

सूचना का अधिकार अधिनियम, 2005

परिवहन आयुक्त, उत्तरांचल।

मैनुअल संख्या-5

खण्ड-4

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निर्देशिका और अभिलेख।

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सरकार द्वारा जारी अधिसूचनाएं।

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RENT A CAB SCHEME, 1989¹

In exercise of the powers conferred by sub-section (1) of section 75 of the Motor Vehicle Act, 1988 (59 of 1988), the Central Government hereby makes the following Scheme for regulating the business of renting of motor cabs to persons desiring to drive the cabs for their own use and matters connected therewith, namely:—

1. Short title, commencement and application.—(1) This Scheme may be called RENT A CAB SCHEME, 1989.

(2) It shall come into force on the first day of July, 1989.

(3) It shall apply to all motor cabs to which tourist permits have been issued under sub-section (9) of section 88 of the Act and operating under a licence granted in terms of paragraph 6.

2. Definitions.—In this section unless the context otherwise requires:—

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

(b) "Form" means a Form appended to this Scheme;

(c) "licence" means a licence granted or renewed under paragraph 6 to engage in the business of renting of motor cabs to persons desiring to drive the cabs² [***] for their own use;

(d) "licensing authority" means the State Transport Authority constituted under sub-section (1) of section 68 of the Act;

(e) "operator" means the holder of a permit issued under sub-section (9) of section 88 of the Act in respect of not less than 50 motor cabs.

3. Licensing of operator.—No person shall engage himself in the business of renting a motor cab under this Scheme without a licence.

4. Application for grant or renewal of licence.—(1) An application for the grant or renewal of a licence under paragraph 6 shall be made in Form 1 to the licensing authority having jurisdiction in the area in which he resides or has his principal place of business (hereafter referred to as main office) and shall be accompanied by a fee of rupees five thousand.

(2) Where the applicant has, besides the main office, branch office within the jurisdiction of the licensing authority referred to in clause (1), the application shall indicate such place with the number of motor cabs proposed to be stationed at each such place.

(3) Where the applicant has branch offices outside the jurisdiction of the licensing authority, the application shall be made to the licensing authority in whose jurisdiction the branch office is situated, in Form 2 accompanied by a fee of rupees one thousand in respect of each such branch office.

5. Scrutiny of application.—A licensing authority shall, before granting or renewing a licence take into consideration the following, namely:—

(i) That applicant has a good moral character and has intimate knowledge of passenger transport business;

1. Vide S.O. 437(E), dated 12-6-1989, published in the Gazette of India, Ext., Pt. II, S. 3(ii), dated 12-6-1989 (w.e.f. 1-7-1989).

2. The word "themselves" omitted by S.O. 808(E), dated 28-11-1991 (w.e.f. 28-11-1991).

(ii) That the main office or the branch office of the applicant is either owned by the applicant or is taken on lease by him or is hired in his name and it has adequate space for reception room, administrative section, cloak room with locker facilities, sanitary blocks, [adequate parking space] for the motor cabs;

(iii) That the applicant has necessary facilities for the housing, maintenance and repair of his vehicles;

(iv) That the applicant has at least one telephone which is accessible throughout day and night;

(v) That the applicant has ²[branch offices or sub-licensee offices] with telephones, in not less than 5 cities of tourist importance with facilities for housing, maintenance and repair of vehicles;

(vi) That the financial resources of the applicant are sufficient to provide for the continued maintenance of motor cabs and for the efficient management of the establishment;

(vii) That the applicant maintains not less than 50 motor cabs of which 50 per cent are air-conditioned duly covered by permits issued under sub-section (9) of section 88 of the Act, with comprehensive insurance, fitness certificate, motor vehicles tax paid up-to date:

Provided that in the case of licence for a branch office situated in a place outside the jurisdiction of the licensing authority, it shall be sufficient, if such branch office maintains not less than five motor cabs.

6. Grant of licence.—The licensing authority may, on receipt of an application under paragraph 4 and after satisfying himself that the applicant has complied with the requirements of paragraph 5, grant or renew the licence in Form 3 or, as the case may be, in Form 4:

Provided that no application for a licence shall be refused by the licensing authority unless the applicant is given an opportunity of being heard and reasons for such refusal are given in writing by the licensing authority.

7. Duration of licence.—A licence granted or renewed under paragraph 6 shall be valid for a period of five years from the date of grant or renewal:

Provided that in the case of licenses granted in respect of branch offices referred to under clause (3) of paragraph 4, the validity of such licence shall be restricted to the validity of the licence granted in respect of main office.

8. General conditions to be observed by the holder of the licence.—The holder of a licence shall, —

(i) maintain a register with a separate page for such vehicle containing the particulars specified in Form 5 and where a motor cab is hired by a foreign national, shall maintain a register in Form 5;

(ii) not shift the principal place of business mentioned in the licence without the prior approval in writing of the licensing authority which granted the licence;

(iii) keep the premises and all the records and register maintained and the motor cabs open for inspection at all reasonable times by the licensing authority or by any person not below the rank of Motor Vehicle Inspector as may be authorised in this behalf by the licensing authority;

1. Substituted for "sufficient covered space" by S.O. 808(E) 91, dated 28-11-1991 (w.e.f. 28-11-1991).

2. Substituted, *ibid*, for "branch offices" (w.e.f. 28-11-1991).

(iv) submit, from time to time, to the licensing authority such information and return as may be called for by it;

(v) display at a prominent place in its main office and its branch offices, the licence issued in original and certified copies thereof, attested by the licensing authority;

(vi) maintain in their main office and branch offices in a conspicuous place a "complaint book" in the Form 7 with serially numbered pages in triplicate. The licensees shall despatch the duplicate copy of complaint, if any, to the licensing authority by registered post expeditiously and in any case not later than 3 days;

(vii) maintain a suggestion box in the main office and branch offices and forward their suggestions received with their comments, if any, to the licensing authority, once a month;

(viii) where he is having a foreign collaboration with the approval of the Government, this fact should be displayed in the office premises, with the specific approval of Department of Tourism of the Central Government.

9. Collection of hire charges.—The holder of a licence shall collect the hire charges from a foreign national or a non-resident Indian only in foreign exchange and shall hold for the purpose a licence to transact in foreign exchange.

10. Duties and responsibilities of hirers of motor cabs.—(1) It shall be the duty of every hirer, to keep the holder of the licence, informed of his movements from time to time.

(2) If an individual or company has hired the vehicle as a leader of the tourist party, it shall be the duty of such leader of the party to keep the holder of the licence, informed of the movement of each vehicle, from time to time.

¹[(3) If a hirer so desires, he may engage a person possessing a valid driving licence to drive the vehicle so hired during the period of the hire agreement.]

11. Power of licensing authority to suspend or cancel the licence.—(1) If the licensing authority is satisfied after giving the holder of the licence, an opportunity of being heard, that he has—

(a) failed to comply with the provisions of paragraphs 8 or 9; or

(b) failed to maintain the motor cab in compliance with the provisions of the Act and rules; or

(c) any one of his employees has misbehaved with the customers; or

(d) any complaint against the licensee by any hirer has been proved beyond reasonable doubt;

(i) suspend the licence for a specified period; or

(ii) cancel the licence.

(2) Where the licence is liable to be cancelled or suspended and the licensing authority is of opinion that having regard to the circumstances of the case, it would not be necessary or expedient to cancel or suspend the licence, if the holder of the licence agrees to pay the fine, that may be imposed by the licensing authority, then notwithstanding anything contained in clause (1), the licensing authority may, instead of cancelling or suspending the licence, as the case may be, recover from the holder of the licence, the said fine.

1. Inserted by S.O. 808(E), dated 28-11-1991 (w.e.f. 28-11-1991).

Government may, by notification in the Official Gazette, specify the amount recoverable for each day of suspension and the amount recoverable in lieu of cancellation of the licence and specify the time within which the sum of money agreed upon is payable failing which the orders passed under clause (1) shall be implemented.

(4) When the licence is suspended or cancelled under clause (1), the holder of the licence shall surrender the licence to the licensing authority.

12. Appeal.—Any person aggrieved by any order of the licensing authority under paragraph 6 or paragraph 11, may within 30 days of the receipt of the order appeal to the State Transport Appellate Tribunal.

13. Procedure for appeal.—(1) An appeal under rule 12 shall be preferred in duplicate in the form of a memorandum setting forth the ground of objections to the order of the licensing authority and shall be accompanied by a fee as may be specified by the State Government, by notification, in the Official Gazette.

(2) The State Transport Appellate Tribunal may, after giving an opportunity to the parties to be heard and after such enquiry as it may deem necessary, pass appropriate order.

14. Voluntary surrender of the licence.—The holder of a licence may at any time surrender the licence issued to him to his licensing authority which granted the licence and, on such surrender, the licensing authority shall cancel the licence. The holder of the licence before surrendering the licence shall clear the dues referred to in clause (2) of paragraph 11.

FORM 1

[See paragraph 4(1)]

APPLICATION FOR GRANT OR RENEWAL OF LICENCES FOR RENTING OF MOTOR CABS IN RESPECT OF MAIN OFFICE

To

The State Transport Authority,
.....State/UT

I, the undersigned, hereby apply for a licence for renting motor cabs in the State of

1. Full name
Son/wife/daughter of
2. (a) Full address
(b) Telephone No.
3. Age
4. (a) Experience in the management of transport business
(b) No. of motor cabs held with valid permits.....
5. Particulars of licence, if already held
6. (a) Place where the applicant has his main office with detailed address
(b) Place where the applicant has his branch office with detailed address
Name of Town(s)
(c) The number of motor cabs to be stationed in each branch office

- Nature and extent of financial resources of the applicant
8. Particulars of motor cabs owned alongwith details of registration mark
9. Full description of the place where the business is to be carried on—
 (a) Location, open area, covered area
- (b) Any other particulars
10. I am conversant with the conditions for carrying the business for renting of motor cabs
11. I hereby declare that to the best of my knowledge and belief the particulars given above are correct and true
- The prescribed fee of rupees five thousand is paid by*

Place :

Date :

(*Here indicate mode of payment).

Signature of applicant

FORM 2

[See paragraph 4(3)]

APPLICATION FOR GRANT OR RENEWAL OF LICENCE FOR RENTING OF MOTOR CABS IN RESPECT OF BRANCH OFFICE, IN ANOTHER STATE

To

The State Transport Authority,
 State/UT

I, the undersigned hereby apply for a licence for renting motor cabs in my branch office in the State of

1. Full name
 Son/wife/daughter of
2. (a) Full address (branch office)
- (b) Telephone No.
3. Age
4. (a) Experience in the management of transport business
- (b) Number of motor cabs held with valid permits in the proposed branch office
5. Particulars of licence, held for main office—
 (a) Authority which granted the licence
- (b) Date of issue
- (c) Date of expiry
6. Place where the applicant has main office
7. Nature and extent of financial resources of the applicant
8. Particulars of motor cabs owned with details of permits, registration number, etc.
9. Full description of branch office where the business is to be carried out—
 (a) Location, open area, covered area
- (b) Any other particulars
10. I hereby declare that to the best of my knowledge and belief the particulars given above are correct and true.

The prescribed fee of rupees one thousand is paid by*

Place :

Date :

(*Here indicate the mode of payment).

Signature of applicant

FORM 3

[See paragraph 6]

LICENCE FOR RENTING MOTOR CABS—MAIN OFFICE

Name of the operator

Son/wife/daughter of

Full address of the place of business

Registration mark of motor cabs authorised for renting

Main Office

Branch Office

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

is licensed to rent motor cab.

This licence is issued on and is valid up to

State Transport Authority

..... State/UT

Renewal

Renewed from to

State Transport Authority

..... State/UT

FORM 4

[See paragraph 6]

LICENCE FOR RENTING MOTOR CABS—BRANCH OFFICE

Name of the operator

Son/wife/daughter of

Full address of the branch office

Address where the main office is situated

Licence number and the authority which issued the licence with its date of expiry.....

Registration mark of motor cabs authorised for renting in the branch office is licensed to rent motor cabs

This licence is issued on and is valid up to

State Transport Authority

..... State/UT

Renewal

Renewed from to

State Transport Authority

..... State/UT

FORM 5

[See paragraph 8]

REGISTER TO BE MAINTAINED BY RENT A MOTOR CAB LICENSEE

Sl No.	Name of Hirer	Full Address	Telephone No., if any	Motor driving licence No.
1	2	3	4	5

Issued by (Authority).	Class of vehicle	Date of issue	Date of expiry	Date and time of hire
6	7	8	9	10

Date and time of returning vehicle	Motor vehicle used for total kilometres	Signature of hirer	Remarks
11	12	13	14

FORM 6

[See paragraph 8(i)]

REGISTER TO BE MAINTAINED BY RENT A MOTOR CAB LICENSEE IN CASE WHERE THE MOTOR CAB IS HIRED TO A FOREIGNER

Sl No.	Name of hirer	Full address	Telephone No., if any	Motor driving licence No.	Issued by (Authority)	Class of vehicle
1	2	3	4	5	6	7

Date of issue	Date of expiry	Passport No.	Issued by the authority and State/ Nation	Date of issue of passport	Date of expiry	Date of birth as per passport
8	9	10	11	12	13	14

Driving permit No., if any	Date of issue of driving permit	Class of vehicle authorised to drive vehicle	Date and time of hire	Date and time of returning	Motor vehicle used for total Kms.	Signature of hirer	Remarks
15	16	17	18	19	20	21	22

RULES OF THE ROAD REGULATIONS, 1989¹

In exercise of the powers conferred by section 118 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following regulations for the driving of motor vehicles, namely:—

1. Short title and commencement.—(1) These regulations may be called THE RULES OF THE ROAD REGULATIONS, 1989.

(2) They shall come into force on the first day of July, 1989.

2. Keep left.—The driver of a motor vehicle shall drive the vehicle as close to the left hand side of the road as may be expedient and shall allow all traffic which is proceeding in the opposite direction to pass on his right hand side.

3. Turning to left and right.—The driver of a motor vehicle shall,—

(a) when turning to the left, drive as close as may be to the left hand side of the road from which he is making the turn and of the road which he is entering;

(b) when turning to the right draw as near as may be to the centre of the road along which he is travelling and arrive as near as may be at the left hand side of the road which the driver is entering.

4. Passing to the right.—Except as provided in regulation 5, the driver of a motor vehicle shall pass to the right of all traffic proceeding in the same direction as himself.

5. Passing to the left.—The driver of a motor vehicle may pass to the left of a vehicle the driver of which having indicated an intention to turn to the right has drawn to the centre of the road and may pass on either side, a tram car or other vehicle running on fixed rails whether travelling in the same direction as himself or otherwise provided that in no case shall he pass a tram car at a time or in a manner likely to cause danger or inconvenience to other users of the road including persons leaving or about to enter tram cars.

6. Overtaking prohibited in certain cases.—The driver of a motor vehicle shall not pass a vehicle travelling in the same direction as himself,—

(a) if his passing is likely to cause inconvenience or danger to other traffic proceeding in any direction;

(b) if he is near a point, a bend or corner or a hill or other obstruction of any kind that renders the road ahead not clearly visible;

(c) if he knows that the driver who is following him has begun to overtake him;

(d) if the driver ahead of him has not signalled that he may be overtaken.

7. Overtaking not to be obstructed.—The driver of a motor vehicle shall not, when being overtaken or being passed by another vehicle, increase speed or do anything in any way to prevent the other vehicle from passing him.

8. Caution at road junction.—The driver of a motor vehicle shall slow down when approaching a road intersection, a road junction, pedestrian crossing or a

1. Vide S.O. 439(E), dated 12-6-1989, published in the Gazette of India, Ext., Pt. II, S. 3(ii), dated 12-6-1989 (w.e.f. 1-7-1989).

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shall not enter any such intersection, junction or crossing until he is satisfied that he may do so without endangering the safety of persons

to traffic at road junction.—The driver of a motor vehicle shall, at an intersection, at which traffic is not being regulated, if the road entered is a main road designated as such, give way to the vehicles proceeding along that road, and in any other case give way to all traffic approaching the intersection on his right hand.

10. Fire service vehicles and ambulance to be given free passage.—Every driver shall, on the approach of a fire service vehicle or of an ambulance allow it free passage by drawing to the side of the road.

11. Right of way.—The pedestrians have the right of way at uncontrolled pedestrian crossings. When any road is provided with footpath or cycle tracks specially for other traffic, except with permission of a police officer in uniform, a driver shall not drive on such footpath or track.

12. Taking 'U' turn.—No driver shall take a 'U' turn where 'U' turn is specially prohibited and on busy traffic road. If a 'U' turn is allowed the driver shall show signal by hand as for a right turn, watch in the rear view mirror and turn when safe to do so.

13. Signals to be given by drivers.—The following signals shall be used by the drivers of all motor vehicles, namely:—

(a) When about to slow down, a driver shall extend his right arm with the palm downward and to the right of the vehicle and shall move the arm so extended up and down several times in such a manner that the signal can be seen by the driver of any vehicle which may be behind him.

(b) When about to stop, a driver shall raise his right forearm vertically outside of and to the right of the vehicle, palm to the right.

(c) When about to turn to the right or to drive to the right hand side of the road in order to pass another vehicle or for any other purpose, a driver shall extend his right arm in a horizontal position outside of and to the right of his vehicle with the palm of the hand turned to the front.

(d) When about to turn to the left or to drive to the left hand side of the road, a driver shall extend his right arm and rotate it in an anti-clockwise direction.

(e) When a driver wishes to indicate to the driver of a vehicle behind him that he desires that driver to overtake him he shall extend his right arm and hand horizontally outside of and to the right of the vehicle and shall swing the arm backward and forward in a semi-circular motion.

14. Direction indicator.—The signals referred to in regulation 12, may be simplified also by mechanical or electrical devices.

15. Parking of the vehicle.—(1) Every driver of a motor vehicle parking on any road shall park in such a way that it does not cause or is not likely to cause danger, obstruction or undue inconvenience to other road users and if the manner of parking is indicated by any sign board or markings on the road side, he shall park his vehicle in such manner.

(2) A driver of a motor vehicle shall not park his vehicle—

- (i) at or near a road crossing, a bend, top of a hill or a humpbacked bridge;
- (ii) on a foot-path;
- (iii) near a traffic light or pedestrian crossing;
- (iv) on a main road or one carrying fast traffic;
- (v) opposite another parked vehicle or as obstruction to other vehicle;
- (vi) along side another parked vehicle;
- (vii) on roads or at places or roads where there is a continuous white line with or without a broken line;
- (viii) near a bus stop, school or hospital entrance or blocking a traffic sign or entrance to a premises or a fire hydrant;
- (ix) on the wrong side of the road;
- (x) where parking is prohibited;
- (xi) away from the edge of the footpath.

