

THE KERALA MOTOR VEHICLES RULES, 1989

SRO. No. 1286/89.-In exercise of the powers conferred by Sections 26, 28, 38, 65,96, 107, 111, 138, 159, 176 and 213 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), the Government of Kerala hereby make the following rules, the same have been previously published as per Notification No. 57129/M3/88/PW &T dated the 14th June, 1989 in the Kerala Gazette Extraordinary No. 55A dated the 14th June, 1989, Notification No. 57129/M3/88/PW&T dated the 19th June, 1989 in the Kerala Gazette Extraordinary No. 574 dated the 19th June, 1989 and Notification No. 57129/M3/88/PW&T dated the 20th June, 1989 in the Kerala Gazette Extraordinary No. 578 dated the 20th June, 1989 as required by sub-section (1) of Section 212 of the said Act.

CHAPTER I

PRELIMINARY

1. Short title, application and commencement.-(i) These rules may be called the Kerala Motor Vehicles Rules, 1989.

(ii) They shall extend to the whole of the State of Kerala.

(iii) They shall come into force at once.

2. Definitions.- In these rules, unless the context otherwise requires,-

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

(b) "Assistant Motor Vehicles Inspector" means any officer appointed as such by the Government;

(c) "Autorickshaw" means a motor vehicle constructed, adapted or used to carry not more than three passengers excluding the driver for hire or reward and having less than four wheels;

(ca) "City or Town Service" means a service plying within the perimeter of a City or Municipal Town, notified as City or Town Service, by the Government, and both the terminals of which shall not extend beyond five kilometres from the city or town in

Note.-Nothing contained in this clause shall apply to the permits already granted for operating City or Town Services and their renewals;]

(d) "Claims Tribunal" means a Motor Accident Claims Tribunal constituted under Section 165 of the Act;

(e) "Deputy Transport Commissioner" means the officer appointed as such by the Government under Section 213 of the Act;

(ea) "Fast Passenger Service" means a service which is operated by a State Transport Undertaking with limited stops on a route having a distance of not less than seventy kilometers covering at least one district or connecting two district headquarters and having a seating capacity of at least fifty excluding its staffs;]

(f) "Form" means a form appended to these rules or the Central Motor Vehicles Rules, 1989;

(g) "The Government" means the Government of Kerala;

(h) "Ghat Road" means a road notified as such by the 'Government';

(i) "Inspector of Motor Vehicles" means the Registering Authority, Additional Registering Authority, Motor Vehicle Inspectors, Assistant Motor Vehicle Inspectors or any other

Officer appointed by the Government to perform the function of an Inspector of Motor Vehicles under these rules;

- (j) "Joint Regional Transport Officer" means any officer appointed by the Government to perform the functions of a Joint Regional Transport Officer under these rules (within such jurisdiction as may be notified by the Government);
- (k) "Legal representative" means a person who in law is entitled to inherit the estate of the deceased if he had left any estate at the time of his death and also includes any legal heir of the deceased and the executor or administrator of the estate of the deceased;
- (ka) "Luxury Service" means a service which is operated by a State Transport Undertaking with air conditioned stage carriage having facilities for providing first aid, drinking water, hand rest, head rest, foot rest and push back chair convertible as half bed having a comfortable seating space for each passenger of forty-three centimeters square measured on straight lines along and at right angles to the front of each seat having at least 40 chairs so comfortable for long journey and operating a route having a distance not less than three hundred kilometers and having advance reservation facilities at both end;]
- (l) "Magistrate" means a salaried magistrate;
- (m) "Motor Vehicles Inspector" means any officer appointed by the Government to perform the functions of a Motor Vehicle Inspector under these rules;,
- (n) "Motorised Cycle" means a bicycle which is mechanically propelled by an engine with engine capacity exceeding 35 cubic centimetres
- (o) "Motorised Cycle-rickshaw" means a cycle-rickshaw having three wheels which is mechanically propelled by an engine with engine capacity exceeding 35 cubic centimeters and which is constructed, adapted or used either to carry not more than two persons excluding the driver, or for the transport of goods whether for hire or reward or not;
- (oa) "Ordinary Limited Stop Service" means a service, which is operated on a route having a distance of not exceeding 140 Kilometres with limited number of stops, having atleast one stop in every fare stage.)
- (ob) "Ordinary Service" means a service, which is operated on a route having a distance of not more than 140 kms. with one or more stops in every fare stage;]
- (p) "Passenger" for the purposes of these rules, means any person travelling in a Public Service Vehicle other than the driver or the conductor or an employee of the permit holder while on duty;

Explanation.- An employee of the permit-holder, other than the driver or conductor, while travelling in a stage carriage on duty, shall carry with him an identity card or authorisation issued to him by the permit-holder permitting him to travel in the stage carriage on duty and shall produce it for inspection on demand.

- (q) "Qualified Medical Practitioner" means a registered medical practitioner appointed by notification under sub-section (3) of Section 8 of the Act;
- (r) "Region" means the area comprising a Revenue District unless otherwise notified by the Government;

- (s) "Regional Transport Officer means any Officer appointed by the Government to perform the functions of Regional Transport Officer under these rules,
 - (t) "State" includes a Union Territory;
 - (u) "State Transport Appellate Tribunal" or "Tribunal" means the person or authority appointed by the Government to hear appeals and applications for revision under the provisions of the Act and of these rules;
 - (ua) "Super Deluxe Service" means a service which is operated by a State Transport Undertaking as stage carriage having facilities for providing first aid, drinking water, hand rest, head rest, foot rest and push back chair convertible as half bed having a comfortable seating space for each passenger of forty-three centimeters square measured on straight lines along and at right angles to the front of each seat having at least 40 chairs so comfortable for long journey and operating a route having a distance not less than three hundred kilometers;]
 - (ub) "Super Express Service" means a service which is operated by a State Transport Undertaking having cushion seat, head rest, hand rest, foot rest and operating a route having a distance of not less than two hundred kilometers and having provision for first aid and advance reservation facilities at both end;]
 - (uc) "Super Fast Service" means a service which is operated by a State Transport Undertaking having cushion seat, head rest, hand rest, foot rest and operating a route having a distance of not less than one hundred and fifty kilometers and having provision for first aid and advance reservation facilities at both end;]
 - (uu) "Sub-region", means the area comprising within a region as may be notified by the Government;]
 - (v) "Taxi Meter" "Fare Meter" means any approved mechanical device attached to a motor cab for the calculation and legible exhibition of fares and other charges due from passengers therein;
 - (w) "Three wheeler" means a motor vehicle having three wheels constructed, adapted or used either to carry not more than four persons excluding the driver otherwise than for hire or reward, or for the transport of goods whether for hire or not;
 - (x) "Tourist Motor Cab" means a motor cab to which a permit is granted by the State Transport Authority under sub-section (9) of Section 88 of the Act;
 - (y) "Tourist Omni bus" means an omni bus to which a permit is granted by the State Transport Authority under sub-section (9) of Section 88 of the Act;
 - (z) "Tourist Vehicle" includes a Tourist Motor Cab and a Tourist Omni bus;
 - (za) "Tourist Permit" means a contract carriage permit granted under sub-section (9) of Section 88 of the Act;
 - (zb) "Transport Commissioner" means the officer appointed as such by the Government under Section 213 of the Act to be the Head of the Motor Vehicles Department of the State.
3. 1) The General clause Act, 1897, shall apply to the interpretation of these rules, as it applies to the interpretation of the Act.
- 2) Words and expressions used in these rules but not defined shall have the respective meanings assigned to them in the Act or Central Motor Vehicles Rules, 1989.

CHAPTER II

LICENSING, CONDUCT AND DUTIES OF DRIVERS OF MOTOR VEHICLES

4. Licensing Authority.-The Regional Transport Officer of a region shall be the Licensing Authority of that region;

The Joint Regional Transport Officer attached to the Regional Transport Office shall be the Additional Licensing Authority for that region;

Where there is a Sub Regional Office, the Joint Regional Transport Officer attached to that office shall be the Additional Licensing Authority within his jurisdiction.

The Motor Vehicles Inspectors attached to the Regional Transport Office and the Sub Regional Transport Office shall be the Assistant Licensing Authorities. The Additional Licensing Authority and the Assistant Licensing Authority shall exercise the powers of the Licensing Authority subject to the control and supervision of the Licensing Authority and subject to the conditions or restrictions as may be specified by the Licensing Authority from time to time.

[The Assistant Motor Vehicle Inspectors shall be the Junior Licensing Authority solely for the purpose of issue of fresh learners licence.]

The Regional Transport Officer (Nationalised Sector) shall also be the Licensing Authority in respect of the drivers of the State Transport Undertakings:

Provided that the Regional Transport Officer (Nationalised Sector) and Motor Vehicles Inspector (Nationalised Sector) shall also be the Licensing Authority and Assistant Licensing Authority, Trivandrum respectively within the jurisdiction as may be specified by the Transport Commissioner, from time to time by notification in the official gazette.

5. No Fee.- No fee shall be charged for endorsing an authorisation in a driving licence for driving transport Vehicles.

6. Authorisation to drive transport vehicles.- Application for.- An application for the grant of an authorisation to drive transport vehicles shall be made to the Licensing Authority in Form "LTA" and shall be accompanied by the driving licence an adult First Aid Certificate obtained from the St.John Ambulance Association (India) or a Certificate of competence of the applicant in first aid work in Form "FA" issued by a Medical Officer in Government service not below the rank of an Assistant Surgeon:

Provided that no authorisation to drive a transport vehicle shall be granted unless the applicant satisfies the Licensing Authority concerned that he has passed (Standard VIII] as his minimum educational qualification:

Provided further that the minimum educational qualification specified in this rule shall not apply in the case of

- (i) grant of such authorisation after renewal of a driving licence to drive a transport vehicle, obtained prior to the 10th day of April, 2007; or
- (ii) grant of such authorisation after addition of another class of transport vehicle to such a driving licence held prior to the 10th day of April, 2007.)

Provided "(also] that if the applicant is the holder of a driving licence authorising him to drive only a light motor vehicle, no such authorisation shall be granted unless he satisfies the licensing thorty that he has had one year's experience in driving light motor vehicles:

Provided also that experience for a period of one year shall not be necessary in the case of an applicant for authorisation to drive an autorickshaw or a motorised cycle rickshaw.

7. Conduct Certificate.-Every application under Rule 6 for authorisation to drive transport vehicles shall be accompanied by a conduct certificate from any Member of Parliament or any Member Legislative Assembly or any Gazetted Officer, or the President, the Chairman or the Mayor of the Local body within whose jurisdiction the applicant resides.

8. Medical Certificate-Fee for.- The fee for the issue of a Medical Certificate from a qualified medical practitioner shall be (twenty five rupees).

9. Summoning of applicant.- (i) The authority to which an application is made under do shall, by notice in writing, summon the applicant to appear before it or before any other person authorised in this behalf at such time and place as the authority may appoint, for (a computer the lest to ascertain whether the applicant is conversant with the duties, responsibilities, etc., of driver of transport vehicles:

Provided that, if the Licensing Authority has reason to believe that the applicant had no actual experience for a period of one year immediately preceding the date of application, the Licensing authority may require the applicant to pass the test of competence also referred to in sub-section (3) of Section 9 of the Act:

(i) *Fee.*- The fee payable by the applicant for the above '(computer aided) test shall be *(fifty rupees] for each such test:

Provided that the fee payable by an applicant for the '(computer aided] test for an authorisation to drive a motorised cycle-rickshaw shall be five rupees:

Provided further that no such fee shall be payable if such (computer aided] test is undergone simultaneously with any test referred to in sub-section (3) of Section 9 of the Act.

10. Licensing Authorities may make enquiries.- Upon receipt of an application for a driving licence or for an authorisation to drive a transport vehicle, the Licensing Authority may make such enquiries as may be reasonably necessary to establish the identity of the applicant and to ascertain that the applicant is not disqualified, or liable to be disqualified for holding or obtaining a driving licence or an authorisation to drive a transport vehicle.

11. Issue of authorisation to drive transport vehicles.- The Licensing Authority granting an authorisation shall,-

- (a) issue a driver's badge to the applicant on payment of the prescribed fee, endorse upon the driving licence accordingly and return the driving licence to the holder thereof along with the badge issued; and
- (b) (b) send intimation in form "LTI" to the Authority by which the driving licence was issued if it is not the authority which issued the licence.

12. Driver's Badge and its Fee.- (i) The metal badge issued to a driver on authorising him to drive a transport vehicle shall be in the form illustrated in the First Schedule to these rules and inscribed with the word "Driver" and identification number and the name of the district in which it was issued.

(ii) A driver shall not hold more than one such badge.

(iii) The fee payable by an applicant for the issue of a badge shall be (fifty rupees]:

Provided that the fee payable by an applicant authorised to drive only a motorised cycle-rickshaw for the issue of badge shall be five rupees.

13. Driver's badge issued under the old rules-Validity of.-A driver's badge in force immediately before the commencement of these rules shall, after such commencement, be deemed to be effective as if issued under these rules.

14. Reasons for rejection to be given.-If the Licensing Authority reject an application for authorisation to drive a transport vehicle, it shall inform the applicant in writing, giving its reasons and shall return the driving licence to him.

15. Testing officer.- The test of competence referred to in sub-section (3) of Section 9 of the Act shall be conducted by the Licensing Authority, or the Additional Licensing Authority or the Assistant Licensing Authority.

16. Exemption from fee for test of competence.-(i) No fee shall be payable by an applicant who is an Ex-serviceman, if he produces documentary evidence to show that he was authorised to immediately before the commencement of these rules shall, after such commencement, be deemed drive military vehicles;

(i) The fee payable by an applicant for the test of competence to drive a motorised cycle-rickshaw shall be Rs. 5.00.

17. Certificate of Automobile Association.- For the purpose of the second proviso to sub-section (3) of Section 9 of the Act, the following Automobile Associations are recognised Associations:-

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

18. Intimation of addition to licence.-A Licensing Authority adding under sub-section (3) of Section 6 of the Act to the Classes of motor vehicles which the licence authorises the holder to drive shall, if it is not the authority by which the driving licence was issued, intimate the addition to that authority in Form "LAD".

19. Disqualification by Licensing Authority.-A Licensing Authority taking possession of a driving licence under clause (a) of sub-section (2) of Section 19 of the Act may, if the driving licence was issued by another Licensing Authority, intimate the fact to that Authority.

20. Disqualification and revocation-communication regarding.-The Licensing Authority ordering any disqualification for holding or obtaining a driving licence or revoking a driving licence shall communicate the particulars of the persons so disqualified or whose driving licence is revoked, and of those convicted under Section 182 of the Act, to all other Licensing Authorities in the State.

21. Appellate Authority.-The authority empowered to hear appeal under sub-section (8) Section 9, or sub-section (2) of Section 17, or sub-section (3) of Section 19 of the Act shall be the Deputy Transport Commissioner of the concerned Zone or any other Deputy Transport Commissioner as the Transport Commissioner may nominate:

Provided however that the appellate authority to hear appeals from an order passed by ie Assistant Licensing Authority shall be the Licensing Authority

22. Appeal on refusal of authorisation.- (1) Any person aggrieved by an order of Licensing Authority or Additional Licensing Authority refusing to grant an authorisation to drive a transport

vehicle, may appeal to the Deputy Transport Commissioner of the concerned Zone or any other Deputy Transport Commissioner as the Transport Commissioner may nominate.

(2) The appellate authority to hear appeals from an order passed by the Assistant Licensing Authority shall be the Licensing Authority.

23. Time for appeal.-An appeal under Rule 22 shall be preferred within thirty days of the receipt of the order refusing to grant an authorisation to drive a transport vehicle.

24. Form of appeal.- (1) An appeal under Rule 22 or sub-section (8) of Section 9 or sub-section (2) of Section 17 or sub-section (3) of Section 19 of the Act, shall be in the form of a memorandum setting forth concisely the grounds of objection to the order which is the subject to appeal and shall be accompanied by the original or a certified copy of that order. The memorandum of appeal shall be in duplicate, one copy of which shall be affixed with court fee stamps of the value of five rupees.

(2) The Deputy Transport Commissioner concerned or the Licensing Authority or the Additional Licensing Authority or Assistant Licensing Authority may, on application, give any person interested in an appeal referred to in sub-rule (1) a certified copy of the order appealed against or of the appeal petition or any other relevant document. The application shall be affixed with court fee stamps of the value of five rupees for each such copy of the order, petition or document.

25. Persons holding more than one driving licence.- Action regarding.- (1) When any person is found to be holding more than one valid driving licence simultaneously, the Licensing Authority shall-

- (a) in case the licences authorise the holder to drive the same classes of motor vehicles, impound and cancel, all the driving licences except the one issued earliest; and
- (b) in case the licences authorise the holder to drive different classes of motor vehicles, note the necessary additions to the classes of vehicles in the licence issued earliest and impound and cancel the others.

(2) The Licensing Authority impounding and cancelling driving licences under sub-rule (1) shall intimate the fact to the Licensing Authorities by whom the driving licence or licences were issued and last renewed.

26. Temporary authorisation in lieu of licence.- (1) When the holder of a licence has submitted the licence to a licensing authority for renewal or for obtaining an authorisation to drive a transport vehicle and has deposited the fee prescribed therefor or when a Police Officer or any Court or other competent authority has taken temporary possession of a driving licence for, any purpose, and the driving licence has not been suspended or cancelled the licensing authority or the Police Officer or the Court or other competent authority, as the case may be, shall furnish him in Form "DL Tem" a receipt for the driving licence and temporary authorisation to drive, provided that no such temporary authorisation shall be granted if the driving licence is renewed and returned, or returned with an authorisation to drive a transport vehicle, on the date on which the application is received by the Licensing Authority. During such period as may be specified in the temporary authorisation Form "DL Tem" the production thereof on demand shall be deemed to be production of the original licence. No fee shall be payable in respect of such temporary authorisation.

(2) The holder of a temporary authorisation shall not be entitled to drive a motor vehicle beyond the period specified in the temporary authorisation.

27. Demand for recent photograph.-If at any time it appears to a Licensing Authority that the photograph affixed to the driving licence has ceased to bear a clear likeness of the holder, the

Licensing Authority may require the holder to surrender the driving licence forth with and to furnish two clear copies of a recent photograph of himself and two specimen signatures together with the prescribed fee for a duplicate licence and the holder shall, within such period as the Licensing Authority may specify, appear in person before the Licensing Authority and present the documents accordingly. If the holder fails to comply with a requisition by the Licensing Authority under this rule, the licence shall cease to be valid from the date of expiry of the said period.

28. Duplicate Driving Licence with new photograph.- Upon receipt of the documents specified in Rule 27, the Licensing Authority shall issue a duplicate driving licence affixing thereto the new photograph and specimen signature and shall destroy the original driving licence.

29. Driving licence lost or destroyed-Intimation.- If at any time a driving licence is lost or destroyed, the holder of such licence shall forthwith intimate the fact and apply for a duplicate driving licence in Form "DLLD" in duplicate to the Licensing Authority having jurisdiction over the area in which he has his place of residence at the time.

30. Duplicate.- Upon receipt of an application in Form "DLLD", the Licensing Authority shall, after making necessary enquiries issue a duplicate driving licence:

Provided that where the driving licence was not issued by the Licensing Authority to whom the application for duplicate licence is made, he shall forward the application along with Part-I and II, the endorsement in Part I duly filled in and signed, to the original Licensing Authority with a request to return the application after filling up Part II. On receipt of the particulars in Part II from the original Licensing Authority, the Licensing Authority shall issue a duplicate driving licence after satisfying himself that the particulars furnished by the Original Licensing Authority can be accepted.

Note.-The Licensing Authority may, at his discretion, issue a duplicate driving licence without following the above procedure if the particulars of the driving licence concerned are already available in his office or if the original driving licence has been impounded under Rule 33 and the Licensing Authority is satisfied that a duplicate driving licence can be issued properly on the basis of the details available in his office or in the original driving licence, as the case may be.

