

(10) उस मामले में जहां यान का स्वामी अपराध के समय यान को नहीं चला रहा था, वह पुलिस अधिकारी या राज्य सरकार द्वारा प्राधिकृत किसी अधिकारी के समक्ष उचित सबूत प्रदान करके अपने निर्दोष होने का दावा कर सकेगा कि अपराध के समय वह चालक नहीं था, या अपराध के समय कोई अन्य व्यक्ति चालक था।

[फा. सं. आरटी-16031/1/2021-टी]

अमित वरदान, संयुक्त सचिव

टिप्पण :-मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में अधिसूचना संख्या सा.का.नि. 590(अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किए गए थे और उनका अंतिम संशोधन अधिसूचना संख्या सा.का.नि. 575(अ), तारीख 2 अगस्त, 2021 द्वारा किया गया।

## MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

### NOTIFICATION

New Delhi, the 11th August, 2021

**G.S.R. 575(E).**—Whereas the draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Ministry of Road Transport and Highways, Government of India, numbered G.S.R. 136 (E), dated the 25th February, 2021 published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification were made available to public;

And, whereas, copies of the said Gazette notification were made available to the public on the 25<sup>th</sup> February, 2021;

And, whereas, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 136A read with section 137 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:—

**1. Short Title and commencement.**—(1) These rules may be called the Central Motor Vehicles (Seventeenth Amendment) Rules, 2021

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

**2.** In Central Motor Vehicle Rules, 1989, after rule 167, the following rule shall be inserted, namely:—

**“167A. Electronic Monitoring and Enforcement of Road Safety.**—(1) The electronic enforcement device used for issuance of a challan shall have an approval certificate signed by a designated authority of the State Government certifying that the device is accurate and operating properly and the approval certificate shall be renewed on a yearly basis.

*Explanation.*— (1) For the purpose of this rule, “electronic enforcement device” means a speed camera, closed-circuit television camera, speed gun, body wearable camera, dashboard camera, Automatic Number Plate Recognition (ANPR), weigh in machine (WIM) and any such other technology specified by the State Government.

(2) Body wearable camera may be worn by police officer, transport official or any other official authorised by the State Government and such officer or official shall notify to the offender that he is being recorded by the body camera and similarly, dashboard camera may be placed on the dashboard of any police vehicle or in any other vehicle as authorised by the State Government for enforcing the traffic rules and such officer or official shall notify to the offender that he is being recorded by the dashboard camera.

(2) State Governments shall ensure that appropriate electronic enforcement devices are placed at high-risk and high-density corridors on National Highways and State Highways, and at critical junctions at least in major cities with more than one million population (as per data available based on Million Plus Urban Agglomerations or Cities:

*Communicate the rules to all the Officers concerned for information and n/a.  
Lr to Govt in Transport dept- to authorise transport officers as per Rule 167A(2).*

18/8/21

census of India 2011 or as per the latest census) including the 132 cities as specified in the table below, and the electronic enforcement device shall be placed in such a manner so as not to cause any obstruction, line-of-sight issues or interruption in traffic flow—

TABLE

List of 132 Non-attainment/ Million plus cities in India under National Clean Air Programme (NCAP)

State/Union Territory	S.No.	City
Andhra Pradesh (13)	1.	Guntur
	2.	Kurnool
	3.	Nellore
	4.	Vijayawada
	5.	Vishakhapatnam
	6.	Anantapur
	7.	Chittoor
	8.	Eluru
	9.	Kadapa
	10.	Ongole
	11.	Rajahmundry
	12.	Srikakulam
	13.	Vizianagaram
Assam (05)	14.	Guwahati
	15.	Nagaon
	16.	Nalbari
	17.	Sibsagar
	18.	Silchar
Bihar (03)	19.	Patna
	20.	Gaya
	21.	Muzaffarpur
Chandigarh (01)	22.	Chandigarh
Chhattisgarh (03)	23.	Bhilai
	24.	Korba
	25.	Raipur
Delhi (01)	26.	Delhi
Gujarat (04)	27.	Surat
	28.	Ahmedabad
	29.	Vadodara
	30.	Rajkot*
Himachal Pradesh (7)	31.	Baddi
	32.	DamtaI
	33.	Kala Amb
	34.	Nalagarh
	35.	Paonta Sahib
	36.	Parwanoo
	37.	Sunder Nagar



Jammu and Kashmir (2)	38.	Jammu
	39.	Srinagar
Jharkhand (03)	40.	Dhanbad
	41.	Jamshedpur*
	42.	Ranchi*
Karnataka (04)	43.	Bangalore
	44.	Devanagere
	45.	Gulbarga
	46.	Hubli-Dharwad
Madhya Pradesh (07)	47.	Bhopal
	48.	Dewas
	49.	Indore
	50.	Sagar
	51.	Ujjain
	52.	Gwalior
	53.	Jabalpur*
Maharashtra (19)	54.	Akola
	55.	Amravati
	56.	Aurangabad
	57.	Badlapur
	58.	Chandrapur
	59.	Jalgaon
	60.	Jalna
	61.	Kolhapur
	62.	Latur
	63.	Mumbai
	64.	Nagpur
	65.	Nashik
	66.	Navi Mumbai
	67.	Pune
	68.	Sangli
	69.	Solapur
	70.	Ulhasnagar
	71.	Thane
	72.	Vasai-Virar*
Meghalaya (01)	73.	Byrnihat
Nagaland (02)	74.	Dimapur