16. Visibility of lamps and registration marks.—(1) No load or other goods shall be placed on any motor vehicle so as to mask or otherwise interrupt vision of any lamp, registration mark or other mark required to be carried by or exhibited on any motor vehicle by or under the Act, unless a duplicate of the lamp or mark so marked or otherwise obscured is exhibited in the manner required by or under the Act for the exhibition of the marked or obscured lamp or mark.

(2) All registration and other marks required to be exhibited on a motor vehicle by or under the Act shall at all times be maintained in a clear and legible condition.

17. One way traffic.—A driver shall not—

- (i) drive a motor vehicle on roads declared "One Way" except in the direction specified by sign boards;
- (ii) drive a vehicle in a reverse direction into a road designed "One Way".

18. Driving on channelised roads (lane traffic).—(1) Where any road is marked by lanes for movement of traffic, the driver of a motor vehicle shall drive within the lane and change the lane only after giving proper signal.

(2) Where any road is marked by a yellow line dividing road, the vehicle proceeding in the same direction trying to overtake each other shall not cross the yellow line.

19. Stop sign on road surface.—(1) When any line is painted on or inlaid into the surface of any road at the approach to the road junction or to a pedestrian crossing or otherwise, no driver shall drive a motor vehicle so that any part thereof projects beyond that line at any time when a signal to stop is being given by a police officer or by means of a traffic control light or by the display of any traffic sign.

(2) A line for the purpose of this regulation shall be not less than 50 millimetres in width at any part and may be either in white, black or yellow.

20. Towing.—(1) No vehicle other than a mechanically disabled motor vehicle or incompletely assembled motor vehicle, a registered trailer or a side car,

wed by any motor vehicle, except for purposes of delivery and station or garage.

vehicle shall be drawn or towed by any other motor vehicle the driver's seat of the motor vehicle being drawn or towed a licence authorising him to drive the vehicle or unless the steering or 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 metres. The tow ropes, or chains shall be of a type easily distinguishable by other road users and there shall be clearly displayed on the rear of the vehicle being towed in black letters not less than seventy-five millimetres high and on a white background the words "ON TOW".

(4) No motor vehicle when towing another vehicle other than a trailer or side car shall be driven at a speed exceeding twenty-four kilometres per hour.

21. Use of horns and silence zones.—A driver of a vehicle shall not—

(i) sound the horn needlessly or continuously or more than necessary to ensure safety;

(ii) sound the horn in silence zones;

(iii) make use of a cut-out by which exhaust gases are released other than through the silencer;

(iv) fit or use any multitoned horn giving an harsh, shrill, loud or alarming noise;

(v) drive a vehicle creating undue noise when in motion;

(vi) drive a vehicle with a muffler causing alarming sound.

22. Traffic sign and traffic police.—A driver of a motor vehicle and every other person using the road shall obey—

(a) every direction given, whether by signal or otherwise, by a police officer or any authorised person for the time being in-charge of the regulation of traffic ;

(b) any direction applicable to him and indicated on or by notice, traffic sign or signal fixed or operated by an authority, competent to do so;

(c) any direction indicated by automatic signalling devices fixed at road intersections.

23. Distance from vehicles in front.—The driver of a motor vehicle moving behind another vehicle shall keep at a sufficient distance from that other vehicle to avoid collision if the vehicle in front should suddenly slow down or stop.

24. Abrupt brake.—No driver of a vehicle shall apply brake abruptly unless it is necessary to do so for safety reasons.

25. Vehicles going uphill to be given precedence.—On mountain roads and steep roads, the driver of a motor vehicle travelling downhill shall give precedence to a vehicle going uphill wherever the road is not sufficiently wide to allow the vehicles to pass each other freely without danger, and stop the vehicle to the side of the road in order to allow any vehicle proceeding uphill to pass.

26. Obstruction of driver.—A driver of a motor vehicle shall not allow any person to stand or sit or anything to be placed in such a manner or position as to hamper his control of the vehicle.

27. Speed to be restricted.—The driver of a motor vehicle shall, when passing or meeting a procession or a body of troops or police on the march or when passing workmen engaged on road repair, drive at a speed not exceeding more than 25 kilometres an hour.

28. Driving of tractors and goods vehicles.—A driver when driving a tractor shall not carry or allow any person to be carried on the tractor. A driver of goods carriage shall not carry in the driver's cabin more number of persons than that is mentioned in the registration certificate and shall not carry passengers for hire or reward.

29. Projection of loads.—No person shall drive in any public place any motor vehicle which is loaded in a manner likely to cause danger to any person in such a manner that the load or any part thereof or anything extends laterally beyond the side of the body or to the front or to rear or in height beyond the permissible limit.

30. Restriction to carriage of dangerous substances.—Except for the fuel and lubricants necessary for the use of the vehicle, no explosive, highly inflammable or otherwise dangerous substance, shall be carried on any public service vehicle.

31. Restriction on driving backwards.—No driver of a motor vehicle shall cause the vehicle to be driven backwards without first satisfying himself that he will not thereby cause danger or undue inconvenience to any person or in any circumstances, for any greater distance or period of time than may be reasonably necessary in order to turn the vehicle round.

32. Production of documents.—A person driving a vehicle,—

(i) shall always carry with him his driving licence, certificate of registration, certificate of taxation and certificate of insurance, of the vehicle and in case of transport vehicle the permit and fitness certificate, also;

(ii) shall on demand by police officer in uniform or an officer of the Motor Vehicles Department in uniform or any other officer authorised by the Government, produce the documents for inspection:

¹[Provided that where any or all of the documents are not in his possession, he shall produce in person an extract or extracts of the documents duly attested by any police officer or by any other officer or send it to the officer who demanded the documents, by registered post, within 15 days of the demand.]

33. Every driver must be conversant with the provisions of sections 112, 113, 121, 122, 125, 132, 134, 185, 186, 194 and 207 of the Motor Vehicles Act, 1988.

1. Inserted by S.O. 329(E), dated 13-5-1992 (w.e.f. 13-5-1992).

APPENDIX IX

SOLATIUM SCHEME, 1989¹

In exercise of the powers conferred by sub-section (1) of section 163 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following Scheme for the payment of compensation to the victims of hit and run motor accident, namely:—

1. Short title and commencement.—(1) This Scheme may be called THE SOLATIUM SCHEME, 1989.

(2) It shall come into force on the first day of July, 1989.

2. Definitions.—In the Scheme, unless the context otherwise requires,—

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

(b) "Claims Enquiry Officer" means the Sub-Divisional Officer, Tahsildar or any other officer-in-charge of a revenue Sub-Division or a Taluka in each revenue district of a State or such other officer not below the rank of Sub-Divisional Officer or a Tahsildar, as may be specified by the State Government;

(c) "Claims Settlement Commissioner" means the District Magistrate, the Deputy Commissioner, the Collector or any other officer-in-charge of a revenue district in a State appointed as such by a State Government;

(d) "Clause" means clause of this Scheme;

(e) "District Level Committee" means a Committee set up under clause 11;

(f) "Form" means a Form annexed to the Scheme;

(g) "Standing Committee" means a Committee set up under clause 3;

(h) "Transport Commissioner" means an officer appointed as such by the State Government and includes the Director General of Transport, Director of Transport or the Controller of Transport, appointed by the State Government.

3. Standing Committee.—(1) There shall be a Standing Committee consisting of the following members, namely:—

(a) Joint Secretary (Transport)	... Chairman
(b) Joint Secretary (Insurance)	... Member
(c) General Manager, General Insurance Corporation	... Member
(d) General Manager of each of Insurance Companies for the time being carrying on general insurance business in India	... Member
(e) Transport Commissioners one each from three States, nominated by the Central Government by rotation	... Member
(f) Director/Deputy Secretary (Finance Division) Ministry of Surface Transport	... Member
(g) An Officer of General Insurance Corporation, of the rank of Deputy General Manager (Accounts)	... Member Secretary

(2) The person nominated as member by virtue of an office shall cease to be a member when he ceases to hold that office.

1. Vide S.O. 440(E), dated 12-6-1989, published in the Gazette of India, Ext., Pt. II, S. 3(ii), dated 12-6-1989 (w.e.f. 1-7-1989).

(3) The term of office of the members nominated under sub-clause (a) of clause (1) shall be for a period of one year.

4. Remuneration of members of Standing Committee.—A member shall not be paid any remuneration, except travelling and daily allowance at the rates admissible to him and be paid from the source he draws salary.

5. Powers and functions of the Standing Committee.—The Standing Committee shall—

(i) periodically review the working of the scheme and its implementation and direct corrective steps, wherever necessary;

(ii) consider the issues raised in the report of the District Level Committee and provide guidance or directions, wherever called for;

(iii) frame regulations for conduct of business by Standing Committee and District Level Committee.

6. Meeting of the Standing Committee.—The Standing Committee shall meet at such time, date and at such a place as the Chairman may, from time to time, appoint in this behalf:

Provided that the Committee shall meet at least twice a year.

7. Quorum.—Not less than three members shall form a quorum:

Provided that if at any meeting there is no quorum, the Chairman may adjourn the meeting to a date not less than seven days later, informing the members present and sending notices to other members that he proposes to dispose of the business at the adjourned meeting, whether there is a quorum or not and he may thereupon dispose of the business at such adjourned meeting.

8. Decision by majority.—Every matter shall be determined by a majority of votes of the members present and voting and in case of equality of votes, the Chairman shall have a casting vote.

9. Notice of meeting.—(1) Notice shall be given by the Member-Secretary to every member of the time, date and place fixed for each such meeting at least seven days before such meeting and each member shall be furnished with a list of business to be disposed of at the said meeting:

Provided that when an urgent meeting is called by the Chairman, such notice shall not be necessary. However, Member-Secretary shall send an intimation to each member.

(2) No business which is not on the list of business shall be considered at a meeting without the permission of the Chairman.

10. Minutes of the meeting.—The proceedings of each meeting of the Standing Committee shall be circulated to all members and thereafter recorded in a Minute Book which shall be kept as permanent record. The record of the proceedings of each meeting shall be signed by the Chairman.

11. District Level Committee.—(1) There shall be a District Level Committee in each district consisting of the following members, namely:—

(a) Claims Settlement Commissioner

... Chairman

(b) Claims Enquiry Officer, nominated by the State

... Member

Government

- (c) The Regional Transport Officer or any other officer of Motor Vehicles Department as nominated by the State Government ... Member
- (d) Any member of the public or, a voluntary organisation connected with the road safety aspects nominated by the Chairman ... Member
- (e) Divisional Manager of the Insurance Company ... Member-Secretary

(2) A person nominated as a member by virtue of an office shall cease to be member when he ceases to hold that office.

¹[(3) The term of office of the members nominated under items (b), (c) and (d) of sub-clause (1) shall be determined by the State Government.]

12. Remuneration of member of the District Level Committee.—A member shall not be paid any remuneration except travelling and daily allowance at the rate admissible to him in his respective Department and be paid from the source he draws salary. A member nominated under clause (d) shall be paid travelling allowance/dearness allowance by General Insurance Corporation, at the rate as may be decided by the General Insurance Corporation.

13. Powers and functions of District Level Committee.—The District Level Committee shall undertake all functions connected with the implementation of the Scheme at the District Level. It shall also perform functions such as:—

(i) to evaluate the progress of implementation of the Scheme in the concerned district and take corrective steps, wherever necessary;

(ii) to submit a report on quarterly basis to the Standing Committee. The report shall *inter alia* include statistics monthwise, about the claim applications received, awarded, pending and reasons for pendency;

(iii) to keep close liaison with other authorities in the District so as to ensure that Scheme gets adequate publicity;

(iv) to provide guidance/clarifications to concerned authorities wherever called for.

14. Meeting of the District Level Committee.—This District Level Committee shall meet at such time, date and at such place, within the concerned District itself as the Chairman may, from time to time, appoint in this behalf:

Provided that the Committee shall meet at least once in each quarter.

15. Quorum.—Not less than two members shall form a quorum.

16. Decision by majority.—Every matter shall be determined by a majority vote of the members present and voting. In case of equality of votes, Chairman shall have a casting vote.

17. Notice of meeting.—(1) Notice shall be given by the Member-Secretary to each member of the time, date and place fixed for the meeting at least seven days before such a meeting and each member shall be furnished with a list of business to be disposed of at the said meeting:

Provided that when an urgent meeting is called by the Chairman, such notice shall not be necessary. However, Member-Secretary shall send an intimation to each member.

1. Sub-Cl.(3) substituted by S.O. 668(E), dated 7-10-1991 (w.e.f. 7-10-1991).

(2) No business which is not on the list of business shall be considered at a meeting without the permission of the Chairman.

18. Minutes of the meeting.—The proceedings of each meeting of the "District Level Committee" shall be circulated to all members and thereafter recorded in a Minute Book which shall be kept as a permanent record. The record of the proceeding of each meeting shall be signed by Chairman.

19. Nomination of insurance company.—General Insurance Corporation shall nominate any of its office or an insurance company in each District for settlement of claims under section 161 of the Act and of this Scheme.

20. Procedure for making the claim application.—(1) The applicant shall submit an application seeking compensation under this Scheme in Form I alongwith duly filled in discharge receipt in Form II and the undertaking in Form V to the Claims Enquiry Officer of the Sub-Division or Taluka in which the accident takes place.

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(3) Where the Claims Enquiry Officer does not accept the grounds advanced by the applicant, he shall record speaking orders and communicate to the applicant reasons for not accepting the claim application.

21. Procedure to be followed by the Claims Enquiry Officer.—(1) On receipt of claims application, the Claims Enquiry Officer shall immediately obtain a copy of the FIR, inquest report, post-mortem report or certificate of injury, as the case may be, from the concerned authorities and hold enquiry in respect of claims arising out of hit and run motor accidents.

(2) It shall be the duty of the Claims Enquiry Officer,—

(a) to decide as to who are the rightful claimants, where there are more than one claimants;

(b) to submit, as early as possible, and in any case within a period of one month from the date of receipt of application a report in Form III alongwith duly discharged receipt in Form II and the undertaking in Form V alongwith his own recommendation.

(3) Where the Claims Settlement Commissioner has returned any report to the Claims Enquiry Officer for further enquiry under sub-clause (2) of clause 22, the Claims Enquiry Officer shall make such additional enquiries as may be necessary and re-submit the report to the Claims Settlement Commissioner within 15 days for final order.

22. Sanctioning of claims.—(1) On receipt of report of the Claims Enquiry Officer, the Claims Settlement Commissioner shall sanction the claim, as far as possible, within a period not exceeding fifteen days from the date of receipt of such report and communicate the sanction order in Form IV alongwith duly discharged

1. Sub-Cl. (2) omitted by S.O. 409(E), dated 25-4-2000 (w.e.f. 25-4-2000). Before its omission, sub-Cl. (2) read as under:—

"(2) An application under clause (1) shall be made within a period of six months from the date of the accident:

Provided that an application made after six months but not after 12 months from the date of the accident may be accepted by the Claims Enquiry Officer, if he is satisfied that there are reasonable grounds to condone the delay."

receipt in Form II and the undertaking in Form V to the nominated officer of the insurance company, with a copy to the following:—

- (a) the Claims Enquiry Officer;
- (b) the claimant;
- (c) the concerned Motor Accident Claims Tribunal;
- (d) the concerned Transport Commissioner;
- (e) General Insurance Corporation headquarters.

(2) Where the Claims Settlement Commissioner has any doubt in respect of the report submitted by the Claims Enquiry Officer, he shall return the report to the Claims Enquiry Officer for further enquiry, indicating the specific points on which the enquiry is to be made.

23. Payment of compensation.—(1) In the case of claims arising out of death the payment shall be made to the legal representatives of the deceased, as decided by the Claims Enquiry Officer.

(2) In the case of claims arising out of previous hurt, the payment shall be made to the person injured.

(3) The nominated office of the insurance company, immediately on receipt of the sanction order in Form IV together with discharge receipt in Form II and the undertaking in Form V shall make the payment to the claimant and despatch a cheque/demand draft to the claimant through registered post AD and simultaneously send intimation to all the concerned authorities to whom the copy of the sanction order is endorsed.

(4) The payment to the claimant by the insurance company shall be made within 15 days from the date of receipt of the sanction order together with discharge receipt and wherever delay occurs, reasons therefore shall be explained to the Claims Settlement Commissioner.

(5) Registered letters containing cheque/demand draft, if returned undelivered from claimants shall be placed before the Claims Settlement Commissioner for further directions.

(6) The nominated officer of the insurance company shall furnish monthly return giving number and the date of the sanction order, date of receipt of sanction order, payments made, sanction order pending for payment, to the Claims Settlement Commissioner with a copy to Claims Enquiry Officer and General Insurance Corporation headquarters, Bombay.

24. Annual Report.—The General Insurance Corporation shall prepare and place an annual report on the working of the Scheme before the Standing Committee, and also forward a copy to the Central Government.

FORM I

[See clause 20(1)]

FORM OF APPLICATION FOR COMPENSATION FROM SOLATIUM FUND

I.....son of/daughter of/widow* of Shri.....residing at.....having been grievously injured in motor vehicle accident hereby apply for grant of compensation for the grievous injuries sustained. Necessary particulars in respect of the injury sustained by me are given below:—

I.....son of/daughter of/widow* of Shri.....residing at.....hereby apply as a legal representative/agent for the grant of compensation on account of death/injuries sustained by Shri/Shrimati/Kumari.....son of/widow of/daughter of

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Shri.....who died/had sustained injuries in a motor vehicle accident on.....at.....particulars in respect of accident and other information are given below:—

1. Name and father's name of person injured (husband's name in case of married woman or widow):
2. Address of the person injured/dead:
3. Age.....Date of birth.....
4. Sex of the person injured/dead:
5. Place, date and time of the accident:
6. Occupation of the person injured/dead:
7. Nature of injuries sustained:
8. Name and address of Police Station in whose jurisdiction accident took place or was registered:
9. Name and address of the Medical Officer/Practitioner who attended on the injured/dead:
10. Name and address of the claimant/claimants:
11. Relationship with the deceased:
12. Any other information that may be considered necessary or helpful in the disposal of the claim:

I hereby swear and affirm that all the facts noted above are true to the best of my knowledge and belief.