31. Photograph for duplicate.- For issuing a duplicate driving licence, the applicant shall furnish to the Licensing Authority, two clear copies of his recent photographs duly attested. In case where the licence has been issued by a Licensing Authority other than the one to whom the application for duplicate licence is made, three attested copies of such photographs shall be furnished. One such copy of the photograph shall be fixed to the duplicate Driving Licence, and the other copy shall be affixed to the Register of Driving Licence. If the driving licence was issued by another Licensing Authority, the third copy of the photograph shall be transmitted to that Authority in Part III of Form "DLLD".

32. Licence lost-delivery.- When a duplicate driving licence has been issued on the ground that the original driving licence has been lost and the original driving licence is afterwards found by the holder, it shall be surrendered to the Licensing Authority. Any other person finding a driving licence shall deliver it to the holder of the driving licence or to the nearest Police Station.

33. Licence defaced or torn or completely written up-impounding.- If at any time it appears to a Licensing Authority that a driving licence held by any person is so torn or defaced as to render it illegible, or if the licence is completely written up by endorsements of five renewals therein, the Licensing Authority may impound the driving licence and issue a duplicate. The holder of the driving

licence shall on demand by the Licensing Authority, furnish two clear copies of his recent photographs duly attested and two specimen signature together with the prescribed fee. One of the specimen signatures and copy of the photograph shall be affixed to the duplicate driving licence and sealed, and the other shall be recorded by the Licensing Authority. In case the authority issuing the duplicate licence is not the authority which issued the original licence, the second copy of the photograph together with the specimen signature shall be forwarded to the authority which issued the original licence.

34. Fee.- The fee for issue of a duplicate driving licence shall be '[five hundred rupees]: Provided that the fee for the issue of a duplicate driving licence to an applicant authorised to drive only motorised cycle or motorised cycle-rickshaw or both, shall be Rs.5.00.

35. Duplicate to be stamped in red and sealed.- When a duplicate driving licence is issued, it shall be clearly stamped 'DUPLICATE' in red and marked with the date of issue of the duplicate, and the seal of the Licensing Authority.

36. Intimation to issuing Authority.- If the Licensing Authority which issues a duplicate driving licence is not the authority by which the driving licence was issued, the former shall intimate the fact to the latter in Part III of Form "DLLD". Intimation shall also be sent to the original Licensing Authority when a duplicate Licence is refused on the basis of the report of the original Licensing Authority.

37. Driver's Badge-Issue of duplicate.- (1) If a badge is lost or destroyed, the holder thereof shall apply in writing to the Licensing Authority within whose jurisdiction he then resides for issuing a duplicate badge.

(2) Such application shall be accompanied by the driving licence fee for duplicate badge, and such information as would enable the Licensing Authority to trace out the details of the original badge.

(3) Fee.- The fee for the issue of a duplicate driver's badge shall be [fifty rupees]: Provided that the fee for the issue of a duplicate badge to an applicant authorised to drive motorised cycle-rickshaw only shall be five rupees.

(4) The Licensing Authority, if satisfied about the bonafides of the application, shall issue a duplicate driver's badge, endorse the particulars in the driving licence and simultaneously intimate the fact to the Authority that issued the original badge.

38. Finding of driver's badge-Surrender.- (1) If the original badge which was lost is subsequently found after a duplicate, is issued, the former shall be surrendered to the licensing authority which issued it, simultaneously intimating the fact to the authority which issued the duplicate.

(2) Any person finding a Driver's badge shall, forthwith deliver it to the holder of the badge or to the nearest police station.

39. Surrender of driver's badge-On disqualification.- If at any time the authorisation to drive a transport vehicle is suspended or revoked by any authority or by any court, the driver shall forthwith surrender the badge to the authority which ordered the disqualification or issued the badge.

40. Report of change of address.- (1) The holder of a driving licence entitling him to drive a transport vehicle shall, except in the case of a temporary absence not involving a change of residence for a period exceeding three months, report any change of his temporary or permanent address recorded in the driving licence to the Licensing Authority of the district to which he shifts and produce the driving licence at the office of that authority so that the new address may be entered therein.

(2) The Licensing Authority to whom the driving licence is produced shall enter therein the new address and communicate the new address to the Licensing Authority by which the driving licence was issued as well as the Licensing Authority by which it was last renewed.

41. Driver's uniform-to be worn.- A driver of transport vehicle shall, while on duty, be cleanly dressed in the uniform specified by the Transport Commissioner.

42. Driver's badge to be worn.-The driver of a transport vehicle shall, while on duty, display on his left breast the metal badge issued to him.

43. Driver to extinguish live cinders.-The driver of every motor vehicle fitted with a gas producer shall extinguish any live cinders removed from such producer in any public place.

44. Duties of drivers while crossing unguarded railway crossings.-A driver of a motor vehicle shall, when approaching an unguarded railway level crossing with his vehicle, bring it to dead stop and shall not allow his vehicle to cross the railway track at such crossing unless he has after alighting from the vehicle made sure that the track is clear on both sides.

45. Duties of drivers while crossing manned railway crossings.-A driver of a motor vehicle shall, when approaching a manned railway level crossing with his vehicle, slow down his vehicle so as to ensure that the gate leaves are open to road traffic before negotiating the level crossing. In the event of the level crossing gates being open to road traffic he shall continue to exercise great caution and look on either side of the level crossing to ensure that no train is approaching from either direction.

46. Conduct of drivers of Transport Vehicles.- Without prejudice to the scope or applicability of the provisions found elsewhere in these rules regarding the conduct, duties and responsibilities of drivers of motor vehicles either generally or specifically, the following provisions shall govern the conduct of drivers of transport vehicles:

- (1) The driver of a Transport Vehicle while on duty.-
 - (a) shall on demand by a Police Officer in uniform not below the rank of Sub-Inspector or by any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicle Inspector, produce his badge for inspection;
 - (b) shall not lend or transfer his badge to any other person;
 - (c) shall not permit any person to sit on any goods to be placed, on his right side if the vehicle is fitted with right-hand steering control, and on his left side if the vehicle is fitted with left-hand steering control;
 - (d) shall not drive or attempt to drive a transport vehicle in any public place, if he has, in his blood, alcohol in any quantity, howsoever small the quantity may be; and
 - (e) shall not drive or attempt to drive a transport vehicle in any public place while under the influence of a drug to such an extent as to make him incapable of exercising proper control over the vehicle.
- (2) The driver of a Public Service Vehicle while on duty.-
 - (a) shall as far as may be reasonably possible having regard to his duties, be responsible for the due observance of the provisions of the Act and of these rules:
 - (b) shall behave in a civil and orderly manner to passengers and intending passengers;
 - (c) shall maintain the vehicle in a clean and sanitary condition;

- (d) shall, subject to any rules or regulations in force prohibiting the taking up or setting down of passengers, at or except at, certain specified places, bring the vehicle to rest for a sufficient period of time in a safe and convenient position on demand or signal by the conductor or by any passenger desiring to alight from the vehicle and unless there is no room in the vehicle, upon demand or signal by any intending passengers;
 - (e) shall, at all times exercise all reasonable care and diligence to maintain his vehicle in a fit and proper condition and shall not knowingly drive the vehicle when it or any brake, tyre or lamp thereof, is in a defective condition likely to endanger any passenger or other person or when there is not sufficient fuel in the tank of the vehicle to enable him to reach the next fuel filling station on the route;
 - (f) shall be responsible for the observance of the duties of the conductor during the conductor's absence or inability to perform his duties;
 - (g) shall not cause or allow any person, animal or thing to be placed or to be in the space reserved for the driver's seat in accordance with Rule 273(2) or otherwise in such a way as to impede him in having a clear vision of the road or proper control of the vehicle;
 - (h) shall not shout in order to attract a passenger;
 - (i) shall not, when bringing his vehicle to rest for the purpose of picking up or set is at rest for the same purpose, drive the vehicle so as to endanger, cause inconvenience to or interfere with the driver or the conductor of the other vehicle or any person mounting or preparing to mount thereon or alighting therefrom and shall bring his vehicle to rest behind the other vehicle and on the left-hand side of the road or place;
 - (j) shall not smoke or chew pan or take or be under the influence of any intoxicating down any passenger at or near the place where another public service vehicle drink or drug;
 - (k) shall not solicit custom;
 - (l) shall not interfere with persons mounting or preparing to mount any other vehicle
 - (m) shall not loiter or unduly delay upon any journey, but shall proceed to his destination with all reasonable despatch adhering to the route and time schedule specified if any;
 - (n) shall not carry in the vehicle any person reasonably suspected to be suffering from any infectious or contagious disease or the corpse of any person;
 - (o) shall not replenish the fuel tank, when passengers are in the vehicle; and
 - (p) shall not demand or collect fares in excess of the rates fixed by Government from time to time.
- (3) The driver of a goods carriage while on duty-
- (a) shall not carry in the cab of a goods carriage persons beyond the number permitted and for whom there is seating accommodation as per sub-rule (2) of Rule 303;
 - (b) shall not carry more than six persons in all in addition to the driver in a goods carriage.

Provided that no person shall be carried in a goods carriage upon the goods or otherwise in such a manner that such person is in danger of falling from the vehicle or when any part of such person in a sitting position is at a height exceeding 305 centimetres from the surface upon which the vehicle rests:

Provided further that a large number of persons may be carried in any motor vens registered under Section 60 of the Act or in a goods carriage when specific sanction thereior e been accorded by a Regional Transport Authority or in a goods carriage used for the camage troops or police; and

(c) shall not carry any person for hire or reward in any goods carriage.

47. Maintenance of State Register of Driving Licence.- (1) The Transport Commissioner shall maintain the State Register of Driving Licences in the form and with the details prescribed by the Central Government under sub-section (1) of Section 26 of the Act in respect of driving licence issued and renewed within the State. For this purpose, every Licensing Authority shall maintain a similar register in respect of the driving licences issued and renewed by him and shall forward extract of the register to the Transport Commissioner at such intervals as may be specified by him. The details so furnished by the Licensing Authority shall be the basis of the particulars to be includedin the State Register.

(2) The Register shall be a bound volume with pages consecutively numbered. The transport Commissioner shall supply an extract of the Register to the Central Government and shall also inform all additions and other amendments made thereto from time to time.

CHAPTER III

LICENSING, CONDUCT AND DUTIES OF CONDUCTORS OF STAGE CARRIAGES

48. Licensing Authority.-The Regional Transport Officer of a region shall be the Licensing Authority for that region.

The Joint Regional Transport Officer attached to the Regional Transport Office shall be the Additional Licensing Authority.

Where there is a Sub-Regional Transport Office, the Joint Regional Transport Officer of that office shall be the Additional Licensing Authority within his jurisdiction.

The Motor Vehicles Inspectors attached to the Regional Transport Office and Sub Regional Transport Office shall be the Asistant Licensing Authority. The Additional Licensing Authority and the Assistant Licensing Authority shall exercise the powers of the Licensing Authority subject to control and supervision by the Licensing Authority and subject to the conditions or restrictions as may be specified by the Licensing Authority from time to time.

The Regional Transport Officer (Nationalised Sector) shall also be the Licensing Authority in respect of conductors of the State Transport Undertakings.

49. Application for Conductor's Licence.-An application for a conductor's licence, shall be made in Form "CLA" to the Licensing Authority, and shall be accompanied by-

- (a) two clear copies of a recent photograph of the applicant other than that affixed to the medical certificate;
- (b) the fee required by sub-section (5) of Section 30 of the Act;
- (c) a medical certificate of fitness in Form "MCC" issued by a registered Medical Practitioner
- (d) a certificate of competency of the applicant in First Aid work in Form "FA" issued by a Medical Officer in Government service not below the rank of an Assistant Surgeon, or

an Adult First Aid Certificate obtained from the "St. John Ambulance Association of India";

- (e) documents to prove educational qualifications and age of the applicant; and
- (f) a conduct certificate from any Member of Parliament or any Member of Kerala Legislative Assembly or any Gazetted Officer, or the President, the Chairman or the Mayor of the Local Body within whose jurisdiction the applicant resides.

50. Qualification and age of applicant.-(1) The minimum qualification for a conductor's licence shall be a pass in S.S.L.C., or shall be that the applicant should have completed the course of S.S.L.C. or any equivalent course from a recognised school and have appeared for the S.S.L.C. or such equivalent examination, or any qualification declared by Government as equivalent thereto:

Provided that the provisions of this sub-rule shall not apply to the holders of conductor's licence issued prior to 19/09/1985.

(2) A True copy of the School Leaving Certificate duly certified or an extract from the records of the Institution where the applicant was a pupil made out on stamp paper, signed and sealed by the head of the Institution showing clearly the date of birth of the applicant and the class in which he studied last may be produced as proof of educational qualification and age.

(3) The Licensing Authority may make such enquiries as may be deemed necessary to satisfy that the particulars regarding the qualification and age of the applicant furnished by him are correct.

51. Medical Certificate-Photograph.- The photograph to be affixed to the medical certificate of fitness in Form "MCC" shall be firmly affixed and the medical practitioner shall affix his signature or seal to the photograph in addition to signing the form.

52. Rejection of old Certificate.- The Licensing Authority may decline to accept a medical certificate of fitness granted more than one month before the date of application for the grant or renewal of a conductor's licence.

53. Medical Certificate fee for.-The fee for the issuing a medical certificate by a Registered Medical Practitioner shall be '(twenty five rupees)].

54. Photograph-Size.- The copies of the photograph required by sub-section (3) of Section 30 of the Act shall be of a size not more than five centimetres by six centimetres and five millimetres.

55. Sealing of Photograph.- The photograph of the holder when affixed to a conductor's licence shall be sealed or stamped with the seal of the Licensing Authority in such a manner that part of the impression of the seal or stamp is upon the photograph and part on the margin.

56. Summoning of applicant.-The authority to which application is made under Rule 49 shall by notice in writing summon the applicant to appear before it or before any other person duly authorised in this behalf at such time and place as the authority may appoint for (a computer aided) test to ascertain whether the applicant is conversant with the provisions of the Act and of these rules and of the duties, responsibilities, etc., of the conductor of a stage carriage.

57. Fee.- The fee payable by the applicant for the above (computer aided] test shall be "fifty rupees] for each test.

58. Licensing Authority may make enquiries.- Upon receipt of an application for conductor's licence, the Licensing Authority may make such enquiries as may be reasonably necessary to establish the identity of the applicant and to ascertain that the applicant is not disqualified or liable to be disqualified for holding or obtaining a conductor's licence.

59. Conductor's licence-Issue of.- (1) The Licensing Authority granting an application shall issue to the applicant a conductor's licence in Form "CL" and also a badge on payment of the prescribed fee.

(2) No person shall hold more than one conductor's licence.

60. Conductor's badge.-(1) A metal badge shall be issued to a conductor simultaneously with the grant of a conductor's licence in the form illustrated in the schedule to these rules, and inscribed with the word "Conductor" an identification number and the name of the District in which it was issued.

(2) A conductor shall not hold more than one such badge.

(3) The fee payable for the issue of a badge shall be [fifty rupees].

61. Every conductor shall, while on duty, display on his left breast the metal badge issued to him.

62. Conductor's badge issued under old rules-Validity of.- A conductor's badge in force immediately before the commencement of these rules shall, after such commencement be deemed to be effective as if issued under these rules,

63. Renewal of conductor's licence-Application for.- An application for the renewal of a conductor's licence shall be made in Form "CLRA" and shall be accompanied by the conductor's licence and the fee required by sub-section (5) of Section 30 of the Act.

64. Temporary authorisation in lieu of conductor's licence.- (1) Form- If on the date on which the application for renewal is presented under Rule 63, the Licensing Authority does not for any reason either renew and return the licence, or refuse to renew the same or when any Police Officer, Court or other competent authority has taken temporary possession of the licence for any purpose and the licence has not been suspended or cancelled, the Licensing Authority or the Police Officer or the Court or other competent authority, as the case may be, shall furnish the holder thereof in Form "CLTEM" a receipt for the licence, and temporary authorisation to function as a conductor.

(2) *Validity.-* Such temporary authorisation shall be valid for a period of one month from the date of grant, and may be renewed for further periods of one month at a time:

Provided that in the case of a licence sent for renewal, the temporary authorisation shall cease to be in force, and shall be surrendered to the Licensing Authority, on the applicant receiving his licence duly renewed, or on his receiving an order refusing to renew his licence:

Provided further that the temporary authorisation shall cease to be in force and shall be surrendered to the Licensing Authority or other competent authority issuing the authorisation, on demand made at any time to surrender.

(3) *No fee.-* No fee shall be charged for the grant or renewal of a temporary authorisation.

(4) *Temporary authorisation to be deemed to be a licence.-* A temporary authorisation shall, during the period of its validity, be deemed to be a conductor's licence for the purpose of these rules.

65. Intimation of renewal to original Licensing Authority.- When the Authority renewing conductor's licence is not the authority which issued the licence, it shall intimate the fact of renewal to the authority which issued the licence in Form "CLRI".

66. Refusal to grant or renew conductor's licence.- (1) The Licensing Authority may refuse to issue a conductor's licence if it is satisfied that-

(a) the applicant's knowledge of the provisions of the Act and of these Rules and of the duties and powers of a conductor thereunder, is inadequate to enable him to perform the duties of a conductor; or

- (b) the applicant was at any time the holder of a conductor's licence or a driving licence and was disqualified for misconduct; or
- (c) the character or physique of the applicant is such as to render him an unsuitable person to hold a conductor's licence; or
- (d) the number of conductor's licences already issued is in excess of requirements.

(2) The Licensing Authority may decline to renew a conductor's licence on all or any of the grounds mentioned in clauses (a), (b) and (c) of sub-rule (1).

67. Disqualification ordered by the Licensing authority-Procedure regarding.- (1) An Licensing Authority shall, before declaring any person disqualified for a specified period under sub-section (1) of Section 34 of the Act, give him an opportunity of being heard.

(2) On declaring such disqualification the authority shall take over possession of the conductor's licence and badge and endorse the disqualification upon the licence and intimate the fact to the authority by which it was issued and last renewed if it is not the authority which issued and last renewed the licence.

68. Disqualification-Communication-Regarding.- The Licensing Authority ordering any disqualification shall communicate particulars of the conductors permanently or temporarily disqualified and of those convicted under sub-section (2) of Section 182 of the Act to all other Licensing Authorities in the State.

69. Disqualification ordered by Court-Procedure regarding.- The Court making or causing to be made an endorsement on a conductor's licence shall send intimation in Form "CLEI" to the Licensing Authorities by whom the licence was issued and last renewed.

70. Surrender of conductor's licence and badge.- On receipt of an order of disqualification, the holder of the licence shall forthwith surrender the licence and badge to the authority which issued the order or to any other authority indicated in the order of disqualification.

71. Appellate Authority.- The authority empowered to hear appeals under sub-section (2) of Section 33 and sub-section (4) of Section 34 of the Act shall be the Deputy Transport Commissioner of the concerned Zone or any other Deputy Transport Commissioner as the Transport Commissioner may nominate:

Provided however that the appellate authority to hear appeals, from an order passed by the Assistant Licensing Authority shall be the Licensing Authority.

72. Form of appeal.- (1) An appeal under sub-section (2) of Section 33 and sub-section (4) of Section 34 of the Act shall be in the form of a memorandum setting forth concisely the grounds of objection to the order which is the subject of appeal and shall be accompanied by the original or a certified copy of that order. The memorandum of appeal shall be in duplicate '[and the fee for each appeal shall be one hundred rupees, payment made by means of treasury chalan to be enclosed with the Memorandum of Appeal].

(2) The Appellate Authority or the Licensing Authority may, on application, give any person interested in an appeal referred to in sub-rule (1) a certified copy of the order appealed against or of the appeal petition, or of any other relevant document. The application shall be affixed with Court fee stamps of the value of five rupees for each such copy of the order, petition or document.

