Sleeper Bus”].

160. General rules regulating construction etc., of motor ve-

hicles.— (1) No person shall use and no person shall cause or allow to be used or to be in any public vehicle which does not conform with the rules contained in this Chapter.

or with any order thereunder made by authority competent to pass such order.

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

T Added by G.N., H.D., No. MVR. 0100/306/CR-35/TRA-2. dt. 3.1.2002.

Provided that, where a motor vehicle can no longer remain under the effective control of the person driving the same, it shall not be moved except by towing.

161. Mirror.— Every motor vehicle, other than a transport vehicle not being a motor cab or a motor cycle having not more than two wheels and to which a side car is not attached, shall be fitted either internally or externally, and every transport vehicle other than a motor cab shall be fitted externally with a mirror so placed that the driver has a clear and “distinct vision of vehicles approaching from the rear :

Provided that, the State Government may by general or special order, exempt any transport vehicle or class of transport vehicles from the provision of this rule on such conditions as may be specified in the order. ~ if it is satisfied, that having regard to the construction of such vehicle or class of vehicles fitting of a mirror does not serve any useful purpose.”

162. Restrictions regarding television set or video in them

vehicles.—;l§g>\_televJsion§\_et or video shall be fitted or kept on or near the dash-board of the motor vehicle or shall be kept in the view of the driver.

163. Dangerous projections.— (1) No mascot or other similar fitting or device shall be fitted on any motor vehicle registered in India in any position where it is likely to strike any person with whom the vehicle may collide, unless the mascot is unlikely to cause injury to any person by reason of any projection thereon.

(2) No motor vehicle shall be permitted to be used which is so constructed that any axle hub or hub-cap projects laterally more than four inches beyond rim of wheel to which it is attached, unless the hub or hub-cap does not project laterally beyond the body or wings of the vehicle or is provided with an adequate guard.

164. Springs.— Every motor vehicle and every trailer, drawn thereby shall be equipped with suitable and sufficient means of springing, adequately maintained in good and sound condition between the road wheels and the frame of the vehicle :

Provided that, this rule shall not apply to.-

(i) any motor vehicle registered in India before the first day of April, 1940 if any means of springing with which it is fitted are adequately maintained in good and sound condition:

(ii) any tractor not exceeding four thousand five hundred and thirty-six kilograms in weight unladen if all the unsprung wheels of the tractor are fitted with pneumatic tyres:

(m) any land tractor, land implement, agricultural trailer, trailer equipped with pneumatic tyres having axle weight not exceeding 3050 kilograms avoirdupois, or any trailer used solely for the haulage of felled trees or such other heavy loads as cannot be carried on springs:

(iv) vehicles designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another, or to works or premises within a distance of 3.2 kilometers;

such motor vehicle or class of motor vehicles not fitted with the means of springing by the manufacturers which the State Government may, by general or special order, declare to be otherwise suitable for use on public roads on the conditions specified in the order.

(v)

165. Mudguard.— Every motor vehicle except a tractor or a trailer, shall unless adequate protection is afforded by the body of the motor vehicle, be provided with or other similar fitting to catch, so far as practicable mud or water thrown up by the rotation of the wheels.

166. Attachment to motor cycle.— (1) Every side-car attached to a

motor cycle shall be so attached, at left hand side of the motor cycle that the wheel thereof is not outside perpendicular planes at right angles to the longitudinal axis of the motor cycle passing through the extreme projecting points in front and in the rear of the motor cycle.

(2) Every pillion seat attached to a motor cycle shall have—

(i) two foot-rests one on either side of and directly below the seat fitted in such a manner that a person sitting on the pillion seat can rest his feet;

(ii) a hand grip fitted to the front of the seat.

(3) No pillion seat shall be attached to a motor cycle with less than 45 cc engine.

(4) The rear wheel of every motor cycle on which a pillion seat is fixed, shall be covered by a protective device covering two-thirds of the rear wheel so as to prevent the clothes of the pillion rider from getting entangled.

167. Communication with driver.— Every motor vehicle for the use of passengers in which the driver's seat is separated from the passenger compartment shall be fitted with a device capable of being readily operated by the driver to enable the passengers in such compartment and the conductor, if any, to signal the driver to stop the vehicle.

168. Use of military and police colours and registration marks prohibited.— (1) No motor vehicle other than military and police motor vehicle, shall be used, in any public place, unless it is painted in colour scheme different from that usually employed for military and police motor vehicles.

(2) No motor vehicle shall exhibit or carry any military registration mark.

169. General.— Every public service vehicle and all parts thereof including paintwork, varnish and upholstery, shall be maintained in condition and the engine mechanism and all working parts in reliable working order.

170. Stability.— (1) The stability of a double-decked public service vehicle shall be such that when loaded with weights of 59 kilograms per person placed in the correct relative positions to represent the driver and conductor (if carried) and a full complement of passengers on the upper deck only, if the surface on which the vehicle stands were tilted to either side to an angle of 28 degrees from the horizontal, the point at which overturning occurs would not be reached.

(2) The stability of a single decked public service vehicle other than a

motor cab or a single-decked trolley bus shall be such that under any conditions of load, at an allowance of 68 kilograms per passenger and his personal luggage, for which the vehicle is registered, if the surface on which the vehicle stands were tilted to either side of an angle of 35 degrees from the horizontal, the point at which over-turning occurs would not be reached.

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

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

171. Seating 1'00m.— (1) In every public service vehicle other than a motor cab, there shall be provided for each passenger except those permitted to be carried as standees, a reasonably comfortable seating space of not less than 381 millimeters measured on straight lines along and at right angles with front of each seat,-

(i) when the seats are placed along the vehicles facing each other the backs of the seats on the side shall be at least 1,372 meters distant from the backs of the seats on the other side:

when the seats are placed along the vehicle and are facing in the same direction, there shall be a space of not less than 685 millimeters between the back of the front seat and the back of the rear seat, when measured from the rear most point of the back of the front seat, to the rear most point of the back of the rear seat. The front seat shall be in two parts with a gangway of 305 millimeters in three places, two at the two extremes and one is in the middle;

when seats are placed across the vehicle and are facing in the same direction, there shall be a space of not less than 660 millimeters between the back of the front seat and the front of the rear seat when measured at the topmost point of the upholstery;

when seats are placed across the vehicle and are facing each other there shall be a space of not less than 1.27 millimeters between the backs of the facing seats when measured from the topmost point of the upholstery.

(2) The backs of all seats shall be closed to a height of 406 millimeters above seat level.

(3) Notwithstanding anything contained in this rule, no ordinary public service or private service shall have a more area of each seat more than 459 square millimeters.

- (ii)
- (m)
- (iv)

(4) The area to be provided for each seat in a Luxury or Tourist Air-conditioned public service vehicle or Air-conditioned private service vehicle shall not exceed 511 square millimeters.

'[(5) The provisions of sub-rules (3) and (4) shall not apply in the case of camper vans, camping trailers, house trailers and minibuses designed or constructed to provide living quarters for recreational, camping or travel purposes].

172. Gangways.— (1) In every compartment of every public service vehicle entrance to which is from the front or rear. there shall be a gangway along the vehicle, as follows :-

[i] where the seats are placed along the vehicles facing each other there shall be a clear space of not less than 610 millimeters measured between the front edge of the seats:

Provided that. the maximum width of the gangway shall not be more than 686 mms. :

'[Provided further. that. the provisions of this sub-rule shall not apply to camper vans, camping trailers, house trailers or minibuses designed or constructed to provide living quarters for recreational camping or travel purposes].

(ii) where seats are placed across the vehicle there shall be a clear space of not less than 305 millimeters between any part of adjoining seats or their supports :

Provided that, the maximum width of that gangway shall not be more than 381 mms.:

(m) where a row of seats is placed along one side of the vehicle and the other seats are placed across the vehicle, there shall be a clear space of not less than 450 millimeters between the front edge of the seats placed along the vehicles and parts of the adjoining seats or their supports placed across the vehicle :

Provided that the maximum width of the gangway shall not be more than 526 mms.

(2) Where the vehicle has seats placed across the full width of the body with separate doors to each seat. a gangway from the rear of the vehicle shall not be required.

173. Condition regarding permission to carry standees.— (1) Subject to the provision of sub-rule (2), no passenger shall be permitted to be carried standing in any public service vehicle. '

(2) Notwithstanding anything contained in sub-rule (1),-

(a) standing passengers may be carried on the lower deck of any such public service vehicle if there is a grab-bar fixed with

hanger straps fixed in the roof of the gangway:

(b) where such public service vehicle is operated within the limits of a municipal corporation, or a municipality, constituted under any law for the time being in force in the State, including an area within a radius of eight kilometers from such limits, the Regional Transport Authority, may direct that passengers may be carried standing in such public service vehicle, if there is a

1. Added by No. MVR. 0190/2245/TRA-2. dated 5m March. 1991 (M.G.G.. Pt. IV-B. 1991,p.19si

clear space serving as a gangway of greater width than that prescribed in Rule 172 as the Regional Transport Authority may specify in this behalf:

(c) the Regional Transport Authority may direct that in addition to the standing passengers permitted to be carried in any public service vehicle referred to in clause (a) and (b) above, twelve school children may be permitted to be carried therein, during such periods as may be specified by it, being periods when school going children leave their homes for attending schools or leave their schools for reaching home.

[(d) the Regional Transport Authority may, direct that passengers may be carried standing in a private service vehicle if there is a minimum head room not less than 1.7 meters and a grabbar ~» with hanger straps fixed in the roof of the gangway. and shall also have a clear space serving as a gangway of such greater width than the prescribed in Rule 172 as the Regional Transport Authority may specify in this behalf and also specify any other conditions as it deems fit.]

174. Head room.— (1) Every public service vehicle other than a motor cab shall have the following internal height or head-room measured along the center of the vehicle from the top of the floor boards or battens to the underside of the roof supports,-

(i) in the case of a single-decked vehicle and the lower-deck of a double decked vehicle not less than 1.75 meters and not more than (2 meters) :

2[Provided that the provisions of clause (1) shall not apply to last row of seats in the public service vehicle having engine at the rear side.]

(ii) in case of upper-deck of a double-decked vehicle, not less than 1.7 meters :

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

(2) Nothing in sub-rule (1) shall apply to motor vehicles constructed before the 1st day of Jul\_v. 1959. in conformity with the provisions of rules

made under the Motor Vehicles Act, 1939, in any part of the State and in force therein before the aforesaid date.

175. Driver's seat.— 11) No public vehicle shall be driven other than from the right hand side of the vehicle.

(2) On every public service vehicle space shall be reserved for the driver's seat so as to allow him to have full and unimpeded control of the vehicle and in particular.—

(i) the part of the seat against which the driver. back rests. shall not be less than 280 millimeters from the nearest point of the steering wheel:

(ii) the width across the vehicle shall be not less than 690 millimeters and shall extend to the left of the centre of the steering

1. Clause (d) was inserted by G.N.. H.D., No. MVR. 0190/2076/TRA-2, dt. 18.7.1991 (M.G.G., Pt. IV-A. p. 4551. .

2. Inserted by G. N., H. D., NO. MVA. 0390/1220/TR.A—2. dated 18.7.1991 (M.G.G.. Pt. IV-A, p. 453].

column in no case less than 254 millimeters so that a line drawn parallel to the axis of the vehicle through the centre of any gear level, brake lever or other device to which the driver has to have frequent access lies not less than 50 millimeters inside the width reserved for the driver's seat.

(3) Arm-rests for the driver, not more than 100 millimeters wide may be provided within the space specified in clause (ii) of sub-rule (2) of this rule.

[4] No public service vehicle shall be so constructed that any person can sit or any luggage can be carried on the right hand side of the driver.

(5) Every public service vehicle other than a motor cab shall be so constructed that there shall be a separate compartment containing proper sitting accommodation for the driver. This compartment may be separated by suitable rigid partition of metal bar or adequately spaced metal bars, both on the side and on the rear so as to isolate the driver without obstructing his vision :

Provided that. in case of a motor cab licenced to carry five passengers, two passengers may be permitted to be carried by the side of the driver's seat.

(6) Every public service vehicle shall be so constructed that, except for the front pillar of the body. of any, the driver shall have a clear vision. both to the front and through an angle of 90 degrees to his right hand side. The front pillar of the body shall be so construed as to obstruct the vision of the driver to least possible extent.

(7) The sub-rule (1) shall not apply to four-wheel-drivejeeps. and motor cabs.

(8) Notwithstanding anything contained in this rule. where the Govern-

ment, having regard to the availability and utility of any vehicles fitted with left hand steering control or the expediency of their use in public interest. is satisfied that it is necessary so to do the Government may by general or special order, exempt any public service vehicles or class of such vehicles with such control from any of the provisions of this class of such vehicles with such control from any of the provisions of this rule, on such terms and conditions, if any, as may be specified in the order.

176. Width of door's.— (1) Every entrance and exit of a public service vehicle other than a motor cab shall be at least 540 millimeters in width and of sufficient height.

(2) Every entrance and exit of a stage carriage, not being a stage carriage operating within the limits of a municipal council, municipal corporation or cantonment duly constituted or declared under any law for the time being in force, shall be fitted with doors so as to prevent the passengers from falling out.

177. Grab rail.— (1) Grab rail shall be fitted to every entrance or exit, other than an emergency exit, of a public service vehicle other than a motor cab to assist passengers in holding or alighting from the vehicle.

178. Steps.— (1) Every public service vehicle, other than a motor cab. the top of the tread of the lowest step for any entrance or exit, other than an emergency exit. shall not be at a height of more than 520 millimetres or less than 250 millimetres, above the ground when the vehicle is empty. All

steps shall be fitted with non-slip treads. Fixed steps shall not be less than 230 millimetres wide and shall in no case project laterally beyond the body of the vehicle.

[2] In case of a double decked vehicle,-

(i) the risers of all steps leading from the lower to the upper deck shall be closed, and no unguarded aperture shall be left at the landing board;

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

(m) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase. excluding any grab rail which does not project more than 75 millimetres from the back of the seat. shall not be less than 660 millimetres;

(iv) the outer stringer of an outside staircase shall be so constructed or a band shall be so placed. as to act as a screen to persons ascending or descending and the height of the outer guard rail shall not be less than 990 millimetres above the front of the tread of each step.

179. Cushions.— The seats of public service vehicle shall be provided with fixed or moveable foam or soft cushions. and the cushions shall be

covered with leather cloth of good quality or other suitable material so that they are capable of being kept in a clean and sanitary condition.

180. Body dimensions. guard rail and life gum-ds.— (1) Every public service vehicle. other than a motor cab, shall be so constructed that,-

(i) in case of a single-decked vehicle with an enclosed body,-

(a) the height of the body sides from the floor of the height to the sills of the window. as the case may be, shall not be less than 715 millimetres;

(b) if the height of the sides of the body or the sills of the windows.

as the case may be, above the highest part of any seat is less than 460 millimetres. provision shall be made by means of guard rails or otherwise. to prevent the arms of seated passengers being thrust through and being injured by passing vehicle, or the extent to which the side windows or venetians can be lowered, is such that when lowered their top-edge is not less than 460 millimetres above the highest part of any seat;

(ii) in the case of a single-decked vehicle with open sides, guard rails shall be provided along the right hand side of the vehicle to prevent any person other than the driver from mounting or alighting from the vehicle on that side;

(m) in the case of a double-decked vehicle with an uncovered top deck. the top deck shall be provided at least 915 millimetres above highest part of any seat, and the top of front and back rails shall be at least 990 millimetres above the deck boards or battens, and shall follow the chamber of the deck.

Explanation.— For the purposes of this rule, seat-back shall not be deemed to be a part of the seat.

(2) A Regional Transport Authority may, in case of stage carriages plying solely in any specified municipal or cantonment limits and the environs

thereof. require that life guards of a type to be approved by the said Authority shall be fitted to the sides of the vehicle between the wheels.

181. Protection of passengers from weather.— (1) Except in case of an uncovered top deck of a double-decked vehicle. every public service vehicle shall be constructed with a fixed and water-tight roof and every motor cab shall be constructed and equipped with fixed and water-tight roof or with a water-tight hood that may be raised or lowered as required.

(2) Except in case of an uncovered top deck of a double-decked vehicle, every public service vehicle shall have suitable windows fitted with glass pannels capable at all times of protecting the passengers from the weather without preventing adequate ventilation of the vehicle.

(3) The glass windows must be provided with effective means to prevent their rattling. ‘

182. Internal lighting.— Every public service vehicle, other than a

motor cab. having a permanent roof, shall be furnished with one or more electric lights adequate to give reasonable illumination throughout the passengers compartment or compartments including the bending, but of such power or so screened as not to impair the forward vision of the driver.

183. Body construction.— The body of every public service vehicle shall be constructed and fastened to the frame of the vehicle in compliance with such directions as may, from time to time, be issued by the State Transport Authority.

‘[183-A. Special provisions for Sleeper Coach.— (1) Subject to Rule 93 read with mutatis mutandis application of the provisions of rule 128(2), (3), [4], (5), (6), (9)(i), (12) and (13) of the Central Motor Vehicles Rules, 1989, the special provisions for Sleeper Coach shall be as under :—

(2) Powers to grant relaxation.— The State Government or the Transport Commissioner, as the case may be, may grant relaxation to the vehicles registered as Sleeper Coach or Sleeper Bus from one or any the above conditions giving reasons in writing.

(A) Age of the Sleeper Coach.— A permit of a Sleeper Coach shall be deemed to be invalid from the date on which the motor vehicle covered by the permit completes twelve years from the date of its initial registration :

Provided that, the motor vehicle to be replaced shall not be more than five (5) years old on the date of such replacement.

(B) Sleeper/Berth Arrangements.— (a) The sleeper berth should be provided along with the vehicle with two tier system only. Each berth of length not less than 1750 mm, and width not less than 760 mm, and not more than 900 mm. The thickness of each berth shall not be less than 75 mm.

(b) The width of the gangway shall not be less than 450 millimeters.

(c) The width of the structure partition shall not be less than 25 mm, between the two berth.

(d) The lower berth shall be fixed at a minimum height of 150 mm, from the flooring of the vehicle.

1. Ins. by c.r\_t7'H.o., No. MVR. 0100/306/CR-35/TRA-2, dated 3.1.2002.

(e) The clear head room for the sitting passenger at lower berth shall not be less than 800 mm.

(f) The clear head room for upper berth shall not be less than 650 mm, except at the side curves of the roof.

(g) The upper berth shall be either fixed type with supports fixed rigidly by means of bolting or welding or pivot mounted at the partition and suspended by two bright steel chains mounted on hinges on berths. These chains shall be fixed rigidly by means of bolting or welding to the roof structural members. The chain shall be located to ensure that the sum total of the overhead

position shall not exceed the centre to center distance of chains measured along the axis of the berths.

(h) Suitable arrangements shall be made for the upper berth passengers to enable them to go up or come down from the upper berth.

(i) An assist handle shall be provided for comfortable occupation of the upper berth at a convenient height.

(j) No seat/berth shall be permitted to be fitted in the gangway except a seat for coach attendant./manager at suitable place.

(k) Each berth shall be provided with fabric covering, which shall be capable of being kept in a clean and sanitary condition.

(l) One pillow and two neat linen shall be provided to each passenger (one for wrapping and another for spreading).

(m) Safety guards covered with soft material on either side of the upper berths shall be provided.

(C) Other particulars.— (i) Headroom.— The internal height of the vehicle shall not be less than 1850 mm.

(ii) Body Mounting.— (a) In case of rigid chassis the body of such public service vehicle shall be mounted on the chassis with high tensile, steel bolts with diameter of not less than 16 mm. No holes shall be drilled in the chassis side members (Longitudinal) except where such drilling is technically approved by the chassis manufacturers. Rubberised packing or mounting of adequate thickness shall be used between the body structure and the chassis frame.

(m) Flooring.— Flooring material of such public service vehicle shall be sound proof, anti-skid and washable. The floor shall be safe for the passengers and be covered with rubber or synthetic mattings or carpets. All joints shall be dust proof by suitable packing material.

(iv) Roof.— Roof of ceiling of such public service vehicle shall be provided with soft material or equivalent materials like A.B.S. plastics to prevent impact.

(v) Light.— Individual reading light at convenient location for each berth shall be provided in addition to normal lighting arrangement.

(vi) Painting and finishing.— Such public service vehicle shall be painted in "Notro Cellulase" or "Synthetic Enamel" or other suitable paints of any permissible colour scheme.

(vii) Air-condition Unit Mounting. — Every such public service vehicle shall be equipped with Air-Conditioning unit of adequate cooling capacity. The air-condition engine compartment shall be provided with sound insulating materials so as to dampen the engine noise to suitable d.b. level; and with vibrating mounting so as to minimize vibratory factors in the saloon compartment.

(vm) Windows. — (a) The windows shall be provided with double sliding

type slider running smoothly in channels without rattle and with all safety or laminated safety glasses conforming to the standards laid down by the Bureau of Indian Standards. Windows shall be provided with sliding curtains.

(b) In case where the fixed glasses are provided, minimum one hatch should be provided on roof top at suitable place for air circulation.

(c) Sliding windows shall be provided to the driver partition immediately behind the driver.

(D) Miscellaneous. — (a) No hat racks shall be permitted in such public service vehicle.

(b) Such public service vehicle shall have weveller suspension or pneumatic suspension.

(c) Reflective tape of canary yellow colour of 50 mm. width shall be provided at rear and front side at skirt level of/on bumper.

(d) Such public service vehicle shall have an attendant/manager to take care of the passengers in addition to the driver/drivers or conductor.]

184. Compulsory electric lighting.— No light other than an electric light shall be fitted to any public service vehicle.

185. Fuel tanks.— (1) No fuel tank shall be placed in any public service vehicle within sixty centimeters of any entrance or exit of a single-decked vehicle or lower deck of a double-decked vehicle.

(2) The fuel tank of every public service vehicle shall be so placed that no overflow therefrom shall fall upon any woodwork or accumulate where it can be readily ignited. The "off" position of the means of operation shall be clearly marked on the outside of the vehicle. The filling points of all fuel tanks shall be outside the body of the vehicle, and the filler caps shall be so designed and constructed that they can be securely fixed in position.

186. Carburettors.— In every public service vehicle, any carburettor and apparatus associated therewith shall be so placed and shielded that no fuel leaking therefrom shall fall upon any part of fitting that is capable of igniting it or into any receptacle where it might accumulate.

187. Electric wires.— All electric wires or leads shall be adequately insulated.

188. Fire extinguishers.— Every public service vehicle other than a motor cab shall be equipped with one or more fire extinguishers of such type and capacity as may be specified by the State Transport Authority and such fire extinguishers shall at all times be maintained in working conditions.

189. Locking of nuts.— All moving parts of every public service vehicle and all parts subject to severe vibrations connected by belts or studs and nuts shall be fastened by lock nuts or by nuts with efficient spring or lock nut washers or by castellated nuts and split pins or by some other efficient device so as to prevent them from becoming loose.

190. Floor board.— (1) The floor boards of every public service vehicle

shall be strong and closely fitted so as to exclude as far as possible draughts and dust.

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

191. Spare wheel and tools.— (1) Except as otherwise specified by the Regional Transport Authority in respect of municipal or cantonment areas, every motor vehicle other than motor cycle shall, at all times be equipped with not less than one spare wheel or rim, 'lifted with a pneumatic tyre in good and sound condition ready and inflated, and mounted in such a way that it can be readily dismounted and fitted to the vehicle, in the place of any one of the road wheels.-

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

(3) Every motor vehicle other than motor cycle shall at all times, be furnished with an efficient jack and other tools necessary to change a wheel or rim and tyre. and with the equipment necessary to repair a puncture.