*Strike out whichever is not applicable.

Signature of the claimant

FORM II

[See clause 20(i)]

Annexure
Sanction Order No.
Dated:

DISCHARGE RECEIPT

Received with thanks from.....Insurance Co. Ltd. sum of Rs.being the compensation under hit and run provisions of the Motor Vehicles Act in full and final settlement of my claim for the accident occurred to me/to the deceased person.....(Name of deceased) on.....(Date of accident) at.....(Name of the place)

WITNESS:

- 1.
- 2.

Signature on revenue stamp by
beneficiary/victim

FORM III

[See clause 21(2)(b)]

CLAIMS ENQUIRY REPORT TO BE SUBMITTED BY THE CLAIMS ENQUIRY
OFFICER TO THE CLAIMS SETTLEMENT COMMISSIONER

1. Name and address of the person dead/injured:
2. Place, time and date of the accident:
3. Particulars of the Police Station in which the accident was registered:
4. Particulars of the Medical Officer/ Practitioner who examined the dead/injured:

5. Particulars of persons summoned and examined:
6. Whether the fact of death/injury by hit and run motor accident has been established or not and the reasons for coming to that conclusion:
7. The name and address of claimant(s) eligible for payment of compensation:
8. The amount of compensation recommended for payment to the claimant. (In case of more than one claimant the amount each one of the claimants is eligible and the reasons thereof shall be specified):
9. Any other information or records relevant or useful for the settlement of the claim.

Signature, Designation of the Claims Enquiry Officer

Seal:

Date:

FORM IV

[See clause 22(1)]

Serial No.....

Claims Settlement Commissioner

District

ORDER

I hereby sanction Rs. 8,500/2,000 (Rupees Eight Thousand Five Hundred only)/(Rupees Two Thousand only) as compensation in respect of the death of.....(Name of deceased)/grievous hurt to.....(Name of the injured) resulting from hit and run motor accidents which took place at.....(Name of place) on.....(Date) to Shri/Shrimati/Kumari.....as the legal representative of the deceased (.....) or to..... (Name of injured)

Claims Settlement Commissioner

CC to:—

1. Office of the Insurance Company;
2. The Claimant;
3. Motor Accident Claims Tribunal;
4. Claims Enquiry Officer;
5. General Insurance Corporation of India, Churchgate, Bombay - 400020

FORM V

[See clause 20(1)]

(Under section 162 of the Motor Vehicles Act, 1988)

I/We.....as legal representative(s)/of the deceased/injured.....hereby give undertaking that I/we shall refund the amount of compensation awarded to me/us under sanction order No.dated.....by the Claims Settlement Commissioner.....to the insurer in case I/we/am/are awarded any other compensation or amount in lieu of or by way of satisfaction of a claim for compensation in respect of death or grievous hurt to.....under any other provisions of the Motor Vehicles Act, 1988, or any other law for the time being in force or otherwise.

Signature of the legal representative
of the deceased/injured person

DRIVING LICENCE (CONDITIONS FOR EXEMPTION) RULES, 1992¹

In exercise of the powers conferred by sub-S. (2) of section 3 of the Motor Vehicles Act, 1988, the Central Government hereby makes the following rules, namely,—

1. **Short title and commencement.**—These rules may be called THE DRIVING LICENCE (CONDITIONS FOR EXEMPTION) RULES, 1992.

2. **Conditions for grant of exemption.**—A person receiving instructions in driving a motor vehicle shall be exempted during training, from the provisions of sub-section (1) of section 3 of the Motor Vehicles Act, 1988 (59 of 1988), subject to the following conditions, that—

(a) such person is a trainee undergoing training in an Industrial Training Institute approved by Central or State Government and driving a light motor vehicle with a written permission of the head of an Industrial Training Institute;

(b) such person is driving a motor vehicle under the supervision of a duly appointed instructor holding a valid driving licence;

(c) such person shall not give any vehicle other than a light motor vehicle of the Industrial Training Institute, specially acquired for such training purposes;

(d) such person is medically fit to drive;

(e) the speed of the vehicle shall not exceed 15 kms. per hour during the training;

(f) the training shall be imparted only between 10 a.m. to 5 p.m.;

(g) the training shall be imparted only on a light motor vehicle.

1. *Vide* G.S.R. 791(E), dated 30-9-1992, published in the Gazette of India, Ext., Pt. II, S. 3(i), dated 30-9-1992.

APPENDIX V

OVERALL DIMENSIONS OF MOTOR VEHICLES (PRESCRIPTION OF CONDITIONS FOR EXEMPTION) RULES, 1991¹

the powers conferred by section 110(3)(b) of the Motor Vehicles Act, 1988, the Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called THE OVERALL DIMENSIONS OF MOTOR VEHICLES (PRESCRIPTION OF CONDITIONS FOR EXEMPTION) RULES, 1991.

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

2. Conditions for the grant of exemption from rule 93.—The State Government may exempt any motor vehicle or any class of description of motor vehicles from the provisions of rule 93 of the Central Motor Vehicles Rules, 1989, subject to the fulfilment of any or all of the conditions specified in these rules which that Government may deem fit to impose, namely:—

(1) Such motor vehicle or class of description of motor vehicles shall—

(a) observe such load restrictions as the State Government may by order specify in this behalf,

(b) obtain the previous permission of such authority as may be specified by the State Government in this behalf before putting such vehicles on the load;

(c) not, if they are loaded, travel over such bridges and cross-drainage structures on the road, which the State Government may having regard to the safety of the road structures specify;

(d) where prohibited under clause (c) to travel over the structure referred to in that clause, the owner or transporter shall at his cost make arrangements to cross the rivers in accordance with the directions given by the authority specified by the State Government in this behalf;

(e) give advance intimation to such authority or officer specified in this behalf by the State Government regarding the movement of such vehicle;

(f) equip with necessary warning signals such as red flags in the day time, red light and reflectors in the night so as to indicate the extreme positions of the vehicle clearly;

(g) move without any hindrance to the normal flow of traffic;

(h) not exceed the speed limit of 16 kms. per hour.

(2) Where any damage is caused to the roads or road structures directly or indirectly due to the movement of such vehicles, the operator of the vehicle or the transporter shall be liable to pay such amount to the State Government as may be assessed by the authorities in this behalf.

(3) The State Government shall not be liable for any damage that may be caused to such vehicles or their contents through their transits;

1. *Vide* G.S.R. 583(E), dated 12-9-1991, published in the Gazette of India, Ext., Pt. II, S. 3(i), dated 12-9-1991 (w.e.f. 12-9-1991).

(4) Any grant of exemption under these rules shall be without prejudice to the right of the authorities specified in this behalf by the State Government to regulate or stop the movement of such vehicles having regard to the safety of roads, bridges, structures and other road users;

(5) The State Government may, in consultation with the operator of the vehicle or the owner conduct route survey to assess the fitness of the roads for movement of such vehicles, feasibility of negotiating the curves more particularly in built-up areas, sufficiency of road width, adequacy of vertical clearance and any deficiencies identified in the assessment shall be rectified by the operators or owners of the vehicles;

(6) Exemption granted under these rules shall be applicable only for operating such vehicles on roads lying in the jurisdiction of the Public Works Department of the respective State Government and operators of the vehicles or their owners thereof shall make their own arrangements to obtain the approval of the other Departments of local body authorities for plying on the roads lying within their jurisdiction.

¹[3. **Removal of doubts.**—For removal of doubts, it is hereby declared that any exemption granted under these rules in any State shall be valid throughout India.]

¹ Sub-R. (3) substituted by G.S.R. 634(E), dated 23-6-1992 (w.e.f. 23-6-1992).

MOTOR VEHICLES (ALL INDIA PERMIT FOR TOURIST TRANSPORT OPERATORS) RULES, 1993¹

exercise of the powers conferred by sub-section (14) read with sub-section (9) of section 88 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules, namely:—

Short title, extent, commencement and exemption.—(1) These rules may be called **THE MOTOR VEHICLES (ALL INDIA PERMIT FOR TOURIST TRANSPORT OPERATORS) RULES, 1993.**

(2) They shall extend to the whole of India.

(3) They shall come into force with effect from the date of publication.

(4) The conditions prescribed in rules 82 to 85-A of the Central Motor Vehicles Rules, 1989 shall not apply to the permits granted under this scheme.

Definitions.—In these rules, unless the context otherwise requires,—

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

(b) "Authorisation Certificate" means a certificate issued by an appropriate authority to a recognised Tourist Operator authorising him to operate throughout the territory of India or in such continuous States, not being less than three in number including the State in which the permit is issued, on recognised tourist circuits, as are specified in the All India Permit for a tourist vehicle granted to him;

(c) "Appropriate Authority" means the authority which is authorised under the Act to grant a permit in respect of a tourist vehicle;

(d) "rule" means the rule of the Central Motor Vehicles Rules, 1989;

(e) "section" means section of the Act;

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

²[(g) "Tourist Transport Operator" means,—

(a) a company or an individual engaged in a business of promotion of tourism by providing tourist transport vehicles on tourist circuits; or

(b) any travel agency (who possesses his own vehicle or have taken a vehicle on lease for this purpose for a period of at least one year) run by a company or individual provides all tickets for travel by air, rail, ship, passport, visa and arrange accommodation, tours, entertainment and other tourism related services; or

(c) the tour operator (company or individual) who provides for transport, accommodation, sight-seeing, entertainment and other tourist related services for tourists, and who possesses his own vehicle or has taken a vehicle on lease for this purpose for period of at least one year and is recognised by the Department of Tourism of the Government of India;]

[(h) "Tourist Circuit" means all places of tourist interest situated in a State in which package tours are prepared and sold by the recognised tourist transport operator.

¹vide G.S.R. 541(E), dated 10-8-1993, published in the Gazette of India, Ext., Pt. II, S. 3(i), dated 10-8-1993 (w.e.f. 10-8-1993).

²substituted by G.S.R. 286(E), dated 22-3-1995 (w.e.f. 22-3-1995).

inserted, *ibid* (w.e.f. 22-3-1995).

...ing such tourist circuits shall be valid throughout the State.]

Authorisation Certificate shall be issued only to a Tourist Transport Operator recognised by the Department of Tourism of the Central Government.

4. Form, contents and duration, etc., of the Authorisation Certificate.—

Every application for the issue of an Authorisation Certificate shall be made to the concerned State Transport Authority, in the Form as set forth in the First Schedule.

(2) Every Authorisation Certificate shall be in the Form as set forth in the Second Schedule.

(3) The period of validity of an Authorisation Certificate shall not exceed one year at a time.

(4) The Authorisation Certificate may be renewed on an application made less than fifteen days before the date of its expiry.

5. Procedure of applying for and issue of Authorisation Certificate.—(1) An application for an Authorisation Certificate may be made on any working day to the State Transport Authority concerned.

(2) A State Transport Authority shall not ordinarily refuse to issue an Authorisation Certificate applied for under these rules.

(3) Transport Authority may reject the application made under sub-rule (1) on good and sufficient reasons to be recorded in writing, or where the Authority is of the opinion that this would have the effect of increasing the number of Authorisation Certificates limited in terms of section 74(3):

Provided that the Authorisation Certificate applied for shall be issued or refused within a period of thirty days from the date of receipt of application by the State Transport Authority.

Transfer of permit.—(1) Save as otherwise provided in sub-rule (2), an Authorisation Certificate shall not be transferable from one person to another without the permission of the State Transport Authority which issued the Authorisation Certificate and shall not, without such permission, confer on any person to whom a vehicle covered by the Authorisation Certificate is transferred, the right to use that vehicle in the manner authorised by the Authorisation Certificate.

(2) Where the holder of an Authorisation Certificate dies, the person succeeding to the possession of the vehicle covered by the Authorisation Certificate may, for a period of three months, use the Authorisation Certificate from the date of death of the holder and on his own intention to use the Authorisation Certificate:

Provided further that no Authorisation Certificate shall be so used, except after its renewal, after the date on which it would have ceased to be effective in the hands of the deceased holder.

(3) The State Transport Authority may, on an application made to it within three months of the death of the holder of an Authorisation Certificate, transfer the Authorisation Certificate to the person succeeding to the possession of the vehicle covered by the Authorisation Certificate:

Provided that the State Transport Authority may entertain an application made after the expiry of the said period of three months if it is satisfied that the applicant was prevented for good and sufficient cause from making an application within the specified time.

7. Replacement of vehicle.—The holder of an Authorisation Certificate may, with the permission of the State Transport Authority by which the Authorisation Certificate was issued, replace any vehicle covered by the Authorisation Certificate by any other vehicle of the same nature.

Explanation.—The vehicle of same nature would mean having the same seating capacity for which permit has been granted and composite fee paid and such a replacement vehicle could be of any other make or model.

8. Appeals.—(1) Any person aggrieved by—

(a) the refusal of the State Transport Authority to issue an Authorisation Certificate or by any condition attached to, an Authorisation Certificate issued to him; or

(b) the order of revocation or suspension of the Authorisation Certificate or by any variation of the conditions thereof; or

(c) the order of refusal to transfer the Authorisation Certificate under rule 6 of these rules or section 82; or

(d) the order of refusal to renew an Authorisation Certificate; or

(e) any other order which may be made,

may within a period of thirty days from the date on which the said order is communicated to the applicant, appeal to the State Transport Appellate Tribunal constituted under sub-section (2) of section 89 of the Motor Vehicles Act, 1988, who shall after giving such person and the State Transport Authority an opportunity of being heard, give a decision thereon, which shall be final.

9. Authorisation fee.—The fee for the issue of an Authorisation Certificate shall be Rs. 500 per annum and every application for the issue or renewal of the same shall be accompanied by a bank draft for the said amount in favour of the appropriate authority.

10. Seating capacity.—An All India Permit for Tourist Transport Operators shall be issued only in respect of vehicles with a seating capacity of not more than [39] seats, excluding the driver and the conductor. Besides, provision of rule 128 of the Central Motor Vehicles Rules, 1989, except for sub-rule (11) of the said rules, shall also apply to the tourist vehicles.

11. Age of the tourist coaches.—An All India Permit for Tourist Transport Operators shall be deemed to be invalid from the date on which the vehicle covered by the said permit completes nine years, in the case of a motor cab and eight years in the case of a vehicle other than a motor cab.

Explanation.—For the purpose of this rule, the period of nine or eight years shall be computed from the date of initial registration of the tourist vehicle concerned.

12. Distinguishing particulars to be exhibited on motor vehicle.—A motor vehicle or motor cab covered under the Authorisation Certificate issued under these rules shall be painted in white colour with a blue ribbon of 10 centimetres

1. Substituted by G.S.R. 286(E), dated 22-3-1995 (w.e.f. 22-3-1995).

width at the centre of the exterior of the body on both sides of the vehicle, and the word "Tourist" shall be painted inside a circle of 60 centimetres diameter. The permit holder shall also display on the front top of the tourist vehicle, other than a motor cab, a board in yellow colour with letters in black colour with the inscription "Approved Tourist Transport Operator No." in English and Hindi, and also if the permit holder so prefers, in the regional language of the Home State, with the logo "Peacock", as specified in Annexure No. 1.

13. List of tourists.—A tourist vehicle, other than a motor cab plying under an All India Permit for a Tourist Transport Operator shall at all times carry a list of tourist passengers in respect of each trip, and the list shall be produced on demand by the officers authorised to demand production of documents by or under the Act or the rule made thereunder.

14. Quarterly return to be filed by an All India Tourist Permit Holders.—An All India Tourist Permit Holder shall file a quarterly return, in respect of the motor vehicle covered by these rules, in the Form set forth in the Third Schedule to the appropriate authority of the State by which the All India Permit is granted and the said authority, in turn, shall forward copies thereof to the appropriate authorities of other States concerned.

15. Certificate of Recognition.—(1) The eligibility conditions for a Certificate of Recognition shall be as set forth in the Fourth Schedule.

(2) Every application for a Certificate of Recognition by the Department of Tourism, Government of India, shall be submitted in the Form prescribed in the Fifth Schedule to the Director General of Tourism, Department of Tourism, Government of India, New Delhi - 110 001.

(3) The Certificate of Recognition shall be granted in the Form prescribed in the Sixth Schedule.

THE FIRST SCHEDULE

[See rule 4(1)]

FORM OF APPLICATION FOR ISSUE OF AN AUTHORISATION CERTIFICATE

To

The State Transport Authority

.....
.....

I/We, the undersigned, hereby apply for the issue of an Authorisation Certificate valid throughout the territory of India/in the State of

(Here, write the names of the States applicable)

1. Name of the applicant(s) in full (starting with surname, if any) or company
2. Name of father or husband
(in the case of an individual)
3. Complete address
4. Registration mark of the motor vehicle
5. Engine number of the motor vehicle
6. Chassis number of the motor vehicle
7. Original permit number of the motor vehicle
8. Permit issuing authority of the motor vehicle

9. Make of the motor vehicle
10. Registered laden weight of the motor vehicle
11. Unregistered laden weight of the motor vehicle
12. Particulars of the Certificate of Recognition issued by Department of Tourism,
Government of India
- (Copy to be attached)
13. Year of manufacture of the motor vehicle
14. Period for which the Authorisation Certificate is applied for
From..... To.....
15. I/We enclose Bank Drafts as described hereunder towards payment of the
authorisation fee:—

Name of the State	Amount paid	Particulars of Bank Draft and Date	Date of Payment
(1)	(2)	(3)	(4)
(1)			
(2)			
(3)			
(4)			
(5)			

Signature or thumb-impression
of applicant(s) or of the authorised
signatory with official rubber stamp

Date

* Strike out whichever is not applicable.

THE SECOND SCHEDULE

[See rule 4(2)]

AUTHORISATION CERTIFICATE

This Authorisation Certificate is valid throughout the States of

(On the recognised tour circuits given below)

1. Name in full of the individual or company
(Starting with surname, if any).
2. Complete address
3. Registration mark of the motor vehicle
4. Engine number of the motor vehicle
5. Chassis number of the motor vehicle
6. Permit number of the motor vehicle
7. Name of the permit issuing authority
8. Make of the motor vehicle
9. Registered laden weight of the motor vehicle
10. Unladen weight of the motor vehicle
11. Year of manufacture of the motor vehicle

12. Period of validity of the Authorisation Certificate From To
(Seal of the Appropriate Authority)

(Signature of the Appropriate Authority)

(on the Reverse)

(Certificate of payment of composite fee)

Sl. No.	Name of the State	Amount paid	Particulars of Bank Draft & Date	Date of payment	Period of, for which paid
(1)	(2)	(3)	(4)	(5)	(6)
(1)					
(2)					
(3)					
(4)					
(5)					

Place

Date

Signature and seal of the Appropriate Authority

THE THIRD SCHEDULE

[See rule 14]

QUARTERLY RETURN

1. Name and complete address of the permit holder
2. Registration mark of the motor vehicle
3. Registration Number of All India Permit for Tourist Transport Operator as given by Department of Tourism (Government of India)

Summary of trips made during the quarter

Month	Total distance covered in the State of*	Total distance of operation	Remarks
(1)	(2)	(3)	(4)
(a)			
(b)			
(c)			

Date

Signature of the All India Permit Holder

*Mention the names of the States applicable.