73. Obsolete photograph-Replacement of.- (1) If at any time it appears to a Licensing Authority that the photograph affixed to the conductor's licence has ceased to bear a clear likeness of the holder, the Licensing Authority may require the holder to surrender the conductor's licence forthwith and to furnish two clear copies of his recent photograph and two specimen signatures together with the prescribed fee for a duplicate licence and the holder shall, within such period as the Licensing Authority may specify, appear in person, before the authority and present the documents accordingly. If the holder fails to comply with the requisition by the Licensing Authority under this rule, the licence shall cease to be valid from the date of expiry of the said period till the documents are produced.

(2) Upon receipt of the documents specified in sub-rule (1), the Licensing Authority shall issue a duplicate conductor's licence affixing thereto the new photograph and specimen signature and shall destroy the original licence.

74. Conductor's licence lost or destroyed-Intimation.- If at any time a conductor's licence is lost or destroyed, the holder of such licence shall forthwith intimate the fact and apply for a duplicate conductor's licence in Form "CLLD" to the Licensing Authority having jurisdiction over the area in which he has his place of residence at the time.

75. Duplicate.- Upon receipt of an application in Form "CLLD" the Licensing Authority shall, if satisfied after making such enquiries as it thinks fit that a duplicate conductor's licence may be properly issued, issue a duplicate licence:

Provided that where the licence concerned was issued by any other Licensing Authority, the particulars of the licence and of any endorsements thereon shall be obtained from that authority before issuing the duplicate licence.

76. Photograph for duplicate.- The holder of a conductor's licence applying for a duplicate licence shall furnish to the Licensing Authority two clear copies of a recent photograph of himself duly attested by a Gazetted Officer. Where the licence concerned was issued by any other licensing authority, three copies of the photographs shall be furnished. One such copy of the photograph shall be affixed to the duplicate licence and the second copy be affixed to the Register of Conductor's Licences. If the licence was issued by another licensing authority, the third copy shall be forwarded to that authority.

77. Licence lost-Delivery.- When a duplicate conductor's licence has been issued on the ground that a licence has been lost and the original licence is afterwards found by the holder it shall be surrendered to the Licensing Authority. Any other person finding a conductor's licence shall forthwith deliver it to the holder or to the nearest police station.

78. Licence defaced or torn-Impounding.- If at any time it appears to a Licensing Authority that a conductor's licence held by any person is so torn or defaced in any way as to render it illegible, the Licensing Authority may impound the licence and issue a duplicate. The holder of the licence shall, on demand by the Licensing Authority furnish two clear copies of his recent photograph, and two specimen signatures together with the prescribed fee.

79. Duplicate conductor's licence-Fee for.- The fee for the issue of a duplicate conductor's licence shall be (two hundred rupees).

80. Duplicate to be stamped in red and sealed.- When duplicate conductor's licence is issued, it shall be clearly stamped "DUPLICATE" in red and marked with the date of issue of the duplicate and the seal of the Licensing Authority.

81. Intimation to issuing authority.- The Licensing Authority issuing a duplicate conductor's Licence shall intimate the fact to the authority who issued the original.

82. Conductor's badge issue of duplicate.- (1) If a badge is lost or destroyed, the holder thereof shall apply in writing to the Licensing Authority within whose jurisdiction he then resides for issuing a duplicate.

(2) Such application shall be accompanied by the conductor's licence, fee for duplicate badge and such information as would enable the Licensing Authority to trace out the details of the original badge.

(3) The fee for the issue of a duplicate badge shall be '(fifty rupees).

(4) The Licensing Authority, if satisfied about the bonafides of the application, shall issue a duplicate conductor's badge, endorse the particulars in the conductor's licence and simultaneously intimate the fact to the authority by which the original badge was issued.

83. Finding of conductor's badge-surrender.- (1) If the original badge which was lost is subsequently found after a duplicate is issued, the former shall be surrendered to the authority which issued it, simultaneously intimating the fact to the authority which issued the duplicate.

(2) Any person finding a conductor's badge shall forthwith deliver it to the holder of the licence or to the nearest Police Station.

84. Report of change of address.- The holder of a conductor's licence shall, except in the case of a temporary absence not involving a change in residence for a period exceeding 3 months, report any change of his temporary or permanent address recorded in the conductor's licence to the Licensing Authority in whose jurisdiction he shifts and produce the licence at the office of that authority so that the new address may be entered therein.

(2) The Licensing Authority to whom the conductor's licence is produced shall enter therein the new address and communicate the new address to the Licensing Authority by which the licence was issued and to the Licensing Authority by which it was last renewed.

85. Conductor's Uniform-To be worn.- Every conductor shall while on duty be cleanly dressed in the uniform specified by the Transport Commissioner.

86. Issue of Tickets-Production of Counterfoils.- (1) The conductor shall

(a) issue to every passenger travelling or intending to travel in a stage carriage including every child over three years of age and to every consignor of goods other than personal luggage, a printed ticket of the requisite denomination or receipt of the fare charged [in 7.5 cm x 3 cm size containing the essential particulars such as ticket number, registration number of the vehicle and fare stage numbers] for carrying in the vehicle the passenger and his personal luggage or the goods other than personal luggage consigned, as the case may be;

(b) carry at all times when the stage carriage is playing the counterfoils of the tickets so issued; and

(c) produce the counterfoils on demand by any Police Officer not below the rank of Sub Inspector or any Officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector having jurisdiction:

Provided that clause (b) and (c) shall not apply to the vehicles of the State Transport Undertakings or to cases where tickets are issued by means of a bell punch machine or other device approved by the Transport Commissioner and the conductor keeps a record of the numbers and values of the tickets issued, Such record shall be produced on demand by any Police Officer not below the rank of Sub Inspector, or by any Officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector having jurisdiction:

Provided further that notwithstanding the provisions of clauses (a). (b) and the Transport Commissioner may, at his discretion and subject to such conditions as he may in fit, authorise the issue of tickets by a person who is not the conductor, and who is not travelling in the vehicle.

87. Bus warrants issued by the Police Department to be accepted in lieu of cash payments.- The conductor or any other person authorised to issue tickets for travel in a stage carriage shall accept bus warrants issued by the Police authorities and issue tickets on presentation of the warrants duly signed. One foil of the warrant shall be returned to the person presenting it with the fare entered thereon, and the other foil retained for making a monthly claim of dues on the Department.

88. Refusal to issue tickets.- No conductor or other person authorised to accept fares not being a person who travels in the vehicle, when a stage carriage is waiting or plying for hire shall-

- (a) Without reasonable excuse, refuse to accept a fare from any person tendering it, provided that the conductor or such other person shall stop the issue of tickets when the maximum number of passengers or the maximum load of luggage or goods, as the case may be, which the vehicle is permitted to carry has been reached; or
- (b) demand more than the proper fare.

89. Conduct duties and functions of conductors.- Without prejudice to the scope or applicability of the provisions made elsewhere in these rules, either generally or specifically, the conductor of a stage carriage while on duty:-

- (a) Shall as far as may be reasonably possible having regard to his duties, be responsible for the due observance of the provisions of the Act and of these rules;
- (b) shall behave in a civil and orderly manner to passengers and intending passengers,
- (c) shall maintain the vehicle in a clean and sanitary condition;
- (d) shall, where goods are carried on the vehicle in addition to passengers, take all reasonable precautions to ensure that passengers are not endangered or unduly inconvenienced;
- (e) shall, in the event of a stage carriage being unable to proceed to its destination on account of mechanical breakdown or other cause beyond the control of the driver or the conductor, arrange to convey the passengers to their destination in some other similar vehicle, or if unable so to arrange within a reasonable period after the failure of the vehicle, shall on demand refund to each passenger the fare required for the completion of the journey for which the passenger had paid the fare;
- (f) shall, at the approach of any unguarded railway level crossing require the driver to stop the vehicle on the road at the place notified for such stoppage by appropriate sign board as set out in the Third Schedule to these rules, and on stopping shall get down and after making sure that no train is approaching the level crossing from either side, walk ahead of the vehicle until it has safely crossed the level crossing;
- (g) shall, take all reasonable precautions to prevent luggage being miscarried, damaged or lost on the way,

- (h) shall, on demand by any Police Officer in uniform not below the rank of Sub Inspector or any Magistrate or any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector, produce his conductors licence and badge for inspection;
- (i) shall be responsible for exhibiting the proper destination boards and for their illumination;
- (j) shall require any passenger to occupy a seat, when there is seating accommodation;
- (k) shall not carry at any time any goods liable to foul the interior of the vehicle or to render it insanitary;
- (l) shall not carry more than the permitted luggage and personal effects of passengers in the vehicle;
- (m) shall not smoke or chew pan or take or to be under the influence of any intoxicating drink or drug;
- (n) shall not solicit custom;
- (o) shall not interfere with persons mounting or preparing to mount upon any other vehicle;
- (p) shall not allow any person to be carried in any public service vehicle in excess of the passenger capacity specified in the permit of the vehicle;
- (q) shall not save for good and sufficient reason refuse to carry any person tendering the legal fare;
- (r) shall not, save for good and sufficient reason; require any person who has paid the legal fare to alight from the vehicle before the completion of the journey;
- (s) shall not cause the driver to loiter or unduly delay on any journey;
- (t) shall not cause or allow anything to be placed in the vehicle in such a manner as to obstruct the entry or exit of passengers;
- (u) shall not lend or transfer his badge to any other person;
- (v) shall not carry in the vehicle any person reasonably suspected to be suffering from any infectious or contagious disease or the corpse of any such person; '[xxxx]
- (w) shall not allow any passenger to be in the vehicle when the fuel tank is being replenished; "[and]
- (x) shall keep "FORM CAWA" with him, and furnish the same to those who request for complaining against the woman atrocities and shall inform the nearby police station about the complaint if any, after obtaining the written complaint from the person who was assaulted.]

90. Conductor's licence-Exemption from.- (1) Sub-section (1) of Section 29 shall not apply in the case of-

- (aa)The driver of a stage carriage or a checking inspector employed by the permit holder or any other person required to perform the functions of a conductor necessitated by the sudden illness or inability of the conductor to perform such functions during the course of a journey:

Provided that such person performing the functions of the conductor shall cease to do so after 24 hours, or when a conductor duly authorised to function as such becomes available whichever is earlier.

- (ab)Any person employed by a competent authority to act as a conductor for a period not exceeding one month, in case of emergency for the efficient and continuous operation of stage carriage services.

(2) *Competent authority-For temporary employment.-* The following authorities shall be competent to order such temporary employment-

- (a) The Licensing Authority or any person duly authorised by him in this behalf,

- (b) The Managing Director or the concerned District Transport Officer of the State Transport Undertaking in respect of the persons so employed to act as conductors of stage carriage of that undertaking; and
- (c) Any Police Officer not below the rank of a Circle Inspector of Police in respect or persons so employed for private stage carriages.

CHAPTER IV REGISTRATION OF MOTOR VEHICLES

91. Registering Authority.- The Regional Transport Officer of a region shall be the Registering Authority in respect of the vehicles normally kept in that region;

The Joint Regional Transport Officer attached to the Regional Transport Office shall be the Additional Registering Authority:

Where there is a Sub-Regional Transport Office, the Joint Regional Transport Officer of the Sub-Regional Transport Office shall be the Additional Registering Authority within his jurisdiction.

The Motor Vehicles Inspectors attached to the Regional Transport Office and Sub-Regional Transport Office, shall be the Assistant Registering Authorities. The Additional Registering Authority and the Assistant Registering Authority shall exercise the powers of the Registering Authority subject to the control and supervision by the Registering Authority and subject to the conditions or restrictions as may be specified by the Registering Authority from time to time.

The Regional Transport Officer (Nationalised Sector) shall be the Registering Authority in respect of the vehicles of the State Transport Undertakings, other than motor cars and jeeps owned by such undertakings.

92. Registration mark-Assignment of.- (1) In assigning the registration mark by the Registering Authority subject to the provisions of sub-section (6) of Section 41 of the Act and also subject to Rule 95, the number that shall follow the code number be assigned serially and a new series shall be started only after the maximum numbers that can be assigned in the series immediately preceding are exhausted.

(2) When the vehicles of the State Transport Undertaking registered by the Regional Transport Officer (Nationalised Sector) are transferred to any other person, such vehicles shall be re-assigned with a registration mark of the concerned district.

92A. Prohibition of exhibiting nameboards in motor vehicles.- No motor vehicle other than those specified below, in the manner described against each such vehicle, shall exhibit any boards showing the name of the Government or the Government Department or the designation of the officer using it without permission of the Government, namely:-

- (i) The vehicle used by the Governor of Kerala shall bear the board 'Governor of Kerala' in front and rear of the vehicle other than the board showing the registration mark of the vehicle. The background of the board shall be in red colour and the letters shall be in white colour. The size of the board shall be 30x10 centimeter and the letters shall have a height of 60 millimeter with a thickness of 8 millimeter. When the Governor is not travelling in the vehicle, the board shall be removed or suitably covered. The vehicle owned by the Government and assigned to the Raj Bhavan shall bear the board the board 'RAJBHAVAN' in front and rear of the vehicle near the number plate other than showing the registration mark of the vehicle. The background of the board shall be in red colour and the letters shall be in white colour.

- The size of the board shall be 30x10 centimeter and the letters shall have a height of 40 millimeter with thickness of 8 millimeter;
- (ii) The vehicles allotted to the Ministers and those similarly assigned by the Government shall bear the board 'Kerala State' and a serial number allotted to it, along with the registration mark of the vehicle in front and rear of the vehicle. The background of the board shall be in red colour and the letters shall be in white colour. The size of the board shall be 30x10 centimeter and the letters shall have a height of 60 millimeter and have a thickness of 8 millimeter. When the Ministers and those similarly assigned are not travelling in the vehicle, the board shall be removed or suitably covered;
 - (iii) Vehicles owned/used by Members of Parliament shall exhibit a board both in front and rear of the vehicles bearing the letters 'MP' near the number plate, other than the board showing registration mark. The background of the board shall be in red colour and the letters shall be in white colour. The size of the board shall be 25x10 centimeter and the letters shall have a height of 60 millimeter with thickness of 8 millimeter. When the Members of Parliament are not travelling in the vehicle, the board shall be removed or suitably covered;
 - (iv) Vehicles owned or used by Members of Legislative Assembly shall exhibit a board both in front and rear of the vehicles bearing the letters 'MLA' other than the board showing registration mark. The background of the board shall be in red colour and the letters shall be in white colour. The size of the board shall be 25x10 centimeter and the letters shall have a height of 60 millimeter with thickness of 8 millimeter. When the Members of Legislative Assembly are not travelling in the vehicle, the board shall be removed or suitably covered;
 - (v) Vehicle owned by the Government and used by the District Collector shall bear the board "DISTRICT COLLECTOR" in front and rear of the vehicle near the number plate other than the board showing registration mark. The background of the board shall be in red colour and the letters shall be in white colour. The size of the board shall be 30x10 centimeter and the letters shall have a height of 40 millimeter with thickness of 8 millimeter. When the District Collector is not travelling in the vehicle, the board shall be removed or suitably covered;
 - (vi) The vehicles owned by the Central Government, the State Government Departments Local Self Government Institutions, the Constitutional Authorities, the Statutory Commissions, the Statutory Boards and Statutory Corporations shall exhibit a board each in front and rear other than the board showing registration mark of the vehicle indicating the name of the Department or the name of the Constitutional Authority or the Statutory Body to which they belong. The background of the board shall be in red colour and the letters shall be in white colour. The size of the name plate shall be 30x10 cm and the letters shall have a height of 40 millimeter with thickness of 8 millimeter
 - (vii) The vehicle used by the Head of a Central Government Department, State Government Department, Local Self Government Institutions, Constitutional authority and statutory body shall exhibit a board each in front and rear bearing the designation of such officer other than the board showing the registration mark of the vehicle. The background of the board shall be in red colour and the letters shall be in white colour. The size of the name plate shall be 25x10 centimeters and the letters with a height of 40 millimeter and have a thickness of 8 millimeter. If such officer is not travelling in the vehicle, the board shall be removed or suitably covered;

- (viii) The vehicles owned by Public Sector Undertakings and Boards not coming under item and Nationalised Banks and the institution or institutions which have been permitted to exhibit board by the Hon'ble High Court shall display a board in front and rear indicating the name of the Public Sector Units/Boards on top other than the board showing the registration mark and the letters "A State Government Undertaking" or "A Central Government Undertaking" below the name of the Public Sector Units/Boards and Nationalised Banks. The background of the board shall be in light blue colour and the letter shall be in white colour. The size of the name plate shall be 30x10 cm and the letters shall have a height of 40 millimeter with thickness of 6 millimeter.
- (ix) The vehicles owned or used by Universities shall display a board in front and rear indicating the name of the University other than the board showing registration mark. The background of the board shall be in light blue colour and the letter shall be in white colour. The vehicle used by the Vice Chancellor of the University shall exhibit a board in front and rear bearing his or her designation. The background of the board shall be in light blue colour and the letter shall be in white colour. The size of the name plate shall be 30x10 centimeter and the letters shall have a height of 40 millimeter with thickness of 6 millimeter. When the Vice Chancellor is not travelling in the vehicle the board shall be removed or suitably covered;
- (x) The vehicles used by the Government Law Officers of the High Court of Kerala, Central Government Counsels of the High Court and all Judicial Officers shall exhibit a board both in front and rear of the vehicle bearing the designation other than the board showing registration mark. The officers of and above the rank of Deputy Secretary in the Government Secretariat in the State are entitled to use a board both in front and rear of the vehicle bearing the designation other than the board showing registration mark. The Chairman of Permanent Lok Adalath who is permitted to use own vehicle for official purposes, shall exhibit designation boards in their vehicles during the tenure of their office. The background of the board shall be in red colour and the letter shall be in white colour. The size of the name plate shall be 30x10 cm and the letters shall have a height of 40 millimeter with thickness of 6 millimeter. When the Law Officers of the High Court of Kerala, Central Government Counsels of High Court, Judicial Officers, the officers of and above the rank of Deputy Secretary in the Government Secretariat and the Chairman of the Permanent Lok Adalat are not travelling in the vehicle the board shall be removed or suitably covered.
- (xi) No Transport Vehicle or Non-Transport Vehicle, other than those owned or hired by the Government or that have been permitted to exhibit board by any court, shall exhibit any kind of name board indicating the name of the Department or institution or the name of the officials on the vehicle.]

93. Transport Vehicles-Particulars to be painted on.- Save in the case of a motor cab or any motor vehicle belonging to the State or Central Government, the following particulars in respect of every transport vehicle shall be exhibited on the left hand side of the vehicle in English letters and numerals, each not less than two and a half centimetres square legibly painted either on a plane surface of the vehicle or a plate or plates affixed to it:-

- (i) the name and address in brief of the registered owner;
- (ii) the unladen weight of the vehicle;
- (iii) the number, nature and size of the tyres attached to each wheel;

- (iv) the gross vehicle weight of the vehicle and the registered axle weight pertaining to the several axles thereof;
- (v) if the vehicle is used or adapted to be used for the carriage of passengers solely or in addition to goods, the number of passengers for whom accommodation is provided;
- (vi) the name of the insurer with whom the vehicle is insured; and
- (vii) the date of expiry of the permit and the date of expiry of the certificate of fitness.

94. Temporary Registration.- (1) Delegation of powers.- Subject to the provisions of sub-section (1) of Section 43 of the Act and rules (2) to (5) temporary certificate of registration may be issued by persons authorised for the purpose by the Registering Authority.

(2) *Application.-* An application for temporary registration shall be in form 20 appended to the Central Motor Vehicles Rules, 1989, and clearly marked "Temporary".

(3) *Form.-* A temporary certificate of registration shall be in Form "CR. TEM".

(4) *Intimation to Registering Authority concerned.-* The Authority granting a temporary certificate of registration shall in all cases forward a copy in Form "CR. TEM" to the Registering Authority in whose area the vehicle is to be ordinarily kept.

(5) *Assignment of mark.-*The Authority granting a temporary certificate of registration shall assign a temporary registration mark to the vehicle and the owner shall cause the said mark to be affixed to the front and rear of the motor vehicle in the manner prescribed for registration marks by the Central Government.