(4) Every public service vehicle shall, at all times be furnished with one screw driver and at least with one spare fuse, one side-light bulb and one head-light bulb and when such vehicle is fitted with sealed beam headlights be furnished with one spare sealed beam unit and a fan belt, one inspection lamp with ten meters long wire:

Provided that, the State Government may, by general or special order. exempt for such period as may be specified therein any public service vehicle or class of such vehicles in respect of any area, if it is satisfied that adequate arrangements exist for expeditious and efficient emergency repairs in such area.

First Aid Box.—'[1] 2[Every stage carriage and goods carriages employed for transportation of huadou

First Aid equipment in the aerosol bottles approved by the Commissioner, Food and Drugs Administration, Mah.] containing medicine for burns, wounds, pain-killers and dressing material as prescribed by the State Transport Authority. and dust proof first-aid box containing the following articles. namely:—

[i] a leaflet containing first-aid instructions approved by the State Government, from time to time:

(ii) twenty-four sterilised finger dressings:

(m) twelve sterilised hand or foot-dressings:

(iv) twelve sterilised large or body dressings;

(v) one extra large, two large and three small sterilised burn dressings;

[vi] two large packets of sterilised cotton wool;

(vii) a bottle of two per cent tincture of iodine or a tube of antiseptic cream containing 0.5 per cent of Centrimide B.P. in a non-greasy base;

1. Existing Rule 192 shall be renumbered as sub rule (1) by G.N. of 8.2.1994.

2. These words were substituted for the words "Every stage carriage" by G.N. of 8.2. 1994.

3. For the words "approved by Bureau of Indian Standard" the words "approved by Commissioner, Food and Drugs Administration, Mah." were sub. by G.N., H.D., No. MVR. 0189/CR-1043/TRA-2 (M.G.G., IV-A, Ex. 1994, p. 405).

(vm) a bottle of Sal Volatile;

(ix) empty bottle fitted with cork and camel hair brush for eye drops:  
and

(X) two medicine glasses :

Provided that, the State Government may, by a general or special order, exempt from the provisions of this rule, any public service vehicle plying in such area or areas or on such particular route or routes, and on such conditions if any, as may be specified in the order, if it is satisfied that medical aid is readily available in such area or areas or routes.

“(2) The First Aid kit maintained in goods carriages carrying dangerous and hazardous goods shall also contain appropriate antidotes wherever applicable which shall be specially designed with reference to such chemicals].

193. Inspection of motor vehicles.— (1) Notwithstanding the renewal of registration of motor vehicles, other than the transport vehicles, if the registering authority has reason to believe that owing to the mechanical defects, any such vehicle, is in such condition that its use in a public place constitutes a public or that it fails to comply with the requirements of Chapter VII of the Act or of the rules made thereunder he may cause such vehicle to be inspected by an Inspector of Motor Vehicles and after giving the owner an opportunity of making any representation as required under sub-section (1) of Section 53, suspend the certificate of registration of the vehicle under the said section till such time as the vehicle is produced for inspection duly repaired.

(2) (a) On such inspection, if the Inspector of Motor Vehicles is satisfied that such vehicle is in a mechanically defective condition he shall issue to the owner memorandum in Form M. V- In.s;L\_of the First Schedule using such items thereof as are applicable to non-transport vehicles, and submit a copy thereof to the registering authority.

(b) If on receipt of a copy of such a memorandum, the registering authority has reason to believe that owing to the mechanical defects, the vehicle is in such condition that its use in a public place constitutes a danger to the public, or that it fails to comply with the requirements of Chapter VII of the Act or of the rules made thereunder, he may, after giving the owner an opportunity of making any representation as required under sub-section (1) of Section 53 of the Act, suspend the certificate of registration of the vehicle under the said section till such time as the vehicle is produced for re-inspection duly repaired.

(3) The registering authority shall record below the certificate of registration of the vehicle, the date of every inspection and whether it was

found in mechanically fit or defective condition.

(4) A fee for every such inspection shall be as prescribed by the Central Government and the same shall accompany the application referred to in sub-section (8) of Section 41 of the Act.

194. Clearance.— All under parts of the vehicle inside the pivots of the front axle and steering arms which must be placed as near as possible to road wheel as far back at least as the rear axle, shall be, above the ground, by not less than 254 millimeters, when the vehicle is fully loaded. In 1. Sub-rule (2) was added by G. N. of 8.2.1994.

addition. sufficient allowance shall be made to provide for the wear of the tyres, settling down of the springs, and other causes likely to reduce height, so that the minimum clearance of 254 millimetres is at all times maintained.

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

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

(3) The front springs shall be as wide-apart as possible and the difference between them shall not be less than 37 per cent of the overall width of the vehicle :

Provided that, if the width of the rear springs is 53 per cent of the overall width of the vehicle or more, the minimum distance between the front springs may be less by 2.54 centimetres than that required by this sub-rule.

(4) There shall be no cross springs.

196. Wheel track.— The wheel tracks of both front and rear wheels shall coincide and the distance between the centre lines of the tracks of the front wheels shall not be less than 69 per cent of the overall width of the vehicle.

197. Ventilation.— Every stage carriage shall be provided with adequate means of ventilation, so that there shall be proper ventilation even when the windows, if any, are not opened. If the carriage is provided with opening windows, suitable provision shall be made so that opening of the window could be adjusted.

198. Certain rules to be applicable to private vehicles and certain transport vehicles.— The provisions of Rules 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 180, 181, 182, 183, 185, 186, 187, 188, 189 and 190 relating to public service vehicle shall also apply to private service vehicles registered in the name of educational institutions which are recognised by the Government or which are managed by societies registered under Societies Registration Act, 1960 1

Provided that, the [provisions] under Rules 173 and 174 in respect of

private service vehicles may be relaxed by the Regional Transport Authority and after such relaxation. the internal height (head room) shall not be less than 1.425 metres.

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

j

1. The word “provisions” was substituted for the word "measurements" by G.N., H.D.. NO. MVR. 0190/2076/TRA-2. dated 18.7.1991 [M.G.G.. 1V-A. p. 455).

n\, l.§/El , \_

addition, sufficient allowance shall be made to provide for the wear of the tyres, settling down of the springs, and other causes likely to reduce height. so that the minimum clearance of 254 millimetres is at all times maintained.

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

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

(3) The front springs shall be as wide-apart as possible and the difference between them shall not be less than 37 per cent of the overall width of the vehicle :

Provided that, if the width of the rear springs is 53 per cent of the overall width of the vehicle or more, the minimum distance between the front springs may be less by 2.54 centimetres than that required by this sub-rule.

(4) There shall be no cross springs.

196. Wheel track.— The wheel tracks of both front and rear wheels shall coincide and the distance between the centre lines of the tracks of the front wheels shall not be less than 69 per cent of the overall width of the vehicle.

197. Ventilation.— Every stage carriage shall be provided with adequate means of ventilation, so that there shall be proper ventilation even when the windows, if any, are not opened. If the carriage is provided with opening windows, suitable provision shall be made so that opening of the window could be adjusted.

198. Certain rules to be applicable to private vehicles and certain transport vehicles.— The provisions of Rules 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 180, 181, 182, 183, 185, 186, 187, 188, 189 and 190 relating to public service vehicle shall also apply to private service vehicles registered in the name of educational institutions which are

recognised by the Government or which are managed by societies registered under Societies Registration Act, 1960 :

Provided that, the 'provisions' under Rules 173 and 174 in respect of private service vehicles may be relaxed by the Regional Transport Authority and after such relaxation, the internal height (head room) shall not be less than 1.425 metres.

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

—i—lj—jij—

1. The word "provisions" was substituted for the word "measurements" by G.N.. H.D.. No. MVR. 0190/2076/TRA-2. dated 18.7.1991 (M.G.G., IV-A. p. 455).

s.— [1] In order to prevent a goods vehicle from running backward on slopes, or otherwise to render it immobile, every such vehicle, not being a light motor vehicle, be equipped with two wedge shaped rigid chocks, each measuring (30 centimetres) in length, (30 centimetres) in breadth and 254 millimetres in height, with one of its sides having a slope making an angle of 45 degree at the end. The plane surface of the sloped side of each chock shall be rendered concave so as to fit the outer circumference of the tyres normally fitted to the rear wheels of the vehicle.

(2) Notwithstanding anything contained in sub-rule (1), where such vehicle is fitted with single rear wheel, the breadth of each such chock may be less than 30 centimetres but not less than 15 centimetres.

(3) Each such chock shall have a hook and be kept,-

(a) in a bracket fitted on the outer skirt of the tail-board of the vehicle; or

(b) where the vehicle has no tail-board, in a metal carrier fitted between the frame side members, underneath the body nearest to the rear wheel on the either side.

The tail-board of the vehicle and where the vehicle has no tail-board, the wooden planks above the frame side members shall also have a hook in the centre.

(4) Each such chock shall be linked with the tail-board or where the vehicle has no tail-board with the wooden planks above the frame side members, by means of a metal chain or steel wire rope of sufficient length and strength, fastened to the hook in the chock and also to the hook in the tail-board or the wooden planks, as the case may be.

(5) No person shall use any boulder or any substance of a similar nature in lieu of wooden chocks on slopes or otherwise to prevent the goods vehicle other than light motor vehicle from running backward on slopes or to render it immobile otherwise.

(6) Notwithstanding anything contained in this rule. the State Government may, by notification in the Official Gazette exempt from the provisions of this rule. any goods vehicle or class of such vehicles in its opinion are not likely to slip backwards on slopes.

201. Driver's seat.— (1) The provisions of Rule 175 applicable to public service vehicles shall also apply to goods vehicle other than light motor vehicles provided with bucket type seats :

Provided that, where the State Government having regard to the price and utility of any goods vehicle or class of goods vehicles. is satisfied that it is necessary so to do. it may, by general or special order. exempt any goods vehicle or class of goods vehicles fitted with left hand steering control from the provisions of sub-rule (1) of Rule 175.

(2) Where a registering authority registers a goods vehicle in respect of which or belonging to a class in respect of which, an order under sub-rule (1) has been made, he shall note in the certificate of registration. the fact that nothing in Rule 175 in regards to. and consequent upon the provisions requiring that the vehicle shall be driven from the right hand side shall apply to the vehicle.

202. Securing of goods in open goods vehicles.— Goods transported in an open vehicle shall be properly secured within the body of such vehicle in such a manner as so to prevent the goods from falling from such vehicle.

(xvii) the freight leviable in respect of each consignor or consignee for each commodity;

(xviii) the freight charged for each commodity;

(xix) the volume of traffic carried by the vehicle during the year in metric tons;

(xx) in the case of goods carried in stage carriage the number of trips and kilometres travelled to be given separately when the goods were carried exclusively in the stage carriage, and when the goods were in addition to passengers; and in the latter case, also the number of seats available for passengers: and

(b) to issue to each consignor a receipt in respect of every consignment received by or on behalf of the owner of a transport vehicle, showing details regarding the date of receipt of the goods. particulars of such goods commodity-wise. place from which the destination to which the goods are to be carried and the freight charged in respect of each commodity.

(2) No owner or other person shall cause or allow any person to drive a transport vehicle unless the owner or other person. has in his possession a record in writing of the name and address of the driver as set forth in his driving licence, the number of the licence and the name of the authority by which it was issued.

(3) No person shall drive a goods vehicle and no owner or other person

shall cause or allow any person to drive such a vehicle unless the driver carries a way-bill containing all or any of the particulars which may be specified by the Regional Transport Authority under sub-rule (1).

(4) The records required to be maintained under this rule shall be produced for inspection on demand by any Police Officer not below the rank of Sub-Inspector or an officer of the Motor Vehicles Department.

1 12. Change of address of permit holder.— (1) If the holder of a permit ceases to reside or to have his place of business as the case may be, at the address set forth in the permit, he shall, unless the change be for a temporary period not exceeding three months, send within fourteen days the permit to the Transport Authority by which the permit was issued intimating the new address.

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

1 13. intimation of damage to or failure of public service vehicle.-

(1) The holder of any stage carriage permit in respect of a particular vehicle by reference to the registration mark shall, within seven days of the occurrence, report in writing to the Transport Authority by which the permit was issued any failure of, or damage to such vehicle or to part thereof, of such a nature as to render the vehicle unfit for use in accordance with the conditions of the permit for a period exceeding three days.

(2) The holder of any permit of service of stage carriages shall, within twelve hours of the occurrence, report in writing to the Transport Authority by which the permit was issued, and failure of, or damage to, any vehicle

used by him under the authority of the permit of such a nature as to prevent the holder from complying with any of the provisions of conditions of the permit for a period exceeding twenty-four hours.

(3) Upon receipt of a report under the preceding sub-rules, the Transport Authority by which the permit was issued may, subject to the provisions of Rule 88.—

(i) direct the holder of the permit within such period, not exceeding two months from the date of the occurrence as the authority may specify, either to make good the damage to or failure of the vehicle or to provide a substitute vehicle : or

(ii) if the damage to or failure, of the vehicle is such that in the opinion of the said authority it cannot, be made good within a period of two months from the date of the occurrence, direct the holder of the permit to provide a substitute vehicle, and where the holder of the permit fails to comply with such a direction,

may suspend, cancel or vary the permit accordingly.

(4) The Transport Authority giving a direction or suspending, cancelling or varying a permit under sub-rule [3] shall send intimation of the fact to the Transport Authority of any other region in which the permit is valid by virtue of counter signature or otherwise.

114. Alteration to motor vehicle.— [1] The owner of a transport vehicle, shall give notice to the registering authority as required under Section 52 (of the Act) and simultaneously report the alteration to the Transport Authority which has granted the relevant permit for the use of the vehicle.

(2) Upon receipt of a report under sub-rule (1). the Transport Authority by which the permit was issued may, if the alteration is such as to contravene any of the provisions or conditions of the permit, -

(i) vary the permit accordingly; or

(ii) require the permit holder to provide a substitute vehicle within such period as the authority may specify and if the holder fails to comply with such requirement, cancel or suspend the permit.

(3) A Transport Authority varying, suspending or cancelling a permit or causing another vehicle to be substituted for a vehicle covered by a permit. shall intimate the particulars to the Transport Authority of any other region in which the permit is valid by virtue of countersignature or otherwise.

115. Conditions for use of trailers.— (1) Subject to sub-rules [2] and (3), the operation of goods carriages drawing any trailer shall be permitted in the areas or routes other than.— w

(i) ghat sections as may be declared by the Public Works Department;

(ii) areas falling within the limits of the Municipal Corporations and Municipal Councils in the State..

(2) The goods carriage drawing trailers shall not be drawn at a speed more than 30 k . per hour et and sun rise.

( Board indicating the extra-length of such vehicle shall be exhibited on the drawing vehicle in reflecting colours. The Board shall read as follows :-

“v\_Caution-Extra longvehicle“.

## NOTES

For extra long vehicle display of cautionary board necessary.- The object of Rules 115 and 226 of the Rules is to indicate to the persons seeing or following the motor vehicle that it is a long vehicle carrying trolleys. Non-exhibiting of the board apart from violation of the Rules would show negligence on the part of the driver was much as the persons following the tractor with the attached trolleys were not warned that the tractor was a long vehicle with trolleys attached.- Jagadeoppa Muttayappa Birajdar u. Satish Nagnath Gaikwad and another, 2010 (5) Mah LJ 478.

1 16. Distinguishing boards for goods vehicles.— Every goods transport vehicle shall carry in a prominent place on the front of the vehicle a distinguishing board in the regional language or in English with the letters “goods carrier” painted in black on white background. The height and the width of each letter shall not be less than 127 millimetres and 64 millimetres, respectively. "

1 17. Inspection of transport vehicles and their contents.— (1) Any police officer in uniform not below the rank of Sub—Inspector or any officer of the Motor Vehicles Department within his respective jurisdiction may, at any time when a goods vehicle or a public service vehicle is in a public place, call upon the driver of such vehicle to stop the vehicle for such time as may be necessary to enable the police officer or the officer of the Motor Vehicles Department to make a reasonable examination of the contents of the vehicle and the number of passengers, if any, so as to satisfy himself that the provisions of the Act and these rules and the provisions and conditions of the permit in respect of the vehicle are being complied with.

\* (2) Notwithstanding anything contained in sub-rule (1), the police officer or officer of the Motor Vehicle Department shall not be entitled to examine the contents of any goods vehicle unless, —

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

(ii) the police officer or the officer of the Motor Vehicle Department has reason to believe that the vehicle is being used in contravention of the provisions of these rules.

(3) In the event of a motor vehicle being stopped for examination under sub-rule (1), such officer shall give to the driver or any person in charge of the vehicle a certificate stating the date on which, the hour at which and the period for which the vehicle was detained.

1 18. Inspection of brakes of transport vehicle.— Any officer of the Motor Vehicles Department not below the rank of an Assistant Inspector of Motor Vehicles, specially authorised in this behalf by the State Government, may at any time when a transport vehicle is in public place, call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the officer to inspect the brakes of the vehicle so as to satisfy himself about compliance of the rules prescribed by Central Government in this behalf.

1 19. Motor cabs fitted with ‘taxi meters].— (1) A Regional Transport Authority may, by notification in the Official Gazette, require that within the limits of such area as may be specified in the notification all motor cabs or any class of motor cabs shall be fitted with ‘taxi meter].

(2) Where a notification as aforesaid has been issued, permits in respect

of any motor cab covered by the notification shall not be granted unless fitted with a taxi meter, except under the following conditions :—

[i] that such owner shall provide such garage accommodation for cabs as is approved by the Regional Transport Authority:

(ii) the cabs shall not be let on hire from public stands or from public places

(m) that the cabs shall have an engine of not less than 750 c.c.

(3) The rule of fitment of a taxi meter will not be applicable to luxury or tourist or maxi cab or jeep type of motor cab].

Explanation .— For the purposes of this rule,-

[i] "luxury cab" means a motor cab with a licensed seating capacity of not less than three adult passengers excluding the driver, in respect of which a permit has been granted under the conditions specified in sub-rule (2).

(ii) "tourist cab" means a motor cab for which a permit has been granted under sub-section (9) of Section 88 [of the Act].

[m] jeep type of motor cab" means jeep type of motor vehicle with-

(a) either a fibre re-enforced plastic or metal body and not canvas tops;

[b] a seating arrangement especially of the seats on the rear facing the front and across the width of the vehicle and separate entrances for the rear seats on two sides of the vehicle unless the seat in the front is collapsible and where such an arrangement cannot be provided. the seating arrangement on the rear consists of seats along the length of the vehicle and facing each other, with armrests to provide support for the passengers against the lateral jerks and with two bars running along the length of the vehicle under the roof and fitted with the hanger straps made up of either rexine or leather material and a third entrance at the rear with steps to enable entry into the vehicle without undue difficulty:

(c) the side entrances fitted with either half or full length doors.]

120. Power of Inspector of Motor Vehicles to inspect taxi meters .-

Any officer of and above the rank of Assistant Inspector of Motor Vehicles in uniform or any police officer not below the rank of Sub-Inspector. may, if he has reason to believe that a motor cab fitted with a taxi meter has been or is being plied with a meter which is defective or has been tampered with. stop such motor cab and, in order to test such taxi meter, direct the driver

1. These words were substituted for original words by G.N. of 30.7.2007.

2. Sub. by G.N., H.D.. No. MVR. 0192/5013/TRA-2, dt. 14.6.1993 (M.G.G., Pt. IV—A. 1994, p. 115).

3. These words were substituted by G.N. of 4.4. 1994 (M.G.G., Pt. IV-A, 1994. Ex., p. 252].

4. Clause (m) was added by G.N., H.D.. No. MVA. 0193/675/CR-57 /TRA-2, dt. 4.4.1994 M.G.G., Pt. IV-A. pp. 252-2531.

or the person in charge of such motor cab to cover a distance or connect the taxi meter to the measuring equipment to ascertain the accuracy of the taxi meter or to proceed to an institution referred to in sub-rule (1) or Rule 141 and take or cause to be taken such other steps as he may consider proper for the purpose.

121. Licensing and regulation of conduct of agents for sale of tickets for travel by public service vehicles.— (1) Every owner of a public service vehicle to be let or plied for hire shall intimate to the Regional Transport Authority concerned, the name and address of the person appointed on his behalf as the agent who has been engaged in the sale of tickets to passengers for travel by such vehicle.

(2) No person shall act as an agent of the owner of such public service vehicle and no owner shall so employ any person unless he has obtained an agent's licence in Form L. Ag. (PSV) of the First Schedule to these rules from the Regional Transport Authority concerned.

Explanation.- For the purposes of this sub-rule, persuading any person, soliciting or attempting to persuade any person to travel in a vehicle shall be deemed to be acting as an agent for the sale of tickets for travel thereby.

(3) An agent's licence shall be valid for a period of twelve months from the date of issue or renewal and shall be effective only in the region wherein it is issued or renewed.

(4) No person under the age of eighteen years shall hold an agent's licence.

(5) Application for an agent's licence shall be made in writing to the Regional Transport Authority of the region wherein the applicant resides, in Form L. Ag. A. (PSV) of the First Schedule to these rules and shall be accompanied by two clear copies of a recent photograph of the applicant and the prescribed fee.

(6) The fee for an agent's licence shall be '(hundred and fifty rupees]' and the fee for its renewal or for the issue of a duplicate shall be '[hundred rupees.)

(7) An application for the renewal of an agent's licence shall be in writing enclosing the licence accompanied by the prescribed fee, addressed to the Regional Transport Authority, by which the agent's licence was issued, if the application for renewal accompanied by the appropriate fee prescribed under sub-rule (6) is not received on or before the date of expiry of the licence, the fee payable for the renewal of the licence shall be '(hundred and fifty rupees.)

(8) The Regional Transport Authority may, for reasons to be recorded in writing, decline to issue or renew an agent's licence or grant licence on such conditions as the Regional Transport Authority may consider fit to impose.

(9) (i) The Regional Transport Authority may, for reasons to be re-

corded in writing. suspend or [cancel] revoke an agent's licence;  
(ii) On an agent's licence being suspended. [cancelled] revoked or not renewed, it shall be surrendered forthwith to the Regional Transport Authority which issued the licence.

l. Sub. by G.N.. H.D.. N0. MVR. 0298/1531/CR-91/TRA-2. dt. 30.7.1999.

(10) An agent shall. on demand by any Motor Vehicle Officer in uniform not below the rank of Assistant Inspector of Motor Vehicles produce his agent's licence for inspection.

(11) The Regional Transport Authority may. specify that the agent shall wear a uniform of the type approved by it in that behalf.

(12) No person shall hold more than one agent's licence effective in the same region.

(13) The agent shall. while on duty. wear in a conspicuous place on his a metal badge as prescribed in the Second Schedule issued by the Regional Transport Authority on payment of a fee of ₹ (thirty rupees) alongwith his name plate in black letters on white background in bold letters in English or Hindi. No agent shall lend or part with the badge to any other person and he shall surrender it to the Regional Transport Authority in the event of his licence being suspended. revoked or not renewed. If the badge is lost or destroyed, a duplicate badge shall be issued by authority which issued it on payment of ₹ (fifty rupees.)

(14) The provisions of this rule shall apply to such districts. areas or routes and from such dates as the State Government may, by notification in the Official Gazette specify in this behalf.

#### NOTIFICATION

MVA. 0493/703/TRA-2, dt. 15.1.1994.- In exercise of the powers conferred by sub-rule (14) of Rule 121 of the Maharashtra Motor Vehicles Rules. 1989 the Government of Maharashtra hereby specifies 15th January. 1994 to be date on which the provisions of the said Rule 121 shall apply to all districts in the State of Maharashtra.