Note: In the remarks column, state reasons for low or high running in any particular State or States and any other factors which caused low or high operation.

[THE FOURTH SCHEDULE

[See rule 15(1)]

A. ELIGIBILITY CONDITION FOR RECOGNITION AS APPROVED TOURIST
TRANSPORT OPERATOR

1. All applications for recognition shall be addressed to the Director General of Tourism, Transport Bhawan, No. 1, Parliament Street, New Delhi - 110001.

2. (i) The applications for grant of recognition shall be in the prescribed form.

(ii) The applicant has been in the tourist transport hire business for a minimum period of 2 years at the time of application.

(iii) The Tourist Transport Operator has operated in the above 2 years period a minimum number of 3 tourist permits issued by the concerned State Transport Authority/Road Transport Authority for tourist vehicles. Out of these three tourist transport vehicles at least one must be a car.

(iv) The applicant has adequate knowledge of handling the tourist transport vehicles for transferring tourist from the Airport, Railway Stations, etc. and for sight-seeing of tourists both foreign and domestic.

(v) The drivers of the tourist vehicles have proper uniform and adequate knowledge of taking the tourist for sight-seeing.

(vi) The applicant has proper parking space for the vehicles.

(vii) The Tourist Transport Operator is registered with the appropriate authority for carrying on the business of operating tourist transport vehicles.

3. (a) The two years period of operating the Tourist Transport business may be relaxable to 1 year in the case of those applicants who have operated 5 tourist vehicles with the proper State Transport Authority/Road Transport Authority permits for 1 year. These 5 tourist vehicles could be in any combination of cars, Air-conditioned Coaches, Mini Coaches, Boats provided there are minimum of at least 2 cars in the fleet of tourist vehicles.

(b) For Ex-Defence personnel the condition of being in the business of tourist transport vehicles for two years and having 3 vehicles is relaxable provided the candidate is sponsored by the Director General of Resettlement, Ministry of Defence, New Delhi. In the case of such personnel they can operate the tourist transport business with 1 tourist vehicle only. However, the Ex-Defence personnel who apply under this scheme must themselves operate the tourists transport business and should not be hiremen of other Financiers.

(c) The condition of being in operation for 2 years period for tourist transport operator's approval may also be relaxable in the case of those applicants who have located their business at the cities mentioned below:—

- | | |
|--------------------------------------|--|
| (i) Amritsar (Punjab); | (ii) Bodhgar (Bihar); |
| (iii) Bhopal (Madhya Pradesh); | (iv) Bhubaneshwar (Orissa); |
| (v) Chandigarh; | (vi) Goa; |
| (vii) Hyderabad (Andhra Pradesh); | (viii) Hardwar (Uttar Pradesh); |
| (ix) Khajuraho (Madhya Pradesh); | (x) Port Blair (The Andaman and Nicobar Island); |
| (xi) Pathankot (Punjab); | (xii) Srinagar (Jammu & Kashmir); |
| (xiii) Tiruchirapalli (Tamil Nadu); | (xiv) Udaipur (Rajasthan); |
| (xv) Visakhapatnam (Andhra Pradesh). | |

1. Schedules Fourth, Fifth and Sixth substituted by G.S.R. 286(E), dated 22-3-1995 (w.e. 22-3-1995).

4. The Tourist Transport Operator will be required to pay a non-refundable one time fee of Rs. 500 while applying for the recognition. The fee will be made payable to the Pay and Accounts Officer, Department of Tourism in the form of a Bank Draft.

5. The applicant should be income-tax assessee and should submit copy of acknowledgement certificate as proof having filed income-tax return for current assessment year.

6. The decision of the Department of Tourism, Government of India, in the matter of recognition shall be final. The Government of India may, in their discretion, refuse to recognise or withdraw/withhold at any time recognition already granted without assigning any reason.

7. Recognition once granted shall continue unless revoked and subject to their continuance in this business and their submitting the requisite return of income-tax and other particulars.

8. Tourist Transport Operator granted recognition shall be entitled to such incentives and concessions as may be granted by Government from time to time and shall abide by the terms and conditions of recognition as prescribed from time to time.

B. ELIGIBILITY CONDITIONS FOR RECOGNITION AS APPROVED TRAVEL AGENCY

1. All applications for recognition shall be addressed to the Director-General of Tourism, Transport Bhawan, No. 1, Parliament Street, New Delhi-110001.

2. The following conditions must be fulfilled by the Travel Agency for grant of recognition by Department of Tourism:—

(i) The application for grant of recognition shall be in the prescribed form.

(ii) The Travel Agency has a minimum paid-up capital of Rs. 2.00 lakhs duly supported by the audited balance sheet/Chartered Accountant's certificate.

(iii) The Travel Agency should be approved by International Air Transport Association (IATA) or General Sales Agent (GSA) of an International Air Transport Association member Airlines.

(iv) The Travel Agency has an office under the charge of a full time member of their staff, who is adequately trained/experienced in matters regarding ticketing, itineraries, transport, accommodation facilities, currency, customs regulations and other travel and tourism related services.

(v) The Travel Agency has been in operation for a period of one year before the date of application.

(vi) The Travel Agency is an income-tax assessee and has filed income-tax return for the current assessment year.

3. Recognition as Travel Agency once granted shall continue unless withdrawn and subject to their continued membership of International Air Transport Association or continuance as General Sales Agent of an International Air Transport Association member Airlines, as the case may be, and their submitting the requisite annual return of income-tax and other particulars.

4. The Travel Agency will be required to pay a non-refundable one time fee of Rs. 1,000 while applying for the recognition. The fee will be payable to the Pay and Accounts Officer, Department of Tourism, in the form of a Bank Draft. Fee for recognition of each Branch Office will be Rs. 500.

5. Recognition will be granted to the Headquarters Office of the Travel Agency. Branch Offices will be approved alongwith the Headquarters Office or subsequently, provided the particulars of Branch Offices are submitted to Department of Tourism and accepted by it.

6. The decision of the Department of Tourism, Government of India, in the matter of recognition shall be final. The Government of India may, in their discretion, refuse to recognise any time or withdraw/withhold at any time recognition already granted without assigning any reason.

7. Travel Agency printed recognition shall be entitled to such incentives and concessions as may be granted by the Government of India from time to time and shall abide by the terms and conditions of recognition as prescribed from time to time.

C. ELIGIBILITY CONDITIONS FOR RECOGNITION AS APPROVED TOUR OPERATOR

1. All applications for recognition shall be addressed to the Director General of Tourism, Transport Bhawan, No. 1, Parliament Street, New Delhi- 110001.

2.(i) The application for grant of recognition shall be in the prescribed form.

(ii) The Tour Operator should have a minimum paid-up capital of Rs. 1.00 lakh fully supported by the latest audited balance sheet/ Chartered Accountant's Certificate.

(iii) The turn-over in terms of foreign exchange or Indian rupees by the firm from tour operation only should be a minimum of Rs. 5.00 lakhs duly supported by Chartered Accountant's certificate.

(iv) The Tour Operator has an office under the charge of a full time member of their staff, who is adequately trained/experienced in matters regarding transport, accommodation, currency, customs regulations and general information about travel and tourism related services.

(v) The Tour Operator should have been in operation for a minimum period of one year before the date of application.

(vi) The Tour Operator will have to be income-tax assessee and should have filed income-tax return for the current assessment year.

3. The recognition as approved Tour Operator once granted shall continue unless withdrawn subject to their continuance in this business and their submitting the requisite annual return of income-tax and other particulars.

4. The Tour Operator will be required to pay a non-refundable one time fee of Rs. 1,000 while applying for the recognition. The fee will be made payable to the Pay and Accounts Officer, Department of Tourism, in the form of a Bank Draft. The fee for recognition of each Branch Office will be Rs. 500.

5. Recognition will be granted to the Headquarters Office of Tour Operators. Branch Offices will be approved alongwith the Headquarters Office or subsequently, provided the particulars of the Branch Offices submitted to Department of Tourism and accepted by it.

¹[6. The decision of the Department of Tourism, Government of India, in the matter of recognition shall be final. The Government of India may, in its discretion, refuse to recognise any Tour Operator or withdraw or withhold at any time recognition granted to any Tour Operator, but before applying such discretion, it shall be lawful for the Government of India to issue show cause notice to the aggrieved Tour Operator and to consider his reply on merit and to communicate him the decision taken on such consideration.]

7. Tour Operator granted recognition shall be entitled to such incentives and concessions as may be granted by Government from time to time and shall abide by the terms and conditions of recognition as prescribed from time to time by the Department of Tourism, Government of India.

1. Substituted by G.S.R. No. 83(E), dated 23-2-1998 (w.e.f. 23-2-1998).

THE FIFTH SCHEDULE

[See rule 15(2)]

A. APPLICATION FORM FOR RECOGNITION AS APPROVED TOURIST
TRANSPORT OPERATOR

1. Name of the firm with address, telephone, telex and fax number.
2. Nature of the firm and date of registration/commencement of business with documentary proof.
3. Whether the office is located in residential/commercial/industrial area.
4. Name, experience, qualifications of the Proprietor/Managing Director.
5. Total number of staff including Drivers.
6. Name of the Travel Agents/Tour Operators/Hotels/Airlines with whom most business is transacted.
7. Please attach a copy of the audited balance sheet and profit and loss statement duly certified by the Chartered Accountant for the year preceding the date of application alongwith copy of acknowledgment certificate, in respect of income-tax return for current assessment year.
8. Please indicate the loans and mortgages as on the date of application.
9. Number of vehicles, viz., Air-conditioned coaches, non-Air conditioned coaches, Mini coaches, Cars and Boats operated as tourist vehicles with their make, model and registration.
10. Attested copies of valid permits issued by Road Transport Authority/State Transport Authority for Tourist vehicles and Registered Certificate Books of Tourist vehicles should be furnished.
11. Number and date of Bank Demand Draft for Rs. 500 in favour of Pay and Accounts Officer, Department of Tourism, New Delhi.

Signature.....

Designation.....

Rubber stamp of company

B. APPLICATION FORM FOR RECOGNITION AS APPROVED TRAVEL AGENCY

1. Name and address of Head Office and Branch Office.
2. Nature of the firm and the year when the firm was registered or commenced business with documentary proof.
3. Name of Directors/Partners, etc. The details of their interests, if any, in other business may also be indicated.
4. Give particulars of staff employed, their qualifications, experience, salary and length of their interests, if any, in other business/service with the firm.
5. Name of Bankers (Please attach a reference from your bankers).
6. Name of Auditors. A balance-sheet and profit and loss statement pertaining to the travel business, as prescribed under Company Law, must be submitted by each applicant. These audited statements should be in respect of your establishment for the last completed financial year or for the calendar year immediately preceding the date of submission of your application. Also furnish details of your turnover in the following statement:—
Name and particulars of the Travel Agency concerned.
 - (a) Paid-up capital
 - (b) Loans
 - (i) Secured
 - (ii) Unsecured
 - (c) Reserves
 - (d) Current liabilities and provision
 - (e) Fixed assets (excluding intangible assets)
 - (f) Investment
 - (g) Current assets
 - (h) Intangible assets

Total

Notes.—(i) Reserves would include balance of profit and loss account and would exclude taxation reserve.

(ii) Current liabilities and provisions would include taxation reserve.

(iii) Current assets would include sundry debts, loans and advances, cash and bank balance.

(iv) Intangible assets would include goodwill, preliminary expenses, tenancy and business rights, deferred revenue expenditure, accumulated loss, etc.

7. Copy of acknowledgment certificate in respect of income-tax return for the current assessment year should be enclosed.

8. Whether any other activities are undertaken by the firm besides travel related activities.

9. Please indicate the air/shipping/railway ticketing agencies held by the firm.

10. Please indicate membership of International Travel Organisations, if any.

11. Letter of approval of International Air Transport Association, certificate of endorsement for current year should be enclosed. General Sales Agents of any International Air Transport Association, Airlines should enclose documentary proof in this regard.

12. Please enclose Demand Draft of Rs. 1,000 for Head Office and Rs. 500 for each Branch Office as fee for recognition and mention the Demand Draft number, date and amount in this column.

Signature of the Proprietor/Partner/
Managing Director
Rubber stamp

C. APPLICATION FORM FOR RECOGNITION AS APPROVED TOUR OPERATOR

1. Name and address of Head Office and Branch Office.

2. Nature of the firm and the year when the firm was registered or commenced business with documentary proof.

3. Name of Directors/Partners, etc. The details of their interests, if any, in other business also be indicated.

4. Give particulars of staff employed, their qualifications, experience, salary and length of service with the firm.

5. Name of Bankers (Please attach a reference from your bankers.)

6. Name of Auditors. A balance-sheet and profit and loss statement pertaining to the tour operation business, as prescribed under Company Law, must be submitted by each applicant. These audited statements should be in respect of your establishment for the last completed financial year or for the calendar year immediately preceding the date of submission of your application. Also furnish details of your turnover in the following statement:—

Name and particulars of the operator concerned.

(a) Paid-up capital

(b) Loans

(i) Secured

(ii) Unsecured

(c) Reserves

(d) Current liabilities and provisions

(e) Fixed assets (excluding intangible assets)

(f) Investment

(g) Current assets

(h) Intangible assets

Total.....

Notes.—(i) Reserves would include balance of profit and loss account and would exclude taxation reserve.

(ii) Current liabilities and provisions would include taxation reserve.

(iii) Current assets would include sundry debts, loans and advances, cash and bank balance.

(iv) Intangible assets would include goodwill, preliminary expenses, balance and business rights, deferred revenue expenditure, accumulated loss, etc.

APP. III] MOTOR VEHICLES (ALL INDIA PERMIT, ETC.) RULES, 1993

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7. Copy of acknowledgment certificate in respect of income-tax return for the current assessment year should be enclosed.
8. Whether any other activities are undertaken by the firm besides tour operation.
9. Member of International Travel Operations.
10. (a) Give details of volume of tourist traffic handled upto the date of application showing foreign and internal tourist traffic separately. Please submit a certificate from Chartered Accountant. This certificate should show the receipts from tour operation only during the financial year or the calendar year immediately preceding the date of submission of your application.
(b) Clientele: Special tourist groups handled, if any, their size, frequency, etc.
(c) Steps taken to promote domestic tourist traffic and detailed of groups handled, if any.
(d) Special programmes, if any, arranged for foreign tourists.
11. Number of Conferences handled, if any, and the total number of passengers for such Conferences with details of location, etc.
12. Number of incentive tours handled.
13. Please enclose a Demand Draft of Rs. 1,000 for Head Office and Rs. 500 for each Branch Office as fee for recognition and mention the Demand Draft number, date and amount in this column.

Signature of the Proprietor/Partner/
Managing Director
Rubber stamp of the Firm

THE SIXTH SCHEDULE
[See rule 15(3)]
Certificate of Recognition

Date

No.

Certified that

(Name and address of the Approved Tourist Transport Operator)
is recognised by the Department of Tourism, Government of India, New Delhi as an
approved Tourist Transport Operator.
Place

Director General (Tourism)]

Certified that
(Name and Address

ANNEXURE I



RENT A MOTOR CYCLE SCHEME, 1997¹

In exercise of powers conferred by section 75 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following Scheme for regulating the business of renting of motor cycles to persons desiring to drive the motor cycles for their own use and matters connected therewith, namely:—

1. Short title, commencement and application.—(i) This Scheme may be called RENT A MOTOR CYCLE SCHEME, 1997.

(ii) It shall come into force on the date of its publication in the Official Gazette.

(iii) It shall apply to motor cycles to which permit have been issued under sub-section (1) of section 74 of the Act and operating under a licence granted in terms of paragraph 6.

2. Definitions.—In this Scheme unless the context otherwise requires,—

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

(ii) "Form" means a form appended to this Scheme;

(iii) "licence" means a licence granted or renewed under paragraph 6 to engage in the business of renting of motor cycles to persons desiring to drive the motor cycles themselves for their own use;

(iv) "licensing authority" means the State Transport Authority constituted under sub-section (1) of section 68 of the Act;

(v) "operator" means the holder of permit issued under sub-section (1) of section 74 of the Act in respect of not less than 5 motor cycles;

(vi) "Scheme" means the Rent a Motor Cycle Scheme, 1997.

3. Licensing of operator.—No person shall engage himself in the business of renting a motor cycle under this Scheme without a licence.

4. Application for grant or renewal of licence.—An application for the grant or renewal of a licence under paragraph 6 shall be made in Form 1 to the licensing authority having jurisdiction in the area in which he resides or has his principal place of business and shall be accompanied by a fee of rupees one thousand.

5. Scrutiny of application.—A licensing authority shall, before granting or renewing a licence, take into consideration the following, namely,—

(i) That the applicant has a good moral character and has intimate knowledge of passenger transport business;

(ii) That the applicant has necessary facilities for the housing, maintenance and repair of his vehicles, sanitary block and reception room;

(iii) That the applicant has at least one telephone which is accessible throughout day and night;

(iv) That the financial resources of the applicant are sufficient to provide for the continued maintenance of motor cycles and for the efficient management of the establishment;

1. Vide S.O. 375(E), dated 12-5-1997, published in the Gazette of India, Ext., Pt. II, S. 3(ii), dated 12-5-1997 (w.e.f. 12-5-1997).

(v) That the applicant maintains not less than 5 motor cycles duly covered by permits issued under sub-section (1) of section 74 of the Act, with comprehensive insurance, fitness certificates, motor vehicles tax paid up to date.

6. Grant of licence.—The licensing authority may, on receipt of an application under paragraph 4 and after satisfying himself that the applicant has complied with the requirements of paragraph 5, grant or renew the licence in Form 2:

Provided that no application for licence shall be refused by the licensing authority unless the applicant is given an opportunity of being heard and reasons for such refusal are given in writing by the licensing authority.