(6) *Fee.-*The fees for issue of temporary certificate of registration and for every extension of temporary certificate of registration as provided for in the proviso to sub-section (2) of Section 43 of the Act, shall be '(one hundred rupees)].

95. Reservation of fancy registration mark.- (1) Reservation of fancy registration mark shall be made for the registration of a new motor vehicle under Section 39 of the Act, or the assignment of a new registration mark under Section 47 of the Act] on an application made to the registering authority by the owner of a motor vehicle.

- 2) The Government may notify any further registration marks as reserved sub-rule (1) as notified in the annexure appended to the rules save those KL 15 series.
- 3) Any registration mark other than those notified under sub-rule (2) may also be reserved under sub-rule (1), if applied for, by any person.
- 4) Reservation of a registration mark may be made from among (from unallotted numbers and lapsed numbers] in a unit as may be assigned to each Regional Transport Office or Sub Regional Transport Office for a period of one week each, by the Transport Commissioner having regard to the quantum of registration in each such office and also for unallotted numbers pending from previous weeks.
- 5) An application under sub-rule (1) shall be made in Form-RFRMA appended to these rules and it shall be accompanied by the following:-
 - (i) TR 5 receipt/Computer generated cash receipt for the fee paid as specified in the annexure to these rules.
 - (ii) Temporary Registration Certificate and a true copy thereof (in the case of new motor vehicle):
Provided that for reserving a registration mark under Section 47 of the Act, proceedings issued by the Registering Authority/Additional Registering Authority to the effect that the said vehicle is fit for registration shall be produced.]
 - (iii) Proof of remittance of tax (in the case of non-transport vehicles only).

- (iv) Proof of the address of the applicant as laid down in Rule 4 of the Central Motor Vehicles Rules.
- (v) [xxxx]
- 6) All the eligible applications in respect of each registration mark received on or before the last working day of the week shall be put to auction, except when there is only one application, on the first working day of the succeeding week in the presence of the applicants or their nominees if any, in the manner specified by the Transport Commissioner.
- 7) The registration mark shall be allotted to the highest bidder only after remitting the bid amount immediately after the auction is over.]
- 8) Where there is only one applicant for a registration mark, it shall be allotted to that applicant (x x x x).
- 9) If the highest bidder under sub-rule (7) or the applicant referred to in sub-rule (8) fails or refuses to pay the amount offered by him, the registration mark shall not be allotted to him and the fee and the additional amount shall be forfeited and the registration mark shall be allotted to the next highest bidder, if any, who pays the amount in full.
- 10) If, for any reason, the vehicle for which a particular number has been reserved is not produced for registration within a period of five days from the date of auction/allotment of the number, such reservation shall cease to have effect and the reservation fee and the bid amount as the case may be, paid by the person in whose favour the number is reserved shall be forfeited:

Provided that an applicant, who has submitted application under Section 47 of the Act, shall be given seven days for reserving a registration mark from the date of order of the Registering Authority/Additional Registering Authority to the effect that the vehicle is fit for registration;]

- 11) The lapsed numbers under sub-rule (10) and the fancy number mentioned in the annexure for which no application has been received shall also be available for reservation immediately after all the numbers in the current series are exhausted, seven days starting from the very next day after the date on which the current series is exhausted, on payment of 3,000 which is not in addition to the amount prescribed in the annexure, as per the procedure laid down under sub-rule 5:

Provided that in such case if there is more than one applicant for a particular number, auction shall be conducted in the presence of the applicants or their nominee which time allotted to book the unallotted numbers is completed,

- 12) The lapsed numbers and the unreserved numbers under sub-rule (11) shall be allotted serially under normal procedures immediately after the prescribed period sub-rule (11)]
- 13) the fee paid for reserving fancy number shall be refunded by issuing Form T.R. 65 within three days from the date of auction.
- 14) The registration mark once allotted to a motor vehicle shall not be transferable to another vehicle]

96. Inspection of Vehicle prior to Registration.- (1) Inspecting Officer.-The Registering Authority, or such authority as the Government may by order appointed shall inspect the vehicle as required by Section 44 of the Act.

(2) *Production of Vehicle for inspection.-* The vehicle shall be produced for inspection along with the required documents for registration, before the inspecting officer, for a comparative

Scrutiny of the particulars contained in the application with the physical features of the vehicle, and for ascertaining its fitness for use in public place.

(3) *Report of Inspecting Officer.*-The inspecting officer after making modifications deemed necessary in the particulars contained in the application, shall certify therein regarding the correctness of the entries and the fitness of the vehicle:

Provided that in the case of a transport vehicle, or for any other vehicle of which the body is not factory-built or a stereo-typed pattern previously approved by the Registering Authority, he shall prepare and issue a measurement certificate in Form "MC" and a sketch showing therein the seating arrangements, dimensions and other relevant particulars under Chapter VII of these rules. The inspecting officer shall simultaneously forward a copy each of the measurement certificate and sketch to the concerned Registering Authority also.

97. Registration Certificate Issue of duplicate.- (1) Intimation to Registering Authority on loss or destruction.-If at any time a certificate of registration is lost or destroyed, or is not in the possession the owner for reasons beyond his control to be specified, the owner shall forthwith intimate the fact and apply for a duplicate certificate of registration in Form 21 to the original Registering Authority along with the fee prescribed by the Central Government.

(2) *Issue of duplicate on loss or destruction of original.*- Upon receipt of an application for issue of duplicate certificate of registration under sub-rule (1), the Authority may, after making such enquires it deems fit, issue a duplicate certificate of registration stamped "DUPLICATE" in red ink.

(3) *Issue of duplicate when the certificate of registration is completely written up, soiled, torn or defaced.*- When a certificate of registration is completely written up, soiled, torn or defaced, the owner may surrender such certificate to the original Registering Authority along with an application for the issue of a duplicate certificate. On receipt of such an application together with the certificate aforesaid and the prescribed fee the Authority shall issue a duplicate certificate of registration clearly marked "DUPLICATE" in red ink.

98. Renewal of certificate of Registration after the period of validity. – Where an application for renewal of certificate of registration in respect of a motor vehicle other than a transport vehicle is made after the date of expiry of the certificate of registration, it shall be renewed with effect from the date of endorsement of its renewal.

99. Intimation in respect of vehicles not registered within the State.-When any motor vehicle which is not registered in this State, and which is not exempted from registration under the provisions relating to Trade Certificates, has been kept within the State for a continuous period of 30 days, the owner or other person in charge of the vehicle shall send intimation to the Registering Authority of the area in which the motor vehicle is at the time of making the report, and shall intimate -

- (a) his name and permanent address and his address for the time being;
- (b) the registration mark of the vehicle;
- (c) the make and description of the vehicle; and
- (d) in the case of a transport vehicle, the name of the authority within the State by whom the permit has been issued or countersigned.

100. Transfer of ownership of a motor vehicle-communication of.- Communication of the transfer of ownership of a motor vehicle under sub-section (7) of Section 50 of the Act shall be in Form "CRTI".

101. Fee for endorsing transfer-exemption.- No fee shall be payable for endorsing transfer of ownership in the case of any vehicle, the ownership of which is transferred to the Government by reason of confiscation.

102. Compounding of Offences.-The amount payable in lieu of any action that may be taken under Section 177 read with '(x xx x]' sub-section (4) of Section 49 or sub-section (5) of Section 50. as the case may be, against the owner of the motor vehicle or any other person concerned, as the case may be, shall be as shown below:-

	<i>Period of delay</i>	<i>Amount</i>	
		<i>Transport Vehicles</i>	<i>Non-transport Vehicles</i>
(a)	In case the period of delay does not exceed three months	200	100
(b)	In case the period of delay exceeds three months but does not exceed six months	300	200
(c)	In case the period of delay exceeds six months)	500	300

103. Recording alteration to a motor vehicle.- (1) Ascertaining suitability of alteration The Registering Authority may require inspection of the vehicle by himself or by any other Inspector Motor Vehicles to satisfy that any alteration made is suitable. The owner of the vehicle shall, on demand, produce the vehicle for inspection,

(2) The Inspecting Officer shall prepare and issue a fresh measurement certificate in Form "MC" and a sketch showing therein the seating arrangement, dimensions, etc., as found on inspection in the following circumstance:

- (a) When consequent to any structural alteration made in a motor vehicle the particulars of registration noted in one or more of items 1, 3, 11, 13 & 19 of the certificate of registration are no longer accurate.
- (b) When consequent to any re-arrangement of loading space or seats, their position or dimensions are altered though such arrangement does not affect the registration particulars referred to in clause (a) above.

104. Certificate of Registration-Suspension of.- (1) *Authority to suspend.-* Any Magistrate, any Police Officer not below the rank of a Deputy Superintendent of Police, or any officer of the Motor Vehicles Department not below the rank of Regional Transport Officer may suspend the certificate of registration of a motor vehicle under Section 53 of the Act.

(2) *Inspection of Vehicles.-* An Inspector of Motor Vehicles may stop the operation of any motor vehicle, the use of which in a public place, in his opinion, is likely to constitute a danger to the public, and for this purpose examine such vehicle on a public road or on any premises where the vehicle is kept for the time being, and shall simultaneously give the owner, driver or person in charge of the vehicle a notice showing the reasons for such action.

105. Certificate of fitness.- (1) *Issuing Authority.-* A certificate of fitness under Section 56 of the Act, shall be granted or renewed by the Registering Authority or by any other Inspector of Motor Vehicles, or by an authorised testing station referred to in sub-section (2) thereof.

(2) *Form of application for grant or renewal.*- Application for the grant or renewal of a certificate of fitness shall be made to the Registering Authority, or to the Inspector of Motor vehicles, in whose functional area the vehicle is normally kept. Application for the grant of a certificate shall be in Form "CFA" and for the renewal of certificate in Form "CFRA":

Provided that no officer of the Motor Vehicles Department shall accept an application for the grant or renewal of certificate of fitness or other services, except for remittance of tax, with respect to a transport vehicle, unless the same is accompanied by a clearance certificate. "Form CC" from the original registering authority to the effect that the vehicle has no Government dues, arrears of Motor Vehicles Tax or any other legal action pending in that office:]

Provided '[further] that the Registering Authority or any other Registering Authority may. " satisfied on an application made to it in writing, that there are sufficient grounds, permit the inspection of any vehicle for the grant or renewal of a certificate of fitness by any other Inspector of Motor Vehicles.

(3) *Standard of Inspection.*- Before the issue or renewal of a certificate of fitness, the Registering Authority or the Registering Authority shall conduct a thorough inspection of all parts of the vehicle with particular reference to matters any specified by the Central Government, to the effect that they are in sound and satisfactory condition, and the vehicle in general complies with the requirements of the Act and rules made thereunder:

Provided that when minor defects are found on such inspection, the Registering Authority or Registering Authority may instead of refusing a certificate of fitness defer the issue or renewal of the Certificate, until the defects are satisfactorily rectified.

(4) *Production of vehicle for inspection.*-The owner of a vehicle shall, not less than one month before the date of expiry of the certificate, apply for its renewal and shall cause the vehicle to be produced for inspection on such date and at such time and place as the appropriate authority may thereafter on reasonable notice appoint:

Provided that the vehicle need not be so produced if the owner proposes not to renew the certificate or if the vehicle is transferred to and kept in the area of another Registering Authority Inspector of Motor Vehicles.

[x x x x).

(6) *One certificate for one vehicle.*- There shall not be more than one certificate of fitness in respect of any vehicle.

106. Transport Vehicles.-Inspecting officers.- All transport vehicles shall at all reasonable times be open to inspection by-

- (a) any Magistrate, or
- (b) any Police Officer not below the rank of Sub Inspector, or
- (c) any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector.

107. Unsafe vehicles-Restriction on use.- If the authority making the inspection considers that the vehicle is unsafe for ordinary use on the road, he shall record his reasons in Form CEX" and communicate them in writing to the owner if he is in the vehicle and if not, to the driver. Subject to the provisions of Rule 108, the vehicle shall not be used thereafter in a public place save for the purpose of being driven for inspection after repair, until the defects have been rectified to the satisfaction of the authority competent to issue or renew the certificate of fitness, provided that the

Inspecting Officer may, subject to such conditions as he thinks necessary, authorise the vehicle to be driven to a place of repair. A copy of the notice in Form "CFX" shall be sent to the Registering Authority of every District through which the vehicle runs.

108. Fresh certificate to be obtained.-If the vehicle is in a public place when it is found to be unsafe, the Inspecting Officer may permit it to be driven at a speed not exceeding sixteen kilometres an hour to its immediate destination or to a specified place for repair and thereafter it shall not be driven in any public place without the special permission of the Registering Authority or the Inspector of Motor Vehicles of the place to which it has been driven. The Registering Authority or the Inspector of Motor Vehicles may grant permission subject to such conditions as he thinks fit and may direct that a fresh certificate of fitness shall be obtained before the vehicle can be used in a public place. Such authority shall direct the owner or person in charge of the vehicle to produce the vehicle within a specified period not exceeding fourteen days for re-examination for issuing a fresh certificate of fitness, after repair.

109. Certificate of fitness-Cancellation.- (1) The Registering Authority or any Inspector of Motor Vehicles may cancel the certificate of fitness of a Transport Vehicle under sub-section (4) of Section 56 of the Act if in his opinion the vehicle does not comply with the provisions of the Act or the rules made thereunder.

(2) The authority cancelling a certificate of fitness under sub-rule (1) shall take possession of the certificate of fitness and give the owner or the person in charge of the motor vehicle a receipt therefor and a statement in writing of the reasons for such cancellation and shall, make a report of his action and forward the certificate to the authority by which it was issued or last renewed. If the authority cancelling a certificate of fitness is one other than the Registering Authority, he shall forthwith report the fact to the Registering Authority. The authority cancelling the certificate of fitness shall direct the owner or person in charge of the vehicle to produce the vehicle within a specified period not exceeding fourteen days for re-examination for issue of a fresh certificate of fitness, after repair.

110. Refusal to grant or renew-Reasons to be given.- The authority or the testing station refusing to grant or renew a certificate of fitness shall inform the owner of the vehicle the reason for such refusal in Form "CFRR", specifying therein a date not beyond fourteen days for production of the vehicle for re-examination for renewal of the certificate of fitness, after rectifying the defects.

111. Certificate of fitness lost or destroyed-Duplicate-Issue of.- (1) If a certificate of fitness is lost or destroyed the owner of the vehicle shall forthwith report the matter to the authority by whom the certificate was issued or last renewed and shall apply with a fee of "(hundred rupees) For the issue of a duplicate certificate:

Provided that the fee for issue of a duplicate certificate of fitness in respect of a motorised cycle-rickshaw shall be five rupees.

(2) The authority shall thereupon, issue a duplicate certificate duly stamped "DUPLICATE in red ink.

112. Appellate Authority.- (1) The authority empowered to hear appeals against the Order of the Registering Authority or Additional Registering Authority referred to in sub-section (4) of Section 57 or against any of the orders of any of the authorities empowered to suspend the registration under sub-rule (1) of Rule 104 shall be the Deputy Transport Commissioner of the concerned Zone or any other Deputy Transport Commissioner that the Transport Commissioner may nominate.

(2) The authority empowered to hear appeals against the orders of the Assistant Registering Authority, or the Assistant Motor Vehicles Inspector or any authorised testing station referred to in sub-section (1) of Section 57 shall be the Registering Authority.

113. Appeal form and fee.- (1) Any appeal under Rule 112 shall be in the form of a memorandum setting forth concisely the grounds of objections to the order which is the subject of appeal, and shall be accompanied by the original or a certified copy of that order. The memorandum of appeal shall be in duplicate, [and the fee for each appeal shall be one hundred rupees, payment made by means of treasury chalan to be enclosed with the Memorandum of Appeal.

(2) The Appellate Authority or the Registering Authority may on application, give any person interested in an appeal referred to in sub-rule (1), a certified copy of the order appealed against or of the copy of the appeal petition or of any other relevant document. The application shall be affixed with Court fee stamps of the value of five rupees for each such copy of the order, petition or document.

114. Particulars of registration-Supply of copies.-A Registering Authority or the Additional Registering Authorities may, on application by any person, supply copies of the particulars of any motor vehicle registered in the records maintained by him. [A fee of fifty rupees shall be paid for the supply of each copy of such document relating to each vehicle.]

115. State Register of Motor Vehicles-Maintenance of.- (1) The Transport Commissioner shall maintain the State Register of Motor Vehicles in respect of the motor vehicles in the State in the form and with the details prescribed by the Central Government under sub-section (1) of Section 63 of the Act. For this purpose, every Registering Authority shall maintain a similar register in respect of the vehicles registered by him and shall forward an extract of the register to the Transport Commissioner at such intervals as may be specified by him. The details so furnished by the Registering Authorities shall form the basis of the particulars to be included in the State Register.

(2) The Register shall be a bound volume with pages consecutively numbered. The Transport Commissioner shall supply and extract of the register to the Central Government and shall also inform all additions and other amendments made thereto from time to time.

116. (1) Stolen vehicles and stolen vehicles recovered - Information furnishing of.- The Inspector General of Police (General) shall furnish in Form "VSSVR" to the State Transport Authority a fortnightly return containing the information regarding vehicles which have been stolen and stolen vehicles which have been recovered of which the police are aware.

(2) The Secretary, State Transport Authority shall communicate the information received under sub-rule (1) to all the Registering Authorities in the State from time to time.

CHAPTER V

CONTROL OF TRANSPORT VEHICLES

117. Necessity for permit.- (1) A permit under sub-section (1) of Section 66 of the Act shall be necessary in the case of any motor vehicle (other than an omni bus for private use) adapted to carry more than nine persons excluding the driver referred to in sub-section (4) of Section 66 of the Act unless specifically exempted by a notification issued by the Government.

(2) *Exemption.-* A permit under sub-section (1) of Section 66 of the Act shall not be necessary to any transport vehicle used for the following public purposes:-

- (a) for elections conducted by the Central or State Government or by any local authority commanded under the law for the time being in force;
- (b) for partaking in any procession of national importance sponsored by the Government such as in connection with the Independence Day, the Republic Day, etc.
- (c) for the transport of personnel, luggage, camp equipments, provisions etc. of organisations such as National Volunteer Force, National Cadet Corps, Auxiliary Cadet Corps, Boy Scouts and Girl Guides under authorisation in writing issued by the Collector of the District or the Secretary of the concerned Regional Transport Authority or the Secretary, State Transport Authority;:
- (d) for propaganda work for the removal of untouchability by the Harijan Sevak Sangh,
- (e) for motor vehicles employed on defence purposes on interstate routes, provided that the driver or any other person in charge of the vehicle, carries with him a certificate signed by a District Magistrate or Area Commanding Officer to the effect that the vehicle is used for defence purposes.

118. Members of Transport Authorities who are officials of Government.- Every member of the State Transport Authority and Regional Transport Authorities who is an official of Government shall hold office from the date on which his appointment as such member is notified in the Gazette and shall continue to function as such until by Notification in the Gazette he is replaced or his membership is terminated.

119. Members of Transport Authorities who are not officials of Government.- Every member of the State Transport Authority and the Regional Transport Authorities who is not an official of Government shall subject to the provisions of Rule 120 hold office from the date on which his appointment as such is notified in the Gazette and shall continue as such until it is terminated by Government either by the appointment of a successor or by the reconstitution of the Authority or by any other order issued by Government specifically in this behalf.

120. Removal of members who are not officials of Government.- Any member of State or a Regional Transport Authority who is not an official of Government and who does not attend any three consecutive meetings of the Authority without leave of absence shall cease to hold office. The Government may also terminate the appointment of such a member for good and sufficient reasons.

121. Regional Transport Authorities-Secretary to the Regional Transport Authority. - (1) The Regional Transport Officer of a Region shall be the Secretary to that Regional Transport Authority and its Executive Officer.

When the Joint Regional Transport Officer is placed in full additional charge of Regional Transport Officer, he shall exercise the powers and functions exercisable by the Secretary to the Regional Transport Authority.

122. Correspondence to the Authority.- All communications intended for consideration of a Regional Transport Authority shall be addressed to the Secretary of that Authority.