M.G.G., Pt. IV-A, 1994, p. 26.

122. Lost property.— (1) Where a permit holder or his employee receives any article under clause (xvii) of Rule 34 or under sub-rule (2) of Rule 20. he shall. keep that article for a period of seven days and shall. if the article is not claimed during that period. hand over the same to the officer-in-charge of the nearest police station :

Provided that. if the article is of a perishable nature. it may be handed over to the officer-in-charge of the nearest police station even before the expiry of seven days.

(2) Where during the period mentioned in the preceding sub-rule.-

(a) the article if claimed by not more than one person. the permit holder may. after making such enquiries as he deems fit and if necessary after taking an indemnity agreement from the

claimant. hand over the article to the claimant: and

(b) the article if claimed by two or more than two persons then the permit holder may hand over the same to the officer-in-charge of the nearest police station.

(3) Where any article is received by an officer-in-charge of a police station under this rule or under sub-rule (xxix) of Rule 21 then the provisions of Sections 82 to 88 of the Bombay Police Act. 1951 (Bom. XXII of 1951) shall, so far as may be apply to such article as they apply in relation to unclaimed property under that Act.

1. Sub. by G.N.. H.D.. No. MVR. 0298/1531/CR-91/TRA-2, dt. 30.7.1999.

123. Licensing of agents.— In Rules 124 to 132 (both inclusive) unless the context otherwise requires.—

(a) “agent” means any person who engages in the business of collecting or forwarding and distributing goods carried by road by goods vehicle plying for hire;

(b) “agent's licence” means a licence granted to an agent under sub-rule (4) of Rule 125 for the principal establishment and includes a supplementary licence granted to such agent for any additional establishment, such as branch officers specified in such supplementary licence; and

(c) “Licensing authority” means the Regional Transport Authority of the region in which the applicant intends to carry on the business, and in any other case of the region in which the applicant has his principal place of business.

124. Prohibition to act as Agent except under licence.— No person shall act as an agent unless he holds a valid licence authorising the carrying of his business of an agent at the place or places specified in the licence.

125. Agent's licence.— (1) Any person desiring to obtain an agent's licence shall make an application to the Regional Transport Authority of the region in which he has his place of business or as the case may be. his principal place of business. Such application shall be made in Form L. Ag. A. of the First Schedule.

(2) The application shall be accompanied by the fee prescribed in Rule 129.

(3) In considering an application made under this rule. the Licensing authority shall have due regard. among other things to.—

(a) the number of goods vehicles. if any. either owned by the applicant or under his control:

(b) the suitability of accommodation, under the control of the applicant for the storage of goods at every operating place;

(c) the facilities provided by the applicant for parking the goods vehicles while loading or unloading without hindrance to the general traffic in the area; and

(d) the financial resources of the applicant and experience in the trade.

(4) The licensing authority shall either grant or renew the licence including a supplementary licence, for a branch office, if any, in Forms L. Ag. P. (Goods) and L. Ag. S. (Goods) of the First Schedule, as the case may be, specifying the place or places where the business may be carried on, or refuse to grant or renew the licence:

Provided that, the licensing authority shall not refuse to grant or renew a licence or, a supplementary licence for a branch office applied for, unless the applicant is given an opportunity of being heard, and the reasons for refusal are recorded and communicated to him in writing.

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

(6) The licence shall be in two parts, namely, the principal part (hereinafter referred to as "the principal licence"), in which supplementary licence issued for every separate establishment or branch office for loading, unloading or receipt of delivery of consignments is carried on, shall be mentioned, and the supplementary part (hereinafter referred to as "the supplementary licence"). The details of the establishment or branch office such as municipal house number, the nearest road, bye-lane, the postal delivery district and other landmarks in the vicinity to enable identification of the place of licence duly attested by the licensing authority, shall be attached to the licence.

(7) The principal licence shall be kept and displayed prominently at the head office, and the supplementary licence shall be kept and displayed prominently at each branch office to which it refers, except when the principal licence or supplementary licence, as the case may be, is forwarded to the licensing authority for effecting renewal, and the licensee is in possession of an acknowledgement to that effect. Such licence or acknowledgement shall be produced before any inspecting officer of the Motor Vehicles Department.

(8) An agent's licence shall be non-transferable.

(9) An agent's licence shall be valid for a period of one year from the date of grant or its renewal. The date of expiry of the supplementary licence shall be co-terminus with the date of expiry of the principal licence irrespective of the date on which the supplementary licence is granted.

126. Renewal of agent's licence.— (1) An agent's licence may be renewed on an application in Form L. Ag. A. (Goods) of the First Schedule, made to the licensing authority not less than thirty days before the date of

its expiry. and shall be accompanied by the principal and all supplementary licences. if any. and the fee specified in Rule 129.

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

127. Cancellation of agent's licence and forfeiture.— (1) Without prejudice to any other action which may be taken against a licensee. the licensing authority may. by order in writing. revoke an agent's licence or suspend it for such period as it thinks fit. if in its opinion any of the conditions under which the premises have been approved or under which the licence has been granted have been contravened.

(2) Before making any order of suspension or revocation under sub-rule (1). the licensing authority shall. give the licensee an opportunity of being heard and shall record reasons in writing for such revocation. or suspension.

(3) The licensing authority may order the forfeiture in whole or in part. of the security furnished by the licensee under sub-rule (5) of Rule 125 for contravention of any provision of this Rule or Rules 124. 125. 130. 131 and 132 or for breach of any of the conditions specified in Rule 130 by the licensee :

Provided that, no such forfeiture shall be made unless the licensee is given an opportunity of being heard.

(4) In the event of the forfeiture of security deposit or part thereof. by the licensing authority. the licence shall cease to be valid if the licensee fails

to make payment to bring the security already furnished by him to its original value within thirty days of the receipt of the order of the forfeiture.

128. Issue of duplicate licence.— If at any time an agent's licence is lost, destroyed, torn or otherwise defaced so as to be illegible, the agent shall forthwith apply to the licensing authority for the grant of a duplicate licence. The application shall be accompanied by the fee mentioned in Rule 129, upon receipt of such an application, that authority shall issue a duplicate agent's licence clearly stamped "Duplicate" in red ink. If the duplicate agent's licence is issued on a representation that the licence originally granted has been lost or destroyed and the original licence has been subsequently found, the original licence shall be surrendered to the licensing authority.

129. Fees for licence, etc.— The fee for the grant or renewal of licence or supplementary licence or for a duplicate thereof, shall be —

[a] for grant of a licence .. [Rs. 500]

(b) for grant of a supplementary licence of .. [Rs. 300]  
each additional establishment.

(c) for renewal of a licence if application is made in time —

(i) Principal licence .. Rs. [200]

(ii) Each supplementary licence .. Rs. ₹[30]  
(d) for renewal of a licence if application is made late-

(i) Principal licence .. Rs. ₹[300]

(ii) Each supplementary licence .. Rs. ₹[50]

(e) for issue of a duplicate of copy of — -

(i) Principal licence .. Rs. ₹[30]

(ii) Each supplementary licence .. Rs. ₹[20]

130. Conditions of agent's licence.— An agent's licence shall be subject to the following conditions, namely :—

(1) the licensee shall, subject to the provisions of Rule 132, provide adequate space for the parking of vehicles for the purpose of loading and unloading of goods;

(2) the licensee shall be responsible for proper arrangement for storage of goods collected for despatch or delivery or both;

(3) the licensee shall,-

(a) take all necessary steps for proper delivery of the goods to the consignee;

(b) be liable to indemnify the consignee for any loss or damage to goods while in his possession, by adequate insurance cover. where available, at the cost of the consignor or consignee;

(c) issue to the consignor and consignee a goods transport receipt only after he actually receives goods for despatch and state therein the weight, nature of goods, destination, approximate distance over which the goods are to be carried, the freight charged, the service charges, if any, such as local transport, insurance while in his custody and labour charges, if any, for loading and unloading provided that, the service charges shall be reasonable and the licensing authority may, require the agent to prove the said charges to be reasonable;

l. Sub. by G.N.. H.D., No. MVR. 0298/1531/CR-91/TRA-2, dt. 30.7.1999.

(d) not deliver the goods to the consignee without actually receiving the consignee's note or any such note issued by the office which received the goods for despatch or if this note is lost or misplaced. an indemnity bond covering the value of the goods:

(e) issue a copy of every goods transport receipt issued to the consignor or consignee to the driver of the goods vehicle transporting the goods and shall not allow any consignment to be loaded without handing over a copy of the receipt in respect thereof to the driver;

(f) maintain in Form A.R.'1'. of the First Schedule, proper record of collection. despatch of delivery of goods. registration mark of the vehicle in which the goods are carried for transport and make the same available for inspection by the licensing author-

ity. or by any person duly authorised by it in this behalf:

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

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

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

(j) comply with the provisions of this Rule and Rules 124. 125, 130. 131 and 132;

(k) not effect the transport unless he verifies the identity of the consignor and also obtains the signature of the consignor or his agent with details of material to be transported and full address of the consignor and shall not deliver the goods to the consignee unless he verifies the identity of the consignee or his agent and also obtains a receipt with signature, names and address in detail of the consignee or his agent, when the goods are booked at consignor-'s risk with a condition that the consignor shall pay the transport charges.

131. Particulars to be mentioned in contract of agency.— All contracts entered into or way-bills issued by a licensee for the purpose of collecting. forwarding or. distributing goods shall be in writing. and shall contain the following particulars, namely :—

(i) names and addresses of consignors and consignees;

(ii) description and weight of consignment;

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

(iv) freight on weight—destination or weight—distance or on truck-distance basis for long distance haulage and for local transport for collection at consignor's place or delivery at consignee's place if required;

(v) delivery instructions that is the approximate date by which and the place at which goods are to be delivered to the consignee; and .

(vi) terms of payment separately for long distance transport. local transport. home delivery and collection, labour charges for loading and unloading and the demurrage.

132. Places to be used for loading and unloading of goods etc.— (1)

The Regional Transport Authority, may, in consultation with the local municipal authority, or police authority having jurisdiction over the local area concerned. or both, approve any premises owned or to be used by an applicant for an agent's licence for loading, unloading and for parking goods vehicles or for the storage of goods, while in the custody of the licensee having regard to the suitability of the site, traffic conditions obtaining in

the locality, sanitary conditions, storage facilities, space for parking vehicles for the purpose of loading or unloading from transporting trucks provided at such premises, as the place of carrying on the business under the licence.

(2) Any approval under sub-rule (1), shall be subject to the following conditions, namely :—

(a) that the premises shall at all times be kept in clean condition and in good state of repair:

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

(c) that the licensee shall not change the premises or make any external alterations to it or in the parking arrangements thereat, as may likely cause obstruction to the general traffic in the vicinity without prior approval, of the licensing authority;

(d) that the licensee shall take suitable precautions to ensure that no breach of any provisions of the Act or of these rules in so far as these provisions relate to the following matters is committed in respect of any vehicle engaged by him and which is entering or leaving or standing at such premises, namely :—

(A) requirements that a goods vehicle shall be covered by —

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

(ii) valid certificate of fitness: and

(m) valid certificate of insurance: and

(iv) payment of tax under the Bombay Motor Vehicles Tax Act, 1958;

(B) observance of the rules and conditions as to —

(i) construction, equipment and maintenance of motor vehicles to the extent the defects are easily noticeable from the exterior appearance of a motor vehicle;

(ii) limits of weight and prohibitions or restrictions on use of motor vehicles:

(m) loading of goods, overall height. width and projections of load laterally. to the front, to the rear and in height:

(iv) transport of dangerous or explosive substances contraband articles, under any law for the time being in force;

(v) parking or abandonment of motor vehicles on road in such a way as to cause obstruction to traffic or danger to any person or other user of roads;

(vi) leaving vehicles in dangerous position; and

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

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

l\ - av-| \_

133. Powers of entry and inspection.-- Any officer of the Motor Vehicles Department in uniform. may enter upon the premises at all reasonable times for inspection of the premises used by the permit holder for the purpose of his business.

134. Prohibition of painting or marking in certain manner.— ‘[( 1) No advertising device, figure or writing shall be exhibited on any transport vehicle save as may be permitted by the Regional Transport Authority by general or special order :

Provided that, the Regional Transport Authority, by its Resolution, may exempt certain classes of permit holders or classes of vehicles from the provisions of this sub-rule, in public interest :

Provided further that, the provisions of this sub-rule shall not apply to private service vehicles while displaying advertisements of the products or services produced or rendered by the permit holders.

(1A) The permit holder shall apply to the Secretary, Regional Transport Authority seeking permission or renewal thereof to display advertisements on transport vehicle in Form PDAA along with prescribed fees and the permit.

[1B) The Secretary, Regional Transport Authority shall issue an order in Form PDA permitting the permit holder to display the advertisements in accordance with the guidelines issued by the State Transport Authority or Regional Transport Authority or both that may be for the time being in force. The permission shall be valid for a period of one year or till the date of expiry of the permit, whichever is earlier.] V

(2) A transport vehicle when regularly used for carrying Government Mail by or under a contract with the Indian Posts and Telegraphs Department, shall be painted in red colour and shall exhibit in conspicuous place upon a plain or a plain surface of the motor vehicle the word “MAIL” in red colour on a white background, each letter being not less than fifteen centimeters in height and of a uniform thickness of nineteen millimetres.

(3) Save as aforesaid, no stage carriage or contract carriage shall be painted in postal red colour or display any sign or inscription which includes the word “MAIL” :

Provided that, a stage carriage belonging to a municipal transport service be painted in signal red colour, with a band in any colour except postal red colour.

(4) Stage carriages, both city service buses and mofussil service buses belonging to the Maharashtra State Road Transport Corporation should be painted in the manner approved by the State Transport Authority from time to time.

Explanation.- For the purposes of this rule.—

- (i) “city service buses” means buses plying mainly within the limits of any Municipal Corporation, municipality or cantonment constituted under any law for the time being in force; and
- (ii) “mofussil service buses” means buses plying mainly in other

areas.

(5) Save as aforesaid no other transport vehicle plying in the State shall be painted in any of the colour combination prescribed in sub-rules (3) and

(4)-

1. Sub-rule (1) was substituted by G.N., H.D., No. MVA. 1190/CR-66/TRA-2, dt. 5.1.1994 (M.G.G.. Pt. IV-A, Ex., p. 6].

‘[134A. Fees for permission to display advertisements.— Subject to the provisions of rule 134, the fees in respect of an application for permission to display advertisements on following classes of transport vehicles shall be. as follows. namely :-

(a) Goods carriages [Rupees two hundred]

(b) Omnibuses 2[Rupees two hundred]

(c) Motor Cabs [Other than autorickshaws) 2]Rupees hundred]

(cl) Autorickshaws “(Rupees sixty]

135. Painting and marking of motor cabs in certain manner.— (1)

The lgoocl\_of\_e\_ye\_ry\_ motor catrshall be painted in cream yellow and the res\_t of the body in black colour. '

' o the registration mark. a serial number of permit

allotted by the registering authority shall be painted on the motor cab at each of the following different places. namely :-

(i) tl\_1\_e\_l(;f1; handtop portion of the front windscreen:

(ii) on the rear boot on the left side of the registration mark;

(m) in the middle of the left front dooriand

(iv) in the middle of ghtfrontdoor.

(3) The aforesaid number shall be painted in white and in red circle and the numerals shall not be less than 50 millimetres and 38 millimetres in breadth.

(4) The number on the left portion to the windscreen shall be so painted as to be readable from inside and the number on the rear boot. the left front door and the right front door shall be painted against the black back ground.

(5) Notwithstanding anything contained in these rules but subject to the provisions of sub-rule (7), no permit shall after the coming into force of these rules, be granted or renewed in respect of any motor cab which does not conform to the provisions of sub-rules (1) to (4).

(6) No motor vehicl

manner prescribed i\_n> sub-rule (1).\_\_

' (7TNotwithstanding anything contained in this rule. the State Government may. by general or special order. exempt any motor cab or class of motor cabs, from all or any of the provisions of this rule either generally or in such area or areas. or such rout or routes and subject to such conditions. if any, as may be specified in the Order.



shall be so placed as to be easily read by the hirers.

(ii) All letters and figures required to be shown on meter and gear boxes shall be of such size, form and colour as would render them clearly legible.

(4) The flag of a meter shall be of suitable strength and shall bear the words "For Hire" in white letters of plain block type at least 50 millimeters in height and of proportionate thickness on a red coloured ground so that they may be easily read from a distance. The arm lever which carries the flag shall be of such length that when it is kept vertical, the lower edge of the flag is above the highest part of the meter. If it is an electronic digital meter, it shall be provided with two switches that is meter-switch and stop-switch, for operating the meter and shall also be provided with "Roof Light" synchronized with the operation of the meter.

(5) The mechanism of meters shall be so designed that —

(a) (i) the words "For Hire" are indicated in the appropriate slot when the flag arm is vertical:

[ii] the word "Hired" is indicated when the arm has been depressed through 180 degrees and the time and distance gears are in engagement;

1\ A-/U ,

(1) It is fitted with a mechanical metre or an electronic digital metre of a type, which in the opinion of the Transport Commissioner complies with the provisions of Rule 140, or is so designed or constructed that the constructional requirements as specified in Rule 140 are substantially complied with;

‘[(1-A) Notwithstanding anything contained in sub-rule (1) of this rule and rule 137, the Air-conditioned motor cab shall be fitted with an electronic digital meter inside the cab].

(2) The provisions of Rules 141, 142, 143 and 144 are complied with.

‘[137. Fitment of electronic digital taxi meter.- (1) A new motor cab including auto-rickshaw shall be fitted with an electronic digital taxi meter.

(2) In case of existing motor cabs, or any class of motor cabs including auto-rickshaws, having fare meter and registered in the jurisdiction of different Regional Transport Offices, the date for fitment of new electronic digital taxi meter shall be as specified by the State Government, from time to time, by notification in the Official Gazette.]

138. Approval of Type of Meters.— (1) An application for the approval of new modified type of meter shall be sent to the Transport Commissioner and shall be accompanied by two complete specimens of the meters and a detailed description with drawings of its mechanism. A working specimen, the flexible cable by which the meter will be driven shall also be forwarded along with the meters for the test.

(2) The Transport Commissioner, shall send the meters to the 3[Veer mata

Jijabai Technological Institute. Mumbai] or any other Institution approved by the State Government for the purpose of testing the meters, where they shall be subjected to an exhaustive test in order to ascertain whether they comply with the requirements specified in Rule 140 and whether they would otherwise be suitable. At least one of the meters shall be opened and such parts removed as may be required for a comprehensive examination of the mechanism.

[3] After the test, one instrument shall be retained at the “[Veermata Jijabai Technological Institute. Mumbai] or the other Institute, as the case may be, as a sample instrument and the other shall be returned to the Transport Commissioner.

[4] After considering the report received from the “[Veermata -Jijabai Technological Institute. Mumbai] or any other approved Institute, as the case may be, the Transport Commissioner shall, if he is satisfied that the meter complies with the requirements specified in Rule 140 and is suitable for the purpose, approve the meter. He shall inform the applicant of his decision.

1. Clause (IA) was inserted by G. N. of 6.9. 1996.

2. Rule 137 was substituted by G. N. of 30.7.2007.

3. These words were substituted for the words "Victoria Jubilee Technical institute".  
ibid.

4. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

lb)

(C)

(d)

(e)

lf

i lg)

(11)

li)

U1

(m) the word “Stopped” is indicated when the arm is arrested in a horizontal position at 270 degrees.

the flag arm shall not normally remain in any position other than the three positions mentioned in clause (a):

the fare by time ceases to be recorded when the flag is in the “Stopped” position;

the fare by distance is recorded on the meter if the taxi cab is driven with the flag in the “Stopped” position:

the fare recorded is not obscured when the flag is in the “Hired” or “Stopped” position;

it is not possible —

(i) to move the flag back from the “Hired” position to “For Hire”, or  
(ii) to return the flag from “Stopped” position to “Hired” position;  
when the flag arm is raised to a vertical position that is the “For Hire” position, the previous record of fare is cleared and the various mechanisms are brought to their initial positions;

before the flag can again be depressed, the full vertical position shall be reached, and a positive stop made there to ensure that the mechanism comes to rest and that the fare indication is obscured by shutter:

the mechanism for recording the time and distance cannot be engaged or disengaged except by the normal sequence of operation of the flag arm referred to in clauses (a) to U); and

the operation of the shutter of obscuring the fare synchronises with the engaging and disengaging of the time and distance mechanism of the meter.

(6) The mechanism of an electronic digital meter shall be so designed that —

la)

lb)

(C)

(d)

(e)

(f)

lg)

(i) “for hire” window is illuminated with the meter switch in “off position” and the roof light [is] in “on position”:

(ii) the “Hired” window is illuminated and the roof lights is turned “off” when the “meter switch” is pressed “on” and the time and distance modes are in engagement;

(m) the “stopped” window is illuminated with the stop switch is pressed “on”:

it shall not be possible to set in any position other than the three positions in clause (a) in the meter;

the fare by the time ceases to be recorded when the flag is not in stopped position;

the fare by distance is recorded on the meter if the taxi cab is driven with the meter in “stopped” position;

the rate recorded is not obscured when the meter is in hired and or in stopped position:

when the meter switch is turned off, ‘for hire’ window is illuminated.

the roof light is turned on and the previous recording of fare is acquired and the various mechanism of the meter are brought back to the initial position; and

the mechanism recording time and distance cannot be engaged or disengaged except by the normal sequence of operation of switches

referred to in clauses (a) to (f).

(7) Every meter shall be so constructed that it gives audible warning by means of a suitable bell or gong whenever the driver moves the lever which operates the recording mechanism.

‘[[7-A) Every electronic digital meter to be fitted to a "[motor cab excluding autorickshaw] shall be either provided with an inbuilt printer or external printer which can print bill containing the particulars such as the date of journey, vehicle number, distance travelled in kilometer, duration of journey and actual fare.)

(8) (a) After the meter has been tested and approved, every meter shall be capable of being sealed by seals of the type approved by the Transport Commissioner in this behalf.

(b) When the gear which operates the distance recording apparatus is not contained in the main part of the machine, the case or cover enclosing it shall be so made that it may be sealed either by the inset or wired-on type of seal.

(c) All meter cable connections shall be so made as to be capable of being sealed by means of inset or wired-on lead seals to prevent improper removal.

[2] In case of a mechanical meter, the mechanism driving the distance recording gears and in case of electronic digital meters, the mechanism giving signals to the distance recording mechanism of the electronic meters shall be fitted not to the driving wheels of the cab but to the non-driving wheels of the chassis gear box attached to the cab.

(10) (a) A plate of a suitable size and pattern shall be attached to the meter or its gear box in such a manner that it cannot be removed without either removing the seals affixed by the testing institution or opening the meter or the gear box. The plate shall bear raised or sunken words or figures denoting the measurement of the effective circumference of the wheel by which the meter will be driven and by which its action and accuracy may be tested.

(b) The measurements shown on the plate shall be in accordance with the circumference of the wheels of minimum size normally attached to cabs.  
Explanation .- The effective circumference of the cab wheel to which the meter transmission gearing is attached and by which the meter is driven is the distance which the cab moves forward for one complete revolution of the wheel and may be measured by making a mark on the tyre of the wheel where it touches the ground and pushing the cab in a straight line until mark is again in contact with the ground, the cab being in its normal working condition and carrying two passengers.