7. Duration of licence.—A licence granted or renewed under paragraph 6 shall be valid for a period of five years from the date of grant or renewal.

8. General conditions to be observed by the holder of the licence.—The holder of the licence shall,—

(i) maintain a register with a separate page for each vehicle containing the particulars specified in Form 3 and where a motor cycle is hired by a foreign national, shall maintain a register in Form 4;

(ii) not shift the principal place of business mentioned in the licence without the prior approval in writing of the licensing authority which granted the licence;

(iii) keep the premises and all the records and register maintained and the motor cycles open for inspection at all reasonable times by the licensing authority or by any person not below the rank of motor vehicle inspector as may be authorised in this behalf by the licensing authority;

(iv) submit from time to time, to the licensing authority such information and return as may be called for by it;

(v) display at prominent place in its main office and its branch office, the licence issued in original and certified copies thereof, attested by the licensing authority;

(vi) maintain in their main office and branch offices at a conspicuous place a "Complaint Book" in the Form 5 with serially numbered pages in triplicate. The licensee shall despatch the duplicate copy of complaint, if any, to the licensing authority by registered post expeditiously and in any case not later than 3 days;

(vii) maintain a suggestion box in the main office and branch offices and forward their suggestions received with their comments, if any, to the licensing authority once a month.

9. Collection of hire charges.—The holder of a licence shall collect the hire charges from a foreign national or non-resident Indian only in foreign exchange and shall hold for the purpose a licence to transact in foreign exchange.

10. Duties and responsibilities of the hirer of motor cycles.—(1) It shall be the duty of every hirer to keep the holder of the licence, informed of his movements from time to time.

(2) If an individual or company has hired the vehicle, as a leader of the tour party, it shall be the duty of such leader of the party to keep the holder of the licence informed of the movements of each vehicle, from time to time.

11. Power of licensing authority to suspend or cancel the licence.—(1) The licensing authority shall, on being satisfied after giving the holder of the licence, an opportunity of being heard, that he has—

- (i) failed to comply with the provisions of paragraph 8 or 9; or
 - (ii) failed to maintain the motor cycle in compliance with the provisions of the Act and Rules; or
 - (iii) any one of his employees has misbehaved with the customers; or
 - (iv) any complaint against the licensee by any hirer has been proved beyond reasonable doubt,
- suspend the licence for specified period or cancel the licence.

(2) Where the licence is liable to be cancelled or suspended and the licensing authority is of opinion that having regard to the circumstances of the case, it would not be necessary or expedient to cancel or suspend the licence; if the holder of the licence agrees to pay the fine that he may be imposed by the licensing authority, then notwithstanding anything contained in clause (1) the licensing authority may, instead of cancelling or suspending the licence, as the case may be, recover from the holder of the licence, the said fine.

(3) For the purpose of recovery of the sum of money agreed upon, the State Government may, by notification in the Official Gazette, specify the amount recoverable for each day of suspension of the licence and specify the time within which the sum of money agreed upon is payable, failing which the orders passed under clause (1) shall be implemented.

(4) When the licence is suspended or cancelled under clause (1), the holder of the licence shall surrender the licence to the licensing authority.

[12. Appeals.—Any person aggrieved by any order of the licensing authority under paragraph 6 or paragraph 11, may within thirty days of the receipt of the order, appeal to the State Transport Appellate Tribunal.]

13. Procedure for appeal.—(1) An appeal under rule 12 shall be preferred in duplicate in the form of a memorandum setting forth the ground of objection, to the order of the licensing authority and shall be accompanied by a fee as may be specified by the State Government, by notification in the Official Gazette.

²[(2) The State Transport Appellate Tribunal may after giving an opportunity to the parties to be heard and after such enquiry as it may deem necessary, pass appropriate orders.

(3) The State Transport Appellate Tribunal shall dispose of an appeal under paragraph 12 within a period of ninety days from the date on which such appeal is filed.]

14. Voluntary surrender of the licence.—The holder of a licence may at any time surrender the licence issued to him by the licensing authority which granted the licence and on such surrender the licensing authority shall cancel the licence. The holder of the licence before surrendering the licence shall clear the dues referred to in clause (2) of paragraph 11.

1. Paragraph 12 substituted by S.O. 257(E), dated 26-3-1998 (w.e.f. 26-3-1998).
2. Sub-paragraph (2) substituted, *ibid* (w.e.f. 26-3-1998).

FORM 1

[See paragraph 4]

APPLICATION FOR GRANT OR RENEWAL OF LICENCES FOR
RENTING MOTOR CYCLES

To

The State Transport Authority

.....State / UT

I, the undersigned, hereby apply for a licence for renting motor cycles in the State
of.....

1. Full Name
- Son/Wife/Daughter of.....
2. (a) Full Address.....
- (b) Telephone No.....
3. Age.....
4. (a) Experience in management of transport business.....
- (b) Number of motor cycles held with valid permits.....
5. Particulars of licence, if already held.....
6. (a) Place where the applicant has his main office with detailed address.....
- (b) Place where the applicant has his branch office with detailed address
- (c) The number of motor cycles to be stationed in each branch office.....
7. Nature and extent of financial resources of the applicant.....
8. Particulars of motor cycles owned alongwith details of registration mark.....
-
9. Full description of the place where the business is to be carried on—
- (a) Location, open area, covered area.....
- (b) Any other particulars.....

10. I am conversant with the conditions for carrying the business for renting of motor
cycles.

11. I hereby declare that to the best of my knowledge and belief the particulars given
above are correct and true.

The prescribed fee of rupees one thousand is paid*.....

Place:

Date:

Signature of applicar

* (Here indicate mode of payment)

FORM 2

[See paragraph 6]

LICENCE OF RENTING MOTOR CYCLES

1. Name of the Operator.....
2. Son/Wife/Daughter of.....
3. Full Address of the place of business.....
4. Registration mark of motor cycles authorised for renting

Main Office

Branch Office

1	2	3
4	5	6
7	8	9
10	11	12

is licenced to rent motor cycle.

This licence is issued on and is valid up to

State Transport Authority

.....State /UT

RENEWAL

Renewed fromto.....

State Transport Authority

.....State /UT

FORM 3

[See paragraph 8(i)]

REGISTER TO BE MAINTAINED BY RENT A MOTOR CYCLE LICENSEE

Sl. No	Name of hirer	Full Address	Telephone No., if	Motor driving licence No.
1	2	3	4	5

Issue by (Authority)	Class of vehicle	Date of issue	Date of expiry	Date and time of hire
6	7	8	9	10

Date and time of returning vehicle	Motor vehicle used for total kilometers	Signature of hirer	Remarks
11	12	13	14

FORM 4

[See paragraph 8(i)]

REGISTER TO BE MAINTAINED BY RENT A MOTOR CYCLE LICENSEE IN CASE
WHERE THE MOTOR CYCLE IS HIRED TO A FOREIGNER

Sl. No.	Name of hirer	Full address	Telephone No., if any	Motor driving licence No.	Issued by (Authority)
1	2	3	4	5	6

Class of vehicle	Date of issue	Date of expiry	Passport No.	Issued by the authority and State/Nation	Date of issue of passport
7	8	9	10	11	12

Date of expiry	Date of birth as per passport	Driving permit No., if any	Date of issue of driving permit	Class of vehicle authorised to drive	Date and time of hire
13	14	15	16	17	18

Date and time of returning vehicle	Motor vehicle used for total kms.	Signature of hirer	Remarks
19	20	21	22

FORM 5
[See paragraph 8(vi)]
COMPLAINT BOOK

(With pages serially numbered in triplicate)

1. Name of complainant.....
2. Full address.....
3. The name and address of the holder of the licence for rent a motor cycle
4. Licence number, and the authority which issued the licence.....
5. The date and time of hiring the vehicle and date of time when the vehicle was returned
6. Vehicle Number.....
- Complaint in brief.....
- Date:
- Place:

Signature

1. The licensing authority by registered post.....(Duplicate copy)
 2. The complainant.....(Triplicate copy)
-

APPENDIX X

SPECIFICATION OF TYPES OF MOTOR VEHICLES¹

S.O. 436(E), dated 12-6-1989—Superseded by S.O. 451(E), dated 19-6-1992

In exercise of the powers conferred by sub-section (4) of section 41 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the Notification No. S.O. 436(E), dated the 12th June, 1989, except or respects things done or omitted to be done before such supersession, the Central Government hereby specifies the types of Motor Vehicles mentioned in column 2 of the Table below as the type in respect of Motor Vehicles specified in the corresponding entry in column 1 thereof for the purposes of sub-section (4):—

TABLE

Transport Vehicles		Non-Transport Vehicles	
(1)		(2)	
(i)	Motor cycle with side car for carrying goods.	(i)	Motor cycle with or without car for personal use.
(ii)	Motor cycle with trailer to carry goods.	(ii)	Motor cycle with trailer to carry personal effects.
(iii)	Motor cycle used for hire to carry one passenger on pillion and motorised cycle-rickshaw for goods/passengers on hire.	(iii)	Mopeds and motorised cycles (engine capacity exceeding 35cc).
(iv)	Motor cab and Luxury cabs.	(iv)	Invalid carriage.
(v)	Goods carrier trucks/tankers/mail carriers.	(v)	Three-wheeled vehicles for personal use.
(vi)	Trailers.	(vi)	Motor car.
(vii)	Maxi cab.	(vii)	Fork lift.
(viii)	Stage carriers.	(viii)	Vehicles/trailers fitted with equipments like Rig, generator, compressor.
(ix)	Contract carriages and tourist vehicles.	(ix)	Crane mounted vehicle.
(x)	Three-wheeled vehicles for transport of passenger/goods.	(x)	Tractor.
(xi)	Mobile clinic/X-ray van/Library vans	(xi)	Trailers to carry personal effects
(xii)	Private Service Vehicle.	(xii)	Tower wagons and tree trimming vehicles.
(xiii)	Educational Institution buses.	(xiii)	Two Trucks Breakdown Van Recovery Vehicles.
(xiv)	Ambulances.	² [(xiv)	Omnibus for private use
(xv)	Mobile canteens.	(xv)	Camper Van/Trailer for private use.]
(xvi)	Cash vans.		
(xvii)	Articulated vehicles.		
(xviii)	Camper Vans/Trailers.		
(xix)	Animal ambulances.		
(xx)	Hearses.		
(xxi)	Mobile workshops.		
(xxii)	Fire tenders, snorked ladders, auxillary trailers and fire fighting vehicles.		
(xxiii)	Omnibus.		
(xxiv)	Dumper/Excavator.		

1. Vide S.O. 451(E), dated 19-6-1992.

2. Inserted by S.O. 359(E), dated 14-11-1992 (w.e.f. 14-11-1992).

"Ambulance" means vehicle specially designed, constructed or modified and equipped and intended to be used for emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated.

(b) "Animal ambulance" means intended to be used for the emergency transportation of sick, injured, wounded or otherwise incapacitated animals.

(c) "Camper van" means a motor vehicle designed or constructed to provide living quarters for recreational camping or travel use with direct walk through access to the living quarters from the driver's seat.

(d) "Camping Trailer" means a trailer, not used for transport of goods, constructed with partial side walls which folds of towing and unfolds to provide temporary living accommodation for recreational camping and tourist purposes.

APPENDIX XI

MAXIMUM SPEED LIMIT¹

In exercise of the powers conferred by sub-section (1) of section 112 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby fixes the speed specified in column (2) of the Table below as the maximum speed in respect of the class of motor vehicles specified in the corresponding entry in column (2) thereof.

TABLE

Class of vehicles	Maximum speed per hour in kilometres
(1) If all the wheels of the vehicle are fitted with pneumatic tyres and the vehicle is not drawing a trailer:—	
(a) if the vehicle is a light motor vehicle, other than transport vehicle;	No limit
(b) if the vehicle is a light motor vehicle and a transport vehicle;	65
(c) if the vehicle is a motor cycle;	50
(d) if the vehicle is a medium or heavy passenger motor vehicle;	65
(e) if the vehicle is a medium or heavy goods vehicle.	65
(2) If the vehicle is an articulated vehicle, all the wheels of which are fitted with pneumatic tyres, which is a heavy goods vehicle or heavy passenger motor vehicle.	50
(3) If the vehicle is drawing not more than one trailer, or in the case of artillery equipment, not more than two trailers and all the wheels of that vehicle and the trailer are fitted with pneumatic tyres:—	
(a) if the vehicle is a light motor vehicle and the trailer being two-wheeled has a gross vehicle weight not exceeding 800 kilograms;	60
(b) if the vehicle is a light motor vehicle and the trailer has more than two wheels or a gross vehicle weight exceeding 800 kilograms;	50
(c) if the vehicle is a medium goods vehicle or medium passenger motor vehicle;	50
(d) if the vehicle is a heavy goods vehicle or heavy passenger motor vehicle;	40
(e) if the vehicle is a heavy goods vehicle or heavy passenger motor vehicle used by the fire brigade.	50
(4) Any other case not covered by entry (1), (2) or (3)	30

2. This notification shall come into force on the first day of July, 1989.

1. Vide S.O. 425(E), dated 9-6-1989.

APPENDIX XII

SPECIFICATION OF MAXIMUM GROSS VEHICLE WEIGHT AND MAXIMUM SAFE AXLE WEIGHT¹

S.O. 416(E), dated 8-6-1989—Superseded by S.O. 479(E), dated 4-7-1996

S.O. 681(E), dated 30-8-1989 in partial modification of S.O. 416(E), dated 8-6-1989—
Superseded by S.O. 479(E), dated 4-7-1996

S.O. 479(E), dated 4-7-1996—Superseded by S.O. 728(E), dated 18-10-1996

In exercise of the powers conferred by sub-section (1) of section 58 of the Motor Vehicles Act, 1988 (59 of 1988) and in supersession of the notification of the Government of India in the Ministry of Surface Transport S.O. No. 479 (E), dated the 4th July, 1996, the Central Government hereby specifies that in relation to the transport vehicles (other than motor cabs) of various categories detailed in the Schedule below, the maximum gross vehicle weight and the maximum safe axle weight of each axle of such vehicles shall, having regard to the size, nature and number of tyres and maximum weight permitted to be carried by the tyres as per rule 95 of the Central Motor Vehicles Rules, 1989, be—

(i) vehicle manufacturers rating of the gross vehicle weight and axle weight respectively for each make and model as duly certified by the testing agencies for compliance of rule 126 of the Central Motor Vehicles Rules, 1989, or

(ii) the maximum gross vehicle weight and the maximum safe axle weight of each vehicle respectively as specified in the Schedule below for the relevant category, or

(iii) the maximum load permitted to be carried by the tyre(s) as specified in the rule 95 of the Central Motor Vehicles Rules, 1989, for the size and number of the tyres fitted on the axle (s) of the relevant make and model, whichever is less:

Provided that the maximum gross vehicle weight in respect of all such transport vehicles, including multi-axle vehicles shall not be more than the sum total of all the maximum safe axle weight put together subject to the restrictions, if any, on the maximum gross vehicle weight given in the said Schedule.

SCHEDULE

Transport Vehicles Category		Max GVW Tonnes	Maximum Safe Axle Weight
1	2	3	4
I Rigid Vehicles			
(i)	Two Axle One tyre on front axle, and Two tyres on rear axle,	9.00	3 tonnes on front axle 6 tonnes on rear axle
(ii)	Two Axle Two tyres on each axle	12.0	6 tonnes on front axle 6 tonnes on rear axle
(iii)	Two Axle Two tyres on front axle, and Four tyres on rear axle	16.2	6 tonnes on front axle 10.2 tonnes on rear axle

1	2	3	4
(iv)	Three Axle Two tyres on front axle, and Eight tyres on rear tandem axle	25.0	6 tonnes on front axle 19 tonnes on rear tandem axle
[(v)	Four Axle Four tyres on front axle, and Eight tyres on rear tandem axle	31.0	12 tonnes on two front axle 19 tonnes on rear tandem axle]
II Semi-Articulated Vehicles			
(i)	Two Axle Tractor Single Axle Trailer Tractor: 2 tyres on front axle 4 tyres on rear axle Trailer: 4 tyres on single axle	26.4	6 tonnes on front axle 10.2 tonnes on rear axle 10.2 tonnes on single trailer axle
(ii)	Two Axle Tractor Tandem Axle Trailer Tractor: 2 tyres on front axle 4 tyres on rear axle Trailer: 8 tyres on tandem axle	35.2	6 tonnes on front axle 10.2 tonnes on rear axle 19 tonnes on tandem axle
(iii)	Two Axle Tractor Three Axle Trailer Tractor: 2 tyres on front axle 4 tyres on rear axle Trailer: 12 tyres on 3 axles	40.2	6 tonnes on front axle 10.2 tonnes on rear axle 24 tonnes on 3 axles
(iv)	Three Axle Tractor Single Axle Trailer Tractor: 2 tyres on front axle 8 tyres on rear axle Trailer: 8 tyres on single axle	35.2	6 tonnes on front axle 19 tonnes on rear axle 10.2 tonnes on single axle
(v)	Three Axle Tractor Tandem Axle Trailer Tractor: 2 tyres on front axle 8 tyres on tandem axle Trailer: 8 tyres on tandem axle	44.0	6 tonnes on front axle 19 tonnes on rear tandem axle 19 tonnes on tandem axle

1. Inserted by S.O. 732(E), dated 8-9-1999 (w.e.f. 8-9-1999).

1	2	3	4
III Truck-Trailer Combinations			
(i)	Two Axle Truck Two Axle Trailer Truck: 2 tyres on front axle 4 tyres on rear axle Trailer: 4 tyres on front axle 4 tyres on rear axle	36.6	6 tonnes on front axle 10.2 tonnes on rear axle 10.2 tonnes on front axle 10.2 tonnes on rear axle
(ii)	Three Axle Truck Two Axle Trailer Truck: 2 tyres on front axle 8 tyres on rear tandem axle Trailer: 4 tyres on front axle 4 tyres on rear axle	45.4 (restricted to 44.0 tonnes)	6 tonnes on front axle 19 tonnes on rear tandem axle 10.2 tonnes on front axle 10.2 tonnes on rear axle
(iii)	Three Axle Truck Three Axle Trailer Truck: 2 tyres on front axle 4 tyres on rear axle Trailer: 4 tyres on rear axle 8 tyres on rear tandem axle	45.4 (restricted to 44.0 tonnes)	6 tonnes on front axle 10.2 tonnes on rear axle 10.2 tonnes on front axle 19.0 tonnes on rear tandem axle
(iv)	Three Axle Truck Three Axle Trailer Truck: 2 tyres on front axle 8 tyres on rear tandem axle Trailer: 4 tyres on front axle 8 tyres on rear tandem axle	54.2 (restricted to 44.0 tonnes)	6 tonnes on front axle 19 tonnes on rear tandem axle 10.2 tonnes on front axle 19.0 tonnes on rear tandem axle

APPENDIX XIII

REGISTRATION MARK ON VEHICLES FOR STATES AND UNION TERRITORIES¹

In exercise of the powers conferred by sub-section (6) of section 41 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby allots to the States and Union Territories specified in column (1) of the Table below, the groups of letters specified in the corresponding entry in column (2) thereof, for use as registration mark for each State and Union Territory to be followed by the code number of the Registering Authority to be allotted by the State Government or, as the case may be, the Administrator of the Union Territory and not exceeding four figures, to be used as registration mark.