123. Meetings of Regional Transport Authority.- (1) A Regional Transport Authority may meet once a month on such date, time and place as may be fixed by the Chairman, and also on such other necessary occasions as may be determined by the Chairman for the dispatch of business.

(2) Adequate notice of such meetings and of the business to be transacted thereat shall be given for the information of such persons who, in the opinion of the Regional Transport Authority

or of its Secretary, may reasonably have a claim to be permitted to attend the meeting for the purpose of making representations.

124. Service of communications to parties,- (1) Any communication issued by the Transport Authorities or the executive officers of such authorities or by the Government or by the Tribunal in respect of matters falling under Chapter V of the Motor Vehicles Act, 1988, may be served by executive officers of the Transport Authorities or by any other officer authorised by them in this behalf, by any one of the following methods, namely:-

- (a) by delivery or tender of a copy of the communication to the addressee,
- (b) by recorded delivery or under certificate of posting;
- (c) by registered post:

Provided that if upon an attempt having been made to serve the communication by any of the above mentioned methods, the serving officer is satisfied that the addressee is avoiding service or that for any other reason, the communication cannot be served by any of the methods, the executive officer of the Transport Authority concerned shall order the service of the communication by affixing a copy thereof on some conspicuous part of the addressee's last place of business or garage as notified by him or where the addressee habitually resides and such service shall be as valid as if the addressee has acknowledged in writing,

(2) When the serving officer delivers or tenders a copy of the communication to the addressee personally, his acknowledgement of the receipt thereof shall be got endorsed on the original communication.

125. Quorum.- No business shall be transacted at a meeting of the Regional Transport Authority unless there be present at such meeting the Chairman and one other member of that Authority except when the Regional Transport Authority is constituted to consist of only one member.

126. Actions of the Authority during vacancy in membership.- No act of the Regional Transport Authority shall be deemed to be invalid by reason of its having been done during the period in which the office of any member was vacant.

127. Agenda.- The Secretary shall, under the general or special instructions of the Chairman, place before the Regional Transport Authority all matters which it is to decide.

128. Hearing of representations by the Regional Transport Authority.- In any case in which a person has a right to be heard according to the provisions of the Act or of these rules he may appear either in person or by an authorised representative when his personal appearance is specifically required.

129. Decision of the Regional Transport Authority.- All questions which may come before the Regional Transport Authority at any meeting shall be decided by a majority of the Members present and voting at the meeting and in every case of equality of votes, the Chairman shall have and exercise a second or casting vote.

130. Circulation of papers.- (1) In case of urgency, orders may be taken by the Secretary after getting the approval of the Chairman by circulating papers to the members of the Regional Transport Authority unless any person has a right to be heard in accordance with the provisions of the Act and of these rules. Where papers are circulated, it is open to any member to require that the matter shall be discussed at a meeting of the Authority.

(2) Nothing contained in sub-rule (1) shall prevent the Regional Transport Authority from deciding by the procedure of circulation any matter which has been considered at a meeting or has been the subject of a hearing and upon which a decision has been reserved.

131. Executive Officer to give effect to decisions.- All decisions of the Regional Transport Authority shall be given effect to by the Secretary expeditiously.

132. Appointment of persons to authenticate documents.- The Secretary may, with the approval of the Regional Transport Authority., authorise any official to authenticate documents and perform other duties on his behalf.

133. Power of Regional Transport Authority-Delegation to Secretary.- (1) The Regional Transport Authority may, for the prompt and convenient despatch of business, by general or special resolution delegate to the Secretary, any or all of the following functions.-

- (a) power under Sections 71 and 72 of the Act to grant but not to refuse a stage carriage permit when the number of stage carriages are not fixed under clause (a) of sub-section (3) of Section 71 of the Act;
- (b) power to attach to a stage carriage permit conditions under sub-section (2) of JaMod (a) Section 72 of the Act or any prescribed conditions;
- (c) power under Sections 73 and 74 of the Act to grant or refuse a contract carriage permit where the number of contract carriages are not fixed under clause (a) of sub-section (3) of Section 74 of the Act and power under sub-section (2) of Section 74 of the Act to attach conditions to a contract carriage permit;
- (d) power under Section 76 of the Act to grant or refuse a private service vehicle permit and power under sub-section (3) of Section 76 of the Act to attach conditions to such permits;
- (e) power under Sections 78 and 79 of the Act to grant or refuse a goods carriage permit and power under sub-section (2) of Section 79 of the Act to attach conditions to a goods carriage permit;
- (f) power to entertain a belated application for renewal of permit under sub-section (S) of Section 81;
- (g) power to renew or refuse to renew a permit under Section 81 of the Act and power to countersign or refuse to countersign a permit under Section 88 of the Act:

Provided however that this power does not extend to refusing either to renew or to countersign a stage carriage permit.

- (h) power under sub-section (1) of Section 82 of the Act to transfer or refuse to transfer a permit save in the case of stage carriages and power under sub-section (3) of Section 82 of the Act in respect of all vehicles on the death of a permit holder,
- (i) power under Section B3 of the Act to allow replacement of one vehicle by another,
- (j) power under Section B7 of the Act to grant or refuse a temporary permit;
- (k) power to refuse to entertain applications for grant or renewal of permits and for grant of counter-signature of permits when such applications are not in accordance with the provisions of the Act and of the rules made thereunder or are inadmissible under any orders passed by the State or Regional Transport Authority in exercise of their powers under the Act;
- (l) power under Section 103 of the Act to grant permits to the State Transport Undertakings;
- (m) power to grant temporary permit under sub-section (7) of Section 88 of the Act,
- (n) power to grant special permit under sub-section (8) of Section 88 of the Act.

(na) power to grant national permit in respect of goods carriages under sub-section (12) of Section 88 of the Act and authorisation for such permit:)

- (o) power under Section 86 of the Act to suspend a permit, power under sub-section (4) of Section 88 of the Act read with Section 86 of the Act to suspend counter-signature of permits and power under sub-section (5) of Section 86 of the Act to recover from the holder of the permit a sum of money agreed upon to pay, lieu of suspension of permit or suspension of counter-signature of permit;
- (p) power to vary the conditions of the permit specified under sub-section (3) of Section 80 of the Act;
- (q) power to fix the number of standing passengers the vehicle may be permitted to carry, or the permit holder may be required to carry, in any public service vehicle other than a motor cab under sub-rule (2) of Rule 267;
- (r) power to approve fare table with or without modification in respect of a stage carriage.
- (s) power to grant permission for advertisement or writing on vehicles under Rule 191.]

2) (a) The Regional Transport Authority may by general resolution delegate to the Additional District Magistrate (Executive) the power under Section 87 of the Act to grant a temporary permit or a transport vehicle for a specified journey in any emergency;

(b) The Additional District Magistrate shall make a report of the action taken by him in exercise of the power delegated under sub-rule (a) to the Secretary of the Regional Transport Authority who shall place such reports before the Authority at its next meeting.

3) The Regional Transport Authority may by resolution delegate to the Joint Regional Transport Officer of the region and to the Joint Regional Transport Officer of the Sub-Regional Transport Office all or any of the powers that may be delegated to the Secretary under sub-rule (1) subject to the conditions specified in the resolution.

4) The Regional Transport Authority may, by general resolution, delegate to its Chairman, the power to grant prior concurrence referred to in sub-rule (c) of Rule 170.

5) The Regional Transport Authority may, by general resolution, delegate to the Motor Vehicle Inspectors of the border check-posts of the region, the power under Section 87 of the Act to grant or refuse a temporary permit for short term for 7 days/30 days to goods carriages arriving from other States to operate in this [State, the power] under Rule 166 to issue endorsements on primary permits issued to public service vehicles of other States to operate for one round trip in this State [and also the power to grant or refuse a special permit under sub-section (8) of Section 88 of the Act in relation to vehicles proceeding to places outside the State].

134. Orders of delegation and authorisation to be published.- All orders of delegation of power made by the Regional Transport Authority under Rule 133 and all orders of authorisation made under Rule 132 shall be posted on the notice board at the office of the Authority and shall be published in the Gazette.

135. Instructions for exercising delegated powers.- The Regional Transport Authority may give general instructions as to the manner in which the Secretary or the Joint Regional Transport Officer or the Motor Vehicles Inspectors of the boarder check-posts shall exercise the powers delegated to them.

136. Report of action taken under the delegated powers.- The Secretary shall place before the meeting of the Regional Transport Authority a report in writing of all action taken by him, the

Joint Regional Transport Officers and the Motor Vehicle Inspectors of the border check-posts since the date of last meeting under the powers delegated to each of them.

137. State Transport Authority- Secretary to the State Transport Authority.- (1) The Seniormost Senior Deputy Transport Commissioner shall be the Secretary to the State Transport Authority and shall be its executive officer.

(2) Any Assistant Transport Commissioner attached to the Transport Commissioner's Office, any Assistant Secretary, State Transport Authority and the Regional Transport Officer (Nationalised Sector) shall exercise such powers and perform such functions of the Secretary to the State Transport Authority as may be delegated to him by the State Transport Authority and subject to such conditions or restrictions as may be specified by the State Transport Authority from time to time.

138. Delegation of powers of the State Transport Authority.- The State Transport Authority may, for the prompt and convenient despatch of its business, by general or special resolution delegate:

1) To its Secretary:-

All or any of the powers vested in it provided that no delegation shall be made in respect of the following:-

- (a) power under clause (a) of sub-section (3) of Section 68 of the Act, to co-ordinate and regulate the activities of the Regional Transport Authorities;
- (b) power under clause (c) of sub-section (3) of Section 68 of the Act, to settle disputes of differences of opinion between the Regional Transport Authorities;
- (c) power under sub-section (4) of Section 68 of the Act, to issue directions to the Regional Transport Authorities;
- (d) power under Sections 71 and 72 of the Act to refuse stage carriage permits; Sections 73 and 74 of the Act to refuse contract carriage permits; Jamod (a)
- (e) power under Section 86 of the Act to cancel a permit.

2) To its Chairman:-

(a) all the powers that may be delegated to the Secretary under sub-rule (1):

Provided that in cases where the Chairman and the Secretary have both been delegated with the same powers of the State Transport Authority, the Secretary shall not exercise the powers which are exercised by the Chairman.

3) **To the Regional Transport Officers.-** All the powers that may be delegated to the Secretary under sub-rule (1):

Provided that cases where the Chairman, Secretary and the Regional Transport Officers have been delegated with the same powers of the State Transport Authority, the Regional Transport Officers shall not exercise the powers which are exercised by the Chairman or the Secretary.]

139. (1) Meeting of the State Transport Authority.- The State Transport Authority may meet once in two months on such date, the time and place as may be fixed by the Chairman and also on such other occasions as may be determined by the Chairman.

(2) *Quorum.*- No business shall be transacted at a meeting of the State Transport Authority unless there be present at such meeting the Chairman and at least two other members except when the State Transport Authority is constituted to consist of only one member.

140. Conduct of Business.- Rules 122, 123 (2), 126, 127, 128, 129, 130, 131, 132, 134, 135 and 136 shall as far as may be, apply to the conduct of business by the State Transport Authority.

141. Appeals and Revision Petitions.- (1) Time limit for filing.- An Appeal under Section 89 of the Act shall be filed within 30 days of the receipt of the order appealed against and an application for revision under Section 90 of the Act shall be presented to the State Transport Appellate Tribunal within 30 days of the date of the order against which the application is preferred:

Provided that where an appeal petition or an application for revision is presented to the Tribunal within the said period but is returned by the Tribunal for representation in the prescribed manner and it such petition or application is re-presented within 15 days in the manner prescribed it shall be deemed to have been presented within the prescribed time for the purpose of this rule.

(2) Fees.-A fee of [one thousand rupees] shall be paid in respect of each appeal and the fee payable in respect of each application for revision shall be [one thousand rupees], payment being made Dy rmeans of Treasury chalans to be enclosed with the memorandum of appeal or application of revision.

(3) Manner of filing appeal or revision.- No appeal or revision petition shall relate to more trăn one order. Every appeal or revision petition shall be presented to the Tribunal as provided in the Kerala State Transport Appellate Tribunal Rules, 1988.

142. Levy of fees for supply of copies of documents.- The State Transport Appellate ounal, the Secretary, State Transport Authority or the Secretary Regional Transport Authority may pplication give any person interested in an appeal or a revision a certified copy of the order ppealed against which a revision petition is preferred or of the appeal or revision petition or any oher relevant document. The application shall be affixed with Court fee stamps of the value of fifty Tupees] for each such copy of the order, petition or document.

143. Application for permits.- The application for a permit shall be in the following form

(a) stage carriage	..	Form	P.St.S.A
(b) contract carriage	..	"	P.Co.S.A
(c) private service vehicle permit	..	"	P.Pr.S.A
(d) goods carriage	..	"	P.Gd.S.A
(e) temporary permit	..	"	P.Tem.A
(f) special permit under Section 88(8) of the Act.	..	"	P.Sp.A

144. Form of Permits.- Permits shall be issued in the following forms:-

(a) stage carriage	..	Form	P.St.
(b) contract carriage	..	"	P.Co.
(c) private service vehicle permit	..	"	P.Pr.S.
(d) goods carriage	..	"	P.Gd.
(e) temporary permit	..	"	P.Tem.
(f) special permit under Section 88(8) of the Act.	..	"	P.Sp.

145. Grant variation suspension or cancellation of stage carriage permits – Guiding principles.- (1) Where the number of stage carriages are fixed under clause (a) of sub-section (3) of Section 71 of the Act, in considering the application for stage carriage permits, the applicant shall first

be screened and those who are found to be unsuitable on one or more of the following grounds shall be disqualified, reason being given for the decision of the Transport Authority whenever an applicant is disqualified.

(i) Financial instability as evidenced by insolvency decrees remaining undischarged for a period of 12 months prior to the date on which the application is made or failure to produce clearance certificate relating to income tax or motor vehicle tax in respect of vehicles owned by or in the possession of the applicant:

Provided that the purchase of a vehicle by money borrowed or under a hire-purchase or hypothecation agreement shall not be a disqualification by itself.

(ii) If the history sheet of the applicant as an operator of stage carriage service is not clean and contains more than six entries relating to punishments/compounding for the following offences committed within twenty-four months preceding the date of actual consideration of the application, namely:-

- (a) Plying without permit;
 - (b) Plying without payment of tax;
 - (c) Plying on unauthorised route and making unauthorised trips; and
 - (d) Plying without fitness certificate.
- (iii) If there is evidence that the applicant has been trafficking in permits.

(2) For the purpose of enabling the Transport Authority to screen the applicant, each applicant shall, along with his application, produce clearance certificates relating to payment of income-tax and motor vehicle tax including arrears of vehicle tax, if any, in respect of vehicles owned by or in the possession of the applicant.

(3) After eliminating the applicants in the manner laid down in sub-rule (1) marks shall be awarded as follows for assessing the eligibility of the applicants for the grant of permits.

A. Sector or Residential qualifications:

- (i) Four marks may be awarded to the applicant who has his place of business or residence along or close to the route applied for.
- (ii) Marks may be awarded to the applicant who has sector qualification on the route applied for, as follows:-
 - (a) Where the sector qualification is between 1 per cent and 25 per cent of the total distance of the route applied for, one mark;
 - (b) Where the sector qualification is between 26 per cent and 50 per cent of the total distance of the route applied for, two marks;
 - (c) Where the sector qualification is between 51 per cent and 75 per cent of the total distance of the route applied for, three marks;
 - (d) Where the sector qualification is above 75 per cent of the total distance of the route applied for, four marks;

B. Business or Technical Experience in the field of Stage Carriage Operation:

- (i) Three marks may be awarded to an applicant operating stage carriages throughout the State in such a manner as to provide an efficient, adequate, economical and co-ordinated system of road transport services in the State;
- (ii) One mark may be awarded to other applicants who have experience of more than one year in the operation of stage carriages.

(4) Applications finalised under sub-rule (2) shall then be disposed of in accordance with Section 71 of the Act:

Provided that if the permit is granted not in accordance with the marks, the reasons for the same shall be mentioned in the order.

(5) All orders passed by the Transport Authority as above shall be accompanied by a tabular statement of the marks awarded to each applicant and the reason for eliminating any of the applicant.

(6) The Transport Authorities shall, in deciding whether to vary or extend a route, have regard to the following matters, namely:-

Variation of extension of route may be allowed when-

- (i) new circumstances have arisen since the route was decided, such as the construction of a bridge, or road;
- (ii) the transport requirements of the area to be served were overlooked or have changed.

(7) Transport Authorities shall, in deciding whether to grant or refuse additional trips or change of timings, have regard to the following matters, namely:-

- (i) need for provision of additional facilities or for revision of existing timings in the interest of public;
- (ii) Special circumstances, such as changes in the railway timings, changes in the number of permits either on the route or on the sectors of the route, or variation of routes:

Provided that whenever rotation of timings is to be enforced, stage carriages carrying mails shall be excluded in the public interest, and the rotation shall be enforced only in respect of the other stage carriages on the particular route.

(8) The Transport Authority shall, in deciding whether to suspend or cancel a stage carriage Permit under Section 86 of the Act, have regard to the following matters:-

- (i) the gravity of the offence;
- (ii) the fact that the permit holder has committed the same or similar offence in respect of the vehicle on one or more occasions previously; and
- (iii) the state of history sheet of the permit holder indicating that any lesser punishment will be ineffective.

146. Reservation of permits for the Scheduled Castes and Scheduled Tribes.- (1) When the number of stage carriages are fixed under clause (a) of sub-section (3) of Section 71 of the Act, 10 per cent of the vacancies available shall be reserved for Scheduled Castes and Scheduled Tribes and the quota so reserved shall be filled up by allotting one in every ten permits sanctioned.

Provided that where any stage carriage permit is to be granted from the quota reserved for Scheduled Castes and/or Scheduled Tribes to any co-operative society registered or deemed to have been registered under any enactment in force for the time being no permit shall be granted to such society unless all the members of the co-operative society belong to Scheduled Castes and or Scheduled Tribes.

147. Permit conditions-Attachment of.- The State or Regional Transport Authority granting a permit may attach to it any one or more of the conditions provided for in the Act or prescribed these rules.

148. Payment of tax.- It shall be a condition of every permit that the vehicle specified in it shall not be used on any public road unless the tax due in respect of such vehicle has been paid in accordance with the provisions of the Motor Vehicles taxation Act for the time being in force and when a Transport Authority has suspended a permit for non-payment of tax the order of suspension shall be in force only as long as the tax remains unpaid and shall be inoperative immediately on payment of the tax due on the vehicle.

149. Carriage of mail in stage carriages.- (1) It shall be a condition of every stage carriage permit that the permit holder shall-

- (a) Carry post mails in the vehicle, when required to do so by the Transport Authority which has issued or countersigned the permit;
- (b) Execute and register at his expense, an agreement in the form prescribed by the Postal Department to carry the mails and adhere to the conditions in such agreement including the deposit of the required security.

(2) The subsidy to be paid by the Postal Department to the permit holder shall be as determined by the Transport Authority.

(149A. Stage Carriages to stop between 6.30 p.m. and 6 a.m. at the place of request "(by any lady passenger or a person with disability or a senior citizen).- It shall be a condition of every stage carriage permit for plying as stage carriage in the State that such stage carriage shall be stopped at any place en route between 6.30 p.m. and 6 a.m. and a reasonable time shall be allowed to alight, as may be requested (by any lady passenger or a person with disability or a senior citizen in the vehicle]

150. Goods prohibited to be carried in vehicles.-It shall be a condition of every permit of a Transport vehicle that there shall not be in the vehicle even when it is stationary any class or description of goods contrary to the provisions of any law, rule, bye-law or order relating to the import, export or transport of goods.