141. Further test of meters of approved type.— (1) A meter of any type approved under Rule 138 shall, before being fitted to a motor cab be sent to the 31 Veermata Jijabai Technological Institute, Mumbai], or other institution approved by the Regional Transport Authority in this behalf for

a rough test whether the meter accurately registers time and distance and

1. Sub-rule (7-A) was inserted by G. N. of 30.7.2007.

2. These words were substituted for the words "motor cab including the autorickshaw" by the Mah. Motor Vehicles (Second Amendment) Rules, 2008. G.N. of 29.3.2008 w.e.f. 1.3.2008.

3. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

also for examination as regards its external appearance, general action and conformity with the approved type.

(2) Every meter in use shall be submitted for test at the [Veermata Jijabai Technological Institute. Mumbai] or other institution approved by the Regional Transport Authority under sub-rule (1) at least once in every twelve months in case of mechanical meters and once in every twenty four months in case of electronic meters and also whenever its seals are removed for any repairs or adjustments.

(3) If after test and examination. the meter is found to be suitable it shall be sealed at the [Veermata Jijabai Technological Institute. Mumbai] or institution, as the case may be. in such a manner that its interior parts cannot be reached without breaking the seal.

142. Method of test.— (1) Arrangements shall be made at the 'Weermata Jijabai Technological Institute. Mumbai] or other testing institution approved under sub-rule (1) or Rule 141 for the action of the meter to be demonstrated by a person familiar with its construction and technical details. and after such demonstration the person submitting the meter shall supply. for at least one day. a motor cab fitted with such meter or to which one of such meters submitted may be fitted.

(2) Every person submitting meter of an approved type shall be required to give an assurance that the instrument conform with the approved specimen deposited under Rule 138.

(3) Meters submitted for rough test may be opened for interior examinations if deemed necessary. 1

143. Requirements as to fittings, etc.— (1) The meter shall be fitted in such position and in such manner as may be approved by the Executive Officer of the Regional Transport Authority. having regard to the design of the motor cab. It shall normally be fixed on the near side of the driver's seat. with the face or dial towards the interior of the cab so as to be clearly visible to the hirer and also capable of being read both by the hirer and the driver: 2[Provided that. the electronic digital taxi meter shall be fixed inside the motor cab including the auto-rickshaw at left side of the driver's seat.]

(2) Flexible or driving gears of gear-boxes shall be so affixed that no part of the cable etc.. can be reached by an unauthorised person.

{3} A meter or its gear-box shall not be fitted to a cab the effective circumference of the wheel of which is different from that for which the

meter has been designed, geared and tested.

(4) The effective circumference of the wheel by which a meter is driven shall not be more than five per cent (off and not less than the measurement shown on the plate attached to the meter under sub-rule (10) of Rule 140.

(5) Every cab required to be fitted with meter shall have a light so fixed as to illuminate the meter at night.

144. Sealing of meter fitting after test.— After a meter is affixed to a cab and before the cab is let or plied for hire, it shall be taken to the

1. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

2. Proviso was added by G. N. of 30.7.2007.

Inspector of Motor Vehicles, who shall examine the meter as to the correctness of fittings and submit to a practical road test of about eight kilometers and a time-test of not less than half an hour. If the meter is found to be correct, its fittings to the cab shall be sealed by such Inspector in such manner that they cannot be removed or tampered with without removing the seals.

145. Meter and its seals and Marks not to be tampered with.— (1)

No person shall break or in any way tamper with any seals or marks placed on a meter, or, with intent to deceive, tamper with a meter.

(2) No meter shall be altered without the written permission of the Transport Commissioner.

146. Cab fitted with a defective meter not to be used.— (1) No meter which is in any way defective may be fitted to any cab and no cab which is fitted with a defective meter shall be used in any public place.

(2) Upon service of a notice issued by an Inspector of Motor Vehicles on the owner of any cab prohibiting the use of meter fitted to it, the meter shall at once be removed and the cab shall be immediately withdrawn from service.

147. Repairs and repairers.— (1) After it is sealed under Rule 144, no repairs to any meter shall be made except by a maker or repairer authorised by, and registered with, the Executive Officer, Regional Transport Authority.

(2) Any person applying for being authorised and registered as a maker or repairer under sub-rule (1) shall satisfy the Executive Officer, Regional Transport Authority, that —

(i) the applicant is of good character and of good business repute;

(ii) the applicant's financial position is sound;

(m) the applicant maintains an efficient staff and suitable equipment at his premises and has a sufficient supply of spare parts for the repair of meters;

(iv) the applicant is generally a fit and proper person to undertake

the repair or adjustment of taxi meters.

Such person shall also agree that the premises where the work of repairs or adjustment of meters is to be carried on, shall be open at all reasonable times for inspection by officers of the Motor Vehicle Department and that he shall notify to the Executive Officer of the Regional Transport Authority if the situation of the premises is at any time changed.

(3) The Executive Officer of a Regional Transport Authority may, in his discretion, cancel the registration of a marketer or repairer if it is proved that such person is unable to comply or has not complied with the requirement set out in sub-rule (2) or if the business is not carried on in accordance with these rules to the satisfaction of such Executive Officer.

148. Fees.—The following are the maximum fees that may be charged by the [Veermata Jijabai Technological Institute, Mumbai or other approved institutions for the different tests namely :—

I. Test of new types — Rs.

For a complete examination [1000]

For testing a flexible staff [60]

II. Rough test approved type —

For test of a single meter of approved type [50]

For re-tests [25]

1

₹

1. These words were substituted for the words "Victoria Jubilee Technical Institute" by G. N. of 30.7.2007.

2. Sub. by G.N., H.D., N0. MVR. 0298/1531/CR~91/TRA-2. dt. 30.7.1999.

3. This figure was substituted for the figure "20" by G. N. of 30.7.2007.

## CHAPTER VI SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS

149. Form of proposal of transport undertaking.— (1) The proposal to be prepared by a State Government under the provisions of Section 99 shall be in Form S.S.T.U. in the First Schedule to these rules containing all the particulars specified in the said Form and shall be published in that Form in the Official Gazette and cause such proposal regarding Road Transport Service Scheme to be published on the notice boards in the office of the State Transport Authority, Regional Transport Authority and Collector within whose jurisdiction the area or the route or portion thereof lies and in such newspaper or newspapers as the State Government may direct: Provided that, at least one of such newspapers shall be in the regional language circulating in the area and the publication of the proposal

regarding Transport Service Scheme shall be accompanied by a notice stating that any person affected thereby may, within 30 days from the date of publication of the proposal in the Official Gazette, file objections thereto before the State Government as provided in Section 100.

150. Manner of filing objections to proposal of the scheme.— (1)

Any person affected by the proposal may file any objections thereto, in the form of a memorandum, in duplicate, addressed to the State Government. The memorandum shall set forth concisely the grounds for objections to the proposal, and shall in addition contain the following particulars, namely :—

(a) the name and address of the objector:

(b) the information regarding permit or permits held under the provisions of Chapter V of the Act, together with particulars of the route or routes or area specified in such permits;

(c) the manner in which the objector is affected by the proposal:

(d) details of any alternative route or area for which he desires to have permit.

(2) Any person filing objections under Section 100 shall send a copy thereof simultaneously to the State Transport Undertaking which has submitted the proposal.

151. Manner of considering objections.— (1) The State Government may, subject to the provisions of sub-rule (2), consider the proposed scheme and objections at a hearing of which at least seven days notice shall be given to every objector and the State Transport Undertaking.

(2) The notice under sub-rule (1) shall ordinarily be sent at the address of the objector by ordinary post under certificate of posting:

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

152. Publication of approved scheme.— The approved proposal to be published under sub-section (3) of Section 100 shall be in Form A.S.S.'I' U. of the First Schedule to these rules.

153. Application for permit under Section 103.— (1) Every application under sub-section (1) of Section 103 shall be made —

(i) for stage carriage permit in Form P.S.T.U.S.A.;

(ii) for goods carriers permit in Form P.S.T.U.P.C.A.;

(m) for contract carriage permit in Form P.S.T.U.Co. A.

(2) The State Transport Authority or, as the case may be, the Regional Transport Authority (hereinafter in this Chapter referred to as the relevant Transport Authority) shall, on receipt of an application referred to in sub-rule (1), satisfy itself that the application relates to notified area or a notified route specified in an approved scheme and issue thereafter to the State Transport Undertaking applying therefor a stage carriage permit applied for

under sub-section (1) of Section 103, the State Transport Undertaking applying therefore a stage carriage permit in Form P.S.T.U.S. a public carrier's permit in Form P.S.T.U.P.C. a contract carriage permit in Form P.S.T.U. C0.

(3) Notwithstanding anything contained in this rule, pending the issue of a permit applied for under sub-section (1) of Section 103. the State Transport Undertaking may operate the service in the notified area or on a nrmec route specified in the approved scheme.

154. Disposal of article found in vehicle.-- (1) The maximum period for claiming any article left by the owner in any transport vehicle operated by the State Transport Undertaking, shall be fifteen days.

(2) Where any article found in any such vehicle is not claimed by its owner within the said period, the State Transport Undertaking may sell the article by public auctions. A notice of such auction shall be displayed fifteen days in advance of the date of the auction on the notice board at the place where the auction is to be held, and published in local newspaper.

(3) Nothing in this rule shall apply to any article which is of a perishable nature or is in danger of losing the greater part of its value and it shall be lawful for the State Transport Undertaking to dispose of any such article at any time as the circumstances may require.

155. Manner of service of orders under Chapter VI.— Every order under Chapter VI of the Act shall be served,-

(a) by tendering or delivering a copy thereof to the person on whom it is to be served or his agent: if any; or

[b] by sending it by registered post at the known address of the person on whom it is to be served; or

[c] by fixing it to some conspicuous place of his last known residence or place of business in case the above two methods are considered impracticable.

156. Extension or modification of permits.— Where the holder of a permit for a public service vehicle applies to the relevant Transport Authority extending or modifying the operation of the road transport service, so however that such extension or modification results in operation of such service in a notified area or on a notified route or part thereof. specified in an approved scheme, then the relevant Transport Authority shall send a copy of such application to the State Transport Undertaking. The relevant Transport Authority shall. before passing any order on such

application. give an opportunity to the State Transport Undertaking of being heard.

157. Grant of permit under the proviso to Section 104.— The relevant Transport Authority on granting a permit to any person under the proviso to Section 104 shall inform the State Transport Undertaking concerned of the grant of such permit.

158. Notice of application hearing etc.— The State Transport Undertaking shall, in order to give effect to the provisions of this Chapter intimate to the relevant Transport Authority, the designation and addresses of its officers to whom notice of applications, hearing, orders or any other matter shall be sent and shall also inform them of the changes therein. from time J to time. --

#### CHAPTER vn

#### CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES

159. Definitions.— For the purposes of this Chapter, unless there is anything repugnant in the subject or context.—

(a) “generator” means the part of a producer in which gas is produced:

(b) “model” means a model of producer:

(c) “producer” means the whole equipment necessary for generation, cooling and cleaning of gas. and its supply to the engine of a motor vehicle:

(d) “standard specification” means the specification approved as such by the Director of Industries for the construction of a producer;

(e) “test schedule” means the schedule approved by the Director of Industries for inspection and testing of a producer:

(f) “sleeper coach” means a public service vehicle constructed or adapted to carry more than one sleeping berth excluding the crew member as per the specifications prescribed in this behalf known as “Sleeper Bus”].

160. General rules regulating construction etc., of motor vehicles.— (1) No person shall use and no person shall cause or allow to be used or to be in any public vehicle, which does not comply with the rules contained in this Chapter. of Motor Vehicles

\*Rules. 1989. or with any order thereunder made by authority competent to pass such order.

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

l. Added by G.N., H.D., No. MVR. 0100/306/CR-35/TRA-2. dt. 3.1.2002.

Provided that, where a motor vehicle can no longer remain under the effective control of the person driving the same, it shall not be moved except by towing.

161. Mirror.— Every motor vehicle, other than a transport vehicle not being a motor cab or a motor cycle having not more than two wheels and to which a side car is not attached, shall be fitted either internally or

externally, and every transport vehicle other than a motor cab fitted externally with a mirror so placed that the driver has a clear and distinct vision of vehicles approaching from the rear :

Provided that, the State Government may by general or special order, exempt any transport vehicle or class of transport vehicles from the provision of this rule on such conditions as may be specified in the order. ~ if it is satisfied, that having regard to the construction of such vehicle or class of vehicles fitting of a mirror does not serve any useful purpose.“\

162. Restrictions regarding television set or video in them vehicles.—;I§g>\_televJsion§\_et or video shall be fitted or kept on or near the dash-board of the motor vehicle or shall be kept in the view of the driver.

163. Dangerous projections.— (1) No mascot or other similar fitting or device shall be fitted on any motor vehicle registered in India in any position where it is likely to strike any person with whom the vehicle may collide, unless the mascot is unlikely to cause injury to any person by reason of any projection thereon.

(2) No motor vehicle shall be permitted to be used which is so constructed that any axle hub or hub-cap projects laterally more than four inches beyond rim of wheel to which it is attached, unless the hub or hub-cap does not project laterally beyond the body or wings of the vehicle or is provided with an adequate guard.

164. Springs.— Every motor vehicle and every trailer, drawn thereby shall be equipped with suitable and sufficient means of springing, adequately maintained in good and sound condition between the road wheels and the frame of the vehicle :

Provided that, this rule shall not apply to.-

(i) any motor vehicle registered in India before the first day of April, 1940 if any means of springing with which it is fitted are adequately maintained in good and sound condition:

(ii) any tractor not exceeding four thousand five hundred and thirty-six kilograms in weight unladen if all the unsprung wheels of the tractor are fitted with pneumatic tyres:

(m) any land tractor, land implement, agricultural trailer, trailer equipped with pneumatic tyres having axle weight not exceeding 3050 kilograms avoirdupois, or any trailer used solely for the haulage of felled trees or such other heavy loads as cannot be carried on springs:

(iv) vehicles designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another, or to works or premises within a distance of 3.2 kilometers;

(v) such motor vehicle or class of motor vehicles not fitted with the means of springing by the manufacturers which the State Govern-

ment may, by general or special order, declare to be otherwise suitable for use on public roads on the conditions specified on the order.

165. Mudguard.— Every motor vehicle except a tractor or a trailer shall unless adequate protection is afforded by the body of the motor vehicle be provided with or other similar fitting to catch, so far as practicable mud or water thrown up by the rotation of the wheels.

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

(2) Every pillion seat attached to a motor cycle shall have,—

(i) Two foot-rests one on either side of and directly below the seat fitted in such a manner that a person sitting on the pillion seat can rest his feet on such foot-rests;

(ii) a grip fitted to the front of the seat.

(3) No pillion seat shall be attached to a motor cycle with less than 45

cc engine.

(4) The rear wheel of every motor cycle on which a pillion seat is fixed shall be covered by a protective device covering two-thirds of the circumference of the rear wheel so as to prevent the clothes of the pillion rider from getting entangled.

167. Communication with driver.— Every motor vehicle for the use of passengers in which the driver's seat is separated from the passenger compartment shall be furnished with efficient means to enable the passengers in such compartment and the conductor, if any, to signal the driver to stop the vehicle.

168. Use of military and police colours and registration marks prohibited.— (1) No motor vehicle other than military and police motor vehicle, shall be used, in any public place, unless it is painted in colour scheme different from that usually employed for military and police motor vehicles.

(2) No motor vehicle shall exhibit or carry any military registration mark.

169. General.— Every public service vehicle and all parts thereof including paintwork, varnish and upholstery, shall be clean and sound and the engine mechanism and all working parts, in reliable working order.

170. Stability.— (1) The stability of a double-decked public service vehicle shall be such that when loaded with weights of 59 kilograms per person placed in the correct relative positions to represent the driver and

conductor (if carried) and a full complement of passengers on the upper deck only, if the surface on which the vehicle stands were tilted to either side to an angle of 28 degrees from the horizontal. the point at which over-turning occurs would not be reached.

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

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

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

171. Seating l'00m.— (1) In every public service vehicle other than a motor cab, there shall be provided for each passenger except those permitted to be carried as standees. a reasonably comfortable seating space of not less than 381 millimeters measured on straight lines along and at right angles with front of each seat,-

(i) when the seats are placed along the vehicles facing each other the backs of the seats on the side shall be at least 1,372 meters distant from the backs of the seats on the other side:

when the seats are placed along the vehicle and are facing in the same direction, there shall be a space of not less than 685 millimeters between the back of the front seat and the back of the rear seat. when measured from the rear most point of the

(ii)

back of the front seat. to the rear most point of the back of the", rear seat. The front seat shall be in two parts with a gangway of 305 millimeters in three places, two at the two extremes and one is in the middle;

when seats are placed across the vehicle and are facing in the same direction, there shall be a space of not less than 660 millimeters between the back of the front seat and the front of the rear seat when measured at the topmost point of the upholstery;

when seats are placed across the vehicle and are facing each

other there shall be a space of not less than 1.27 millimeters between the backs of the facing seats when measured from the topmost point of the upholstery.

(2) The backs of all seats shall be closed to a height of 406 millimeters above seat level.

(3) Notwithstanding anything contained in this rule. no ordinary public service or private service shall have a more area of each seat more than 459 square millimeters.

(m)

(iv)

(4) The area to be provided for each seat in a Luxury or Tourist Air-conditioned public service vehicle or Air-conditioned private service vehicle shall not exceed 511 square millimeters.

‘[(5) The provisions of sub-rules (3) and (4) shall not apply in the case of camper vans, camping trailers, house trailers and minibuses designed or constructed to provide living quarters for recreational, camping or travel purposes].

172. Gangways.— (1) In every compartment of every public service vehicle entrance to which is from the front or rear. there shall be a gangway along the vehicle, as follows :-

[i] where the seats are placed along the vehicles facing each other there shall be a clear space of not less than 610 millimeters measured between the front edge of the seats:

Provided that. the maximum width of the gangway shall not be more than 686 mms. :

‘[Provided further. that. the provisions of this sub-rule shall not apply to camper vans, camping trailers, house trailers or minibuses designed or constructed to provide living quarters for recreational camping or travel purposes].

(ii) where seats are placed across the vehicle there shall be a clear space of not less than 305 millimeters between any part of adjoining seats or their supports :

Provided that, the maximum width of that gangway shall not be more than 381 mms.:

(m) where a row of seats is placed along one side of the vehicle and the other seats are placed across the vehicle, there shall be a clear space of not less than 450 millimeters between the front edge of the seats placed along the vehicles and parts of the adjoining seats or their supports placed across the vehicle :

Provided that the maximum width of the gangway shall not be more than 526 mms.

(2) Where the vehicle has seats placed across the full width of the body with separate doors to each seat. a gangway from the rear of the vehicle shall

not be required.

173. Condition regarding permission to carry standees.— (1) Subject to the provision of sub-rule (2), no passenger shall be permitted to be carried standing in any public service vehicle. '

(2) Notwithstanding anything contained in sub-rule (1),-

(a) standing passengers may be carried on the lower deck of any such public service vehicle if there is a grab-bar fixed with hanger straps fixed in the roof of the gangway:

(b) where such public service vehicle is operated within the limits of a municipal corporation, or a municipality. constituted under any law for the time being in force in the State. including an area within a radius of eight kilometers from such limits. the Regional Transport Authority, may direct that passengers may be carried standing in such public service vehicle. if there is a

1. Added by No. MVR. 0190/2245/TRA-2. dated 5m March. 1991 (M.G.G.. Pt. IV-B. 1991,p.19si

clear space serving as a gangway of greater width than that prescribed in Rule 172 as the Regional Transport Authority may specify in this behalf:

(c) the Regional Transport Authority may direct that in addition to the standing passengers permitted to be carried in any public service vehicle referred to in clause (a) and (b) above, twelve school children may be permitted to be carried therein, during such periods as may be specified by it, being periods when school going children leave their homes for attending schools or leave their schools for reaching home.

'[(d) the Regional Transport Authority may, direct that passengers may be carried standing in a private service vehicle if there is a minimum head room not less than 1.7 meters and a grabbar ~» with hanger straps fixed in the roof of the gangway. and shall also have a clear space serving as a gangway of such greater width than the prescribed in Rule 172 as the Regional Transport Authority may specify in this behalf and also specify any other conditions as it deems fit.]

174. Head room.— (1) Every public service vehicle other than a motor cab shall have the following internal height or head-room measured along the center of the vehicle from the top of the floor boards or battens to the underside of the roof supports,-

(i) in the case of a single-decked vehicle and the lower-deck of a double decked vehicle not less than 1.75 meters and not more than (2 meters) :

2[Provided that the provisions of clause (1) shall not apply to last row of seats in the public service vehicle having engine at the rear side.]

(ii) in case of upper-deck of a double-decked vehicle, not less than 1.7 meters :

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

(2) Nothing in sub-rule (1) shall apply to motor vehicles constructed before the 1st day of July, 1959, in conformity with the provisions of rules made under the Motor Vehicles Act, 1939, in any part of the State and in force therein before the aforesaid date.

175. Driver's seat.— (1) No public vehicle shall be driven other than from the right hand side of the vehicle.

(2) On every public service vehicle space shall be reserved for the driver's seat so as to allow him to have full and unimpeded control of the vehicle and in particular,—

(i) the part of the seat against which the driver's back rests, shall not be less than 280 millimeters from the nearest point of the steering wheel:

(ii) the width across the vehicle shall be not less than 690 millimeters and shall extend to the left of the centre of the steering

1. Clause (d) was inserted by G.N., H.D., No. MVR. 0190/2076/TRA-2, dt. 18.7.1991 (M.G.G., Pt. IV-A, p. 4551).

2. Inserted by G. N., H. D., No. MVA. 0390/1220/TR.A—2, dated 18.7.1991 (M.G.G., Pt. IV-A, p. 453).

column in no case less than 254 millimeters so that a line drawn parallel to the axis of the vehicle through the centre of any gear level, brake lever or other device to which the driver has to have frequent access lies not less than 50 millimeters inside the width reserved for the driver's seat.

(3) Arm-rests for the driver, not more than 100 millimeters wide may be provided within the space specified in clause (ii) of sub-rule (2) of this rule.

[4] No public service vehicle shall be so constructed that any person can sit or any luggage can be carried on the right hand side of the driver.

(5) Every public service vehicle other than a motor cab shall be so constructed that there shall be a separate compartment containing proper sitting accommodation for the driver. This compartment may be separated by suitable rigid partition of metal bar or adequately spaced metal bars, both on the side and on the rear so as to isolate the driver without obstructing his vision :

Provided that, in case of a motor cab licenced to carry five passengers, two passengers may be permitted to be carried by the side of the driver's seat.

(6) Every public service vehicle shall be so constructed that, except for

the front pillar of the body. of any, the driver shall have a clear vision. both to the front and through an angle of 90 degrees to his right hand side. The front pillar of the body shall be so constructed as to obstruct the vision of the driver to least possible extent.

(7) The sub-rule (1) shall not apply to four-wheel-drive jeeps. and motor cabs.

(8) Notwithstanding anything contained in this rule. where the Government, having regard to the availability and utility of any vehicles fitted with left hand steering control or the expediency of their use in public interest. is satisfied that it is necessary so to do the Government may by general or special order, exempt any public service vehicles or class of such vehicles with such control from any of the provisions of this class of such vehicles with such control from any of the provisions of this rule, on such terms and conditions, if any, as may be specified in the order.

176. Width of door's.— (1) Every entrance and exit of a public service vehicle other than a motor cab shall be at least 540 millimeters in width and of sufficient height.

(2) Every entrance and exit of a stage carriage, not being a stage carriage operating within the limits of a municipal council, municipal corporation or cantonment duly constituted or declared under any law for the time being in force, shall be fitted with doors so as to prevent the passengers from falling out.