TABLE

States/Union Territories		Group of Letters
(1)		(2)
1.	Andaman and Nicobar	AN
2.	Andhra Pradesh	AP
3.	Arunachal Pradesh	AR
4.	Assam	AS
5.	Bihar	BR
6.	Chandigarh	CH
² [6-A.	Chattisgarh	CG]
7.	Dadra and Nagar Haveli	DN
8.	Daman and Diu	DD
9.	Delhi	DL
10.	Goa	GA
11.	Gujarat	GJ
12.	Haryana	HR
13.	Himachal Pradesh	HP
14.	Jammu and Kashmir	JK
³ [14-A.	Jharkhand	JH]
15.	Karnataka	KA
16.	Kerala	KL
17.	Lakshadweep	LD
18.	Madhya Pradesh	MP
19.	Maharashtra	MH
20.	Manipur	MN
21.	Meghalaya	ML
22.	Mizoram	MZ
23.	Nagaland	NL
24.	Orissa	OR

1. *Vide* S.O. 444(E), dated 12-6-1989.

2. Inserted by S.O. 1080(E), dated 30-11-2000.

3. Inserted by S.O. 14(E), dated 5-1-2001.

(1)	(2)
25.	Pondicherry
26.	Punjab
27.	Rajasthan
28.	Sikkim
29.	Tamil Nadu
30.	Tripura
31.	Uttar Pradesh
[31-A.	Uttaranchal
32.	West Bengal

2. Where the four figures referred to in paragraph 1 reaches 9999, the next series shall begin with alphabet 'A' followed by not more than four figures and thereafter with alphabet 'B' followed by not more than four figures and so on until all the alphabets, excluding 'I' and 'O' are exhausted:

[Provided that the letters shall be in English and the figures shall be in Arabic numerals:

Provided further that the State Government may direct by notification that an additional plate displaying the letters and figures in any other specified Indian language out of those mentioned in the Eighth Schedule of the Constitution, may also be displayed on the motor vehicle, if so desired by the owner of the vehicle:

Provided also that in all cases the letters and figures shall be painted in reflecting colours and shall be shown,—

(a) in the case of transport vehicles other than those under the Rent a Cab Scheme, 1989, in black on white ground;

(b) in the case of motor vehicles temporarily registered, in red on yellow ground;

(c) in the case of motor vehicles in the possession of dealers, in white on a red ground;

(d) in other cases, in white on a black ground;

(e) in the case of transport vehicle under the Rent a Cab Scheme, 1989, in yellow on a black ground.]

3. This notification shall into force on the first day of July, 1989.

APPENDIX I

**MOTOR VEHICLES (NEW HIGH SECURITY
REGISTRATION PLATES) ORDER, 2001¹**

Whereas the Central Government is of the opinion that it is necessary and expedient in the public interest to notify certain standards in respect of the new system of high security registration plates for motor vehicles and the process used by a manufacturer or vendor for manufacturing or supplying such plates with reference to the amendments made in the Central Motor Vehicles Rules, 1989, by the Central Motor Vehicles (1st Amendment) Rules, 2001, it, therefore, in exercise of the powers conferred by the sub-section (3) of section 109 of the Motor Vehicles Act, 1988 (59 of 1988) makes the following Order to specify such standards, namely:—

1. This Order may be called as THE MOTOR VEHICLES (NEW HIGH SECURITY REGISTRATION PLATES) ORDER, 2001.

2. It shall come into force on the 28th day of September, 2001 in case of new registered vehicles from that date and in case of already registered vehicles, two years from the date of publication of this Order in the Official Gazette.

3. Application.—This Order shall apply to motor vehicles as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).

4. A manufacturer or supplier of new high security registration plates shall comply with the following specifications, namely:—

(i) The manufacturer or supplier shall have a certificate from the Central Road Research Institute, New Delhi or any one of the testing agencies authorised by the Central Government under rule 126 of the Central Motor Vehicles Rules, 1989.

(ii) The registration plate shall conform to the specifications spelt out in rule 50 of the Central Motor Vehicles Rules, 1989; and shall conform to ²[DIN 74069—1975 and ISO 7591—1982, as amended from time to time till such time as the corresponding BIS specifications are notified.] The registration plate has to be guaranteed for imperishable nature for a minimum of five years.

³[(iii) The size of the registration plate for different categories of vehicles shall be in accordance with clause (vi) to sub-rule (1) of rule 50 of the Central Motor Vehicles Rules, 1989. However, in case of motorcycles, the size of the plate may be used 285 x 45 mm.]

(iii) The background colour of the letters in the High Security Registration Plates shall be the same as per the colour scheme prescribed in the Notification of the Government of India in the Ministry of Road Transport & Highways No.G.S.R. 221(E), dated 28-3-2001, namely, in black colour on yellow background in case of transport vehicles and in black colour on white background in other cases. The letters of registration mark shall be in English and the figures shall be in Arabic numerals, and the letters and numerals shall be embossed and hot stamped.

1. Vide S.O. 814(E), dated 22-8-2001, published in the Gazette of India, Ext., Pt. II, S. 3(ii), dated 22-8-2001.

2. Substituted for "DIN 1745/DIN 1783 or ISO 7591, as updated from time to time" by S.O. 1041(E), dated 16-10-2001.

3. Inserted, *ibid*.

⁴[(iv) To protect against counterfeiting, a chromium-based hologram of the size of 20 mm x 20 mm is to be applied by hot stamping on the top left-hand corner of the plate in both front and rear plates. The hologram shall contain CHAKRA in blue colour as given in the Annexure annexed to this order.]

(v) The permanent identification number of minimum 7 digits is to be laser branded into the reflective sheeting on the bottom left hand side of the registration plate with the numeral size being 2.5 mm:

⁵[Provided that the permanent consecutive identification number in Arabic numbers shall be preceded by two alphabets representing the name of the vendor or the manufacturer or the supplier, as the case may be, for whom the type approval certificate is issued by the test agencies:

Provided further that the test agencies specified in column (2) of the Table below shall use the alphabets specified in column (3) of the said Table as under:

TABLE

Sl. No. (1)	Name of Test Agency (2)	Alphabets (3)
1.	Automotive Research Association of India, Pune	A to H
2.	Central Road Research Institute, New Delhi	I to P
3.	Vehicles Research Development Establishment, Ahmednagar	Q to S

Provided also that the height of the digits shall be 5 mm for the front and rear registration plates and shall be 2.5 mm for the third registration plate, which shall be in the form of a sticker.]

(vi) The hot stamping film to be applied on the letters/numerals of the license number shall bear the inscription "INDIA". [The letters "INDIA" shall be in blue colour with the font size of 10 (Ten) in Type Arial Bold script at 45 degrees inclination with sequential lines being the mirror image of the other.]

(vii) The third registration plate in the form of a self destructive type chromium based hologram sticker shall be of the size of 100 mm x 60 mm is to be affixed on the inner side of left hand corner of windshield of the vehicle. The details on the sticker shall be (i) name of registering authority, (ii) registration number of the vehicle, (iii) laser branded permanent identification number, (iv) engine number and (v) chassis number of the vehicle. On the bottom of the right corner of the sticker, the chromium based hologram shall be applied but of a smaller size of 10 mm x 10 mm. In the said sticker the registration number of the vehicle shall be in the centre with a letter size of 10 mm in height. The name of registering authority would be on top part of sticker in letter size of 5 mm, while, laser branded permanent identification number, then engine number followed by chassis number shall come in the bottom left side of the sticker with numeral size being 2.5 mm in each case. A depiction of the sticker is given in the sketch as specified in the Annexure annexed to this Order. [The sticker should be essentially

4. Substituted for sub-Cl. (iv) by S.O. 1041(E), dated 16-10-2001.

5. Inserted, *ibid.*

6. Added, *ibid.*

a diffraction foil film with high reflective index and shall have the chromium based hologram embedded.]

(viii) The registration plate fitted in the rear of the vehicle shall be fastened with non-removable/non-reusable snap lock system. For that sake of better security, at least two such snap locks shall be fitted.

(ix) No high security plate shall be affixed outside the premises of the registering authority.

(x) The manufacturer or the vendor selected by the State Transport Department for supply of such registration plates may be for the State as a whole or for any region of the State.

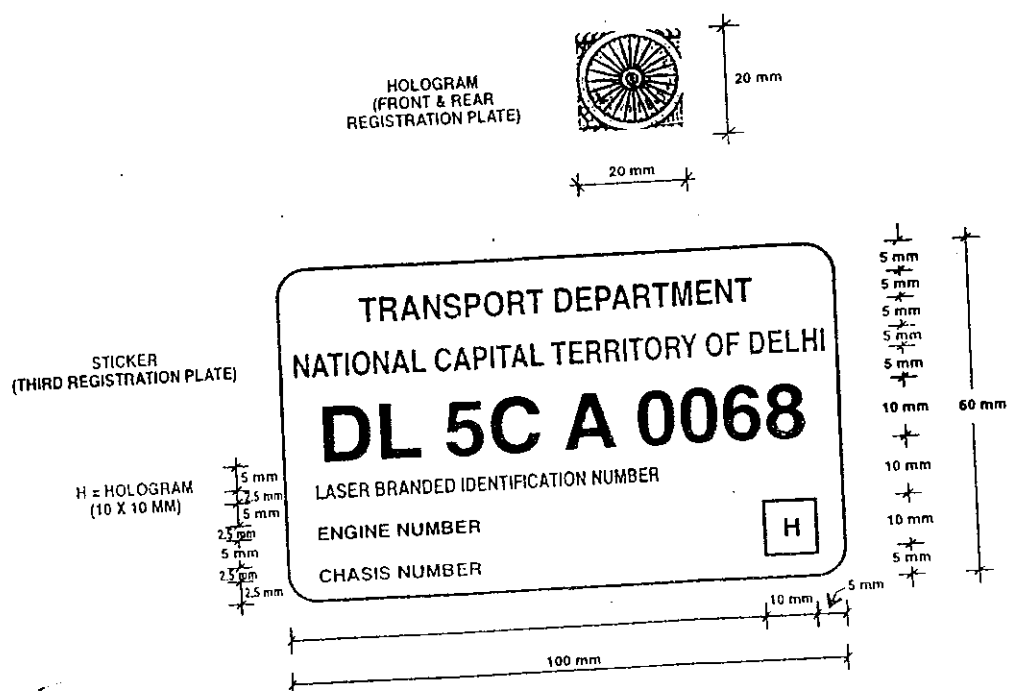
(xi) The registration plate will be supplied to the motor vehicle owners by the vendor against the authorisation by the Road Transport Officer or any officer designated for the purpose by the State Transport Department.

(xii) The replacement for any existing registration plate may be made by the concerned transport authority only after ensuring that the old plate has been surrendered and destroyed.

(xiii) A proper record of the registration plates issued by the manufacturer or the vendor, authorised by the State Government, should be maintained on a daily basis and got tallied periodically with the records of the Transport Office.

(xiv) Periodic audit shall be carried out by concerned testing agency to ensure compliance of the requirements of the high security registration plate.

ANNEXURE



LIQUEFIED PETROLEUM GAS (REGULATION OF USE IN MOTOR VEHICLES) ORDER, 2001¹

1. Short title and commencement.—(1) This Order may be called The LIQUEFIED PETROLEUM GAS (REGULATION OF USE IN MOTOR VEHICLES) ORDER, 2001².

(2) It extends to the whole of India.

(3) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions.—In this Order, unless the context otherwise requires,—

(a) "Chief Controller of Explosives" shall have the same meaning assigned to it as in the Explosives Act, 1884 (4 of 1884);

(b) "consumer" means a registered owner of a motor vehicle or a person having in his possession a motor vehicle or vehicle fitted with an auto LPG tank, and a conversion kit as notified by the Government of India in the Ministry of Surface Transport, and runs such motor vehicle or vehicle by using auto LPG as automotive fuel alone or with some other petroleum fuel;

(c) "auto LPG tank" means a steel container for storage and transport of automotive liquefied petroleum gas (auto LPG) fitted permanently in a motor vehicle or vehicle as its fuel tank, for automotive fuel and filled in that position, having a volume exceeding 500 milliliters but less than 1000 liters, as approved by the Chief Controller of Explosives under Gas Cylinder Rules, 1981 as amended from time to time conforming to Indian Standard Specification No. IS: 14899, as amended from time to time;

(d) "Government Oil Company" means an oil refining company or oil marketing company which is a Government Oil Company as defined in section 617 of the Companies Act, 1956 (1 of 1956), such as—

- (i) Bharat Petroleum Corporation Limited;
- (ii) Bongaigaon Refinery and Petrochemicals Limited;
- (iii) Chennai Petroleum Corporation Limited;
- (iv) Gas Authority of India Limited;
- (v) Hindustan Petroleum Corporation Limited;
- (vi) Indian Oil Corporation Limited;
- (vii) IBP Co. Limited;
- (viii) Kochi Refineries Limited;
- (ix) Numaligarh Refinery Limited;
- (x) Oil India Limited;
- (xi) Oil and Natural Gas Corporation Limited; or

(xii) any other Government Company or a statutory body or a company or a firm, declared as such by a notification in the Official Gazette, to be a "Government Oil Company" by the Central Government, for the purposes of this Order;

(e) "Indian Standard" shall have the same meaning assigned to it in clause (g) of section 2 of the Bureau of Indian Standards Act, 1986 (63 of 1986);

1. *Vide* G.S.R. 569(E), dated 1-8-2001, published in the Gazette of India, Ext., Pt. II, S. 3(i), dated 1-8-2001 (w.e.f. 1-8-2001).

2. *See* S. 52(1) of the Motor Vehicles Act, 1988 and R. 115 of the Central Motor Vehicles Rules, 1989.

(f) "auto liquefied petroleum gas (auto LPG)" means a mixture of certain light hydrocarbons derived from petroleum, which are gaseous at normal ambient temperature and atmospheric pressure but may be condensed to the liquid state at normal ambient temperature by the application of moderate pressure, and which conforms to Indian Standard specification No. IS: 14861, as amended from time to time;

(g) "parallel marketer for auto LPG" means any person, firm, company, institution, association of persons, co-operative society or organization other than the Government Oil Companies carrying on any or all of the business of importing (including auto LPG Import Substitution), storing, marketing, distributing and selling auto LPG for automotive purpose under the parallel marketing system and having a rating certificate as specified in Schedule II;

(h) "Government Oil Company system" means the system under which a Government Oil Company carries on any or all of the business of importing (including auto LPG Import Substitution), storing, distribution or selling LPG for automotive purpose through dispensing stations;

(i) "parallel marketing system for auto LPG" means the system other than the system being followed by the Government Oil Companies in marketing auto LPG, under which a parallel marketer carries on any or all of the business of importing (including auto LPG Import Substitution), storing, distribution or selling auto LPG through dispensing stations under his own arrangement;

(j) "auto LPG Import Substitution" means Import of Auto LPG by Government oil company/parallel marketer substituted by—

(i) indigenous LPG production from specific refineries/fractionators as authorised by Central Government from time to time,

(ii) LPG through petrochemical units as authorised by Central Government from time to time, conforming to Indian Standard Specification IS 14861 as amended from time to time.

(k) "auto LPG dispensing station" means the premises used for storing and dispensing auto LPG to the motor vehicles for automotive purpose;

(l) "auto LPG dispensing station dealer" means a person, firm, association of persons, company, institution, organization or a co-operative society appointed by a Government Oil Company or a parallel marketer and engaged in the business of purchase, storage and sale of auto LPG and licensed by the Chief Controller of Explosives under the Static and Mobile Pressure Vessels (Unfired) Rules, 1981 as amended from time to time;

(m) "conversion kit/original equipment manufacturer (OEM) fittings" means a complete system assembly duly tested by one of the testing agencies mentioned in the Central Motor Vehicles (Amendment) Rules, 2001, and approved by the Ministry of Road Transport and Highways in a bi-fuel mode;

(n) "motor vehicle" or "vehicle" shall have the same meaning assigned to it in sub-section (28) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988), as amended from time to time;

(o) "Schedule" means a Schedule appended to this Order.

3. Restriction on unauthorized acquisition or sale of auto LPG.—(1) No person shall acquire, sell, store for sale, supply fill or distribute auto LPG to a consumer except according to the provisions contained in this Order.

(2) No person shall store, supply, sell or dispense auto LPG unless he is a auto LPG dispensing station dealer.

(3) No person shall purchase or use auto LPG in a motor vehicle or vehicle unless it is fitted with the auto LPG tank permanently fitted in the motor vehicle and a conversion kit as approved by the authorities/testing agencies as notified in the Central Motor Vehicles (Amendment) Rules, 2001;

(4) No auto LPG dispensing station dealer or any other person acting on his behalf shall fill the auto LPG tank permanently fitted in the motor vehicle in excess of eighty per cent of its total volumetric capacity.

(5) No auto LPG dispensing station dealer shall dispense auto LPG to any consumer using motor vehicle fitted with auto LPG tank permanently fitted in the motor vehicle and conversion/OEM dual fuel kit, which is not approved as per sub-paragraph 3.

(6) No auto LPG dispensing station dealer shall dispense auto LPG unless received from Government Oil Companies/parallel marketeers and conforming to auto LPG specification i.e. Indian Standard specification No. IS 14861 as amended from time to time.

4. Display of stock and price of auto LPG.—Every auto LPG dispensing station dealer shall prominently display the stock and selling price of auto LPG at a conspicuous place of the auto LPG dispensing station.

5. Procurement, storage and sale of auto LPG by the auto LPG dispensing station dealer.—(1) Every auto LPG dispensing station dealer shall procure or purchase auto LPG from either a Government Oil Company or a parallel marketeer.