	75.	Kohima
Orissa (07)	76.	Angul
	77.	Balasore
	78.	Bhubaneswar
	79.	Cuttack
	80.	Rourkela
	81.	Talcher
	82.	Kalinga Nagar
Punjab (09)	83.	DeraBassi
	84.	Gobindgarh
	85.	Jalandhar
	86.	Khanna
	87.	Ludhiana
	88.	NayaNangal
	89.	Pathankot/Dera Baba
	90.	Patiala
	91.	Amritsar
Rajasthan (05)	92.	Alwar
	93.	Jaipur
	94.	Jodhpur
	95.	Kota
	96.	Udaipur
Tamilnadu (04)	97.	Thoothukudi
	98.	Trichy
	99.	Madurai
	100.	Chennai*
Telangana (04)	101.	Hyderabad
	102.	Nalgonda
	103.	Patancheruvu
	104.	Sangareddy
Uttar Pradesh (17)	105.	Agra
	106.	Allahabad
	107.	Anpara
	108.	Bareilly
	109.	Firozabad
	110.	Gajraula
	111.	Ghaziabad

	112.	Jhansi
	113.	Kanpur
	114.	Khurja
	115.	Lucknow
	116.	Moradabad
	117.	Noida
	118.	Raebareli
	119.	Varanasi
	120.	Gorakhpur
	121.	Meerut*
Uttarakhand (03)	122.	Kashipur
	123.	Rishikesh
	124.	Dehradun
West Bengal (07)	125.	Kolkata
	126.	Asansol
	127.	Barrackpore
	128.	Durgapur
	129.	Haldia
	130.	Howrah
	131.	Raniganj
Haryana (1)	132.	Faridabad*

\*Million plus cities but not part of non-attainment cities

(3) For sub-rules (1) and (2), the footage from an electronic enforcement device having electronic stamp for location, date and time, can be used to issue challan for the following offences, namely:—

- (i) not driving within the prescribed speed limit (sections 112 and 183);
- (ii) stopping or parking vehicle at an unauthorised location (section 122);
- (iii) not undertaking Safety measures for drivers and pillion riders (section 128);
- (iv) not wearing protective headgear or helmet (section 129);
- (v) jumping a red light, violating a stop sign, using of handheld communications devices while driving, passing or overtaking other vehicles in a manner contrary to law, driving against the authorised flow of traffic, driving in any manner that falls far below what would be expected of a competent and careful driver and where it would be obvious to a competent and careful driver that driving in that manner would be dangerous (section 184);
- (vi) driving vehicle exceeding permissible weight (sub-section (1) of section 194);
- (vii) driving without safety belt (section 194B);
- (viii) contravention of rule 6 (pertaining to lane driving) of the Motor Vehicles(Driving) Regulations, 2017 (section 177A);
- (ix) Goods carriage carrying passengers (section 66);
- (x) contravention of rule 36 (pertaining to Registration plates) of the Motor Vehicles(Driving) Regulations, 2017 (section 177A);



(xi) driving vehicle with load that extends beyond the sides of body or to the front or to the rear or in height beyond the permissible limit (sub-section (1A) of section 194);

(xii) failure to provide free passage to emergency vehicle (section 194E).

(4) (a) State Governments shall ensure that appropriate warning signs are conspicuously placed before the stretches monitored by electronic enforcement device, notifying the public that such device is in use and the concerned authorities shall ensure that physical markings, physical stop lines and pedestrian crossing are clearly marked on the road.

(b) Appropriate fixed and dynamic speed limit signs may also be used to notify the speed limits on the road sections during adverse weather conditions, such as rain, hail, foggy weather etc. as well as for indicating any obstruction ahead in the route.

(5) (a) Body wearable cameras shall be explicitly used by the law enforcement officers, such as police and transport officials, while managing the traffic or carrying out any enforcement drive and such devices shall be used to record the proceedings of an event, which can be used in the court as an evidence against the offending driver or person and also ensure that the law enforcement official has acted as per the provisions of law while penalising the offending driver or person.

(b) Both the video and audio functions of the body camera shall be activated only when the law enforcement official is on duty and the official shall notify the subjects that they are being recorded by the body camera.

(6) All challans issued under rule 167 in electronic form using auto-generation of challan through the electronic monitoring and enforcement system shall be accompanied with the following information, namely:—

(i) clear photographic evidence highlighting the offence and the license plate of the vehicle;

(ii) measurement from the electronic enforcement device;

(iii) date, time and place of the offence;

(iv) notice specifying the provision of Act that has been violated;

(v) certificate as per sub-section(4) of section 65B of the Indian Evidence Act 1872(1 of 1872), which,—

(a) identifies the electronic record and describes the manner in which it was produced;

(b) gives such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer;

(c) signed by the officer authorised in this behalf by the State Government.

(7) Challans, under sub-rules (1) and (2), shall be issued in the name of the registered owner of the vehicle and must be accompanied with a notice of offence in electronic form viz SMS or e-mail or in physical form.

(8) (a) The payment of the challan shall be made within the time period specified in the sub-rules (5), (6) and (7) of rule 167.

(b) The payment of e-challan can be made electronically on an online portal specified by the State Government or using cash or card at Traffic Police Stations or at designated places or the e-payment gateway of the e-challan system as specified by States.

(9) The notice of offence shall be sent within fifteen days of the occurrence of the offence and the electronic record collected by way of electronic monitoring should be stored till the disposal of challan and in the case where the electronic record relates to an offence, should be stored till the conclusion of proceedings initiated, including appeals.

(10) In case the owner of the vehicle was not driving the vehicle at the time of offence, he may claim innocence before the police officer or any officer authorised by the State Government, by providing appropriate proof that he was not the driver at the time of the offence, or that another person was the driver at the time of the offence.”

[F. No. RT-16031/1/2021-T]

AMIT VARADAN, Jt. Secy.

**Note.**—The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification number G.S.R. 590(E), dated the 2<sup>nd</sup> June, 1989 and last amended vide notification number G.S.R. 525(E) dated 2<sup>nd</sup> August 2021.