177. Grab rail.— (1) Grab rail shall be fitted to every entrance or exit, other than an emergency exit, of a public service vehicle other than a motor cab to assist passengers in holding or alighting from the vehicle.

178. Steps.— (1) Every public service vehicle, other than a motor cab. the top of the tread of the lowest step for any entrance or exit, other than an emergency exit. shall not be at a height of more than 520 millimetres or less than 250 millimetres, above the ground when the vehicle is empty. All

steps shall be fitted with non-slip treads. Fixed steps shall not be less than 230 millimetres wide and shall in no case project laterally beyond the body of the vehicle.

[2] In case of a double decked vehicle,-

(il) the risers of all steps leading from the lower to the upper deck shall be closed, and no unguarded aperture shall be left at the landing board;

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

(m) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase. excluding any grab rail which does not project more than 75 millimetres from the back of the seat. shall not be less than 660 millimetres;

(iv) the outer stringer of an outside staircase shall be so constructed or a band shall be so placed. as to act as a screen to persons ascending or descending and the height of the outer guard rail shall not be less than 990 millimetres above the front of the tread of each step.

179. Cushions.— The seats of public service vehicle shall be provided with fixed or moveable foam or soft cushions. and the cushions shall be covered with leather cloth of good quality or other suitable material so that they are capable of being kept in a clean and sanitary condition.

180. Body dimensions. guard rail and life gum-ds.— (1) Every public service vehicle. other than a motor cab, shall be so constructed that,-

(i) in case of a single-decked vehicle with an enclosed body,-

(a) the height of the body sides from the floor of the height to the sills of the window. as the case may be, shall not be less than 715 millimetres;

(b) if the height of the sides of the body or the sills of the windows. as the case may be, above the highest part of any seat is less than 460 millimetres. provision shall be made by means of guard rails or otherwise. to prevent the arms of seated passengers being thrust through and being injured by passing vehicle, or the extent to which the side windows or venetians can be lowered, is such that when lowered their top-edge is not less than 460 millimetres above the highest part of any seat;

(ii) in the case of a single-decked vehicle with open sides, guard rails shall be provided along the right hand side of the vehicle to prevent any person other than the driver from mounting or alighting from the vehicle on that side;

(m) in the case of a double-decked vehicle with an uncovered top deck. the top deck shall be provided at least 915 millimetres above highest part of any seat, and the top of front and back rails shall be at least 990 millimetres above the deck boards or battens, and shall follow the chamber of the deck.

Explanation.— For the purposes of this rule, seat-back shall not be deemed to be a part of the seat.

(2) A Regional Transport Authority may, in case of stage carriages plying solely in any specified municipal or cantonment limits and the environs

thereof. require that life guards of a type to be approved by the said Authority shall be fitted to the sides of the vehicle between the wheels.

181. Protection of passengers from weather.— (1) Except in case of an uncovered top beck of a double-decked vehicle. every public service vehicle shall be constructed with a fixed and water-tight roof and every motor cab shall be constructed and equipped with fixed and water-tight roof or with a water-tight hood that may be raised or lowered as required.

(2) Except in case of an uncovered top deck of a double-decked vehicle, every public service vehicle shall have suitable windows fitted with glass panes capable at all times of protecting the passengers from the weather without preventing adequate ventilation of the vehicle.

(3) The glass windows must be provided with effective means to prevent their rattling.

182. Internal lighting.— Every public service vehicle, other than a motor cab, having a permanent roof, shall be furnished with one or more electric lights adequate to give reasonable illumination throughout the passengers compartment or compartments including the bending, but of such power or so screened as not to impair the forward vision of the driver.

183. Body construction.— The body of every public service vehicle shall be constructed and fastened to the frame of the vehicle in compliance with such directions as may, from time to time, be issued by the State Transport Authority.

‘[183-A. Special provisions for Sleeper Coach.— (1) Subject to Rule 93 read with mutatis mutandis application of the provisions of rule 128(2), (3), (4), (5), (6), (9)(i), (12) and (13) of the Central Motor Vehicles Rules, 1989, the special provisions for Sleeper Coach shall be as under :—

(2) Powers to grant relaxation.— The State Government or the Transport Commissioner, as the case may be, may grant relaxation to the vehicles registered as Sleeper Coach or Sleeper Bus from one or any of the above conditions giving reasons in writing.

(A) Age of the Sleeper Coach.— A permit of a Sleeper Coach shall be deemed to be invalid from the date on which the motor vehicle covered by the permit completes twelve years from the date of its initial registration :

Provided that, the motor vehicle to be replaced shall not be more than five (5) years old on the date of such replacement.

(B) Sleeper/Berth Arrangements.— (a) The sleeper berth should be provided along with the vehicle with two tier system only. Each berth of length not less than 1750 mm, and width not less than 760 mm, and not more than 900 mm. The thickness of each berth shall not be less than 75 mm.

(b) The width of the gangway shall not be less than 450 millimeters.

(c) The width of the structure partition shall not be less than 25 mm, between the two berths.

(d) The lower berth shall be fixed at a minimum height of 150 mm, from the flooring of the vehicle.

1. Ins. by G.O.T-H.D., No. MVR. 0100/306/CR-35/TRA-2, dated 3.1.2002.

(e) The clear head room for the sitting passenger at lower berth shall not be less than 800 mm.

(f) The clear head room for upper berth shall not be less than 650

mm. except at the side curves of the roof.

(g) The upper berth shall be either fixed type with supports fixed rigidly by means of bolting or welding or pivot mounted at the partition and suspended by two bright steel chains mounted on hinges on berths. These chains shall be fixed rigidly by means of bolting or welding to the roof structural members. The chain shall be located to ensure that the sum total of the overhead position shall not exceed the centre to centre distance of chains measured along the axis of the berths.

(h) Suitable arrangements shall be made for the upper berth passengers to enable them to go up or come down from the upper berth.

(i) An assist handle shall be provided for comfortable occupation of the upper berth at a convenient height.

(j) No seat/berth shall be permitted to be fitted in the gangway except a seat for coach attendant./manager at suitable place.

(k) Each berth shall be provided with fabric covering, which shall be capable of being kept in a clean and sanitary condition.

(l) One pillow and two neat linen shall be provided to each passenger (one for wrapping and another for spreading).

(m) Safety guards covered with soft material on either side of the upper berths shall be provided.

(C) Other particulars.— (i) Headroom.— The internal height of the vehicle shall not be less than 1850 mm.

(ii) Body Mounting.— (a) In case of rigid chassis the body of such public service vehicle shall be mounted on the chassis with high tensile steel bolts with diameter of not less than 16 mm. No holes shall be drilled in the chassis side members (Longitudinal) except where such drilling is technically approved by the chassis manufacturers. Rubberised packing or mounting of adequate thickness shall be used between the body structure and the chassis frame.

(m) Flooring.— Flooring material of such public service vehicle shall be sound proof, anti-skid and washable. The floor shall be safe for the passengers and be covered with rubber or synthetic matting or carpets. All joints shall be dust proof by suitable packing material.

(iv) Roof.— Roof of ceiling of such public service vehicle shall be provided with soft material or equivalent materials like A.B.S. plastics to prevent impact.

(v) Light.— Individual reading light at convenient location for each berth shall be provided in addition to normal lighting arrangement.

(vi) Painting and finishing.— Such public service vehicle shall be painted in "Notro Cellulose" or "Synthetic Enamel" or other suitable paints of any permissible colour scheme.

(vii) Air-condition Unit Mounting. — Every such public service vehicle shall be equipped with Air-Conditioning unit of adequate cooling capacity. The air-condition engine compartment shall be provided with sound insulating

materials so as to damper the engine noise to suitable d.b. level; and with vibrating mounting so as to minimize vibratory factors in the saloon compartment.

(vm) Windows. — (a) The windows shall be provided with double sliding type slider running smoothly in channels without rattle and with all safety or laminated safety glasses conforming to the standards laid down by the Bureau of Indian Standards. Windows shall be provided with sliding curtains.

(b) In case where the fixed glasses are provided, minimum one hatch should be provided on roof top at suitable place for air circulation.

(c) Sliding windows shall be provided to the driver partition immediately behind the driver.

(D) Miscellaneous. — (a) No hat racks shall be permitted in such public service vehicle.

(b) Such public service vehicle shall have weveller suspension or pneumatic suspension.

(c) Reflective tape of canary yellow colour of 50 mm. width shall be provided at rear and front side at skirt level of/on bumper.

(d) Such public service vehicle shall have an attendant/manager to take care of the passengers in addition to the driver/drivers or conductor.]

184. Compulsory electric lighting.— No light other than an electric light shall be fitted to any public service vehicle.

185. Fuel tanks.— (1) No fuel tank shall be placed in any public service vehicle within sixty centimeters of any entrance or exit of a single-decked vehicle or lower deck of a double-decked vehicle.

(2) The fuel tank of every public service vehicle shall be so placed that no overflow therefrom shall fall upon any woodwork or accumulate where it can be readily ignited. The "off" position of the means of operation shall be clearly marked on the outside of the vehicle. The filling points of all fuel tanks shall be outside the body of the vehicle, and the filler caps shall be so designed and constructed that they can be securely fixed in position.

186. Carburettors.— In every public service vehicle, any carburettor and apparatus associated therewith shall be so placed and shielded that no fuel leaking therefrom shall fall upon any part of fitting that is capable of igniting it or into any receptacle where it might accumulate.

187. Electric wires.— All electric wires or leads shall be adequately insulated.

188. Fire extinguishers.— Every public service vehicle other than a motor cab shall be equipped with one or more fire extinguishers of such type and capacity as may specified by the State Transport Authority and such fire extinguishers shall at all times be maintained in working conditions.

189. Locking of nuts.— All moving parts of every public service vehicle and all parts subject to severe vibrations connected by belts or studs and

nuts shall be fastened by lock nuts or by nuts with efficient spring or lock nut washers or by castellated nuts and split pins or by some other efficient device so as to prevent them from becoming loose.

190. Floor board.— (1) The floor boards of every public service vehicle shall be strong and closely fitted so as to exclude as far as possible draughts and dust.

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

191. Spare wheel and tools.— (1) Except as otherwise specified by the Regional Transport Authority in respect of municipal or cantonment areas, every motor vehicle other than motor cycle shall, at all times be equipped with not less than one spare wheel or rim, 'lifted with a pneumatic tyre in good and sound condition ready and inflated, and mounted in such a way that it can be readily dismounted and fitted to the vehicle, in the place of any one of the road wheels.-

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

(3) Every motor vehicle other than motor cycle shall at all times, be furnished with an efficient jack and other tools necessary to change a wheel or rim and tyre. and with the equipment necessary to repair a puncture.

(4) Every public service vehicle shall, at all times be furnished with one screw driver and at least with one spare fuse, one side-light bulb and one head-light bulb and when such vehicle is fitted with sealed beam headlights be furnished with one spare sealed beam unit and a fan belt, one inspection lamp with ten meters long wire:

Provided that, the State Government may, by general or special order. exempt for such period as may be specified therein any public service vehicle or class of such vehicles in respect of any area, if it is satisfied that adequate arrangements exist for expeditious and efficient emergency repairs in such area.

L\_192. First-aid Box.—'[1] 2[Ev\_el-y stage carriage and goods carriages employed in transportation of goods]

First Aid equipment in the form of bottles of approved medicine, Food and Drugs Administration, Maharashtra.] containing medicine for burns, wounds, pain-killers and dressing material as prescribed by the State Transport Authority. and dust proof first-aid box containing the following articles. namely:—

[i] a leaflet containing first-aid instructions approved by the State Government, from time to time:

(ii) twenty-four sterilised finger dressings:

(m) twelve sterilised hand or foot-dressings:

(iv) twelve sterilised large or body dressings;

(v) one extra large, two large and three small sterilised burn dressings;  
[vi] two large packets of sterilised cotton wool;  
(vii) a bottle of two per cent tincture of iodine or a tube of antiseptic cream containing 0.5 per cent of Centrimide B.P. in a non-greasy base;

1. Existing Rule 192 shall be renumbered as sub rule (1) by G.N. of 8.2.1994.
2. These words were substituted for the words "Every stage carriage" by G.N. of 8.2. 1994.
3. For the words "approved by Bureau of Indian Standard" the words "approved by Commissioner, Food and Drugs Administration, Mah." were sub. by G.N., H.D., No. MVR. 0189/CR-1043/TRA-2 (M.G.G., IV-A, Ex. 1994, p. 405).

(vm) a bottle of Sal Volatile;  
(ix) empty bottle fitted with cork and camel hair brush for eye drops:  
and

(X) two medicine glasses :

Provided that, the State Government may, by a general or special order, exempt from the provisions of this rule, any public service vehicle plying in such area or areas or on such particular route or routes, and on such conditions if any, as may be specified in the order, if it is satisfied that medical aid is readily available in such area or areas or routes.

“(2) The First Aid kit maintained in goods carriages carrying dangerous and hazardous goods shall also contain appropriate antidotes wherever applicable which shall be specially designed with reference to such chemicals].

193. Inspection of motor vehicles.— (1) Notwithstanding the renewal of registration of motor vehicles, other than the transport vehicles, if the registering authority has reason to believe that owing to the mechanical defects, any such vehicle, is in such condition that its use in a public place constitutes a danger to the public, or that it fails to comply with the provisions of Chapter VII of the Act or of the rules made thereunder, he may cause such vehicle to be inspected by an Inspector of Motor Vehicles and after giving the owner an opportunity of making any representation as required under sub-section (1) of Section 53, suspend the certificate of registration of the vehicle under the said section till such time as the vehicle is produced for inspection duly repaired.

(2) (a) On such inspection, if the Inspector of Motor Vehicles is satisfied that such vehicle is in a mechanically defective condition he shall issue to the owner memorandum . Schedule using such items thereof as are applicable to non-transport vehicles, and submit a copy thereof to the registering authority.

(b) If on receipt of a copy of such a memorandum, the registering authority has reason to believe that owing to the mechanical defects, the vehicle is in such condition that its use in a public place constitutes a danger to the public, or that it fails to comply with the requirements of

Chapter VII of the Act or of the rules made thereunder. he may, after giving the owner an opportunity of making any representation as required under sub-section (1) of Section 53 of the Act. suspend the certificate of registration of the vehicle under the said section till such time as the vehicle is produced for re-inspection duly repaired.

(3) The registering authority shall record below the certificate of registration of the vehicle, the date of every inspection and whether it was found in mechanically fit or defective condition.

(4) A fee for every such inspection shall be as prescribed by the Central Government and the same shall accompany the application referred to in sub-section (8) of Section 41 of the Act.

194. Clearance.— All under parts of the vehicle inside the pivots of the front axle and steering arms which must be placed as near as possible to road wheel as far back at least as the rear axle, shall be, above the ground. by not less than 254 millimeters, when the vehicle is fully loaded. In

1. Sub-rule (2) was added by G. N. of 8.2.1994.

addition. sufficient allowance shall be made to provide for the wear of the tyres. settling down of the springs, and other causes likely to reduce height. so that the minimum clearance of 254 millimetres is at all times maintained.

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

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

(3) The front springs shall be as wide-apart as possible and the difference between them shall not be less than 37 per cent of the overall width of the vehicle :

Provided that, if the width of the rear springs is 53 per cent of the overall width of the vehicle or more, the minimum distance between the front springs may be less by 2.54 centimetres than that required by this sub-rule.

(4) There shall be no cross springs.

196. Wheel track.— The wheel tracks of both front and rear wheels shall coincide and the distance between the centre lines of the tracks of the front wheels shall not be less than 69 per cent of the overall width of the vehicle.

197. Ventilation.— Every stage carriage shall be provided with adequate means of ventilation, so that there shall be proper ventilation even when the windows, if any, are not opened. If the carriage is provided with opening windows, suitable provision shall be made so that opening of the window could be adjusted.

198. Certain rules to be applicable to private vehicles and certain

transport vehicles.— The provisions of Rules 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 180, 181, 182, 183, 185, 186, 187, 188, 189 and 190 relating to public service vehicle shall also apply to private service vehicles registered in the name of educational institutions which are recognised by the Government or which are managed by societies registered under Societies Registration Act, 1960 1

Provided that, the '[provisions]' under Rules 173 and 174 in respect of private service vehicles may be relaxed by the Regional Transport Authority and after such relaxation, the internal height (head room) shall not be less than 1.425 metres.

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

j

1. The word "provisions" was substituted for the word "measurements" by G.N., H.D., NO. MVR. 0190/2076/TRA-2, dated 18.7.1991 [M.G.G., 1V-A, p. 455].

s.— [1] In order to prevent a goods vehicle from running backward on slopes, or otherwise to render it immobile, every such vehicle, not being a light motor vehicle, be equipped with two wedge shaped rigid chocks, each measuring (30 centimetres) in length, (30 centimetres) in breadth and 254 millimetres in height, with one of its sides having a slope making an angle of 45 degree at the end. The plane surface of the sloped side of each chock shall be rendered concave so as to fit the outer circumference of the tyres normally fitted to the rear wheels of the vehicle.

(2) Notwithstanding anything contained in sub-rule (1), where such vehicle is fitted with single rear wheel, the breadth of each such chock may be less than 30 centimetres but not less than 15 centimetres.

(3) Each such chock shall have a hook and be kept,-

(a) in a bracket fitted on the outer skirt of the tail-board of the vehicle; or

(b) where the vehicle has no tail-board, in a metal carrier fitted between the frame side members, underneath the body nearest to the rear wheel on the either side.

The tail-board of the vehicle and where the vehicle has no tail-board, the wooden planks above the frame side members shall also have a hook in the centre.

(4) Each such chock shall be linked with the tail-board or where the vehicle has no tail-board with the wooden planks above the frame side members, by means of a metal chain or steel wire rope of sufficient length and strength, fastened to the hook in the chock and also to the hook in the tail-board or the wooden planks, as the case may be.

(5) No person shall use any boulder or any substance of a similar nature in lieu of wooden chocks on slopes or otherwise to prevent the goods vehicle other than light motor vehicle from running backward on slopes or to render it immobile otherwise.

(6) Notwithstanding anything contained in this rule, the State Government may, by notification in the Official Gazette exempt from the provisions of this rule, any goods vehicle or class of such vehicles in its opinion are not likely to slip backwards on slopes.

201. Driver's seat.— (1) The provisions of Rule 175 applicable to public service vehicles shall also apply to goods vehicle other than light motor vehicles provided with bucket type seats :

Provided that, where the State Government having regard to the price and utility of any goods vehicle or class of goods vehicles, is satisfied that it is necessary so to do, it may, by general or special order, exempt any goods vehicle or class of goods vehicles fitted with left hand steering control from the provisions of sub-rule (1) of Rule 175.

(2) Where a registering authority registers a goods vehicle in respect of which or belonging to a class in respect of which, an order under sub-rule (1) has been made, he shall note in the certificate of registration, the fact that nothing in Rule 175 in regards to, and consequent upon the provisions requiring that the vehicle shall be driven from the right hand side shall apply to the vehicle.

202. Securing of goods in open goods vehicles.— Goods transported in an open vehicle shall be properly secured within the body of such vehicle in such a manner as so to prevent the goods from falling from such vehicle.

203. Application of Rule 191 to goods vehicles.— The provisions of Rule 191 shall apply to every goods vehicle.

204. Checking of designs of locally manufactured trailer-s.— (1) An application for the approval of a new design of trailer manufactured in India and intended to be used as a transport vehicle shall be sent to the Transport Commissioner, in triplicate by the manufacturer or his authorised assembler in Form TLDA of the First Schedule. Such application shall be accompanied by three copies of each of the following, in addition to other documents mentioned in the form of application —

[i] Full specifications,

[ii] Drawing giving all dimension and details, and

(m) Set of design calculations of,—

(a) Axles,

(b) Springs.

(c) Long bearers,

(d) Cross bearers.

(e) Platform tank or anything that may be carried on the cross

bearers.

(O Tow bar. v

(g) Turn table two axle trailers.

(h) Breaking arrangements, and

(i) Any other item such as shock absorbers. if included.

(2) (a) The Transport Commissioner shall, forward the application and the copies of the documents, to the Victoria Jubilee Technical Institute. Bombay or any other institute approved by the State Government (hereinafter referred to as "the Institute") having competence and technical capacity to check the design and the trailer, for verification and recommendation of the greatest laden and axle weights in respect of the trailer which are compatible with reasonable safety.

(b) The Institute shall then go through the design and calculations. and if the design is found satisfactory, and may certify. the greatest laden and axle weights of the trailer which are compatible with reasonable safety, as per rules framed by State Government or Central Government as per Sections IIO and III of the Act.

(c) In case, the design is not found satisfactory. the Institute shall advise the applicant to that effect. and recommend such changes in the designs as may be required, to make the trailers suitable for the desired load.

(d) The Institute may call upon the applicant, to furnish details. if required. In such case, the applicant shall furnish fresh specifications and drawings. incorporating alterations, if any.

(e) When a design is found satisfactory, the Institute shall return two copies of the approved design, specifications and calculations with its recommendations as to the maximum laden and axle weights compatible with reasonable safety to the Transport Commissioner. The Transport Commissioner, may, then approve the design and call for as many extra copies of the approved types of the design, specifications and calculations as may be required by him for sending them to different registering authorities for their record.

(3) The maximum fee which may be charged by the Institute for such checking of design should be notified from time to time. The fees shall be decided by the Institute in consultation with the State Government once in

\_\_-\_\_v\_., \_-/w |1\ - LU!

every three years. The fees as decided and notified shall be paid by the applicant to the Principal and Secretary of the Institute directly on demand by him and the same shall not be refundable.

(4) Notwithstanding anything contained in sub-rules (I), (2) and (3) of this rule. the approval of the design of a trailer manufactured in India by an authority competent in this behalf in any other States in India shall be deemed to be an approval accorded under these rules subject to the condition that similar provisions exist in that State as contained in this

rule.

205. Requirements to be satisfied before a producer gas plant is fitted to a motor vehicle.— No producer of gas plant shall be fitted to a motor vehicle unless the producer,-

(a) is of a model approved by the Director of Industries ;

lb)

(cl

has affixed to the generator in such a manner as to be clearly visible, a metal plate having legible upon it. the name of manufacturer. the manufacturer's serial number and the description, name. mark or number assigned in respect of its model under Rule 208 and the type of the vehicle for which it is certified; and

has a certificate of verification in respect of it issued under Rule 209.

206. Application to Director of Industries for approval of model.-

(I) Any person seeking the approval of the Director of Industries in respect of a model of producer shall make an application in writing to the Director of Industries accompanied by duplicate copies of the specifications, clear drawings or prints. and of the instructions for working pertaining to the model, and shall state the type of motor vehicles. the size and horse-power or engine for which the model is designed.

(2) Any person who has made an application under sub-rule (1) shall-

la)

(bl

submit the model for such inspection and tests, in such laboratory or workshop, as the Director of Industries may specify; and

furnish at his own expense a vehicle for which the model is designed fitted with the model for such inspection and test on the road including a road journey not exceeding one hundred and sixty kilometers as the Director of Industries may specify.

207. Model to satisfy certain requirements.— Before according approval to a model, the Director of Industries shall satisfy himself that the design and construction proposed are in accordance with the standard specification and in particular that.—

la)

(bl

(cl

the model is reasonably simple and suitable to the type of vehicle for which it is intended;

it can be fitted to the vehicle in such a way that the driver's vision and control of the vehicle are not impeded. and the convenience and safety of passengers are not endangered; the weight of the producer can be reasonably distributed over chassis;

(d)

(e)

the filter, coolers, pipes and other parts requiring frequent cleaning and attention can be fitted in readily accessible places: and

the model satisfied the tests specified in the test schedule approved by the Director of Industries for inspection and listing of a producer.