(2) Every auto LPG dispensing station dealer shall display the working hours prominently at the place of auto LPG dispensing station at a conspicuous place.

(3) No auto LPG dispensing station dealer having stock of auto LPG at the auto LPG dispensing station including the storage point, shall, unless otherwise directed by a Government Oil Company or a parallel marketeer, refuse to sell auto LPG on any working day during working hours to a consumer.

(4) No auto LPG dispensing station dealer shall keep the auto LPG dispensing station premises including the storage point closed during working hours, on any day without the prior written permission of the Government Oil Company or a parallel marketeer.

Explanation.—For the purpose of sub-paragraphs (2), (3) and (4), the expression "working hours" means the working hours fixed by the concerned Government Oil Company or a parallel marketeer in accordance with the provisions of the Shops and Establishments Acts, and the rules made there under, as in force in the respective States or Union territories, as the case may be.

(5) Every auto LPG dispensing station dealer shall take steps to ensure adequate availability of stocks of auto LPG at the auto LPG dispensing station at all times.

(6) No auto LPG dispensing station dealer shall sell auto LPG at a price higher than that fixed by the Government Oil Company or a parallel marketeer, as the case may be.

6. Assessment and certification rating of parallel marketeers.—(1)(a) No parallel marketeer shall commence any activity, such as, import (including auto LPG Import Substitution), transport, marketing, distribution, sale or any activity incidental thereto, relating to the business of auto LPG to be used as automotive fuel without obtaining a minimum of low risk rating certificate, on the basis of evaluation and rating for his capability, infrastructure network and readiness to

carry out professed business and delivery of goods by an agency specified in Schedule I:

ed by him

Provided that a parallel marketer carrying on the marketing, distribution or selling of auto LPG for automotive fuel, as an agent of another parallel marketer, who has obtained a minimum of low risk rating certificate, shall not be required to obtain a rating certificate.

Explanation.—For the purpose of this sub-paragraph, a parallel marketer shall be an agent of another parallel marketer if the former is appointed as such, for the above purposes by the latter through a legal instrument.

(b) The rating certificate shall be issued in the format as specified in Schedule II and as per the forwarding letter given in Schedule IV

(2) The rating certificate shall—

(i) be valid for a period of two years in case of "Good" and "Satisfactory" rating and one year in case of other ratings from the date of its issue, and

(ii) require renewal by the rating agency.

(3) Every parallel marketer announcing details of his activity or inviting offers of any kind in the field of import (including auto LPG Import Substitution), transport, marketing, distribution or sale of auto LPG for automotive fuel, either in a newspaper, handout, pamphlet, leaflet or by any other means of communication or advertising shall indicate the rating awarded to him in words, i.e., Good, Satisfactory, Low-Risk, High-Risk, whichever is applicable, and prominently publish the rating certificate, as given by the rating agency.

(4) There shall be paid in respect of every application to a rating agency—

(i) for the rating certificate awarded to the parallel marketer, a fee at the rate of 0.05% of the project cost, subject to a minimum of rupees fifty thousand and maximum of rupees ten lakhs; and

(ii) for the renewal of the rating certificate by the parallel marketer, a fee of one-tenth of that required to be paid for such a certificate;

(iii) The renewal of rating certificate by the parallel marketer shall be as per the following periodicity, namely:—

(a) once in two years, for those having "Good" and "Satisfactory" rating certificate in the previous year;

(b) once in a year for those having rating certificate other than "Good" and "Satisfactory" in the previous year.

(5) The agencies given in Schedule I for the purpose of evaluation shall, on payment of fee by the parallel marketer, evaluate the parallel marketer whose case is either referred to it or who approaches it, on the basis of the parameters indicated and the information provided by such parallel marketer in the format as specified in Schedule III or such other information as may be required by the rating agency.

(6) Every parallel marketer shall file a certified true copy of the certificate of rating with the Ministry of Petroleum and Natural Gas, Oil Co-ordination Committee, Ministry of Food and Civil Supplies of the Central and the State Government and Collector of the District in which he imports (including auto LPG Import Substitution), transports, markets, distributes or sells auto LPG for automotive fuel.

LIQUEFIED PETROLEUM GAS (REGN. OF USE IN M. V.) ORDER, 2001 [APP. VI

(a) All letter-heads or communications of a parallel marketeer shall have the following description of rating, namely:—

- (i) Name of the rating agency,
- (ii) Rating awarded to him, and
- (iii) Date of issue.

(b) No parallel marketeer shall either give incomplete, incorrect, misleading, vague information in the newspaper, handout, pamphlet, leaflet or advertisement or submit such information to the rating agency.

7. Maintenance of registers, account books and submission of return by the dealer.—Every auto LPG dispensing station dealer shall maintain accounts of daily purchase, sale and storage of auto LPG an automotive fuel at the auto LPG dispensing station and/or storage point, indicating therein the opening and closing stock of auto LPG and such other relevant particulars as the Government Oil Company or the parallel marketeer may, by order, in writing, specify.

8. Maintenance of records and furnishing of information by parallel marketeers.—(1) Every parallel marketeer before commencing the import (including auto LPG Import Substitution), transportation, marketing, distribution or sale of auto LPG as an automotive fuel shall intimate to the Ministry of Petroleum and Natural Gas, all or any of the above activities which he intends to undertake, specifying therein capability to do so, and any other relevant particulars.

(2) Every parallel marketeer shall submit a monthly return before the 15th day of the following month giving details of auto LPG imported port-wise (including auto LPG Import Substitution, source-wise) to the Ministry of petroleum and Natural Gas/Oil Co-ordination Committee.

(3) Every parallel marketeer shall furnish to the Ministry of Petroleum and Natural Gas, or to such authority as may be specified by the Central Government, such information as may be required.

9. Power of entry, search and seizure.—(1) Any Officer of the Central or the State Government, not below the rank of Inspector duly authorised, by general or special order, by the Central Government or State Government, as the case may be, or any officer of a Government Oil Company not below the rank of Sales Officer, authorised by the Central Government, may, with a view to securing due compliance with the provisions of this Order, or for the purpose of satisfying himself that this order or any other order made thereunder has been complied with—

(a) enter and search any place or premises being made use of or suspected to be made use by a dealer, parallel marketeer, transporter, consumer or any other person who is an employee or agent of such dealer of transporter or consumer or parallel marketeer or any other person, with respect to which there is reason to believe that the provisions of this order have been or are being or are about to be contravened;

(b) stop and search any vessel or vehicle or receptacle used or capable of being used for the transport or storage of auto LPG;

(c) inspect any book of accounts or other documents or any stock of the product used or suspected to be used in the business of the dealer, parallel marketeer, transporter, consumer or any other person suspected to be an employee or agent of the dealer, transporter, parallel marketeer or consumer;

APP. VII LIQUEFIED PETROLEUM GAS (REGN. OF USE IN M. V.) ORDER, 2001

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(d) seize stocks of the products which he has reason to believe has been or is being or is about to be used in contravention of this Order and take or authorise the taking of all measures necessary for securing the production of stocks or items so seized before the Collector having jurisdiction under the provisions of the Essential Commodities Act, 1955 (10 of 1955) and for their safe custody pending such production;

(e) while exercising the power of seizure under item (d) of sub-paragraph (1), the authorised officer shall record in writing the reasons for doing so, a copy of which shall be given to the dealer, parallel marketeer, transporter, consumer or any other concerned person.

(2) The sales officer of a Government Oil Company shall be authorised, to secure compliance of this Order, by the auto LPG dispensing dealers appointed by the Government Oil Companies.

(3) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall, as far as may be, apply to searches and seizures under this Order.

10. Overriding effect of the Order.—The provisions of this Order shall have overriding effect notwithstanding anything contained in any other Order made by a State Government or a Union territory Administration.

11. Power to exempt.—The Central Government may, if it considers necessary, for avoiding any hardship or in consideration of public interest, by notification in the Official Gazette, exempt any person or class of persons from all or any of the provisions of this Order, either generally or for any specific purpose, subject to such conditions as may be specified in the notification.

12. Repeal and savings.—The Liquefied Petroleum Gas (Restriction on Use) Order, 1974 is hereby repealed:

Provided that such repeal shall not effect:

(a) the previous operations of the said Order or anything duly done or suffered therein; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Order; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Order; or

(d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Order had not been repealed.

SCHEDULE I

[See paragraph 6(1)(a) and 6(5)]

Name and address of agencies for evaluation/rating a Parallel Marketeer

Name	Address
1. CRISIL (The Credit Rating Information Services of India Ltd.)	Nirlon House, 2nd Floor, 254B, Annie Besant Road, Worli, Bombay-400025

2. CARE
(Credit Analysis and
Research Ltd.)
3. MDRA
(Marketing and Develop-
ment Research Associates)
4. ICRA
(Investment Information
Credit Rating Agency of
India Ltd.)

RBC, Mahindra Towers,
5th Floor, Road No. 13,
Worli, Bombay-400018
Secular House, 9/1, Institutional
Area, Opp. JNU, N. Delhi-67

Kailash Building, 4th Floor,
26, Kasturba Gandhi Marg,
New Delhi-1

SCHEDULE II

[See paragraph 6(1)(b)]

Rating Certificate for the Parallel Marketeer

Date of Issue:.....

Name of Firm/Company:

Registered Office Address:

Name of Promoter/Chairman/Managing Director:

Activities:

Particular of Bankers:

Overall Rating.....

Rating Scale

- Good
- Satisfactory
- Low Risk
- High Risk

Signature and Seal of the Rating Agency

SCHEDULE III

[See paragraph 6(5)]

Proforma of information to be submitted by the Parallel Marketeer for Evaluation/
Rating by the Rating Agency

Parameters

Details*

1. *Market Standing of the Company:*

- A. Constitution of the firm
- B. Registered Office
- C. Location & Addresses of Existing Business
- D. Name of promoters/directors/partners
- E. Background and full antecedents of promoters/directors/partners
- F. Networth of promoters/directors/partners
- G. Current activity

H. Details of existing operations of the Parallel Marketeer and/or his group of companies

I. Audited A/cs for three years of the promoter firm and group concerns with detail of promoters constitution

J. Working Capital requirement for new Business pertaining to Parallel Marketing with resume of proposed scheme

K. Implementation record of typical projects already undertaken, in terms of cost, time, nature of projects and technology involved

L. Business plans and projected cash flows

M. Sourcing of funds for existing and proposed business

N. Performance of Parallel Marketeer in his other group companies for last three years with income tax clearance certificate

2. *Marketing Plans for auto LPG:*

2.1 *Infrastructure for auto LPG Sourcing/Handling:*

A. Import Locations identified

B. Proposed size of import parcels

C. Status of approvals (ports/statutory/State Government/Chief Controller of Explosives/Environment/Milestone achieved with squared network-local authorities)

D. Status of progress

E. Details of Technological tie ups, if any

F. Business proposals/Project Feasibility report, Financial Details and Financial risk analysis

2.2 *Commercial arrangements and/or consortium for LPG/auto LPG (if own facilities are not planned):*

A. Any tie up arrangement finalised with importer

B. The supporting agreements/documents for such tie up

C. The quantum of product to be imported with minimum guarantee

D. Details of storage & handling of product at the import location/tie up agreement

E. Fall back arrangement to meet the shortfall in case the tie up arrangement does not materialise

3. *Storage and distribution arrangement for auto LPG planned:*

A. Details of Storage facilities for auto LPG with their capacities

B. Status of progress on items mentioned above

C. Plant & Equipment/Technological details

D. Details of manpower and the arrangement to handle the product

E. Details of designs and standards to be followed for construction and operation of these facilities

F. Status of approvals for the facilities

4. *Arrangements planned to reach the product to consumption Centres/Markets:*

A. Details of distributor network planned/already appointed

B. Details of the basis for dealers appointment

C. Details of facilities planned and or existing for storage and distribution, showroom/sales room/office alongwith status of approvals

5. *Product Familiarity, Training and Provision for Safety:*

A. Operational knowledge of product (Liquefied Petroleum Gas) and its handling

B. The capability and preparedness to meet the safety requirement in Liquefied Petroleum Gas, its transportation and accident relief during transportation

C. Plans for training the staff and the consumer on safe handling of equipment/product

- D. Recruitment policy and standards for the staff
- E. Familiarity with Gas Control Orders, Explosives Rules and applicable local acts
- F. Details of arrangement for handling the emergencies
- G. System for handling/redressal of customer complaint(s)
6. *Marketing Discipline and Guidelines proposed to be adopted:*
 - A. System to monitor and control diversion of auto LPG
7. *Organization in place/proposed for the parallel marketing of auto LPG:*
 - A. Details of Organizational Structure
 - B. Level of managerial involvement of the promoter
 - C. Source of financing the parallel marketing of auto LPG including the infrastructure
8. *Financial commitment:*

Date

Signature.....

M/s.....

(Parallel Marketeer)

Address.....

SCHEDULE IV

[See clause 6(1)(b)]

Forwarding Letter for the Certificate of Rating

To whomsoever it may concern

This is to certify that we have made an evaluation of M/s.....for the purpose of issuing certificate and a rating to them in accordance with the provisions of the Liquefied Petroleum Gas (Regulation of Use in Motor Vehicles), Order, 2001.

We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purpose of issuing this certificate. The certificate issued by us is as a result of our examination of the documents, records and assessment of the information obtained by us and the evaluation of capability, infrastructure network and readiness to carry out professed business, deliver good and services promised by the parallel marketeer. We are satisfied that the information and particulars received and collected by us are sufficient enough to enable us to evaluate M/s.....**.....providing the rating as specified.

M/s.....**.....are awarded.....rating.

Salient facts about M/s.....**.....are as follows:—

1. Total investment planned.
 2. Total investment made up to date.
 3. Promoter's equity.
 4. Proposed/likely date of commissioning.
- ** Name of the parallel marketeer to be indicated.

(Signature and seal of the Rating Agency)

Under Section 66(3)(g)

Transport vehicles used by manufacturers, etc.—Exempt from permit

S.O. 414(E), dated 8-6-1989.—In exercise of the powers conferred by clause (g) of sub-section (3) of section 66 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the notification of the Government of India in the Ministry of Shipping and Transport No. S.O. 1502, dated the 15th May, 1973, the Central Government hereby specifies that the provisions of sub-section (1) of the said section shall not apply to any transport vehicle used by a person who manufactures or deals in any motor vehicle or builds bodies for attachment to chassis solely for the purposes of advertisement, demonstration, road test, or sport subject to the conditions that the driver of the

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(a) carry a letter from the manufacturer or dealer indicating the purpose for which the vehicle is being used and the place to which it is proceeding;

(b) carry the trade certificate issued under Chapter III of the Central Motor Vehicles Rules, 1989; and

*[(c) not carry any goods of commercial nature other than the tools and accessories or any passengers other than the driver, one mechanic, one engineer and two attendants and every such driver, mechanic, engineer or attendant shall carry identity cards or letter of identity issued by the manufacturer or the dealer, but may carry instructions and test equipments, etc., for test purposes.]

2. This notification shall come into force on the first day of July, 1989.

*Substituted by S.O. 944(E), dated 13-12-1993 (w.e.f. 13-12-1993).

Under section 66(3)(j)

Transport vehicles purchased in one State proceeding to another without carrying goods—Exempt from permit

S.O. 419(E), dated 8-6-1989.—In exercise of the powers conferred by clause (j) of sub-section (3) of section 66 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby specifies that the provisions of sub-section (1) of the said section shall not apply to any transport vehicle purchased in one State and proceeding to a place situated in that State or in any other State, without carrying any passenger or goods subject to the conditions that the driver of every such vehicles shall carry—

(a) the certificate of registration, permanent or temporary;

(b) the certificate of fitness;

(c) a certificate of insurance or a cover note; and

(d) a letter from the seller of such vehicle stating the name and address of the person to whom it has been sold and the place to which it is proceeding.

2. This notification shall come into force to the first day of July, 1989.

Transport vehicles used for certain purpose—Exempt from permit

S.O. No. 418(E), dated 8-6-1989.—In exercise of the powers conferred by clause (l) of sub-section (3) of section 66 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the notification of the Government of India in the Ministry of Shipping and Transport No. S.O. 1500, dated the 15th May, 1973, the Central Government hereby specifies that the provisions of sub-section (1) of the said section shall not apply to a transport vehicle used for the purpose of—

(a) sending as a replacement for a disabled transport vehicle under intimation to the State Transport Authority in whose jurisdiction the vehicle is to be used;

(b) sending to another place of business by the owner on transfer of his business to such place:

(c) using a goods carriage vehicle owned by a Central Government Undertaking or a State Government Undertaking as an exhibition van for

demonstrating the goods manufactured by it at different places of the country for promotion of its business activities.

2. This notification shall come into force on the first day of July, 1989.

*[Clause 66(3)(l) has since been substituted, this notification is no longer relevant to the present clause. This notification may now be treated as falling under section 66(3)(n)—Ed.]

Under section 66(3)(n)

Transport vehicles carrying relief supplies in natural calamities—
Exempt from permit

S.O. 417(E), dated 8-6-1989.—In exercise of the powers conferred by clause (n) of sub-section (3) of section 66 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby specifies that the provisions of sub-section (1) of the said section shall not apply to a transport vehicle used for carriage of foodgrains and other relief supplies for the persons affected by accident, flood, earthquake, natural calamities or unforeseen circumstances and carriage of persons and their luggage.

This order shall come into force on the first day of July, 1989.

Under Section 71(3)(a)

Directions to limit state carriage permits

S.O. 701(E).—In pursuance of clause (a) of sub-section (3) of section 71 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby directs the State Government specified in column (1) of the Table below, to direct the concerned State Transport Authorities and Regional Transport Authorities to limit by notification in the official gazette, the number of stage carriages operating as city services in the places specified in the corresponding entry in column (2) of the said Table.

TABLE

State	Towns
(1)	(2)
Kerala	1. Calicut 2. Cochin
Jammu & Kashmir	1. Srinagar
Uttar Pradesh	1. Lucknow 2. Kanpur 3. Varanasi 4. Agra 5. Allahabad 6. Meerut
Madhya Pradesh	1. Indore 2. Jabalpur 3. Bhopal 4. Gwalior

Under Section 74(3)(a)

Direction to limit contract carriage permits

S.O. 700(E).—In pursuance of clause (a) of sub-section (3) of section 74 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby directs the State Governments specified in column (1) of the Table below to direct the concerned State Transport Authorities and the Regional Transport Authorities to limit, by notification in the official gazette, the number of contract carriages, other than those covered by permit under section 88(9) of the Act, generally or of any specified type as may be fixed and specified in the notification operating in city routes in places specified in the corresponding entry in column (2) of the said Table.