151. First aid box.- It shall be a condition of the permit relating to a Transport vehicle that the vehicle shall carry a first aid box containing the following articles:-

- (i) Six small sterilized dressings.
- (ii) Three medium size sterilized dressings.
- (iii) Three large size sterilized dressings.
- (iv) Three large size sterilized burn dressings.
- (v) One bottle of two per cent alcoholic solution of iodine.
- (vi) One bottle of salvolatile.
- (vii) A snake bite lancet.
- (viii) One bottle of pottassium permanganate crystals.
- (ix) One pair scissors.
- (x) A copy of approved First Aid leaflet.
- (xi) 50 ml. medicine glass
- (xii) Sterilized cotton wool-2 in number of 25 grams packets.
- (xiii) An empty bottle fitted with cork and camel hair brush for eye drops.

[Provided that the first aid box provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev.1)-2008 as amended from time to time.]

151A Provision of Vehicle Location Tracking Device.- (1) All public service vehicles, as defined under clause (35) of section 2 of the Act shall be equipped with or fitted with vehicle location

tracking device and one or more emergency buttons and all goods carriage vehicles shall be provided with location tracking device:

Provided that this rule shall not apply to the following category of vehicles, namely:-

- (i) two wheeler; be
- (ii) E-rickshaw;
- (iii) three wheelers; and
- (iv) any transport vehicle for which no permit is required under the Act.

(2) The specifications, testing and certification of vehicle location tracking device referred in sub-rule (1) shall be in accordance with AIS-140:2016, as amended from time to time, till such time the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986).

(3) The vehicle location tracking device referred to in sub-rule (1) shall be fitted by the manufacturer or their dealer or the respective operator, as the case may be, in accordance with AIS-140:2016, as amended from time till such time the corresponding BIS specifications are notified under the Bureau of Indian Standards Act, 1986 (63 of 1986)

152. Failure to use transport vehicle.- It shall be a condition of the permit of every transport vehicle (other than a private service vehicle permit) that the vehicle shall be so maintained as to be available for the service for which the permit was granted, for the entire period of currency of the permit and that the permit is liable to be suspended or cancelled, after due notice to the permit holder in the case of a stage carriage unless a reserve bus duly authorised in this behalf has conducted substitute service in the place of the route-bus which defaulted service, and for a continuous period of fifteen days or more in the case of other transport vehicles, during the period for which the permit authorises the use of the vehicle on the road, unless the State or Regional Transport Authority is satisfied that the permit holder was prevented by sufficient cause from running the service or that the permit holder had obtained the previous permission of the State or Regional Transport Authority to suspend the service for such period during which the vehicle was not operated.

153. It shall be a condition of the permit of every transport vehicle, that the holder thereof.-

(1) Shall ensure that the vehicle is driven only by a driver duly authorised in this behalf by the Act and the rules issued thereunder,

(2) shall exercise effective supervision over the work of all his employees to ensure operation of the vehicle in conformity with the Act and the rules issued there under;

(3) shall be responsible for the conduct of the driver and other employees; and

(4) shall not use the vehicle or cause or allow it to be used in the commission of any offence under the Indian Penal Code or any local or special law or any statutory control order, for the time being in force.

(5) shall display the name, age, address and contact numbers driver in white colour along with his photograph inside the vehicle at a prominent place]

(153A. Permit holder to furnish details of the persons employed in his stage carriage.- Every holder of a stage carriage permit shall furnish to the authority issuing the permit up-to-date details regarding the name, address, designation and duties of the persons employed by him in the said stage carriage.

153B. Duties and functions of the persons other than the Conductor and the Driver of a stage carriage.- (1) Without prejudice to other provisions of these rules, any person, other than the conductor and the driver employed in a stage carriage, while on duty,-

- (i) shall as far as may be reasonably possible having regard to his duties, be responsible for the due observance of the provisions of the Act and of these rules;
- (ii) shall behave in a civil and orderly manner to passengers and intending passengers;
- (iii) shall not smoke or chew pan or take or to be under the influence of any intoxicating drink or drug;
- (iv) shall not solicit customers;
- (v) shall not interfere with persons entering or preparing to enter any vehicle;
- (vi) shall not cause or allow anything to be placed in the vehicle in such a manner as to obstruct the entry or exit of passengers;
- (vii) shall not position himself at the entrance or the exit of the carriage causing obstruction or any other kind of nuisance to the passengers or the intending passengers.

153C. Uniform to be worn by persons other than the conductor and the driver of a stage carriage.- Any person other than the conductor and the driver employed in a stage carriage, referred to in Rule 153B, shall while on duty wear the uniform and name badge, as may be specified by the Transport Commissioner.]

(153D. Conditions for the grant of the permit of Educational Institution Buses.- It shall be a condition of the permit of every Educational Institution Bus or transport vehicle which is used for the transportation of school children, that the holder thereof shall ensure that,-

- (i) if the vehicle used for transportation of school children is a hired vehicle, a board showing the words "On School Duty" written conspicuously in blue letter on white background is exhibited at the top of the front and rear ends of the vehicle;
- (ii) the vehicle has a First-Aid Box as provided under Rule 151 of the Kerala Motor Vehicles Rules, 1989;
- (iii) (i) the windows of such vehicles are fitted with horizontal grills;
- (iv) there is a fire extinguisher in the vehicle;
- (v) the name and the Telephone number of the Educational Institution is written at a prominent place on the vehicle;
- (vi) the doors of such vehicles are fitted with reliable locks;
- (vii) there is ample space under the seats for keeping school bags safely;
- (viii) there is a qualified attendant in the vehicle to attend to children;
- (ix) any parents/guardian or teacher shall travel in such vehicle to ensure the safety norms;
- (x) the driver must have an experience of at least ten years in the class of vehicle in which he intends to carry school children;
- (xi) a driver who has been (punished/convicted) more than twice in a year for offences like red light jumping, violation of lane discipline or allowing unauthorised person to drive is not employed;
- (xii) a driver who have been punished/convicted even once for the offence of speeding, drunken driving or dangerous driving under Sections 279, 337, 338 and 304A of the Indian Penal Code, 1960 (Central Act 45 of 1860) is not employed:]

- (xiii) the details of those who travel in the bus are kept in the vehicle and such details contain name of the traveller, name of the guardian, address and telephone number/mobile number for contact and said list is properly laminated;
- (xiv) the vehicle is subjected to surprise checking by the school authority/office bearers of Parents-Teachers Association in order to watch the behaviour/nature of services rendered by the crew of such vehicle.]

154. Carriage of goods in stage and contract carriages.- (1) No goods liable to foul the interior of the vehicle or to render it insanitary, shall be carried at any time in any stage carriage or contract carriage;

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

(3) The Regional or State Transport Authority may specify in a stage carriage or contract carriage permit the maximum weight of passengers luggage and goods which may be carried in addition to passengers;

4) If a permit holder uses a stage carriage for the carriage of goods to the detriment of the convenience by failing thereby to meet the demands for passenger transport, the Regional or State Transport Authority may, after giving the holder an opportunity of being heard, declare that a breach of the condition of the permit has occurred and may thereafter proceed under the provisions

(5) A contract carriage permit may authorise the use of a vehicle for the carriage of personal or house-hold effects of a hirer but not the carriage of general merchandise;

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

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

155. Exhibition of fare table in contract carriages.- It shall be a condition of the permit of every contract carriage that a fare table shall be exhibited in a glass frame behind the seat of the driver so that the same is clearly visible to the passengers. The fare table so exhibited shall also state that complaints against demand of excess fare or other similar complaints may be made to the Local Regional Transport Officer or Sub-Inspector of Police in charge of the nearest Police Station or any higher officers of the respective departments.

156. Contract carriages to be stationed at the place specified in the permit.- It shall be a condition of the permit of every contract carriage that the vehicle shall normally be stationed at the place specified in the permit by the Transport Authority granting the permit.

157. Trips by goods carriages.- The State or Regional Transport Authority may specify in any goods carriage permit as a condition thereof the maximum distance generally or the number of trips in specified routes which the vehicle may perform per day.

158. Furnishing of returns.- The periodical returns, statistics and other information referred to in clause (xxi) of sub-section (2) of Section 72 and clause (vi) of sub-section (2) of Section 79 of the Act shall be in the following form:-

(a) for stage carriages	..	S.C.R.S.
(b) for goods carriages	..	P.C.R.S.

The periodical returns, statistics and other information shall be furnished quarterly by the holder of the permit within thirty days of the expiry of the concerned quarter to the Transport Authority which issued or renewed the permit and in the case of an inter-state permit, to the Transport authority which countersigned the permit.

159. Permits-entry of registration marks compulsory.- Time for entry.-(1) No permit shall be issued before entering the registration mark of the vehicle to which it relates has been entered therein.

(2) When the applicant is unable to produce the certificate of registration on the date of his application for permit, owing to the fact that he is not on that date in possession of the vehicle duly registered, or for some other reason, the applicant shall within one month of the sanctioning of the application by the Transport Authority or such longer period or periods not exceeding four months in the aggregate as the Authority may specify, produce the certificate of registration of the vehicle before that Authority so that the particulars of the registration mark may be entered in the permit. In the event of any applicant failing to produce the certificate of registration within the period specified by the Transport Authority, the Authority may revoke its sanction of the application.

(3) The power vested in a Transport Authority under sub-rule (2) shall also be exercised by 921

160. Temporary permits-Use of unregistered vehicle not authorised.- Nothing contained in a temporary permit shall be deemed to authorise the use of any vehicle which is not duly registered or in respect of which there is not in existence a valid certificate of fitness or which otherwise contravenes any of the provisions of the Act or the rules thereunder.

161. Temporary or Special permit to be exhibited.- The holder of a permit shall cause the temporary or special permit, as the case may be, to be carried in a glazed frame or other suitable container carried in or affixed to the interior of the vehicle in such a way as to maintain it in a clean and legible condition readily available for inspection at any time by any authorised person.

162. Goods Carriage record.- (1) Every driver of a goods carriage shall keep and the owner of every goods carriage shall cause to be kept in English, Malayalam or Tamil (in Palghat, Idukki and Thiruvandrum Districts) or in Kannada (for Kasargod District only) a record in Form "GCR" which shall give in respect of each day on which the driver was employed in driving, the information prescribed in the form. The record in Form "GCR" shall be maintained in bound volume containing 99 pages in triplicate in three parts. Each part shall contain 33 pages numbered serially from 1 to 33 in each with a separate sheet in between two parts. The first part shall be used for the first month, the second part shall be used for the second month and the third part shall be used for the third month of the quarter.

(2) Each item of information required by Form "GCR" shall be entered in the record as soon as the particulars to be recorded are ascertained.

(3) The record in Form "GCR" shall be carried by the driver until he has completed his work for the period to which the record relates, and shall while in his custody be open to inspection by any person authorised to inspect a goods carriage. The driver shall deliver the record to the owner of the vehicle within seven days of the expiry of the period to which the record relates.

(4) The owner of the vehicle shall preserve the record in Form "GCR" for two years after the expiry of the period to which it relates and shall produce for inspection at any time within that

period on demand by the Secretary of the Regional or State Transport Authority, or any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector, or by a Police Officer not below the rank of Sub-Inspector.

163. Temporary authorisation in lieu of permit.- (1) Save when rendered or deemed to be invalid requiring stoppage of the service of the vehicle the permit is temporarily surrendered any authority the authority shall furnish to the permit holder a receipt for the permit and temporary authorisation in Form "Tem.P.A." to ply the vehicle during such period as may be specified in the said temporary authorisation, and during the said period the production of the temporary authorisation demand shall be deemed to be the production of the permit:

Provided that the authority by which the temporary authorisation was granted shall extend the period for which the temporary authorisation is to remain valid until the permit is returned, but such extension shall not be beyond the period of the validity of the permit.

(2) Until the permit referred to in sub-rule (1) has been returned to the holder thereof the vehicle concerned shall not ply beyond the period as specified in the temporary authorisation referred to in sub-rule (1) or, as the case may be, as extended under the proviso to that sub-rule.

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

(4) The holder of the permit shall surrender the temporary authorisation on return of the permit or on demand by any competent authority for reasons to be communicated in writing whichever is earlier.

164. Application fee for permit.- The fee in respect of an application for grant or renewal of a permit shall be-

	Permit	Temporary Permit
(a) Contract Carriages:-		
(i) Autorickshaw, Motorised Cycle Rickshaw	300	Nil
(ii) Motor cab	700	Nil
(iii) Maxi cab	2000	200
(iv) Contract carriage having		
(1) 13-20 seats	3000	300
(2) More than 20 seats	3500	500
(b) Private service vehicle permit	1000	Nil
(c) Goods carriage		
(i) LGV1000	250	
(ii) Others 1500	400	
(d) Stage carriage	5500	Nil
(i) Temporary Permit under clauses (a) and (b) of sub-section (1) of Section 87 of the Act		250
(ii) Temporary permit under clause (c) of sub-section (1) of Section 87 of the Act		500
(e) Special permit under sub-section (8) of Section 88 of the Act		
(iii) for stage carriages		500
(iv) for other types of Public Service Vehicles		250

Provided that no fee shall be charged for a temporary permit issued under Section 87(d) of the Act.]

165. Permits-Issue of duplicate in place of those lost, destroyed or mutilated.- (1) When any permit or a temporary permit has been lost, mutilated or destroyed the holder shall forthwith intimate the fact to the Transport Authority by which the permit was issued and shall deposit a sum of (two hundred rupees) as application fee for the issue of a duplicate:

[x xx x).

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

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

(4) When a permit has become so dirty, torn or otherwise defaced as in the opinion of the Regional or State Transport Authority to render it illegible, the holder thereof shall on demand surrender the permit to the Transport Authority and apply for the issue to him of a duplicate permit in accordance with this rule.

(5) Any permit which is found by any person shall be delivered to the nearest Police Station or to the office of the Transport Authority which issued the permit, or to the holder, and if the holder finds or receives any permit in respect of which a duplicate has been issued, he shall return the original to the Transport Authority by which it was issued.

166. Extension and Endorsement.- In these rules, a countersignature of a permit by a Regional Transport Authority is referred to as an endorsement and a countersignature by the State Transport Authority as an extension of the validity of a permit.

167. Countersignature-Application for.- Application for endorsement or extension of validity of a permit shall be in Form "PEA".

168. Application fee for countersignature.- The fee for application for endorsement/extension of validity of permit in respect of a vehicle of other State, shall be the same as prescribed for the grant or renewal of permit under Rule 164.

(Provided that the fee for application for endorsement of a permit under Rule 166 in respect of public service vehicle of other States for operating one round trip in this State shall be the same as prescribed under clause (e) of Rule 164 for grant of special permit under subsection (2) Section 88 of the Act.]

169. Procedure in respect of countersignature.- The provisions of the Act and of these rules relating to application for permits and the grant, refusal, suspension or cancellation of permits and all matters connected therewith, including appeals and revisions, shall apply to countersignatures of permits, except when otherwise provided for specifically.

170. Grant of Temporary permits for other regions without countersignature.- A temporary permit granted by a Regional Transport Authority shall be valid in any other region or regions in this State without countersignature by the Regional Transport Authority of the other region or regions in the following cases:

- (a) a temporary permit granted under clause (a) or (c) of Section 87 of the Act for a period not exceeding 20 days;
- (b) a temporary permit under clause (c) of Section 87 of the Act for a period exceeding 20 days and under clause (b) of Section 87 of the Act granted to a contract carriage.
- (c) a temporary permit under clause (c) of Section 87 of the Act for a period exceeding 20 days and under clause (b) of Section 87 of the Act granted to a stage carriage, provided that prior concurrence of the Regional Transport Authority or Regional Transport Authorities concerned shall have been obtained for the issue of the temporary permit:

Provided that such concurrence shall not be necessary for the grant of a temporary permit to perform substitute service in place of a vehicle already covered by a valid permit for operation on any inter-district route.

- (d) a temporary permit granted under clause (d) of Section 87 of the Act, provided that the permit in respect of which application for renewal is pending is renewable under these rules without countersignature by the Regional Transport Authority or Regional Transport Authorities concerned.

171. Grant of regular permit for other regions without countersignature.- (1) The Regional Transport Authority of any one region may, subject to the provisions of Section 72 of the Act, grant a permit, other than a permit referred to in Rule 170 to be valid in any other region or regions in this State without the countersignature of the Regional Transport Authority or Regional Transport Authorities of the other region or regions concerned, and shall, as soon as possible, send a copy of the proceedings relating to the issue of such permit to the State Transport Authority.

(2) The Regional Transport Authority granting a stage carriage permit under sub-rule (1) shall, before granting the permit obtain the concurrence of the Regional Transport Authority or Regional Transport Authorities of the other region or regions concerned.

(3) The provisions of sub-rule (2) shall apply also in the case of variation of the conditions of a stage carriage permit either by the inclusion of a new route or routes or a new area in any other region or regions, or the exclusion of any such route or routes or area.

172. Renewal of permits,- (1) Every application for the renewal of a permit shall be made to the Transport Authority which issued the permit.

(2) Application for renewal of permit shall be in Form "PRA" and shall be accompanied by the permit where the motor vehicle is subject to a hire purchase, lease or hypothecation agreement, the certificate or communication, or as the case may be, the declaration referred to in sub-section (8) of Section 51 of the Act.

(3) Production of permit.- (a) The Transport Authority sanctioning an application for renewal or a permit shall call upon the permit holder to produce the Registration Certificate of the vehicle and endorse the renewal in the permit and return them to the holder. The Transport Authority may revoke its sanction of the application for renewal if the permit holder fails to produce the documents aforesaid within one month from the date of despatch of the order requiring the production of the records:

Provided that the Transport Authority may, if satisfied on an application made to it in writing by the permit holder within the period of one month aforesaid that there are sufficient grounds, grant an extension or extensions of time not exceeding four months in the aggregate for the production of the records.

(b) The Transport Authority may delegate the powers conferred on it by clause (a) to its Secretary in cases where the Secretary has sanctioned the application for renewal of the permit

173. Defects in renewal application.- (1) The State or Regional Transport Authority shall not reject an application for the renewal of a permit solely on any or all of the following grounds:-

- (a) that the applications is presented to a Transport Authority not having jurisdiction;
- (b) that the form of the application has not been correctly filled in; and
- (c) that the prescribed fee has been omitted to be paid.

(2) In every such case, the Transport Authority shall return the application for presentation to the Transport Authority concerned or for rectification of the defects, informing the applicant of the correct procedure and giving him not more than seven days from the date of receipt of the communication to comply with such direction.

174. Permit-Replacement of vehicles.- (1) If the holder of a permit desires at any time to replace a vehicle covered by the permit with another vehicle, he shall forward the permit and apply in Form "P.V.A." with the fee prescribed in Rule 180 to the Transport Authority which granted the permit stating the reasons for the proposed replacement and shall,

- (a) if the new vehicle is not in his possession, state the material particulars in respect of which the new vehicle differs from the old; and
- (b) if the new vehicle is in his possession, forward the certificate of registration hereof.

(2) Upon receipt of the application, the Transport Authority may in his discretion, reject the application-

- (a) if it has previous to the date of receipt of the application given reasonable notice of its intention to reduce the number of Transport Vehicles of that class generally or in respect of the route or area to which the permit applies; or
- (b) if the new vehicle proposed differs in material respects from the old; or
- (c) if the new vehicle proposed is older than the one sought to be replaced; or]
- (d) if the holder of the permit has contravened the provisions thereof or has been deprived of possession of the old vehicle under the provisions of any agreement of hire purchase, hypothecation or lease.

(3) if the new vehicle proposed does not differ in material respects from the old, the application for replacement of the vehicle may be allowed. If there is material difference between the two vehicles, he application shall be treated as if it were for a fresh permit.

Note.- For the purpose of this rule vehicles which differ by not more than 25 percent of the Gross Vehicle Weight or seating capacity, as the case may be, shall not be considered as materially different.

[No replacement shall be allowed to a vehicle with material difference for a second time even if the material difference is less than 25 per cent and such an application shall be treated as if it is for a fresh permit.]

(4) If the Transport Authority grants an application for the replacement of the vehicle it shall call upon the holder of the permit to produce the certificate of registration of the new vehicle if not previously delivered to it and shall make necessary entries in this regard in the permit under its seal and signature and return them to the holder.