208. Approval of model and modification of approved model.— (1)

When the Director of Industries approves of a model, he shall assign the model a description, name, mark or number.

(2) No modification shall be made in an approved model except with the approval of the Director of industries who may, subject to such tests as he thinks necessary before approving the modification.

209. Certificate of producer.— (1) Any person seeking a certificate of verification under sub-rule (3) of this rule in respect of a producer manufactured in accordance with a model approved under Rule 208, shall submit the producer to the Director of Industries for inspection and test.

(2) The producer so submitted shall be tested in parts or fully assembled in the manner laid down by the Director of Industries in the test schedule.

(3) The Director of Industries shall issue a certificate of verification in respect of the producer if it conforms in all respects to the approved model.

210. Copy of Instructions and certificate to be attached to every producer for sale.— A copy of the instruction for working of the producer and the certificate of verification under sub-rule (3) of Rule 209 issued in respect of it shall be attached to, or tendered with every producer offered for sale, and intended to be fitted to a motor vehicle.

211. Safety requirements in fitting producer to motor vehicle.— A producer shall be fitted to a motor vehicle and maintained with all reasonable care necessary to prevent danger from fire, gas-poisoning and burns and in particular. —

(a)

(b)

(c)

all pipes, joints, valves and all covers to the hoppers, generators, cooling chambers, filters and other accessories shall be kept free from gas or air leaks:

an escape funnel shall be fitted to the generator for use during the blowing of air through the generator, and the mouth of the funnel which must be covered with a wire gauze provided with a shut-off valve shall be placed above the level of the roof of the vehicle; and

a suitable valve or flame trap shall be fitted to the air inlet of

all types of generators to prevent danger from blow-back.

212. Safe location of producer on motor vehicle.— (1) No part of a producer fitted to a motor vehicle shall be placed as to reduce the field of vision of the driver by means of the mirror prescribed in Rule 161 or otherwise or so as to impede the driver in his control of the vehicle.

(2) In a public service vehicle -

(a) no part of a producer shall be placed within the passengers' compartment; and

1A\ a\ 1

(b) where the generator is centrally placed in the rear of the passengers' compartment. it shall be placed either completely outside it or recessed into the rear panel and shall be insulated and have the clearance prescribed in sub-rule (2) of Rule 213.

In the case of any generator fitted in the rear of a vehicle and to one side of the vehicle, suitable means shall be taken to compensate for the additional weight by inserting one or more leaves in the rear springs of the vehicle at that side :

Provided that. notwithstanding anything contained in the provisions of Rule 242. the producer and a reserve of fuel. latter not exceeding 68 kilogrammes in weight may be carried on a trailer attached to a public service vehicle.

(3) No public service vehicle towing a producer shall have any opening or door in the rear end of the vehicle.

213. Insulating motor vehicle from producer.— (1) On any motor vehicle. if any part of the generator is so placed as to be within a distance of 15.2 centimetres in a horizontal plane from any part of the vehicle. the vehicle shall be insulated from the generator by a sheet of asbestos not less than 3 millimetres thick or by such other insulating material as the Director of Industries may, by general or special order, in writing specify in this behalf. and not less in height than the height of the generator (including the hopper] and of such width as.—

1a] where the generator is recessed completely to line the recess. and

(b) where the generator is not recessed. to project for a distance of not less than 15.2 centimetres on either side of the generator.

(2) No part of a generator shall have a clearance between it and the insulating material as prescribed in sub-rule (1). of less than 50 millimetres.

(3) (a) The generator shall be so mounted that all air inlets shall point away from the main fuel tank filler cap which shall not be less than 1.2 metres away from the generator or any pipe line leading from the generator to the gas coolers;

(b) No generator and no pipe line leading from the generator shall be so placed as to have any of their parts within a distance of less than 60

centimetres from any part of the fuel tank :

Provided that, when the fuel tank is located under the driver's cab and the generator is installed behind the line drawn along the back of the driver's cab at right angles to the central line of the vehicle. the generator may be placed within a distance of 60 centimetres but not within less than 15 centimetres from the fuel tank and the area of the cab immediately behind the back of the fuel tank and at the end of the fuel tank next to the generator shall be insulated from the generator with double asbestos sheet of atleast 3 millimetres in thickness.

214. Filters and coolers.— On any transport vehicle the filters and gas coolers of a producer shall be so placed as to be readily accessible for cleaning at any time.

215. Secure fitting.— Every part of a producer fitted to a motor vehicle shall be firmly and securely fixed in place. and all pipes. valves. joints and hopper lids or covers shall, at all time be maintained in gas-tight condition.

216. Overall width, length and height and overhang of motor vehicle in relation to producer.— (1) The projection of any part of a producer beyond the rear of the vehicle shall be deemed not to be a part of the vehicle for the purposes of rules in respect of overall length and overhang framed by the Central Government.

(2) No producer shall be fitted to a motor vehicle in such a way that the vehicle thereby contravenes the provision of the rule in respect of width and overall height prescribed by the Central Government.

217. Certificate of inspection of transport vehicle fitted with producer.— (I) Before a transport vehicle fitted with a producer is used. it shall be submitted for a test to the Director of Industries or the Transport Commissioner, Bombay in this behalf who shall submit it to a road test of 40 kilometres run and for inspection immediately afterwards for any defects.

(2) If after test and inspection, the fitting is found to be suitable, the said authority. as the case may be. shall issue a certificate of inspection in that behalf.

(3) In the event of any defects being found, the owner of the motor vehicle. shall be informed in writing of the defects by the authority testing the vehicle.

(4) The vehicle shall not be used as so fitted until the defects are remedied to the satisfaction of the said authority and a certificate is issued under sub-rule (2).

218. Periodical inspection and test.— (I) Every motor vehicle other than a motor car, fitted with a producer shall be submitted for a test once in six months to the Director of Industries or the Transport Commissioner, Bombay, in this behalf who shall submit it to a road test of forty kilometres run and for inspection immediately afterwards for any defects.

(2) If after test and inspection the fitting is found to be suitable. the said authority shall issue a certificate of inspection in that behalf.

(3) In the event of any defects being found. the owner of motor vehicle shall be informed of the defects by the authority testing the vehicle.

(4) The vehicle shall not be used as so fitted until the defects are remedied to the satisfaction of the said authority and a certificate issued under sub-rule (2).

219. Display of certificate on vehicles.— The certificate of inspection granted under sub-rule (2) of Rule 217 and Rule 218 shall be displayed on a prominent place in a motor vehicle in respect of which it is issued.

220. Fees for inspection and test.— (1) The fee for inspection and test of a model under Rules 206 and 207 and a modification of a model under Rule 208 shall be ‘(five hundred rupees)].

(2) The fee for inspection and test of producer under Rule 220 shall be ‘(seventy-five rupees)].

(3) The fee for inspection and test of motor vehicle fitted with a producer under Rule 217 or 218, as the case may be. shall be ‘(seventy-five rupees)].

1. Sub. by G.N., H.D., No. MVR. 0298/I531/CR-91/TRA-2, dt. 30.7.1999.

(4) The fee for a duplicate copy of a certificate issued under Rules 209, 217 and 218 shall be ‘(fifty rupees)].

(5) All fees payable under this rule. shall be payable in advance and shall not be refunded.

(6) If the inspection and test under Rules 209, 217 or 218 is carried out at the premises of manufacturer or dealer in producers, or at the request of the OWHCI of a motor vehicle at a place other than a place specified by the Director of Industries for carrying out the inspection and test. there shall be charged in respect thereof. in addition to the fee prescribed in sub-rules [2] and (3). an extra fee equal to the actual expenses incurred by the officer for such inspection and test. including the travelling allowance admissible to him under the Maharashtra Civil Service Rules.

221. Precautions for use and maintenance of motor vehicles fitted with producer.— No driver or other person in charge of a motor vehicle to which a producer fitted shall,-

(a) at any time when there is fire in the generator. cause or allow the vehicle to stop within a distance of ten metres from any other motor vehicle or of less than twenty metres from any fuel pump or place where fuel is supplied in tins;

(b) at any time when there is fire in the generator. pour fuel or cause or allow fuel to be poured into the fuel tank;

[c] carry. or cause or allow to be carried in the vehicle. save in the regular fuel tank thereof, any fuel or other inflammable or explosive substance:

(d) clean or rake out cause or allow any other person to clean or rake

out the generator at any appointed stand or stopping place or within a distance of less than twenty metres from any other motor vehicles;

(e) where a park, bus stand or halting place or part of a park, bus stand or halting place is set apart for vehicles fitted with producers. allow the vehicle to stop or remain stationary in any place other than the park, bus stand or halting place or other part thereof. as the case may be;

[f] place the vehicle. or cause or allow it to be placed, in any garage or shed unless the garage or shed is provided with a permanent opening or openings other than doors and windows for sufficient ventilation.

## CHAPTER VII CONTROL OF TRAFFIC

**222. Vehicle abandoned on road.-** (1) If any motor vehicle is allowed to stand in any place, other than a duly appointed parking place, in such a way as to cause obstruction to traffic or danger to any person, any Police Officer, or an Officer of the Motor Vehicle Department not below the rank of Assistant Inspector of Motor Vehicles may.-

- (i) forthwith cause the vehicle to be moved under its own power or otherwise to the nearest place where the vehicle shall not cause undue obstruction to traffic or danger;
- (ii) unless it is moved to a position where it shall not cause obstruction or danger, take all reasonable precautions to indicate the presence of the vehicle; <sup>1</sup>[\* \* \*]
- <sup>2</sup>[(ii-a) detain the vehicle if parked in no parking zone, by applying wheel clamps in order to initiate legal proceedings; and]
- (iii) if the vehicle has been stationary in one place for a continuous period of ten hours and adequate steps have not been taken for its repairs or removal by the owner or his representative, remove the vehicle and its contents to the nearest place of safe custody.

*1. The word "and" was deleted by G. N. of 14.11.1991.*

*2. Clause (ii-a) was subs. by No. MVA.0589/CR-1029/TRA-2, dt. 26.10.1994.*

(2) If a motor vehicle has been stationary in a duly appointed parking place for a period exceeding that specified by an authority competent in this behalf, in respect of the said place or, if no such period has been specified, for a period exceeding six hours, any Police Officer may remove the vehicle to the nearest place of safe custody.

(3) Notwithstanding any fine or penalty which may be imposed upon any person upon conviction for the contravention of the provisions of Section 122 or of any regulation made by a competent authority in relation to the use of duly appointed parking places, the owner of the motor vehicle or his heirs or assignees shall be liable to make good any reasonable expense incurred by any Police Officer in connection with the moving, lighting, watching, or removal of a vehicle or its contents in accordance with sub rules (1) and (2) and any Police Officer, or any person into whose custody the vehicle has been entrusted by any Police Officer, shall be entitled to detain the vehicle until he has received payment accordingly and shall upon receiving such payment, give a receipt to the person making the payment.

(4) The penalties prescribed under Section 201 of the Act shall be recoverable by the officer of and above the rank of Assistant Inspector of Motor Vehicles of the Motor Vehicle Department or Sub-Inspector of Police.

**223. Installation and use of weighing devices.-** (1) A weighing device for the purposes of Section 114, may be -

- (i) a weigh-bridge installed and maintained at any place by or under the order of the State Government or a local authority or railway administration;
- (ii) a weigh-bridge installed and maintained by any person and certified by the registering authority to be a weighing device for the purpose of the Act and these rules; or
- (iii) a portable wheel-weigher of any kind approved by the State Government.

(2) The driver of any goods vehicle shall, upon demand by a competent authority, not below the rank of Assistant Inspector Of Motor Vehicles, drive and manipulate t ace it on any wheel or wheels thereof, as the case may be, upon an weigh-bridge or wheel-weigher in such a manner that the weight of the vehicle or the weight transmitted by any wheel or wheels may be exhibited by the weigh-bridge or wheel-weigher.

(3) If the driver of a motor vehicle fails within a reasonable time to comply with a requisition under sub-rule (2), an officer not below the rank of Inspector of Motor Vehicles may cause any person, being the holder of a licence authorising him to drive the vehicle, so to drive and manipulate the vehicle.

<sup>1</sup>[Provided that the application in Form T.O.D.A. shall be accompanied with a fee of rupees two thousand for the motor vehicle with gross vehicle weight upto 49,000 kg. and rupees four thousand for motor vehicle with gross vehicle weight exceeding 49,000 kg.]

(4) When the weight or axle weight of a motor vehicle is determined by separate and independent determination of the weight transmitted by any wheel or wheels of the vehicles, the axle weight and the laden weight of the vehicle shall be deemed to be the sum of the weights transmitted by the wheels of any axle or by all the wheels of the vehicle, as the case may be.

(5) Upon the weighment of a vehicle in accordance with Section 1 14 and this rule, the person who has required the weighment or the person in charge of the weighing device, shall deliver to the driver or other person in charge of the vehicle a statement in writing of weight of the vehicle and of any axle, the weight of which is separately determined.

(6) The charges of weighing the vehicle <sup>2</sup>[\* \* \*] shall be borne by the vehicle owner provided that such charges shall be the charges prevalent in the area which shall be duly certified by the officer of and above the rank of the Assistant inspector of Motor Vehicles.

*1. The words "if the weigh bridge is not owned by the State Government" were deleted by G. N. dt.23.10.1992.*

*2. Sub. by G.N.. H.D.. No.MVR.0298/1531/CR-9I/TRA-2. dt.30.7.1999.*

(7) The driver or other person in charge of, or the owner of a vehicle which has been so weighed, may challenge the accuracy of the weighing device, by statement in writing accompanied by a deposit of <sup>3</sup>hundred rupees] delivered –

- (i) within one hour of the receipt of the statement referred to in sub-rule (5), to the person by whom the statement was delivered to him; or
- (ii) within fourteen days of the service on him of notice of proceedings against him under Section 1 I3, to the Court issuing such notice.

(8) Upon receipt of a statement challenging the accuracy of weighing device under sub-rule 7, the person or the Court by whom the statement is received shall write to the registering authority, for the weighing device to be tested, by an Inspector of Weights and Measures and the certificate of such Inspector regarding the accuracy of the weighing device shall be final.

(9) If, upon the testing of a weighing device under sub-rule (8), the weighing device is certified to be accurate or to be inaccurate to an extent less than any weight by which the laden weight or unladen weight of the vehicle is shown in the statement referred to in sub-rule (5) to

have exceeded the registered unladen weight. as the case may be, a contravention of Section 113 shall be deemed to have been proved.

(10) If, upon the testing of a weighing device as aforesaid, weighing device is certified to be inaccurate to an extent greater than any weight by which the laden weight or unladen weight of the vehicle is shown in the statement referred to in sub-rule (5) to have exceeded the registered laden

weight or the registered unladen weight, as the case may be, no further proceedings shall be taken in respect of any such laden weight or unladen weight. If the device is certified to be inaccurate to the said extent in respect of every such laden weight or unladen weight or unladen weight actually

weighed, the deposit prescribed in sub-rule (6) shall be refunded.

(11) No person shall by reason of having challenged the accuracy of any weighing device under sub-rule (7), be entitled to refuse to comply with any order in writing under Section 114.

**224. Restriction on driving with gear disengaged.-** On any hill, marked by traffic sign No. 10 of Part B of the Schedule to the Act, no person shall drive any motor vehicle with the engine free, that is to say, with the gear level in neutral, the clutch level depressed or with any free wheel or other device in operation which frees the engine from the driving wheels and prevents the engine from acting as a brake when the vehicle is travelling down an incline.

**225. Prohibition on mounting or taking hold of vehicle in motion.-** (1) No person shall mount or attempt to mount on, or dismount from, any motor vehicle in motion.

(2) No person shall take hold of, and no driver of a motor vehicle shall cause or allow any person to take hold of, any motor vehicle when in motion for the purpose of being towed or drawn upon some other wheeled vehicle or otherwise.

**226. Towing.-** (1) No vehicle other than a mechanically disabled or incompletely assembled motor vehicle, a registered trailer or a side-car shall be drawn or towed, by any motor vehicle.

(2) No motor vehicle shall be drawn or towed by any other motor vehicle unless there is in the driver's seat of the motor vehicle being drawn or unless the steering wheel of the motor vehicle being towed are firmly and securely supported clear of the road surface by some crane or other device on the vehicle which is drawing or towing it.

(3) When a motor vehicle is being towed by another motor vehicle, the clear distance between the rear of the front vehicle and the front of the rear vehicle shall at no time exceed five meters. Steps shall be taken to ensure that the tow rope or chain is easily distinguishable by other users of the road, and there shall be clearly displayed on the rear of the vehicle being towed in block letters, not less than seventy-five millimeters high and on a white back ground the word "ON TOW" :

Provided that, no person shall be liable to be convicted for the contravention of this sub-rule for failure to display the words "ON TOW" if the motor vehicle which is towing the other is not a motor vehicle adopted and ordinarily used for the purpose and so long as the vehicle is being towed between the place of the break down and the nearest place on the route at which the necessary materials can be obtained.

(4) No motor vehicle when towing another vehicle, other than a trailer or side-car shall be

driven at a speed exceeding twenty kilometres per hour.

**227. Driving of tractors on roads.-** (1) No tractor, when fitted for being driven on a public road, shall be driven on such road at a speed exceeding ten kilometres hour and no such tractor shall take sharp turns on such road :

Provided that, if such tractor be a crawler tractor, it shall not be driven on an asphalt road between 9 a.m. to 9 p.m.

(2) Every such tractor, when driven on a metalled road, shall be driven as far as possible on the side strips of such road.

**228. Footpaths, cycle tracks and traffic segregation.-** Where any road or street is provided with footpaths, or tracks, no person shall, save with the sanction of a police officer in uniform, drive any motor vehicle or cause or allow any motor vehicle to be driven on any such footpath or track.

**229. Projection of loads.—** (1) Nothing shall be placed or carried upon the outside of the roof of a double-decked service vehicle.

(2) No person shall drive, and no person shall cause or allow to be driven in any public place any motor vehicle which is loaded in the manner likely to cause danger to any person or in such a manner that the load or any part thereof or anything extends.—

- i. laterally beyond the side of the body or beyond a vertical plane in prolongation of the side of the body;
- ii. to the front beyond the foremost part of the load body of the vehicle;
- iii. to the rear beyond the rearmost part of the vehicle; and
- iv. in height by a distance which exceeds 3.8 metres in case of a goods vehicle and 3.4 metres in case of any other motor vehicle from the surface upon which the motor vehicle rests :

Provided that, the clause (iii) shall not apply to a goods motor vehicle when loaded with any pole or other projecting thing so long as,-

- a) the projecting load falls within the limit of the body of a trailer being drawn by the goods vehicle: or
- b) the distance by which the pole or other thing projects beyond the rear-most point of the motor vehicle does not exceed 1.85 metres; and
- c) there is attached to the rear of such pole or other thing in such a way as to be clearly visible from the rear at all times a white circular disc of not less than 38 centimetres in diameter; and during the period commencing half an hour after sunset and ending half an hour before sunrise. a lamp in addition to the prescribed lamps on the vehicle so arranged as to show a red light to the rear and also a circular disc of not less than 38 centimetres in diameter painted in tetro-reflected red colour so that the same shall be illuminated in the light of the vehicle approaching from the rear.

(3) The registering authority or any officer not below the rank of Assistant Regional Transport Officer authorised by him by name or by designation may, exempt any motor vehicle, for such purpose. for such period and subject to such conditions as he may specify, from any or all of the provisions of this rule on application submitted in Form T.O.D.A. of the First Schedule.

(4) If the registering authority of the vehicle is located outside the State of Maharashtra,

the registered owner of the vehicle may apply for exemption to the registering authority or any officer not below the rank of Assistant Regional Transport Officer authorised by him in whose jurisdiction the motor vehicle will start journey in the State or enter the State and shall obtain the exemption under sub-rule (3) prior to the entry in the State.

(5) While granting exemption under sub-rules (3) and (4), the registering authority or the officer authorised by him. <sup>1</sup>[may consult if necessary] the authority of the Public Works Department and the State Traffic Police and only if satisfied that such exemption shall not cause any danger to any bridge or obstruction to traffic or danger to other vehicles or passengers travelling in other vehicles, shall grant such exemption.

*1. Substituted by G. N. of 5.8.1992 (M.G.G. IV-A, 1993, p. 32].*

(6) Such exemption under sub-rule (3) or (4) shall be granted in Form D.O.D.A. of the First Schedule and copies thereof would be dispatched to the registering authorities through whose jurisdiction the motor vehicle will travel.

**230. Restriction as to carriage of dangerous substance.-** (1) Except for the fuel and lubricants necessary for the use of the vehicle, no explosive, inflammable or otherwise dangerous substance, shall be carried on any public service vehicle and on any motor vehicle unless it is so packed that, even in the case of an accident to the vehicle it is unlikely to cause damage or injury to any person or property.

(2) If in the opinion of an Assistant Inspector of Motor Vehicles or a Police Officer not below the rank that of Sub-inspector, any public service vehicle or a motor vehicle is at any time loaded in contravention of this rule, he may order the driver or other person in charge of the motor vehicle to the inflammable or dangerous substance, and till such time shall not allow the public service vehicle or a motor vehicle to continue its journey.

**231. Restriction on use of sound signals.-** (1) No driver of a motor vehicle shall sound the horn or other device for giving audible warning with which the motor vehicle is equipped, or shall cause or allow any other person to do so needlessly or continuously or to an extent beyond that which is reasonably necessary to ensure safety.

(2) The Commissioner Police in Greater Bombay and elsewhere, the District Magistrate, may by notification published in the Official Gazette or in one or more newspapers in Greater Bombay or the district, as the case may be, and by the erection in suitable places of traffic sign No. 7, as set forth in Part A of the Schedule to the Act, prohibit the use by drivers of motor vehicles of any horn, gong or other device for giving audible warning in any area within Greater Bombay or the district, and during such hours as may be specified in the notification :

Provided that, when the Commissioner of Police or the District Magistrate, as the case may be prohibits the use of any horn, gong or other device for giving audible warning during certain specified hours, he shall cause a suitable notice, in English, Hindi and Marathi setting the hours within which such use is so prohibited to be affixed below the traffic sign.

**232. Prohibition of use of cut-outs.—** No driver of a motor vehicle shall in any place, make use of any cut-out or other device by means of which the exhaust gases of the engine are released, save through the silencer.

**233. Restriction on travelling backwards.—** No driver of a motor vehicle shall cause

the vehicle to travel backwards without first satisfying himself that he shall not thereby cause danger or undue inconvenience to any person or in any circumstances, save in the case of a road roller, for

any greater distance or period of time than may be reasonably necessary in order to turn the vehicle round.

**234. Use of lamps when vehicle at rest.**— (1) If within the limits of any Municipal Corporation, municipality or cantonment, a motor vehicle is at rest within the hours during which lights are required, at the left-hand side of any road or street or elsewhere in any duly appointed parking place, it shall not be necessary for the motor vehicle to exhibit any light save as may be required generally or specially by the Commissioner of Police, in Greater Bombay, and elsewhere by the District Magistrate.

(2) Outside the limits of any Municipal Corporation, municipality or cantonment, if a motor vehicle is at rest within the hours during which lights are required in such a position as not to cause danger or undue inconvenience to other users of the road, it shall not be necessary for the motor vehicle to display any lights.

**235. Restriction of dazzling light** — (1) The driver of a motor vehicle shall, at all times when the lights of the motor vehicle are in use so manipulate them that danger or undue inconvenience is not caused to any 'person by dazzle.