TABLE

State	Towns
(1)	(2)
Andhra Pradesh	1. Hyderabad 2. Visakhapatnam 3. Vijayawada
Jammu & Kashmir	1. Srinagar
Karnataka	1. Bangalore 2. Hubli-Dharwar
Kerala	1. Trivandrum 2. Calicut 3. Cochin
Maharashtra	1. Bombay 2. Pune 3. Nagpur 4. Solapur
Madhya Pradesh	1. Indore 2. Jabalpur 3. Bhopal 4. Gwalior
West Bengal	1. Calcutta
Rajasthan	1. Jaipur 2. Jodhpur

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Under Section 88(1)(a), Third Proviso

Certificate Vehicles used for Defence purposes when used in another State

S.O. 426(E), dated 9-6-1989.—In exercise of the powers conferred by sub-clause (a) of the third proviso to sub-section (1) of section 88 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the notification of the Government of India in the Ministry of Shipping and Transport No. S.O. 16(E), dated the 17th January, 1983, the Central Government hereby specifies, the form of certificate referred to in the said clause, issued by the Regional Transport Authority which granted the permit.

Form of Certificate

This is to certify that Motor Vehicle No. is being used for the purpose of defence for the period with effect from to

This vehicle is exempted from the provisions of section 66(1) of the Motor Vehicles Act, 1988.

SEAL Regional Transport Officer

Place Region

Date State

2. This notification shall come into force on the first day of July, 1989.

**Special distinguishing mark to be displayed on public service vehicles
covered by special permits**

S.O. 428(E), dated 9-6-1989.—In pursuance of sub-section (8) of section 88 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the notification of the Government of India in the Ministry of Shipping Transport No. S.O. 1008, dated the 9th August, 1971, the Central Government hereby specifies that the form of special distinguishing mark to be assigned to public service vehicles covered by special permits referred to the said sub-section, shall be as indicated below and that the said distinguishing mark shall be displayed prominently on the wind-screen of the said vehicle.

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Special distinguishing mark

CONTRACT

Special Permit No.

Issued under Section 88(8)
of Motor Vehicles Act, 1988

Issued by

Valid upto

Note:—This should be displayed
prominently on the wind-
screen of the vehicle

CARRIAGE

Dimensions

Border 6 mm

Overall Diameter 100 mm

Colour

Centre-Light Blue

Border-Red

2. This notification shall come into force on the first day of July, 1989.

Under Section 88(11)(ii)

Drivers of tourist vehicles—Qualifications of

S.O. 415(E), dated 8-6-1989.—In exercise of the powers conferred by clause (ii) of sub-section (11) of section 88 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the notification of the Government of India in the Ministry of Shipping and Transport No. S.O. 1771, dated the 11th June, 1973, the Central Government hereby specifies for the purposes of said clause, the following qualifications and conditions, namely:—

Qualifications.—A driver of a tourist vehicle shall possess the following qualifications, namely:—

- (a) a driver's licence with at least two year's experience;
- (b) elementary knowledge of the mechanism and maintenance of the tourist vehicle he drives;
- (c) knowledge of the topography of the route or area or region in which the tourist vehicle is proposed to be used;
- (d) working knowledge of English and Hindi or any language of the region where he works.

Note.—Qualification (d) shall not apply in cases where the driver is accompanied by a conductor who has the said qualification.

Conditions.—(1) A driver of tourist vehicle shall satisfy the following conditions, namely:—

- (a) in summer months he shall wear a white uniform of the following descriptions, namely:—
 - (i) loose trousers;

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(ii) bush shirt or coat with two pockets and letter 'T' sewn on the left hand pocket of the shirt or coat in red thread.

(b) in winter months he shall wear a blue or grey uniforms of the following descriptions, namely:—

- (i) loose trousers;
- (ii) buttoned up coat with two pockets and the letter 'T' sewn on the left hand pocket in red thread or open coat with two pockets and the letter 'T' sewn in left hand pocket in read thread, white full sleeved shirt and blue tie.

2. This notification shall come into force on the first day of July, 1989.

Under Sections 109(3) and 110(1)(n)

4-Wheeler petrol-driven vehicles to be fitted with a noble-metal based catalytic converter

S.O. 454(E), dated 25-5-1989.—In exercise of the powers conferred by sub-section (3) of section 109 and clause (n) of sub-section (1) of section 110 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the notification of the Government of India in the Ministry of Surface Transport, No. S.O. 138(E), dated 19-2-1988, the Central Government hereby stipulates that the 4-wheeler petrol-driven vehicles, as are registered on the first sale in the following cities on or after the 1st of August, 1998 shall be fitted by the manufacturers thereof with a noble-metal based catalytic converter of atleast an oxidative type and with an OEM

States/UTs	Cities
Andhra Pradesh	Hyderabad and Visakhapatnam
Arunachal Pradesh	Itanagar
Assam	Dispur
Bihar	Patna, Jamshedpur and Ranchi
Chandigarh	Chandigarh
Goa	Panjim
Gujarat	Gandhinagar, Surat and Baroda
Haryana	Gurgaon, Hissar and Ambala
Himachal Pradesh	Shimla
Jammu & Kashmir	Jammu and Srinagar
Karnataka	Bangalore
Kerala	Trivandrum, Cochin and Calicut
Madhya Pradesh	Bhopal and Indore
Maharashtra	Pune and Nagpur
Manipur	Imphal
Meghalaya	Shillong
Mizoram	Aizwal
Nagaland	Kohima
Orissa	Bhubaneshwar
Punjab	Amritsar, Ludhiana and Jalandhar
Rajasthan	Jaipur, Jodhpur and Udaipur
Sikkim	Gangtok
Tripura	Agartala
Uttar Pradesh	Lucknow, Allahabad and Kanpur
Andaman & Nicobar	Port Blair
Dadra & Nagar Haveli	Silvassa
	Pondicherry

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Under Section 110(3)

Tractors exempted from some constructional requirements

S.O. 680(E), dated 30-8-1989.—In exercise of the powers conferred by sub-section (3) of section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby exempts tractors from the requirements of the provisions of clauses (c), (d), (e), (f), (g), (h), (i), (j), (k) and (m) of sub-section (1) of the said section

Under Section 185, *Explanation*

Specification of certain drugs deemed to render driver incapable of exercising control over vehicle

S.O. 441(E), dated 12-6-1989.—In pursuance of the *Explanation* of section 185 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the notification of the Government of India in the Ministry of Shipping and Transport No. S.O. 1929, dated the 17th June, 1978, the Central Government hereby specifies the following drugs which shall be deemed to render a person incapable of exercising proper control over a motor vehicle, namely:—

1. *Central Nervous System Depressant:*

(a) Cannabis

(b) Cocaine

2. *Hypnotics Sedatives:*

(a) Allobarbitone

(b) Phenobarbital

(c) Secebarbital

(d) Cyclobarbitone

(e) Barbitone

(f) Methaqualone

(g) Chloral Hydrate

3. *Narcotic Analgesics:*

(a) Morphine

(b) Pethidine

4. *Psychotropic drugs:*

(a) Lysergic Acid Diethylamide (L.S.D.)

5. *Stimulants:*

(a) Amphetamin

(b) Methyl Phenidate Hydrochloride

6. *Tranquilizers:*

(a) Diazepam

(b) Chloridarepoxide

(c) Nitrazepam

2. This notification shall come into force on the first day of July, 1989.

(ii) bush shirt or coat with two pockets and letter 'T' sewn on the left hand pocket of the shirt or coat in red thread.

(b) in winter months he shall wear a blue or grey uniforms of the following descriptions, namely:—

(i) loose trousers;

(ii) buttoned up coat with two pockets and the letter 'T' sewn on the left hand pocket in red thread or open coat with two pockets and the letter 'T' sewn in left hand pocket in read thread, white full sleeved shirt and blue tie.

2. This notification shall come into force on the first day of July, 1989.

Under Sections 109(3) and 110(1)(n)

4-Wheeler petrol-driven vehicles to be fitted with a noble-metal based catalytic converter

S.O. 454(E), dated 25-5-1989.—In exercise of the powers conferred by sub-section (3) of section 109 and clause (n) of sub-section (1) of section 110 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the notification of the Government of India in the Ministry of Surface Transport, No. S.O. 138(E), dated 19-2-1988, the Central Government hereby stipulates that the 4-wheeler petrol-driven vehicles, as are registered on the first sale in the following cities on or after the 1st of August, 1998 shall be fitted by the manufacturers thereof with a noble-metal based catalytic converter of atleast an oxidative type and with an OEM certification, namely:—

States/UTs	Cities
Andhra Pradesh	Hyderabad and Visakhapatnam
Arunachal Pradesh	Itanagar
Assam	Dispur
Bihar	Patna, Jamshedpur and Ranchi
Chandigarh	Chandigarh
Goa	Panjim
Gujarat	Gandhinagar, Surat and Baroda
Haryana	Gurgaon, Hissar and Ambala
Himachal Pradesh	Shimla
Jammu & Kashmir	Jammu and Srinagar
Karnataka	Bangalore
Kerala	Trivandrum, Cochin and Calicut
Madhya Pradesh	Bhopal and Indore
Maharashtra	Pune and Nagpur
Manipur	Imphal
Meghalaya	Shillong
Mizoram	Aizwal
Nagaland	Kohima
Orissa	Bhubaneshwar
Punjab	Amritsar, Ludhiana and Jalandhar
Rajasthan	Jaipur, Jodhpur and Udaipur
Sikkam	Gangtok
Tripura	Agartala
Uttar Pradesh	Lucknow, Allahabad and Kanpur
Andaman & Nicobar	Port Blair
Dadra & Nagar Haveli	Silvassa
	Pondicherry

Under Section 213(4)

Minimum qualifications for Inspector and Assistant Inspector of Motor Vehicles

S.O. 443(E), dated 12-6-1989.—In exercise of the powers conferred by sub-section 213 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby prescribes that the minimum qualification for the class of officers consisting of the category of Inspector of Motor Vehicles or Assistant Inspector of Motor Vehicles (by whatever names called) shall be as under:—

Qualification:—

- (1) Minimum general educational qualification or a pass in X standard; and
- (2) a diploma in Automobile Engineering (3 years course) or a diploma in Mechanical Engineering awarded by the State Board of Technical Education (3 years course); and
- (3) working experience of at least one year in a reputed automobile workshop which undertakes repairs of both light motor vehicles, heavy goods vehicles and heavy passenger motor vehicles fitted with petrol and diesel engine; and
- (4) must hold a driving licence authorising him to drive motor cycle, heavy goods vehicles and heavy passenger motor vehicles.

2. Nothing contained in the notification shall apply to an officer appointed to such post before the first day of July, 1989 and to an officer appointed to discharge function of a non-technical nature.

3. This notification shall come into force on the first day of July, 1989.

Under Section 110(3) and Central Rule 93(4) and (6)**Overall dimensions of drilling machine specifically designed**

S.O. 361(E), dated 30-5-1991.—Whereas the Central Government is of the opinion that for the purpose of registration under Chapter IV of the Motor Vehicles Act, 1988 (59 of 1988), (hereinafter referred to as the said Act), dimensions, in excess of the dimensions relating to height and overhang prescribed in sub-rules (4) and (6) respectively of rule 93 of the Motor Vehicles Rules, 1989 (hereinafter referred to as the said rules), should be permitted for the drilling machine specially designed and constructed for the purpose of drilling water, as described in the schedule below (hereinafter referred to as the said class of vehicle).

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (3) of section 110 of the said Act, the Central Government hereby exempts the said class of vehicles from the provisions of sub-rules (4) and (6) of rule 93 of the said Rules, subject to the following conditions, namely:—

- (i) overall height of the vehicle shall not exceed 15 feet.
- (ii) the overhang from projection of the drilling mast protruding out of the vehicle either on front or rear shall not exceed eleven feet and should have red light attached at the extreme ends of overhang front projection.
- (iii) speed of the vehicle shall not exceed 20 km per hour or the lower speed limit as may be prescribed by the concerned State Government in whose jurisdiction the vehicle is moving;

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Under Section 203, *Explanation***Breath analysers to indicate presence of alcohol in blood**

S.O. 442(E), dated 12-6-1989.—In exercise of the powers conferred by the *(Explanation to section 203 of the Motor Vehicles Act, 1988 (59 of 1988), and in supersession of the notification of the Government of India in the Ministry of Surface Transport No. S.O. 3796, dated the 23rd November, 1977, the Central Government hereby approves the following types of devices (hereinafter referred to as the breath analyser), for the purpose of obtaining an indication of the presence of alcohol in a person's blood by means of a test carried out, on one or more specimens of breath provided by that person, for the purpose of breath tests, namely:—*

(1) Device I.—The breath analyser shall comprise the following, namely:—

(a) An indicator tube containing material which would undergo change of colour when in contact with alcohol vapours on breathing of an alcoholic subject into the tube;

Provided that the shelf-life of the indicator tube shall not be less than one year, so that the performance of the breath analyser stored for this period shall in no way be different from that of a freshly made indicator tube;

(b) a mouth-piece made of non-toxic plastic material;

(c) an inflatable bag of volume of 1 litre, when fully inflated, made of polythene and attached with the mouth-piece at the opening.

(2) Device II.—The breath analyser shall comprise the following, namely:—

(a) An indicator test type containing material which would undergo change of colour when in contact with alcohol vapours on dealing with an alcoholic subject into the tube;

(b) a mouth-piece;

(c) a breath back with a colour neck and capacity; or

(3) Device III.—The breath analyser shall comprise the following, namely:—

(a) An indicator tube fused at both ends and containing a yellow reagent which would undergo change of colour when in contact with alcohol vapours on breathing of alcoholic subject into the tube;

Provided that the shelf-life of the indicator tube shall not be less than three year, so that the performance of the breath analyser stored for this period shall in no way be different from that of a freshly made indicator tube;

(b) a mouth-piece;

(c) an inflatable bag and attached with a mouth-piece at the opening and further identified by a broad weight bang, or

(4) Device IV.—The breath analyser shall comprise the following, namely:—

Any evidential digital instrument when oxidated with the breath containing alcohol an electric signal which is amplified and displayed as blood alcohol concentration.

... into force on the first day of July, 1989.

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(iv) red flags will be put on all the four corners of vehicle both at the front and rear, indicating the full width of vehicle, so as to give reasonable caution to the vehicular traffic coming from behind and front.

(v) the vehicle shall move with the Drilling Machine attached with a tractor only during the day time.

(vi) the operation of the vehicle would be subject to payment of tax, if any, payable under the provisions of the Motor Vehicles Taxation Act, or any other Act of the concerned State.

(vii) The owner of the vehicle, shall, before moving the vehicle and the drilling machine boring rig, seek prior permission of the concerned Governments of the States through which the vehicle would move for moving the vehicle and the Government would accord permission, subject to such conditions imposed on them keeping in view the local conditions of roads, bridges, culverts and mode of movement of vehicular traffic etc.

SCHEDULE

Type of vehicle

Drilling Machine/Boring Rig Mounted on Truck.

Under Rule 124 of the Central Motor Vehicles Rules, 1989

Parts, components—Standards to be followed by manufacturers

S.O. 873(E), dated 15-12-1997.—In exercise of the powers conferred by rule 124 of the Central Motor Vehicles Rules, 1989 and in supersession of the notification of the Government of India in the Ministry of Surface Transport (Road Transport Wing) S.O. No. 201(E), dated 26th March, 1993, the Central Government hereby specifies the parts, components or assemblies and the relevant standards mentioned in the Table below, which every manufacturer shall use in the manufacture of the vehicle.

2. This notification shall come into force after three months from the date of publication in the Official Gazette.

TABLE

Sl. No.	Particulars
(1)	(2)

1. Automobile Lamps used in motor vehicles for the following applications:

(i) Head Lights Main and Dip

(ii) Parking Light

(iii) Direction Indicator Lamp

(iv) Tail Lamp

(v) Reversing Lamp

(vi) Stop Lamp

(vii) Position Mark Illuminating Lamp.

(1)

(2)

2. Hydraulic Brake Hose wherever used in motor vehicles shall be in accordance with IS 7079 : 1979.

3. Hydraulic Brake Fluid wherever used in the motor vehicles shall be in accordance with IS 8654 : 1986.

4. 'T' signs, where used on Trailers shall be in accordance with IS 9942 : 1981.

5. All motor vehicles fitted with steering wheel and having a GVW rating of less than 4000 kg shall comply with steering impact requirement of IS 11939 : 1987.

6. All passenger cars shall comply with the requirement of side door impact as load in IS 12009 : 1995.

7. Fuel tanks of motor vehicles, except 3 wheeler of engine capacity less than 500 cc and motor cycles, shall comply with the requirement laid in IS 12056 : 1987.

8. Wheel rims fitted in all motor vehicles shall comply with the requirement of IS 9438 : 1980 or IS 9436 : 1980 as applicable.

9. Control Cables fitted on motor cycles of engine capacity less than 50 cc shall comply with the requirement of Clause 4 of IS 10791 : 1983.

10. Pneumatic couplings used for connection of brake system between the towing vehicle and the trailer, wherever used, shall comply with the requirement of IS 10792 : 1984.

11. The external projection on all motor vehicles other than three wheeler of engine capacity less than 500 cc and motor cycles shall be in accordance with IS 3942 : 1994.

12. The retention and release of the windows fitted on buses shall be in accordance with IS 13944 : 1994

13. Wheel guards (mud-guards) used on passenger cars shall be in accordance with IS 13943 : 1994.

14. Wheel nuts, wheel discs and hub caps of passenger cars, light and heavy commercial vehicles shall be in accordance with IS 13941 : 1994.

15. The accelerator control system fitted on all motor vehicles other than three-wheelers of engine capacity less than 500 cc motor cycles and tractors shall be in accordance with IS 14283 : 1995.

16. The door locks and the door retention components fitted on cars and light passenger and commercial vehicles shall be in accordance with IS 14225 : 1995.

17. The hood latch system fitted on passenger cars and commercial vehicles shall be in accordance with IS 14226 : 1995.

18. Tell Tale Symbols and controls on motor cycles and three wheelers with handle bars shall be in accordance with Safety Standard No. 11.1.

19. Tell Tale Symbols and controls for motor vehicles other than 3 wheeled vehicles with handle bar, 2 wheeled vehicles and tractors shall be in accordance with Safety Standard No. 12.1.