175. Permit holder-Change of address-Intimation.- If the holder of a permit changes his address as set forth in the permit, he shall within fourteen days intimate the details and forward the permit to the Transport Authority by which the permit was issued.

176. Entry of new address in the permit.- Upon receipt of intimation under Rule 175, the Transport Authority shall, after making such enquiries as the authority deems fit and after the changed address is recorded in the certificate of registration, enter in the permit the new address and shall intimate the particulars to the Authority of any region in which the permit is valid by virtue of endorsement or extension of validity of the permit.

177. Alteration to Motor Vehicles.- (1) Report regarding.-Further to the provisions of sub-section (4) of Section 52 of the Act, the owner of a Transport vehicle shall, at the same time as the report required therein is made to the Registering Authority, forward a copy thereof to the Transport Authority by which the permit relating to the vehicle was granted.

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

(a) vary the permit accordingly; or

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

178. Permit-Transfer of.- (1) When the holder of a permit desires to transfer the permit to some other person under sub-section (1) of Section 82 of the Act he shall, together with the person to whom he desires to make the transfer, make a joint application in writing to the Transport Authority by which the permit was issued setting forth the reasons for the proposed transfer. The fee for transfer of permit shall be the same as prescribed for the grant or renewal of permits under Rule 164.

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

(3) Without prejudice to any other penalty to which the parties may be liable, any transfer of a permit ordered upon an application which to Transport Authority is subsequently satisfied as false in respect of the matter specified in sub-rule (2) or in respect of any other material particular shall be void. What is a material particular for purposes of this sub-rule shall be decided by the Transport Authority in its discretion.

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

(5) (a) If the Transport Authority is satisfied that the transfer of a permit may properly be made it shall call upon the holder of the permit in writing to surrender the permit within seven days of the receipt of the order:

Provided that a stage carriage permit for a route of 50 kms. or less held by an individual is transferrable only to an individual.

(b) Upon receipt of the permit, the transport authority shall cancel the particulars of the holder thereon and endorse particulars of the transferee and shall return the permit to the transferee.

(c) If a permit has been endorsed or extended under the provisions of these rules, the endorsement or extension shall cease to have effect on the date of transfer of the permit unless the Transport Authority which granted the endorsement or extension directs that it shall be continued.

(d) The fee for application for continuance of endorsement and of extension of validity of permit shall be the same as prescribed for endorsement or extension of validity of permits.

(6) A fee of '(hundred rupees) shall be charged for the transfer of a permit on the death of the holder under sub-section (2) of Section 82 of the Act.

(b) If in such case, permit has been endorsed or extended under the provisions of these rules. the endorsement or extension shall cease to have effect on the date of transfer unless the Transport Authority which granted the endorsement or extension directs that it shall be continued.

(7) Before ordering transfer under this rule, the Transport Authority shall make such enquireis as it may consider necessary to satisfy itself that the transfer is bona fide. If after the enquiry the Transport Authority finds that the transfer asked for is not bona fide, it shall not order the transfer.

179. Permit Conditions-variation of.- (1) Every application for variation of conditions of permit made under sub-section (3) of Section 80 of the Act or otherwise shall be in Form P.V.A.".

(2) Upon receipt of an application made by the holder of the permit to vary any one or more of the conditions thereof other than those referred to in sub-section (3) of Section 80 of the Act, the Transport Authority which granted the permit may allow the application or for reasons to be recorded in writing disallow the same:

Provided that if the grant of variation would authorise transport facilities materially different from those authorised by the original permit, the Transport Authority shall dispose of the application only after giving the interested persons, if any, an opportunity of being heard.

Explanation.- For the purpose of this rule, variation of Transport facilities not exceeding 25 per cent of the Gross Vehicle weight or seating capacity in respect of goods carriages and stage carriages respectively shall not be deemed as materially different.

180. Fee for variation of permit.- The fee for the variation of permit otherwise than by change of timings and for variation of extension of endorsement of validity of a permit otherwise than by change of timings in respect of vehicles having primary permits in other States, for the unexpired period shall be the fee for the grant of permit.

181. Use of stage carriage on more than one route.- If a person holds stage carriage permits for two or more routes the Regional or State Transport Authority may, in exceptional circumstances, permit him to use a vehicle in respect of which he holds a valid stage carriage permit on any of such routes, provided that the vehicle shall be used only for the provision of such transport facilities as the owner is authorised to provide in accordance with the terms of the permit which he holds.

182. Reserve bus (Spare bus).- It shall be a condition of every stage carriage permit that an operator having seven or more route buses in operation (including stage carriages operating on temporary permits) shall maintain reserve buses calculated at the rate of one reserve bus for every complete unit of seven route buses:

Provided that such operator may at his discretion maintain an additional reserve bus for the residuary fraction in excess of the complete units of seven route buses:

Provided further that an operator of stage carriage having less than seven route buses in operation (including stage carriages operating on temporary permits) may in his discretion maintain one reserve bus.

Explanation.- Reserve buses are stage carriages permitted mainly to operate substitute Services in place of route buses when such route buses are not used for operating the schedule service.

183. Permit-cancellation on surrender.- (1) The holder of a permit may at any time Surrender it to any Transport Authority and thereupon the permit shall be deemed to have been cancelled with effect from the date of such surrender.

(2) Where the Transport authority to which the permit has been surrendered for cancellation not the authority which issued the permit, such authority shall forthwith forward the permit to the Transport Authority which issued the permit.

184. Permit-delivery on expiry.- Within fourteen days of expiry of any permit by efflux of time, the holder shall deliver the permit to the Transport Authority by which it was issued and Transport Authority receiving such permits shall intimate the fact to the Authority or Authorities which it was endorsed or extended if such endorsement or extension was in force on the date of expiry of the permit.

185. Permit-Suspension or cancellation.- The State or Regional Transport Authority may suspend or cancel the permit of any vehicle. When the State or Regional Transport Authority suspends or cancels a permit-

- (a) the holder shall surrender the permit or the temporary permit, as the case may be within seven days of the receipt of a demand in writing by the Transport Authority concerned or any Authority authorised by the Transport Authority; of the permit shall, if so required by the Regional Transport Authority.
- (b) the holder intimate to it within 24 hours of the receipt of the order of suspension the place where the vehicle in respect of which the order is passed will be kept during the period of suspension and shall not remove the vehicle from the place so intimated without the prior sanction of the Regional Transport Authority;
- (c) the Transport Authority or any authority authorised by the Transport Authority in this behalf shall record in the permit or on the temporary permit, as the case may be, the order of suspension, cancellation or composition; and
- (d) send intimation to any authority by which the permit has been endorsed or extended if such endorsement or extension is in force at the time of suspension or cancellation.

186. Recovery of sum of money in lieu of cancellation or suspension of permit under Section 86(5) - Procedure.- (a) The Transport Authority while passing an order of cancellation or suspension of a permit under clause (a) or clause (b) or clause (c) of sub-section (1) of Section 86 of the Act shall specify-

- (i) the sum of money payable by the permit holder in case he agrees for the composition;
- (ii) the date by which the permit holder should intimate acceptance of composition;
- (iii) the date by which the composition fee should be remitted and the chalan produced, and

- (iv) the date from which the suspension or cancellation will take effect in case the composition fee is not paid within the date specified under clause (ii).
- (b) The Transport Authority shall, in determining the sum of money to be recovered in lieu of cancellation or suspension of different classes of permit have regard to the following, namely:
- (i) nature, gravity and frequency of the breach of conditions committed;
 - (ii) the quantum of punishment that would otherwise have been imposed; and
 - (iii) the earning capacity of the vehicle with reference to the nature of the route on passenger capacity in the case of stage carriages, and average daily mileage of the vehicle and hire charges, if any, in respect of other classes of transport vehicles:

Provided that the amount so recoverable in lieu of suspension shall in no case be less than the minimum or more than the maximum specified in the table below:-

TABLE

<i>Class of vehicle of suspension</i>	<i>Minimum per day</i> (2)	<i>Maximum</i> (3)
1) Stage Carriages:-		
(a) for plying on routes not authorised by the permit	1,000	10,000
(b) for other offences	500	4,000
2) Goods Carriages:-		
(a) for plying on routes not authorised by the permit	1,000	5,000
(b) for overloading	1,000	2,000 plus one thousand rupees/ tonne of excess load]
(c) for other offences	400	2,000
3) Omni buses covered by Contract Carriage permit:-		
(a) for plying on routes not authorised by the permit or using the vehicle in any manner not authorised by the permit or for overload	1,000	8,000
(b) for other offences	5,00	2,000
4) Vehicles covered by Private Service Vehicle permits:		
(a) For using the vehicle for purposes other than for which the permit is granted	1,000	8,000
(b) for other offences	1,00	6,00
5) Other vehicles for all offences:		
(a) Motor cab	2,00	1,000
(b) Autorickshaws	2,00	1,000

187. Intimation to the concerned Transport Authority.- (1) A Transport Authority varying, transferring, suspending or cancelling a permit or allowing another vehicle to be substituted for a hicle covered by a permit shall intimate the particulars thereof within fifteen days of such variation, transfer, suspension, cancellation or substitution, as the case may be, to the Transport Authority which has countersigned the permit.

(2) The Transport Authority, which has countersigned the permit shall, on receipt of the intimation referred to in sub-rule (1) above, and on receipt of application with the fee prescribed if any, from the holder of the permit, wherever necessary make appropriate entries in its own records and in the countersignature portion of the permit, but without repeating the procedural formalities already followed under Rules 174, 178 or 179 of these rules, as the case may be, by the Transport Authority which issued the permit.

188. Hours of work-fixing in advance.- The State or Regional Transport Authority may require any person employing drivers of transport vehicles to make such time-table, schedule or regulation as may be necessary to fix in advance the hours of work of persons employed by him and upon approval by such Authority of any time-table, schedule or regulation, as aforesaid, it shall be the record of the hours of work fixed for the persons concerned for the purpose of sub-sections (3) and (4) of Section 91 of the Act.

189. Interval of rest for drivers-Specification of.- (1) Any time spent by the driver of a vehicle on work other than driving, in connection with the vehicle, or with the load carried or to be carried on the vehicle, including any time spent on the vehicle during a journey save as a passenger in a public service vehicle, shall not be deemed to be an interval of rest for the purposes of clause (a) of sub-section (1) of Section 91 of the Act.

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

190. Space on side of driver.- No person shall sit nor shall any goods be placed on the right side of the driver of a transport vehicle fitted with right-hand steering control and on the left side of the driver of a transport vehicle fitted with left-hand steering control.

191. Prohibition of advertisement or writing on vehicles.- [(1) No advertising device, figure or writing shall be exhibited on any transport vehicle, save as may be specified by the State or Regional Transport Authority by general or specific order and on payment of fee of 20 per 100 centimetre square for an advertisement in writing and ? 40 per 100 centimetre square for an electronic advertisement for a period of one year or part thereof for each vehicle:]

Provided that in respect of vehicles of the State Transport Undertaking the Government may allow such advertisements subject to the conditions that they may lay down from time to time in this regard.

Provided further that if the advertisement is exhibited for 6 months or a period below 6 months, half of the fee prescribed as per Rule 191(1) shall be remitted.]

[xxx x)

(2) The matter of each advertisement intended to be exhibited on the vehicle shall be approved by the State or Regional Transport Authority.

(3) After the period for which permission is sanctioned for exhibiting advertisement on vehicle, order issued for exhibiting advertisement shall be surrendered before the State Transport Authority or Regional Transport Authority concerned.

(4) If the matter of advertisement exhibited on the vehicle is changed before the period for which sanction is accorded to exhibit the advertisement, fees prescribed as per sub-rule (1) shall be paid for the new advertisement.

Explanation.- For the purpose of this rule, electronic advertisement means an advertisement exhibited on a rolling screen, digital screen or electronic screen or advertisement exhibited on vehicles using any other devices which is not a part of the body of the vehicle.]

192. Prohibition of painting or marking in certain manner.- (1) No public service vehicle shall be painted in the pattern adopted by the vehicles of the Kerala State Road Transport Corporation with the following combination of colours or with a colour which is the same as the colour with which vehicles regularly used for carrying Government mail by or under a contract with Indian Posts and Telegraphs Department are painted:-

- (i) upto window-Red' and 'Cream' on the top;
- (ii) upto window top-Green' and 'Cream' on the top;
- (iii) (a) Limited Stop City Services-Upto window 'Cream' with Green border and 'Cream' on the top;
- (b) Ordinary City Services-Upto window 'Cream' with Red border and 'Cream' on the top.

(2) A vehicle carrying Government mail may be painted with a specified colour and exhibited in a conspicuous place upon a plate or plain surface on the vehicle the word 'Mail' in red colour on a white ground, each letter being not less than fifteen centimetres in height and of a uniform thickness of two centimetres.

(3) Save in the case of a vehicle used for carrying Government mails, no motor vehicle shall be marked with any sign or inscription which includes the word 'Mail'.

193. Licensing of agents engaged in the sale of tickets for travel by public service vehicles.-

(1) Every owner of a public service vehicle to be let or plied for hire shall, intimate the Regional Transport Authority concerned, the name and address of the person appointed as the agent for the sale of tickets to, or, canvas, passengers for travel in such vehicles.

(2) No person shall act as an agent or canvasser and no owner of a public service vehicle shall so employ any person unless he has obtained an agent's licence in Form "LAPT" granted by the Regional Transport Authority concerned authorising such person carrying on of such business.

Explanation.- For the purpose of this sub-rule, persuading any person, soliciting or attempting to persuade any person, to travel in a public service vehicle shall be deemed to be acting as an agent or canvasser in the sale of tickets or travel thereby.

(3) An agent's licence may be granted for one year, two years or three years from the date of its grant or renewal.

(4) No person under the age of 18 years shall hold an Agent's Licence.

(5) An application for an agent's licence together with the prescribed fee shall be made in Form LAPT" to the Regional Transport Authority of the region in which the applicant intends to carry on business.

(6) Separate applications shall be made for each place of business and shall be accompanied by a fee of '[two hundred rupees] for one year, (three hundred rupees] for two years and (four hundred rupees] for three years.

(7) An application for the renewal of the licence shall be made before the date of expiry of the licence by a letter enclosing the licence accompanied by the prescribed fee, addressed to the Regional Transport Authority by which the licence was issued.

(8) The Regional Transport Authority may, for reasons to be recorded in writing, decline to issue or renew an agent's licence or grant such licence on such conditions as the Regional Transport Authority may consider fit to impose. The renewal of the licence shall be by endorsement thereof on the original licence.

(9) Where it appears necessary so to do for ensuring proper compliance of the conditions, the Regional Transport Authority may demand the licensee to furnish a reasonable security not exceeding thousand rupees. The security may be furnished in the form of cash, bank deposit or such other form as may be specified by the Regional Transport Authority. The Regional Transport Authority may in its discretion, order forfeiture in whole or part of the security furnished by the licensee under this sub-rule for contravention of any of these rules or for breach of any of the conditions of the licence.

(10) (1) The Regional Transport Authority may, for reasons to be recorded in writing suspend or cancel a licence.

(ii) On an agent's licence being suspended, cancelled or not renewed, it shall be surrendered forthwith to the Regional Transport Authority which issued the licence.

(iii) Before suspending or cancelling a licence under this rule, the Regional Transport Authority shall give the licensee an opportunity of being heard.

(11) an agent shall, on demand by any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector, produce his agent's licence for inspection.

(12) If at any time an agent's licence has been lost or destroyed, the agent shall forthwith inform the Authority which issued the licence about the loss or destruction and apply for a duplicate writing with the prescribed fee of "(hundred rupees). Upon receipt of the application the Authority shall after making necessary enquiries issue a duplicate licence stamped "DUPLICATE" in red ink. When a duplicate licence has been issued on the ground that the licence has been lost and the original licence has been found out subsequently it shall be delivered to the Regional Transport Authority.

(13) An agent or a canvasser shall exhibit his licence at a conspicuous place in his place of business and it shall be made available for inspection by the officers referred to in sub-rule (11).

194. Licensing of agents engaged in the Business of collecting, forwarding and distributing goods carried by goods carriages.- (1) Definitions.-In this rule, unless the context otherwise requires.

- (a) "agent" means a person who carries on for another or represents another in the Jo business of
 - (i) collecting;
 - (ii) forwarding and distributing; or
 - (iii) collecting, forwarding and distributing; goods carried by any goods carriage.
- (b) "agents licence" means a licence granted under sub-rule (3);
- (c) "collecting agent" means a person licensed to do the business of collecting goods carried by any goods carriage;
- (d) forwarding agent" means a person licensed to do the business of forwarding and distributing goods carried by any goods carriage;
- (e) "collecting and forwarding agent" means a person licensed to do the business of collecting, forwarding and distributing goods carried by any goods carriage;

(f) "licensing authority" means the Regional Transport Authority of the region in which the applicant intends to carry on the business.

(2) *Licensing of agents.*-(a) No person shall act as an agent unless he holds a valid licence in Form "LAGT granted by the Licensing Authority authorising the carrying on such business.

(b) Separate licence shall be necessary for each place of agency business, when the agent has more than one place of agency business, though within the jurisdiction of the same licensing authority.

(3) *Application.*- (a) Any person desiring to obtain a licence for carrying on any business referred to in clause (a) of sub-rule (1), or for renewing such licence may make an application to the concerned licensing authority in Form "LAGTA" or "LAGTRA", as the case may be.

(b) Separate application shall be made for each place of agency business, and shall be accompanied by a fee of hundred rupees for one year, and two hundred rupees for two years, and three hundred rupees for three years.

(c) On receipt of an application, the licensing authority shall, having regard, among other things, to the following matters, namely-

- (i) the suitability of accommodation possessed by the applicant for the storage of goods;
- (ii) the facilities, if any, provided by the applicant for parking the goods carriages; and
- (iii) the financial resources of the applicant and his ability to manage the business efficiently; either grant or renew, or refuse to grant or renew the licence:

Provided that the licensing authority shall not refuse to grant or renew a licence applied for unless the applicant is given an opportunity of being heard, and the reasons for refusal are recorded and communicated to him in writing.

(4) *Security for compliance with conditions.*- In order to ensure proper compliance of the conditions referred to in sub-rule (7), the licensing authority may at the time of granting, or renewing or at any time during the validity of a licence, demand the licensee to furnish a reasonable security not exceeding ten thousand rupees and where the licensee has furnished earlier any security under this sub-rule such additional security as may be reasonable not exceeding in the aggregate the maximum amount specified in the sub-rule. The security may be furnished in the form of cash, bank deposit or such other form as may be specified by the licensing authority.

(5) *Forwarding and collecting agents.*-(a) An agent's licence shall, where the holder thereof is licensed to act only as a forwarding agent or as a collecting agent specify that fact clearly.

(b) An agent's licence shall be non-transferable.

(c) No agent's licence shall authorise person to act as such agent unless he has adequate facilities to load and unload goods at the premises approved by the licensing authority under these rules.

(6) *Period of validity and renewal.*- (a) An agent's licence may be granted or renewed for a period of one year or two years or three years from the date of grant or renewal.

(b) No person under the age of 18 years shall hold an agent's licence.

(c) An agent's licence may be renewed on an application made to the licensing authority before the date of its expiry.

(d) The renewal of licence shall be by endorsement of the renewal by the licensing authority on the original licence.