(2) The Commissioner of Police in Greater Bombay, and elsewhere the District Superintendent of Police, may, by notification in the Official Gazette and by erection of suitable notices in English and in the local language prohibit the use, within such areas or in such places as may be specified in the notification, of lamps giving a powerful or intense light.

**236. Visibility of lamps and registration marks** - (1) No load or other things shall be placed at any time on any motor vehicle so as to mask or otherwise interrupt vision of any lamp, registration mark or other mark required to be carried by or exhibited on any motor vehicle by or under the provisions of the Act, unless a duplicate of the lamp or mark so masked or otherwise obscured is exhibited in the manner required by or under the Act for the exhibition of the masked or obscured lamp or mark.

(2) All registration and other marks required to be exhibited on a motor vehicle by or under the provisions of the Act shall, at all times be maintained as far as may be reasonably possible in a clear and legible condition.

**237. Stop sign on road surface.**- (1) When any line is painted on or inlaid into the surface of any road at the approach to a road junction or to a pedestrian crossing or otherwise, no driver shall drive a motor vehicle so that any part thereof projects beyond that line at any time when a signal to stop is being given by a police officer or by means of traffic control lights or by the temporary display or sign No.3 of Part A of the Schedule to the Act.

(2) A "line" for the purpose of this rule shall be not less than 50 millimetres in width at any part and shall be either in white, black or yellow.

**238. Traffic signs to be observed.**- Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by a traffic sign, the erection of which is permitted under sub-section (1) of Section 116.

**239. Duty to comply with traffic control signals.**— (1) Every driver of a motor vehicle shall, when driving the vehicle in a public place comply with any traffic control signal given to him by any Police Officer in uniform for the time being engaged in the regulation of traffic in such public place.

(2) In this "Traffic Control Signal" means traffic control signal as illustrated in the Fourth Schedule to these rules and shall also include any electronic or any other device specified and installed by the competent authority.

**240. Traffic signs at unguarded Railway level crossing.**— Every driver of a motor vehicle shall observe the mandatory sign of the size, colour and type set forth below at each of the approaches of every unguarded railway level crossing :—

<b>MANDATORY SIGN</b>		
60 centimetres		
‘ ..... ’		
Border	....	red.
Back-ground	....	White.
Letters	....	Retro-reflecting red.

**241. Erection of placing of signs or advertisements on roads prohibited.**— No persons shall place or erect or cause or allow to be placed or erected, on any road any sign or advertisement, which in the opinion of the Commissioner of Police or the District Magistrate. District Superintendent of Police or the Transport Commissioner, Maharashtra State, is so placed or erected as to obscure any traffic sign from view or is so similar in appearance to a traffic sign as to be misleading.

**242. Special rules applicable to trailers provision as to trailers.**- No trailer other than the trailing half of an articulated vehicle shall be attached to a public service vehicle.

**243. Prohibition and restriction on use of trailers with motor cycles and invalid carriages.**- (1) A motor cycle with not more than two wheels with a side-car shall not draw a trailer.

(2) A motor cycle with not more than two wheels without a side-car shall not draw a trailer unless the combination complies with the following requirements, namely :—

- i. the connection of the trailer to the motor cycle behind the apex of the rear tyre, of, or within, the wheel base ;
- ii. the trailer-motor cycle connection shall allow the motor cycle complete freedom of movement in the lateral plane. It shall rotate freely about the verticle axis preferably through 180 degree;
- iii. the motor cycle remains always in a vertical or in a lined plane without a rider having to balance it.
- iv.

**244. Prohibition of attachment of trailer to certain vehicles.**— No motor vehicle which exceeds 8.4 meters in length not being a motor vehicle used for towing a disabled motor vehicle shall draw a trailer.

**245. Restriction on number of trailers to be drawn.**— (1) No tractor shall draw more than three trailers.

(2) No tractor shall draw on a public road,-

- i. a trailer exceeding half metric ton in weight unladen and fitted with solid steel wheels less than 60 centimeters in diameter; and
- ii. a disc harrow without trolley wheels used as training implements behind a tractor.

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

**246. Attendants on trailer.**— (1) Where a trailer is or trailers are being drawn by a motor vehicle, there shall be carried in the trailer or trailers or on the drawing motor vehicles, as the case may be, the following person, not being less than twenty years of age and competent to discharge their

‘duties. that is to say —

(a) if the brakes of the trailers cannot be operated by the driver of the drawing motor vehicle or by some other person carried on that vehicle.—

(i) one person on every trailer competent to apply the brakes; and

(ii) one person placed at or near the rear of the last trailer in train in such a position as to be able to have a clear view of the road in rear of the trailer to signal to the driver drawing motor

vehicle;

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

(c) if the trailer is or trailers are being drawn by tractor the unladen weight of which exceeds 7,250 kilogrammes. notwithstanding that the brakes of the trailer or trailers can be operated by the driver or some other person on the tractor not less than one person on each trailer and not less than two persons on the last trailer in train one of whom shall be the person required by the provisions of sub-clause (ii) of clause (a).

(2) This rule shall not apply —

(a) to any trailer having not more than two wheels and not exceeding 771 kilogrammes in weight laden when used singly and not in a train with other trailers;

(b) to the trailing half of an articulated vehicle;

(c) to any trailer used solely for carrying water for the purposes of the drawing vehicle when used singly and not in a train with other trailers:

id)

to any agricultural or road-making or road-repairing or road-cleansing implement drawn by a motor vehicle; or to any closed trailer specially constructed for any purpose and specifically exempted from any or all of the provisions of this rule by and order in writing made by the Registering Authority. to the extent so exempted.

(61

247. Restriction on length of train of vehicle and trailer-s.— The sum total of the length of its attached trailer or trailers shall

248. Distinguishing mark for trailers.— (1) No person shall drive, or suffer or cause to be driven, in any public place any motor vehicle to which a trailer is or trailers are attached unless there is exhibited on the back of the trailer or of the last trailer in train, as the case may be, a distinguishing mark in the form set out in the diagram contained in the Fifth Schedule to these rules in retro-reflective red colour and white background.

(2) The mark shall be kept clean and unobscured and shall be so fixed to the trailer that —

(i) the letter on the mark is vertical and easily distinguishable from the rear of the trailer:

(ii) the mark is either on the centre or to the right hand side of the back of the trailer; and

(m) no part thereof is at a height exceeding one hundred and twenty centimetres from the ground.

(3) This rule shall not apply to the case referred to [corresponding in clauses (a), (b), (c) and (d) of sub-rule (2) of Rule 246].

249. Special rules for heavy goods and passenger motor vehicles attendant.— The driver of a heavy goods and passenger motor vehicle shall be accompanied by an attendant who shall be in a position to give warning of any traffic approaching from the rear and shall assist the driver by giving signal when the motor vehicle is being taken in reverse.

250. Wearing of protective headgear.— The following persons are exempted from the provisions of section 129 of the Motor Vehicles Act, 1988 (59 of 1988), namely :—

(i) persons driving or riding all motor cycles in municipal areas;

(ii) persons driving or riding all motor cycles on roads, other than the State Highways and National Highways in areas other than the municipal areas; and

(m) persons driving or riding two-wheeled mopeds fitted with engine capacity of less than 50 cubic centimeters on the State Highways and National Highways in areas other than the municipal areas.]

250-A. Restriction on use of mobile phone.— (1) No driver while driving or riding a motor vehicle (including two wheelers) shall use a mobile phone.

i-am

1. Rule 250 was substituted by G. N. of 28.6.1996 (M.G.G., Pt. IV-A, 1996, p. 266-C).

2. Added by G.N., H.D., NO. MVR. 0499/216/CR-16/TRA-2, dt. 1.6.2000.

\

(2) If no other person, other than the driver, is sitting in or on the motor vehicle, the mobile phone, if any, shall be switched off, during the journey.]

251. Inspection of vehicle Involved in an accident.— [( 1)] Any officer of the Motor Vehicles Department, not below the rank of an Inspector of Motor Vehicles, shall inspect the motor vehicle involved in an accident and for that purpose may enter at any reasonable time any premises where the vehicle may be and may remove the vehicle for inspection.

[(2) The Officer empowered under sub-rule (1) shall, submit his report to the Transport Commissioner, the District Magistrate and Superintendent of Police, Commissioner of Police concerned and the Director General of Police, Maharashtra State in Form R.A.R. of the First Schedule.)

## CHAPTER IX

### CLAIMS TRIBUNAL

**252. Production of certificate of insurance at the time of paying tax on motor vehicle.-** The owner of a motor vehicle applying for transfer of ownership of the vehicle which is exempted from payment of tax under the Bombay Motor Vehicles Tax Act, 1958 (Born. LXV of 1958) when,

applying for exemption token, shall forward with the application, a certificate of insurance, issued in pursuance of sub-section (4) of Section 147 relating to the vehicle and complying with the requirement of Chapter XI of the Act and shall be valid —

- a) if the application is made before the commencement of the period for which tax is tendered, on the first day of that period, or
- b) if the application is made during the period for which the tax is tendered, on the date on which the application is made,
- c) the Regional Transport officer concerned shall make full and, detailed entries in respect of each and every vehicle, recorded with his Office in respect of the insurance particulars, such as
  - (i) the name of Insurance Company. The number of Divisional Branch Officer issuing the Policy:
  - (ii) the number of Insurance Policy: and
  - (iii) the period of validity.

The entries regarding the Insurance particulars shall be preserved for a minimum period of 5 years :

Provided that, the owner of a vehicle exempted under sub-section (2) of Section 147 shall forward, in place of the certificate of insurance issued as aforesaid, the certificate prescribed in Rule 12 of the Motor Vehicles (Third Party Insurance) Rules, 1946.

**253. Information to be furnished to Insurance Company by Claimants.-**

(a) The Regional Transport Officer shall comply with the requisition from the concerned Divisional Manager, in respect of any motor vehicle involved in an accident.

(b) On receipt of a requisition in Form "Comp AAA" of the First Schedule from a Divisional Manager of an Insurance Company with which a motor vehicle involved in an accident may be insured, the Regional Transport Officer, to whom it may be addressed shall return the same form, duly filled in, in duplicate; within 2 weeks from its receipt.

(c) The Office of the Tribunal shall make available to any applicant on payment of the scheduled charges, a certified copy of the Form 'Comp AA' of the First Schedule required by him. as mentioned in Rule 254(8) and such of the information as may be contained in it may be used as genuine and authentic, by any claimant, for the grant of compensation, on any account.

**254. Application for compensation arising out of an accident.-** (1) An application for compensation arising out of an accident of the nature specified under this Act shall be made to the Claims Tribunal, having jurisdiction over the area in which the accident occurred, which shall be in Form 'COMP' of the First Schedule to these rules with particulars specified in that

form.

(2) Every such application shall be sent to the said Claims Tribunal or to the Chairman, in case the Tribunal consists of more than one member, by registered post or may be presented to such Claims Tribunal and shall, unless the Claims Tribunal or its Chairman otherwise directs, be made in duplicate and shall be signed by the applicant.

(3) In case the Tribunal consists of more than one member, the State Government shall designate one of them as the Chairman of the Tribunal.

(4) The Chairman of the Tribunal shall have power to transfer any claim petition from the file of any member to the file of any other member.

(5) There shall be appended to every such application, the following documents, namely :-

- i. injury certificate or in case of death. post-mortem report, or Death Certificate;
- ii. True copy of First information Report or Police Station Diary Entry or Traffic Accident Report duly certified by the Police Officer of the Police Station concerned. in respect of the accident; and
- iii. Certified copy of the Form Comp 'AA' of the First Schedule mentioned in sub-rule (8) of this rule.
- iv. <sup>1</sup>[If the accident has occurred out of the jurisdiction of the Claims Tribunal and the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the claimant resides or carries on business or the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the defendant resides. a document showing that the defendant resides within the local limits of jurisdiction of the said Tribunal.]

1. *Clause (iv) was added by G. N. of 16.8.1996.*

(6) The Officer-in-charge of the Police Station shall. on demand by a person who wishes to make an application for compensation and who is involved in an accident arising out of the use of a motor vehicle or the legal successor of the deceased, shall furnish to him such information and particulars mentioned under Section 160 and within 15 days from the date of such demand.

(7) If any of the documents specified in sub-rule (5) are not appended to the application the reasons for not appending them shall be stated, and if the Tribunal is satisfied. it may proceed with the application, and require production thereof at a later stage.

(8) The police station concerned, within whose jurisdiction the accident for any motor vehicle occurs shall submit a detailed report regarding an accident to a Claims Tribunal having jurisdiction over the area under Section 166(4) of the Act and obtain an acknowledgement for it. The information shall be submitted by the Police Station in Form Comp AA within one month from the date of accident. Such information shall be submitted only in respect of accidents which are of fatal or serious in nature.

(9) True copies of the annexures referred to in sub-rule (5) shall also be attached to the copies of the main application to be served on the opposite parties and the Insurance.

**Rule 254(5) is directory in nature and not mandatory.-** In this case the appellant has alleged that he was in service in a company as a Security Guard and met with an accident. He has

lodged an application for compensation under section 166 of the Motor Vehicles Act. 1988. The claimant lodged a private complaint in the court of learned Judicial Magistrate (F.C.) only on the grounds that, there is no registration of the accident with the police station concerned, within whose jurisdiction, the alleged accident took place. The learned Judge referred to Rule 254 (5) of the Maharashtra Motor Vehicles Rules and dismissed the claim petition.

Sub-rule (5), obligates the claimant that every application for compensation shall be appended to the documents which are mentioned in clauses (i) to (iii) thereof.

It was held by the High Court that, the Claims Tribunal ignored oral evidence "of the claimant, dismissed the claim, which has multiplied the sufferance of the claimant to a large extent. Rules framed by the State are not for cornering the beneficiaries i.e. claimants in the case of personal injuries nor the legal heirs / representatives or successors of the deceased person. They have to be read in view of the object of the constitution of the Claims Tribunal and provisions of the Act of 1988. Rules are hand made of justice and have to be considered and interpreted for advancing the cause of justice, rather to defeat the same. The High Court further held that, Rule

254 (5) is directory and not mandatory. The High Court reversed decree in appeal and quashed and set aside the appeal on the ground of non-compliance of Rule 254 of Rules and without appreciating the oral evidence of the claimant/appellant.- *Rangnath Trimbak Sonawane v. Baban Ganpat Mhaske and others*, **2009 (4) Mah. L.J. 88: 2009(5) Bom. C.R.769 : 2009 (4) All M.R. 789.**

**255. Application for compensation under Section 140.-** (1) Not- withstanding anything contained in Rule 254 every application for a claim under Section 140 shall be filed before the Claims Tribunal, in triplicate, and shall be signed by the applicant and the following documents shall be appended to every such application, namely :—

- i. Panchanama of the accident:
- ii. First information Report or Station Diary Entry or Traffic Accident Report, duly certified by the Police.
- iii. Medical Certificate in Form Comp B of the First Schedule or in case of death. post-mortem report or death certificate: and
- iv. Certified copy of the Form 'Comp AA' of the First Schedule mentioned in Rule 254(8).
- v. <sup>1</sup>[If the accident has occurred out of the jurisdiction of the Claims Tribunal and the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the claimant resides or carries on business or the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the defendant resides, a document showing that the defendant resides within the local limits of jurisdiction of the said Tribunal.]

*1. Clause (v) was inserted by G. N. dt. 16.8.1996.*

(2) if any of the documents specified in sub-rule (1) are not appended to the application, the reasons for not appending them shall be stated, and

(3) The Claims Tribunal shall strive to dispose off the above application within 45 days from its receipt, and shall if there be any delay in its disposal, record the reasons for the same.

## NOTES

Requirement prescribed in sub-rule (1) of rule 255 has got directory force in the nature and it cannot be construed to have mandatory force in order to expel the applicant from the forum.- *Narayan Kothiranyi Bawane v. The Motor Accident Claims Tribunal, 2005 (1) All M. R. 59.*

**<sup>1</sup>[255-A. Application for compensation under section 163A.-** (1) Notwithstanding anything contained in rule 254. an application for claim under section 163A shall be filed before the Claims Tribunal in Form "COMP-A" in triplicate shall be signed by the applicant or claimant. The following documents shall be appended to every such applications, namely:-

- i. Panchanama of the accident;
- ii. First Information Report or Station Diary Entry or Traffic Accident Report duly certified by the Police;
- iii. Medical Certificate in Form "COMP-B" or injury certificate in case of personal injury or post-mortem report or death certificate in case of death from the hospital concerned;
- iv. Certified copy of Form "COMP-AA", or a certified copy of the Motor Vehicle Card of the vehicle involved in the accident, maintained by the Regional Transport Office concerned;
- v. If the accident has occurred out of the jurisdiction of the Claims Tribunal and the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the claimant resides or carries on business or the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the defendant resides, a document showing that the defendant resides within the local limits of jurisdiction of the said Tribunal;
- vi. Salary certificate or any other documentary proof showing monthly or annual income of the person injured or deceased;
- vii. Proof of age of the person injured or deceased;

(2) If any of the documents specified in sub-rule (1) are not appended to the applicant for claim the reasons for not appending the said documents shall be stated separately in the form of affidavit and if the Claims Tribunal is satisfied with such reasons, it may proceed with the application and require production thereof at a later stage.

(3) The Claims Tribunal shall dispose off such application as far as possible within six months from the date of its receipt. if there is any delay in its disposal. it shall record the reasons for such delay.]

*1. Rule 255A was added by G. N. of 16.8.1996.*

**256. Production of passport size photograph by applicant.-** Notwithstanding anything contained in <sup>1</sup>[Rule 254. 255 or 255A the applicant shall produce his recent passport size photograph] which shall be attested by the Advocate on record. The photograph shall either be affixed to the original claim application or affixed to a separate sheet of paper, which shall be fastened to the original claim application.

1. Sub. by G. N. dt. 16.8.1996.

<sup>2</sup>[257. Fees.- (1) There shall be paid with every application for compensation under section 166 or 163-A of the Motor Vehicles Act, 1988 (59 of 1988), a fee, in the form of court fee stamps as indicated in the Table below namely :-

**TABLE**

<b>Amount of Compensation</b>	<b>Fee</b>
For a claim of Compensation -	
i) Not exceeding Rs.5,000/-	Rs.10.00
ii) Exceeding Rs.5,000/- but not exceeding Rs.50,000/-	Rs.10.00 plus 0.25 percent of the amount by which the claim exceeds Rs.5,000/-
iii) Exceeding Rs.50,000/- but not exceeding Rs.1,00,000/-	Rs.122.50 plus 0.50 percent of the amount by which the claim exceeds Rs.50,000/-
iv) Exceeding Rs.1,00,000/-	Rs. 372.50 plus one per cent of the amount by which the amount of claim exceeds rupees one lakh, subject to the maximum of Rs. 15,000/-

(2) They shall be paid with the application for claim under rule 255 or under section 140, a fee of rupees fifty in the form of court fee stamps.

(3) The Claims Tribunal may exempt an applicant from payment of the fee payable under sub-rule (1). However, if the claim of such applicant has been accepted by the Claims Tribunals, he shall pay the prescribed fee notwithstanding the exemption granted in respect of the said fee. before the amount of compensation is paid to him.)

2. Rule 257 was sub. *ibid.*

#### **NOTES**

**Under Rule 257(3) Claims Tribunal can exempt claimants from payment of Court fees.-** Under the provisions of second amendment introduced in the Mah. Motor Vehicles Rules, it says that the Claim Tribunal may exempt an applicant from payment of the fee payable on every application for compensation under Sec. 166 of the M. V. Act, 1988.- *Parvatibai Vijaydas Vaishnav v. State of Maharashtra, 1998 (2) Mah. L. J. 78: 1998 (2) Mah. L. R. 319: 1998 (2) Born. C. R. 593.*

**258. Examination of applicant.-** On receipt of an application under Rule 254 the Claims Tribunal may examine the applicant on oath, and the substance of such examination, if any, shall be reduced to writing and shall be signed by the Member constituting the Claims Tribunal or, as the case may be, the Chairman.

**259. Summary disposal of application.-** (i) Any application for compensation received in Claims Tribunal shall be examined within 14 days from its receipt with a view to find out whether the same is in order. Any discrepancies or non-compliance with the statutory requirements may be notified as "Office objections" on the Notice Board of the Claims Tribunal, and the parties or the Advocate concerned may be called upon to remove them, or to make their submissions in regard to the same within 14 days from the publication or display of the Notice, failing which the concerned parties/Advocate should be given to understand that the applications in question are liable to

summary dismissal.

(ii) The Claims Tribunal may, after considering the application and the statement of the applicant recorded under Rule 258 dismiss the application summarily, if for reasons to be recorded in writing, the Claims Tribunal is of the opinion that there are no sufficient grounds for proceeding therewith.

**260. Notice to the parties involved.-** (1) If the application is not dismissed under Rule 259, the Claims Tribunal shall. send to the owner or the driver of the vehicle or both involved in the accident and its insurer, a copy of the application, and the annexures thereto together with the notice of the date on which the parties shall enter their appearance either in person, or through their duly authorised agents, and may also file their written statement, if any, with additional copies of the same, for being furnished to the other parties connected with the matter. It will dispose off the application, and may call upon the parties to produce on that date any evidence which they may wish to tender.

(2) The service of the notice shall be effected on the owner, the driver and the insurer of the vehicle in question. as the case may be, by way of personal service, through the bailiff or by Registered Post A/D or both.

(3) Where the applicant makes a claim for compensation under Section 140, the Claims Tribunal shall give notice to the owner and insurer, if any, of the vehicle involved in the accident directing them to appear on the date, not later than fifteen days from the date of issue of such notice. The date so fixed for such appearance shall also be not later than fifteen days from the receipt of the claim application filed by the claimant. The Claims Tribunal shall state in such notice that in case they fail to appear on such appointed date, the Claims Tribunal shall proceed *ex-parte* on the presumption that they have no contention to make against the award of compensation.

#### NOTES

Sub-rule (3) of rule 260 of the Maharashtra Motor Vehicles Rules, 1989 requires notice to be given to the Tribunal in respect of the claim or compensation under section 140 to the owner and insurer and there is no need to give notice to the driver.- *Rama Kondiba Khade v. Sk. Sakir s/o Sk. Kachru, 2004 (1) Mah. L. J. 971.*

**Decree or Award can be made personally against the driver of the offending vehicle if he is involved in a Claim Petition either as party or at least as witness.-** The provisions of Rule 260 (1) and (2) of the Maharashtra Motor Vehicles Rules, 1989 are mandatory and are required to be followed by the Claims Tribunal to involve the owner, driver and insurer of the vehicle in question, in the manner prescribed. The Claims Tribunal has to pass an award under section 168 of the Motor Vehicles Act, 1988 as to the amount of compensation to be paid by the insurer or owner

or driver of the vehicle involved in the accident or by all or in all them, as the case may be.- *New India Assurance Company Ltd. v. Suman Bhaskar Pawar and others, 2010(2) Mah. L.J .177.*

**261. Appearance and examination of parties.-** (1) The opposite party may, and if so required by the Claims Tribunal shall, at or before the first hearing or within such time as the Claims Tribunal may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record, in accordance with the method of recording evidence specified in Rule 267.

(2) If the opposite party contests the claim, the Claims Tribunal may, and if no written statement has been filed, shall, proceed to examine the parties to the claim and shall reduce the result of examination to writing.

**262. Summoning of witnesses.-** If an application is presented by any party to the proceeding for the summoning of witnesses, the Claims Tribunal shall, on payment of the expenses involved, if any, issue summons for the appearance of such witnesses, unless it considers that their appearance is not necessary for a just decision of the case.

