

CIRCULAR No. 05 /2016

Sub: Motor Vehicles Department-Unauthorised alteration of motorcycle-
Direction issuing of-Reg

Ref: 1. Judgement dated 29-02-2016 of Hon'ble High Court of Kerala in
W.P.(C) No. 7045/2016
2. This office letter of even number dated 04-09-2015

Attention is invited to the above references. In the judgement vide reference 1st cited, Hon'ble High Court has pointed out that it has become the fashion of the day to customize the motor cycles to suit the likes of buyers by removing silencers, mudguard and even sari guard. Such removal in a bid to add glamour to the vehicles often pose danger to the public about which the users are mindful. In the judgement, the following points are emphasised:

1. Thunderous noise emanating from the motor cycles deafens the ears and also poses a serious health hazard especially to the ailing and aged commuters on the road. The sound level has to be brought down to the decibel limits prescribed under the Environment (Protection) Rules, 1986 in order to abate sound pollution.
2. Shorter handle bars cannot be permitted to replace the standard one prescribed since it may affect the very equilibrium of the vehicle.
3. Removal of mudguard should not be permitted since the removal will result in splashing direct on the rider and the persons nearby.
4. Theatre seating with a heavy slant not prescribed by the manufacturer with the handle of the pillion rider removed will throw the rider into the air for the slightest jerk.
5. The removal of the hand grip of the pillion rider or the sari guard should not be permitted

6. The standard glare free headlight shall not be permitted to be replaced by a glitterin one.

In the judgement, it is also directed to take Stringent actions against the motor vehicles which are customized in the name of beautification. It is also directed that any variation in terms of Section 52 of the Motor Vehicles Act shall be viewed seriously and appropriate action shall be taken under the Act.

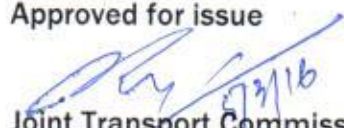
Regarding unauthorized alteration of motor cycles, direction had already been issued vide reference 2nd cited. In the light of the judgement, all are directed to take stringent action against customization and unauthorized alteration of motor vehicle. In this connection regular checking shall be conducted and actions like suspension of certificate of registration and reversing the alteration to its original condition shall be initiated against the offenders.

Sd/-
Tomin J Thachankary IPS
Transport Commisioner

To

All Deputy Transport Commissiners
All Regional Transport Officers
All Joint Regional Transport Officers

Approved for issue


Joint Transport Commissioner
(Enforcement)