**263. Fees for process.-** The fees to be <sup>1</sup>[charged by the Claims Tribunal for any process issued to a party shall be fifteen rupees], by way of court-fee :

Provided that, no fee shall be charged for process of application for compensation under Section 140.

*1. These words were substituted by G. N. of 16.8.1996.*

**264. Appearance of legal practitioner.-** The Claims Tribunal may, in its discretion, allow any party to appear before it through the legal practitioner.

**265. Local inspection.-** (1) The Claims Tribunal may, at any time during the course of an enquiry before it, visit the site at which the accident occurred for the purpose of making a local inspection or examining any persons likely to be able to give information relevant to the proceeding.

(2) Any party to a proceeding or the representative of any such party may accompany the Claims Tribunal for a local inspection.

(3) The Claims Tribunal after making a local inspection shall note briefly in a memorandum any facts observed, and such memorandum shall form part of the record of enquiry.

(4) The memorandum shall be made available to any party who desires the same, and shall supply any party with a copy, if applied and shall pay the fee thereof calculated at the rate of rupees ten for the first page and rupees two for each additional page.

**266. Power of summary examination.-** (1) The Claims Tribunal, during a local inspection or at any other time, save at a formal hearing of a case pending before it, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

**267. Method of recording evidence.-** The Claims Tribunal shall, as examination of witnesses proceeds, make a brief memorandum of substance of the evidence of each witness and such memorandum shall be written and signed by the members of the Claims Tribunal and shall form part of the record :

Provided that, if the member or the Chairman of the Claims Tribunal is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such Memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record :

Provided further that, the evidence of any medical witness shall be taken down as nearly

as may be, word to word.

**268. Adjournment of hearing.-** If the Claims Tribunal finds that an application cannot be disposed off at one hearing, it shall record the reasons which necessitate the adjournment and also inform the parties present at the date of adjournment of hearing.

**269. Expert.-** (1) The Claims Tribunal may for the purpose of adjudicating upon any claim for compensation. other than claims for compensation under Section 140, choose not more than two persons having technical or special knowledge with respect of any matter before the Claims Tribunal for the purpose of assisting it in the holding of the enquiry.

(2) The remuneration, if any, to be paid to the expert shall be determined by the Claims Tribunal.

**270. Framing of issues.—** After considering any written statement and the result of any local inspection, the Claims Tribunal shall proceed to frame the issues.

**271. Determination of issues.—** After framing the issues, the Claims Tribunal shall proceed to record evidence thereon which each party may desire of produce.

**272. Diary.—** The Claims Tribunal shall maintain a brief diary of the proceeding on an application.

**273. Judgment and award of compensation.—** (1) The Claims Tribunal in passing orders. shall record concisely in a judgment the findings on each of the issues framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the Insurers and the owners of the vehicle who may be found vicariously responsible for causing the accident and also the person or persons to whom compensation shall be paid.

(2) Where compensation is awarded to two or more persons, the Claims Tribunal shall also specify the amount payable to each of them.

(3) Where any lumpsum deposited with the Claims Tribunal is payable to a woman or a person under the legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman on her application or such person during his disability in such manner as the

Claims Tribunal may direct. and where a quarterly payment is payable to any person under the legal disability, it may of its own motion or on any application made to it in this behalf, order that the payment be made during the disability of the person concerned or to any dependent of the injured or heir or the deceased or to any other person whom such Tribunal thinks best fitted to provide for the welfare of the injured or the heir of the deceased.

(4) Where an application made to the Claims Tribunal in this behalf or otherwise, and it is satisfied that on account of neglect of the children on the part of the parent or on account of the variation of the circumstances of any dependent or for any other sufficient cause, an order of the Tribunal, as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependent is to be invested, applied or otherwise dealt with, ought to be varied, the Tribunal, may make such orders for the variation of the former order as it thinks just in the circumstances of the case.

**274. Receipt for compensation.-** Upon payment of compensation, a receipt shall be

obtained by the Claims Tribunal and such receipt shall be forwarded to the insurer concerned or as the case may be, the owner of the vehicle, for the purpose of record. This receipt shall also constitute a valid discharge of the liability of the Insurers or the owner in whose favour it is issued.

**275. Power vested in Civil Court which may be exercised by Claims Tribunal.-**

(1) Without prejudice to the provisions of Section 169.—

[a] Every Claims Tribunal, may exercise all or any of the powers vested in a Civil Court under the following provisions of the Code of Civil Procedure, 1908, in so far as they may be applicable namely-

Sections 30, 32, 34, 35, 35(a), 75(a) and (cl. 76, 77. <sup>1</sup>[89] 94, 95, 132, 133, 134, 145, 147, 148, 149, 151, 152 and 153;

*1. inserted by G. N. of 4.5.2006.*

[b] In addition to the provisions of Section 174,-

(i) Any Claims Tribunal constituted for Greater Bombay where the amount of compensation awarded by it does not exceed twenty-five thousand rupees, shall have all the powers of the City Civil Court. and where such amount exceeds the said sum, shall have all the powers of the High Court, for the purpose of execution of the award, as if the award is a decree for the payment of money made in Suit by City Civil Court or High Court, as the case may be, and the Claims Tribunal shall execute the same through the Sheriff of Greater Bombay as if the same has been executed by the City Civil Court or High Court, as the case may be.

(ii) any Claims Tribunal constituted for in or outside Greater Bombay, shall have all the powers of the Court of Civil Judge [Senior Division) for the purpose of execution of any award for compensation made by it, as if the award is a decree for the payment of money made in a suit by such Court.

(2) For the purposes other than those specified in sub-rule (I), the Claims Tribunal may exercise all or any of the powers of a Civil Court as may be, necessary in any case for discharging its functions under the Act and made thereunder rules.

**NOTES**

**Rules do not make Tribunal a Civil Court and conferred all the powers of Civil Court contradictory.-** Rules 275 and 276 of the Maharashtra Motor Vehicles Rules deal with vesting of powers of Civil Court and conferred all the powers of Civil Court and procedure to be followed by the Claims Tribunal. This rule do not make Tribunal a Civil Court and conferred all the powers of Tribunal to Civil Court subject to the procedure described in Civil Procedure Code. Rules enumerate specific provisions of Court and schedule thereto which apply to the proceedings before the Tribunal. The High Court (Division Bench) rejected the contention that Claims Tribunal is a Civil Court and its award is “an order”.- Asha d/o Bhalchandra Joshi v. National Insurance Co. Ltd., **2008 (1) Mah. L. J. 724 : 2008 (1) All M.R. 745.**

**276. Procedure to be followed by Claims Tribunal in holding enquiries.-** (1) The following provisions of the Code of Civil Procedure, 1908 shall, so far as may be, applied to the

proceedings before every Claims Tribunal, namely :—

(a) Sections 28, 79, <sup>1</sup>[82 and 89]

1. *These figures and word was substituted for the word and figures "and 82" by G.N. of 4.5.2006.*

(b) in the First Schedule, Order V. Rules 9 to 13 (both inclusive) and 15 to 30 (both inclusive), Order VI, Rules 4, 5, 7, 10, II, 16, 17 and 18, and Order VII, Rule 10. Order Rules 2 and 5 (both inclusive), 9 and 10, Order IX, Order XI, Rules 12 and 15 (both inclusive), 17 to 21 (both inclusive) and 23. Order XII. Rules 1, 2, 3A, 4, 7 and 9, Order XIII, Rules 3 to 10 (both inclusive), Order XIV, Rules 2 and 5, Order XVI. Order XVII. Order XVIII, Rules 1 to 34 [both inclusive], 10 to 12 [both inclusive] and 15 to 18 (both inclusive), Order XIX, Order XX. Rules 1 to 3 (both inclusive), 8, 11 and 20, Order XXI, Order XXII, Rules 1 to 7 (both inclusive) and 9, Order XXIII, Rules 1 to 3 (both inclusive), Order XXIV. Order XXVI, Rules 1 to 8 (both inclusive) and 15 to 18 (both inclusive), Order XXVII, Order XXVIII, Order XXIX, Order XXX, Rules 1, 3, to 8 (both inclusive) and Rule 10, Order XXXII, Rules 1 to 15 (both inclusive), Order XXXVII, Rules 1 to 10 (both inclusive), and Order XXXIX, Rules 1 to 5 (both inclusive). In so far as the Act and these rules make no provision or make sufficient provision, the relevant provisions of the Code of Civil Procedure, 1908, shall, so far as may be, apply to the proceedings before the Claims Tribunal.

#### NOTES

**Delivery of summons without copy of application or without copy of Claim Petition is not a due service.** - In the present case Claim Petition was allowed by learned Member of Motor Accident Claims Tribunal by Judgment and Award granting compensation and directing the investment of amount etc. It was argued that, according to Order I, Rule 10(4) of C.P.C. it is mandatory to serve the amended copy of petition with summons to the newly added parties. The appellant has not received any summons or amended copy of petition after verifying the record. Therefore, the judgment and decree needs to be quashed and set aside.

It was observed by the High Court that no notice of Claim Petition was sent to the original respondent. High Court further held that delivery of summons without copy of application or without copy of Claim Petition is not a due service. Use of procedure for service under Civil Procedure Code is not just a guiding path of procedure, but is mandatory, in absence of any special procedure being provided under Motor Vehicles Act, 1988. Under Rule 276 of the Maharashtra Motor Vehicles Rules, 1989 various provisions of Civil Procedure Code have been made applicable to the procedure to be adopted by the Tribunal.- *Salish s/o Balkrushna Mundle u. Ramdas s/o Pandurang Lunge 8 & Ors. 2009 (4) All M.R. 570.*

**277. Savings.-** Notwithstanding anything contained in these rules. In the case of minor accidents and claim under Section 140, the Claims Tribunal may follow such summary procedure, as it thinks fit.

**278. Registrar.-** The State Government may appoint a Registrar of the Claims Tribunal, who shall be the Chief Ministerial Officer of the Tribunal and shall exercise such powers and discharge such duties of a ministerial nature as a member of the Tribunal may by order, direct from time to time or where the Tribunal consists of more than one member, the Chairman of the Tribunal may, from time to time, by order direct.

**279. Form of appeal and contents of memorandum.-** (1) Every appeal against the award of the Claims Tribunal shall be preferred in the form of a memorandum signed by the appellant or an Advocate or Attorney of the High Court duly authorised in that behalf by the applicant and presented to High Court or to such officer as it appoints in this behalf. This memorandum shall be accompanied by a copy of the award.

(2) The memorandum shall set forth concisely and under distinct heads the grounds of objection to the award appealed from without any argument or narrative, and such grounds shall be numbered consecutively.

(3) Save as provided in sub-rules (1) and (2) the provisions of Order XXI and Order XLI in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), shall, mutatis mutandis apply to appeals preferred to High Court under Section 173.

**280. Obtaining information and documents necessary for awarding compensation**<sup>1</sup>**[under Sections 140 and 168A].-** The Claims Tribunal shall obtain whatever supplementary information and documents which may be found necessary from the Police. Medical and other Authorities and proceed to award the claim where the parties who were given notice, appear or not, on the appointed date.

*1. These words, figures and letter were sub. by G. N. of 16.8.1996.*

**281. Judgment and award of compensation**<sup>1</sup>**[under Sections 140 and 168A].-** (1) The Claims Tribunal shall proceed to award the claim of compensation under Section 140 on the basis of -

- i. registration certificate of the motor vehicle involved in the accident, or a certificate regarding ownership of the vehicle involved in the accident from the Regional Transport Office or the Police;
- ii. insurance certificate of policy relating to the insurance of the vehicle against the Third Party Risk; or the certificate regarding the insurance particulars of the vehicle from the Regional Transport Office or the Police;
- iii. panchanama and First Information Report;
- iv. post-mortem report or Death Certificate, or certificate in Form COMP B of the First Schedule;
- v. the nature of the treatment given by the Medical Officer who has examined the victim;
- vi. any other documents produced by or on behalf of the parties or obtained in the Tribunal under Rule 280;
- vii. <sup>2</sup>[any document which shows that the applicant resides or the defendant resides, as the case may be, within the jurisdiction of the Claims Tribunal before whom the claim application has been filed;
- viii. a certificate or any other documentary proof showing the income of the person injured or the deceased;
- ix. proof of age of the person injured or the deceased.]

(2) The Claims Tribunal in passing orders, shall make an award of compensation of twenty-five thousand rupees in respect of the death and of twelve thousand rupees in respect of the permanent disablement to be paid by the insurer or owner of the vehicle involved in the accident.

(3) The Claims Tribunal in passing order under sub-rule (2), shall direct the insurer or owner of the vehicle involved in the accident to pay the amount of compensation to the claimant within two weeks from the date of the said order.

(4) The Claims Tribunal shall, as far as possible, dispose off the application for compensation within forty-five days from the date of receipt of such application.

1. *These words, figures and letter were sub. by G. N. of 16.8.1996.*

2. *Clauses (vii) (viii) and (ix) were inserted by G. N. of 16.8.1996.*

## NOTES

**Power of Claims Tribunal to make award of compensation to be paid by the insurer or the owner.-** The High Court held in the case of *National Insurance Co. Ltd. Mumbai v. Vrushali Sitaram Gavnanng, and others*, **2010(5) Mah. L. J. 613** that under section 140 of the Motor Vehicles Act. 1988, the insurer has to indemnify a person who is covered under a policy and he is required to satisfy a judgment made against such person in terms of section 147(5) of the Act. Rule 281 (2) and (3) clearly empowers the Claims Tribunal to make award of compensation to be paid by the insurer or the owner. The rules have been framed by the State Government for the purpose of carrying into effect the provisions of sections 165 to 174 of the Act. Merely because the word 'insurer' is not mentioned under section 140 of the Act, it cannot be said that the liability is cast only on the owner or owners as the case may be. In the case of *Orient Fire and General Insurance Company Limited v. Alixo Fernandes*, **1989 Mah.L.J. 468; 1986 A.C.J. 1137** the Single Judge of the High Court held that. mere omission of the word Insurer under section 92-A of the old Act, cannot exclude Insurer from liability so long as the Vehicle involved in the accident is duly covered by certificate of Insurance granted by the Insurer.

**[281-A. Judgment and Award of compensation under section 163A.-** (1) The Claims Tribunal shall proceed to award the compensation under section 163A on the basis of -

- (a) Panchanama of the accident;
- (b) First Information Report or Station Diary Entry of Traffic Accident Report duly certified by the police;
- (c) Medical Certificate in Form "COMP-P" or a Certificate stating therein the injury caused in case of personal injury or a post-mortem report or death certificate in case of death from the hospital;
- (d) Certified copy of Form "COMP-AA" or the Certified copy of Motor Vehicle Card of the Vehicle involved in the accident maintained by the Regional Transport Office concerned; showing the ownership and the insurance particulars;
- (e) Insurance Certificate or the Insurance Policy relating to the insurance of the vehicle against the Third Party Risk or the certificate regarding the insurance particulars of the vehicle in question from the Regional Transport Office or from the police;
- (f) The nature of treatment given by the Medical Officer who has examined and treated the victim;
- (g) Salary Certificate or any other documentary proof which shows either the monthly or annual income of the person injured or deceased;
- (h) Proof of age of the person injured or deceased;
- (i) Any other document produced by on behalf of the parties or obtained in the Tribunal

under rule 280;

(j) If the accident has occurred out of the jurisdiction of the Claims Tribunal and the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the claimant resides or carries on business or the claimant has opted to file the application for compensation before the Claims Tribunal within whose jurisdiction the defendant resides. a document showing that the defendant resides within the local limit of jurisdiction of the said Tribunal.

(2) The Claims Tribunal, while making an award for payment of compensation under section 163—A, shall take into consideration the structured formula basis laid down in the Second Schedule to the Act.

(3) The Claims Tribunal while passing order under sub-rule (2) shall direct the insurer or owner of the vehicle involved in the accident or both to pay the amount of compensation to the claimant within two weeks from the date of the said order.

(4) The Claims Tribunal shall, as far as possible dispose of the application for compensation within six months from the date of receipt of such application.]

*1. Rule 281-A was inserted by G. N. of 16.8.1996.*

**282. Procedure of disbursement of compensation under Section 140 to the legal heirs in case of death.**- Where the Claims Tribunal feels that the actual amount due to the claimant is likely to take time because of the identification and the fixation of the legal heirs of the deceased. The Claims Tribunal may, call for the amount of compensation awarded to be deposited with the Claims Tribunal and then proceed with the identification of the legal heirs for deciding the payment of compensation to each of the legal heirs.

**283. Record.**- The record of claims cases finally disposed of by the Claims Tribunal shall be preserved for a period of five years;

Provided that, in case where investments in favour of women and legally disabled persons are made by the Claims Tribunal, the records shall be preserved till the end of the period ;

Provided further that, in cases where any award of compensation is made and the claimant does not come forward within a year of passing the award, the records shall be preserved for five years only from the date of the award and the unclaimed amount shall be transferred to the treasury;

<sup>1</sup>[Provided also that if the appropriate provision for maintenance, preservation and destructions of record of claims is not found anywhere else in these rules, the provisions contained in paras 517, 518 & 544 of Chapter XXVII of Civil Manual, 1986, shall apply.]

*1. Amended by G.N.. H.D.. No. MVA. 0198/1135/CR-53/TRA-1. dt. 29.3.2000.*

## CHAPTER X MISCELLANEOUS

**284. Refunds.** – (1) If the Transport Commissioner, Maharashtra State or the Regional Transport Officer concerned, as the case may be, is satisfied that a refund is due on the ground that,-

- (a) it is admissible under sub-rule (3) of Rule 24 or sub-rule [1] of Rule 40;
- (b) wherever there is a provision that if the appellant succeeds in appeal, he is entitled to get  
the refund of fees in whole or any part; or
- (c) it represents the amount paid in excess or erroneously towards the fees under these rules in cash, cheque, demand draft, money order, into the Government Treasury by way of motor vehicles fee stamp; he shall issue to the person entitled to the refund of such amount, a certificate in Form RF of the First Schedule appended to these rules.

(2) Any person to whom a certificate in Form RF of the First Schedule has been issued under sub-rule (1) shall, on presentation of the certificate at the local Government Treasury, the State Bank of India the Reserve Bank of India, or any other bank conducting the cash business of the State Government, shall within 60 days from the date of its issue or from the date of signification of any subsequent renewal of the certificate by the Issuing Authority be entitled to have the refund of the amount mentioned therein.

(3) The Authority mentioned in sub-rule (1) shall maintain a register of refund of the fees and every amount for which a certificate in Form RF of the First Schedule has been issued. shall be entered in such register.

**285. Manner of payment of motor vehicle fees.-** The payment of fees prescribed under the Act or the rules made thereunder, shall be made to the Taxation Authority, or the Appellate Authority, as the case may be, either in cash, demand draft, money order or by way of motor vehicle fee stamps approved by the State Government for this purpose.

<sup>1</sup>**[285-A. Manner of maintaining State Register of Motor Vehicles and additional matters to be incorporated in SMART CARD prescribed under Form 23A.-** The State Register of Motor Vehicles shall be maintained in electronic form, in the prescribed Form 23A and shall also contain additional information as specified in Part 'B' hereto.]

<sup>1</sup>**[285-B. Fees for Computerisation of Registration Record.-** (1) Every application under sub-rule (1) of rule 47, rules 52. 53. 54, clause (m) of sub-rule (2) and sub-rule (3) of rule 55. clause (a) of sub-rule (2) of rule 56. clause (a) of sub-rule (1) of rule 57, rules 59, 60. sub-rules (1) and (2) of rule 61. sub-rule (2) of rule 62. sub-rule (1) of rules 76 and 78 of the Central Motor Vehicles Rules. 1989; and sub-rule (1) of rule 57, rules 71, 85. 88. 9 1. 92 and sub-rule (1) of rule 93 of the Maharashtra Motor Vehicles Rules, 1989 shall be accompanied by a fee of rupees one hundred and fifty for Part 'B' specified hereunder in addition to the fees prescribed under rule  
81 of the Central Motor Vehicles Rules. 1989 and rule 75, sub-rule (5) of rule 91. clause (ii) of

sub-rule (4) of rule 92 and sub-rule (5) of rule 93 of these rules :

Provided that, the provisions of this sub-rule shall not apply to the applications in respect of the vehicles for which the certificate of registration have already been issued and which do not call for modification or updation of the particulars of the Visual Inspection Zone as specified in prescribed Form 23A under the Central Motor Vehicles Rules, 1989 as well as the vehicles registered outside the State and which have not applied for assignment of the new Registration Mark in the State :

Provided further that, the certificates of registration required to be modified or updated with the relevant information in pursuance of the applications mentioned in this sub-rule shall be issued subject to the fees prescribed in this sub-rule].

*1. Added by G.N. H.D., NO. MVD. 0500/CR-218/TRA-4. Dt. 27.11.2002 (M.G.G., Pt. IV-C, Ex. Ord. dt. 27.11.2002.*

**286. Supply, custody, and sale of motor vehicle fee stamps.-** The supply custody and sale of motor vehicles fee, stamps shall be regulated in the manner prescribed in the Sixth Schedule appended to these rules.

**287. Performance of functions of officer under the Act and the rules made thereunder.-** Notwithstanding anything contained in these rules, -

- a) the Transport Commissioner, may at any time perform any of the functions of a Regional Transport Officer, Inspector of Motor Vehicles or Assistant Inspector of Motor Vehicles, under these rules;
- b) the Regional Transport Officer may at any time perform any of the functions of Inspector of Motor Vehicles or Assistant Inspector of Motor Vehicles under these rules;
- c) an Assistant Inspector of Motor Vehicles may at any time, if so required by a Regional Transport Officer, perform any of the functions of an Inspector of Motor Vehicles under these rules;
- d) any officer of the Motor Vehicles Department not below the rank of Assistant Inspector of Motor Vehicles shall exercise the powers under the provisions of Sections 114, 130, 132, 133, 134, 203, 204, 206 and 207;
- e) any officer of the Motor Vehicles Department not below the rank of Inspector of Motor Vehicles shall exercise the powers under the provisions of Sections 136, 158, 200 and 205;
- f) an officer of and above the rank of Assistant Regional Transport Officer shall exercise the powers under sub-section (2) of Section 207 :

Provided that, the powers under clause (c) shall not be exercised by an officer of and below the rank of Assistant Regional Transport Officer unless he is in uniform.

**288. Uniform.-** The uniform of the Regional Transport Officer, Deputy Regional Transport Officer, Assistant Regional Transport Officer, Inspectors and Assistant Inspectors of Motor Vehicles shall be as follows -

- i. khaki forage cap or khaki peaked cap or khaki turban or beret in navy blue colour. Each of these head dresses to have a monogram as illustrated in the Seventh Schedule to these rules;

- ii. khaki shirt, khaki bush-shirt. or khaki tunic with tie:
- iii. shorts or trousers of police pattern of khaki colour;
- iv. whistle cord of khaki colour;
- v. whistle and brown buttons;
- vi. cross belt of police pattern of same brown leather with silver fittings;
- vii. shoes (Brown);
- viii. khaki stockings or socks;
- ix. a set of epaulettes and badges and head-badge as illustrated in the Seventh Schedule appended to these rules;
- x. (a) the Deputy Regional Transport Officers to wear one silver colour national emblem. The shoulder badges with letters as illustrated in the English Schedule to these rules, will be worn at the base of the shoulder strap. The National emblem will be of white metal;  
(b) the Assistant Regional Transport Officers shall wear three stars. The stars shall be five pointed star (Star of India pattern 25.4 mm.) diameter. These stars shall be slightly frosted but without any design in the Centre as illustrated in Eighth Schedule to these rules. The shoulder badge with letters as illustrated in the Eighth Schedule to these rules.

-----

(Updated till 2013)