(7) Conditions for agent's licences.- An agent's licence shall be subject to the following conditions, namely:-

(a) that the licensee shall, subject to the provisions of sub-rule (10) provide places for loading and unloading of goods;

(b) that the licensee shall be responsible for proper arrangements for storage of goods collected for despatch and delivery;

(c) that, where he is authorised to collect, or forward and distribute or collect and forward and distribute, goods, the licensee-

(i) shall be responsible for proper delivery of the goods, to the consignee;

(ii) shall be liable to indemnify the owner of goods for any loss or damage to goods while in his control or possession;

(iii) shall not issue a goods transport receipt without having actually received the goods:

(iv) shall not deliver the goods to the consignee without actually receiving from the consignee a goods transport receipt or if the receipt is lost or misplaced an indemnity bond covering the value of goods;

(d) that the licensee shall insure the goods against any loss or damage while in his control or possession;

(e) that the licensee shall maintain a proper record of the collection, despatch and delivery of goods which shall be open for inspection by any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector, or any Police Officer in uniform not below the rank of Sub Inspector of Police, or by any person duly authorised in this behalf by the State Transport Authority or the licensing authority and shall furnish to the licensing authority by the 31st March of every year a return in respect of the previous calendar year in Form "LAGTAR";

(f) that the licensee shall not charge any commission exceeding that prescribed by the licensing authority under sub-rule (9);

(g) that the licensee shall furnish the operators with correct figures of the freight receivable by them from the consignors or the consignees;

(h) that the licensee shall maintain proper accounts of the commission charged by him and have the same audited by qualified auditors annually when the gross income exceeds twenty-five thousand rupees per year;

(i) that the licensee shall maintain in good condition a weighing device capable of weighing at a time not less than 225 kgs;

(j) that the licensee shall attend to his customers in the order in which they approach him: Provided that customers in respect of perishable goods shall be given priority over other customers and shall be attended to in the order in which they approach the licensee;

(k) that the licensee shall comply with the provisions of these rules and shall observe such other conditions as the licensing authority may specify in the licence;

(l) that the licensing authority may, at his discretion, order forfeiture in whole or part of the security or the additional security furnished by the licensee under sub-rule (4) for contravention of any of these rules or for breach of any of the aforesaid condition by the licensee;

(m) that the licensing authority may after giving notice of not less than one month in writing either vary the conditions of the licence or attach to the licence further conditions.

(8) *Particulars to be mentioned in the contract of agency.*- All contracts entered into by the licensee for the purpose of collecting, forwarding and distributing goods, or collecting goods, or

forwarding and distributing goods, as the case may be, shall be in writing and shall contain the following particulars:

- (i) names and address of the consignor and the consignee;
- (ii) description and weight of the consignment;
- (iii) destination and its distance in Kilometres from the starting station;
- (iv) freight for tonne-kilometre and for the whole consignment;
- (v) delivery instruction (e.g. the date by which and the exact place where the goods are to be delivered to the consignee);
- (vi) terms of payment agreement.
- (vii) name of the owner, driver, the registration number of the vehicle and its authorised load, and the rate and amount of the commission.

(9) *Rate of Commission.*-The maximum rates at which the commission may be charged by the licensee under these rules shall be as detailed below and the licensing authority may prescribe such rates of commission not exceeding the rates detailed below in regard to licensee transacting business in its region:

- (a) 10 per cent of the freight charges for transport of goods, to the licensee at the consigning (booking) point; and
- (b) 35 paise per quintal on the goods received by the licensee at the delivery point, and delivered to the consignees.

Note,- Charges for loading, unloading, transhipment of goods and demurrage charges for delay in taking delivery of the goods will be payable extra, to the concerned licensees.

(10) *Premises to be used.*-(a) The licensing authority may, in consultation with the local authority or the police authority having jurisdiction over the area concerned, approve any premises Owned by or in the possession of a licensee or an applicant for an agent's licence to be used for loading or unloading of goods or for parking goods carriages or for the storage of goods in the custody of the agent, having regard to the suitability of the site, sanitary conditions and storage facilities provided at such premises.

- (b) Any approval under clause (a) shall be subject to the following conditions, namely:-
 - (i) that the premises shall at all times be kept in a clean condition and good state of repairs;
 - (ii) that the premises shall be administered in a seemly and orderly manner,
 - (iii) that the licensee shall take all possible precautions to ensure that no breach of any of the provisions of the Act or of these rules is committed in respect of any vehicle entering or leaving or parking at such premises and shall report in writing any such breach to the nearest police station.

(c) Where the licensing authority refuses to approve any premises under clause (a), it shall record in writing its reasons for such refusal.

(11) *Entry into the premises and inspection.*-Any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector or any other officer authorised in this behalf by the State Government may enter upon the premises used by the licensee for his business at all reasonable times for inspection of the premises, accounts and records to see that the conditions are not contravened.

(12) *Suspension or cancellation of licences.*-(a) Without prejudice to any other action which may be taken against a licensee, the licensing authority may by order in writing, cancel the agent's license or suspend it for such period as it thinks fit, if in its opinion any of the conditions under which the license was granted has been contravened.

(b) The licensing authority may by order in writing cancel the agent's licence or suspend it for such period as it thinks fit, if in its opinion any of the conditions under which any premises was approved under sub-rule (10) has been contravened.

(c) Before making any order of suspension or cancellation under this rule, the licensing authority shall, give the licensee an opportunity of being heard and shall record reasons in writing for such cancellation or suspension.

(13) *Issue or duplicate licence.*- If at any time an agent's licence is lost destroyed or so torn or otherwise defaced as to render it illegible, the agent shall forthwith apply to the licensing authority for the grant of a duplicate licence. The application shall be accompanied by a fee of '[hundred rupees] upon receipt of such an application that authority shall, after making necessary enquiries, issue a duplicate licence clearly stamped "DUPLICATE" in red ink. If a duplicate licence is granted on the ground that the licence originally granted has been lost and the original licence is subsequently found the original licence shall be surrendered to the licensing authority.

(14) *Display of agent's licence.*- (a) A collecting agent shall carry with him his agent's licence while on duty and shall produce it on demand to any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector, or any police officer in uniform not below the rank of a Sub Inspector of Police.

(b) A forwarding agent shall exhibit his agents licence at a prominent place in the premises approved under sub-rule (10) and the licence shall be made available for inspection by any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector, or any police officer in uniform not below the rank of Sub Inspector of Police.

(c) A collecting and forwarding agent shall carry with him his agent's licence while on duty and shall produce it on demand to any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector, or any police officer in uniform not below the rank of a Sub Inspector of Police and shall also cause a true copy of his agent's licence to be exhibited, at a prominent place in the premises approved under sub-rule (10).

195. Supply of copies, orders or documents.- The licensing authority shall, on application by a party, give a certified copy of any order passed under Rule 193 or 194 or of any other relevant document on payment of a fee of five rupees. The application shall be affixed with Court Fee Stamps of the value of rupees five for each such copy of the order or document.

196. Appeals.- (a) Any person aggrieved by an order made under sub-rules (8), (9) or (10) of Rule 193 or under clauses (k), (i) and (m) of sub-rule (7), sub-rule (9), clause (a) of sub-rule (10) clause (a) or clause (b) of sub-rule (12), sub-rule (13), or sub-rule (15) of Rule 194 or Rule 195 may appeal within 30 days from the date of receipt of such order to the State Transport Appellate Tribunal.

(b) The memorandum of appeal shall be filed as prescribed in Rule 6 of the State Transport Appellate Tribunal Rules, 1988.

197. Carriage of animals in goods carriages.- (1) No animals shall be carried in Goods Vehicle unless,-

- (a) in the case of homed or unhorned animals having body weight up to fifty kilograms, minimum floor area of 0.28 square meter per head of such animal, and half of such floor space for young one of such animal is provided in the vehicle,
- (b) in the case of homed or unhorned animals having body weight more than fifty kilograms but up to hundred kilograms, minimum floor area of 0.66 square meter per head of such animal and half of such floor space for young one of such animal is provided in the vehicle;
- (c) in the case of unhomed animals having body weight more than hundred kilograms but up to two hundred kilograms, a minimum floor area of 0.62 square meter per head of such animal and half of such floor space for young one of such animals is provided in the vehicle;
- (d) in the case of horned animals having body weight more than hundred kilograms but up to two hundred kilograms, a minimum floor area of 0.75 square meter per head of such animal and half of such floor space for young one of such animal is provided in the vehicle;
- (e) in the case of unhorned animals having body weight more than two hundred kilograms but up to three hundred kilograms, a minimum floor area of 0.86 square meter per head of such animal and half of such floor space for young one of such animal is provided in the vehicle;
- (f) in the case of homed animals having body weight more than two hundred kilograms but up to three hundred kilograms, a minimum floor area of 0.96 square meter per head of such animal and half of such floor space for young one of such animal is provided in the vehicle;
- (g) in the case of unhorned animals having body weight more than three hundred kilograms but up to four hundred kilograms, a minimum floor area of 1.06 square meter per head of such animal and half of such floor space for young one of such animal is provided in the vehicle;
- (h) in the case of homed animals having body weight more than three hundred kilograms but up to four hundred kilograms, a minimum floor area of 1.20 square meter per head of such animal and half of such floor space for young one of such animal is provided in the vehicle.

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

2. No wild or ferocious animals belonging to or intended for a circus menagerie or zoo shall be carried in a goods carriage unless,-

- (a) a suitable cage, either separate from or integral, the load body of the vehicles used. of sufficient strength to contain the animal securely at all times is provided; and
- (b) reasonable floor space for each such animal is provided in the vehicle. No goods carriage while carrying any animal shall be driven at a speed in excess of forty

3. No goods carriage while carrying any animal shall be driven at a speed in excess of forty kilometers per hour.]

198. Infectious or contagious diseases-persons suffering from.- (1) No driver and no conductor of a public service vehicle shall cause or allow to enter into or to be placed or carried in the vehicle any person whom he knows or has reason to believe to be suffering from any infectious or

contagious disease or the corpse of any person whom he knows or has reason suffering from any such disease.

(2) Notwithstanding the provisions of sub-rule (1), the driver and the conductor may, upon application in writing by a Registered Medical Practitioner allow any such corpse or person suffering from an infectious or contagious disease to be carried in a public service vehicle provided that no other person save a person shall be carried in the vehicle at the same time.

(3) When any such corpse or sick person has been carried in a public service vehicle the driver and the conductor shall report the fact to the owner of the vehicle and neither the owner nor the driver nor the conductor shall cause or allow any person to use the vehicle until the driver, the conductor and the vehicle have been disinfected in such manner as may be specified by a Medical Practitioner and a certificate to this effect has been obtained from him.

199. Carriage of persons or goods in public service vehicles.- No public service vehicle operating on a permit issued under Section 66 of the Act shall carry at any time persons, luggage or goods in excess of what is specified in the permit by the Transport Authority which granted the permit.

200. Disposal of property left in public service vehicles.- Every conductor of a public service vehicle or if there be no conductor, the driver thereof shall immediately after the completion of any trip or journey, as the case may be, carefully search for any property left in the vehicle and shall, as soon as may be, and in any case within twenty-four hours, if not sooner claimed by the owner, deliver such property to the nearest police station.

201. Taxi-meter.- (1) When a Regional Transport Authority requires that a motor cab shall be fitted with a taxi-meter, the taxi-meter shall be of a pattern approved by the State Transport Authority and shall be fitted in conformity with any instructions that may be issued by the State Transport Authority in this regard.

(2) A permit holder required to fit a taxi-meter shall produce it fitted to the vehicle before the Inspecting Authority constituted under Chapter IV of the Act so that it may be tested and sealed, and shall produce it for examination subsequently whenever the vehicle to which it is attached is inspected or whenever for any reason it has become necessary to break the seal.

(3) No person shall drive or cause or permit to be driven any motor cab in the permit of which a condition is attached under clause (viii) of sub-section (2) of Section 74 of the Act if the taxi-meter is not fitted to the vehicle and sealed or if he knows or has reason to believe that it is not accurate, or in proper working order.

202. Driver of a motor cab to proceed by the shortest route.- The driver of a motor cab shall in the absence of reasonable cause proceed to the destination named by the hirer by the shortest and quickest route.

203. Motor cab stand-rules for drivers.-The drivers at motor cab stands shall observe the following;-

- (a) the drivers of the first two motor cabs at the stand shall stay beside their cabs and be ready to be hired at once by any person provided that a hirer wishing to hire any particular cab on the stand may do so,
- (b) all motor cabs at the stand shall move up as vacancies occur,

- (c) no motor cab engaged for some future time shall remain at the stand unless the driver is willing to accept any intermediate hiring that may be offered,
- (d) no disabled motor cab shall remain at the stand unless such disablement is temporary, and can be and is remedied at once, and
- (e) every motor cab other than a motor cab referred to in sub-rule (d) which is at the stand shall be ready to be hired and when its turn comes the driver shall accept the first offer of hire which may be made to him irrespective of the length of the journey for which such offer is made.

204. Motor cab-payment of legal fare.- (1) In the absence of an enforceable contract to the contrary, no hirer shall refuse or omit to pay the legal fare for the hire of a motor cab, nor shall he refuse to give his correct name and address to the driver in the case of dispute in connection with the fare.

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

(2) Nothing contained in sub-rule (1) shall be deemed to apply to a trailer on which a charcoal gas producer is mounted.

(3) No person other than the Attendant or Attendants required by rule shall be carried on a trailer:

Provided however that nothing contained in this sub-rule shall apply to a trailer which is being used for the carriage of troops or police.

(4) No trailer other than the trailing half of an articulated vehicle shall be attached to a goods carriage unless the permit of the goods carriage specifically permits the use of such trailer.

(5) Subject to the provisions of sub-rule (1) all the provisions of these rules relating to a goods carriage permit shall apply to any trailer used for the purposes of a goods carriage.

206. Stopping place for stage carriage.-The State or Regional Transport Authority may, if no stopping place has been fixed for stage carriages in accordance with the provisions of any statute, fix such places for such carriages after consultation with such other authority as it may deem desirable. Such stopping places shall be indicated by means of notice boards. The driver of a stage carriage shall stop it at such stopping places when so required by any person wishing to alight or to enter but he need not stop the carriage for a person wishing to enter if the vehicle is already full, Halts for the purpose of setting down or taking up passengers shall be limited to the time reasonably necessary for such purpose. On routes along which stopping places have been fixed no driver of a stage carriage shall stop the vehicle at any place other than such stopping places except-

- (a) when failure to stop the vehicle would constitute an offence punishable under these rules or under any law for the time being in force, or
- (b) in the case of mechanical break down:

Provided however that the provisions of this rule shall not apply to stopping of stage carriages to pick up or alight permit holder's employees on duty:

[Provided further that the stopping place of the Luxury Service and Super Deluxe Services shall be at the district headquarters and that of the Super Express Services shall be at the Taluk headquarters, with facilities for advance reservation.]

207. Starting places and termini.- In the case of public service vehicles (other than motor cabs) the State or Regional Transport Authority may, after consultation with such other authority as it may deem desirable, fix such places at the termini of the bus routes and in the course of the routes, as may be necessary, at which the vehicle may stop and wait for picking up or setting down passenger. Where a local authority has provided and maintains a public stand for motor vehicles with facilities for drinking water supply, lighting, latrine and waiting sheds for passengers and convenient parking places, the State or Regional Transport Authority may approve the use of that stand for the purpose of picking up or setting down passengers of public service vehicles (other than motor cabs) and thereafter every vehicle shall make use of that stand. The approval granted by a Transport Authority may be revoked by it, if the facilities provided at the stand cease to be to its satisfaction:

Provided that if bus stands or parking places or stopping places have been fixed either in accordance with this rule or in accordance with rule, as the case may be, no public service vehicle other than a stage carriage shall be stopped in such places for the purpose of picking up any passenger waiting there and intending to travel by stage carriages,

208. Starting points and destination to be specified.- The State or Regional Transport Authority shall specify in the case of all stage carriage permits the exact place and point from which the daily service shall start and the exact place and point at which the service shall terminate in each trip.

209. Destination of Board.- Both termini of the route on which the stage carriage is plying shall be clearly stated in English and in Malayalam and also in such other minority language as may be specified by the Regional Transport Authority issuing the permit, on boards conspicuously placed [at the top on all sides of the vehicle), specifically indicating the terminus to which the stage carriage is actually proceeding in each trip,

Provided that Destination board provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.)

210. Painting and illumination of destination board.- The destination board shall be painted in letters not less than five centimetres high on a clear background. It shall be clearly visible and unobstructed and shall be illuminated by a white light from half an hour after sun set to half an hour before sun rise.

211. Fixation of fare stages for stage carriages.- In the case of stage carriages the State or Regional Transport Authority shall after such enquiry as it may deem desirable, fix fare stages on all routes. The maximum distance of each such stage shall not ordinarily exceed six kilometres and five hundred metres. When stages are so fixed, fare shall be collected according to stages:

Provided that this rule shall not apply to vehicles of State Transport Undertaking.

Explanation.- When a passenger gets into or gets down from a stage carriage at a place lying in between two stages, fare shall be collected from him from the stage preceding the place from where he gets into the bus to the stage succeeding the place where he gets down.

212. Schedule of timings.- (1) The State or Regional Transport Authority may from time
(a) by a general order prescribe a schedule of timings for stage carriages other than those belonging to State Transport Undertakings running on specified routes, or
(b) by a special order prescribe a schedule of timings for each stage carriage other than that belonging to State Transport Undertaking.

(2) The changes ordered by the Transport Authority in the timings of a service shall not be considered as variation of permit under sub-section (3) of Section 80 of the Act.

(3) The State Transport Authority or the Regional Transport authority may, by resolution, delegate to its Secretary the powers conferred on it under this rule subject to any conditions that it may prescribe:

Provided that the State or Regional Transport Authority shall not however vary the timings of a service without giving to the interested permit holders an opportunity to represent their case.

213. Vehicles to run in accordance with schedule.- When a schedule of timings has been prescribed under Rule 212 every stage carriage on such route shall run in accordance with it, except-

- (a) when prevented by accident or other unavoidable cause, or
- (b) when otherwise authorised in writing by the Authority granting the permit or the State Transport Authority.

214. Interchangeability of timings of stage carriage.- When a permit holder has more than one vehicle plying exclusively on the same route, he may, notwithstanding that a schedule of timings has been fixed for each vehicle, use temporarily, and in any case for not more than ten days at any one time any one of the other vehicles to maintain all or any of the timings fixed for a particular vehicle on the route:

Provided that-

- (a) intimation thereof is sent to the Authority which granted the permit and to the Authority, if any, which has endorsed or extended the permit, within seven days of such use, and
- (b) the schedule of timings granted to the other vehicles of the permit holder on the route are not affected.

215. Failure to perform service-Report to be made.- If at any time a stage carriage is prevented from running in accordance with the schedule prescribed or, where no schedule is prescribed, is prevented from performing the service for which a permit has been granted, the holder of the permit shall forthwith report the fact and reason therefor to the Authority which granted the permit and the Authority, if any, which has countersigned the permit:

Provided that no report need be sent when the difference between the time of actual arrival of a stage carriage plying on motor routes and the schedule time of its arrival is not more than five minutes in the case of routes less than sixteen kilometres in length and ten minutes in other cases.

216. Responsibility of permit holder.- The holder of the permit as well as any other person responsible shall be liable to be punished for a breach of Rule 213.

217. Withdrawal of bus from service.- If the holder of a stage carriage permit proposes to withdraw before the expiry of the permit the services which the vehicle covered by the permit is providing, he shall, unless prevented by unavoidable circumstances, give at least one month's notice of his intention to the Transport Authority which issued the permit, and shall surrender the permit on the date from which the services are withdrawn. Upon receipt of the notice, the Transport Authority shall post a copy of the notice on the notice board of the Authority.

218. Dress to be worn by Checking Inspectors.- A Checking Inspector of a Stage Carriage, while on duty, shall be cleanly dressed and in the manner in which the Transport Commissioner may specify.

219. Stage carriage to carry conductor.- No stage carriage shall be used in any public place without a conductor.

220. Conveyance of corpse in stage carriages.- Save when being used as a contract carriage, no corpse shall be carried in a stage carriage.

221. Children and infants-Carriage in Public Service Vehicles.- In computing the number of passengers that may be carried in a public service vehicle and the fares chargeable

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

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

222. Timing registers in stations enroute.- The State or Regional Transport Authority may, by general order, direct that every stage carriage other than a stage carriage belonging to the State Transport Undertaking shall stop at such stations on its routes as the Transport Authority may prescribe, and thereupon the conductor of the vehicle shall correctly enter in the register in Form "TGR" kept in each such station the particulars specified therein.

223. Complaint book.- A complaint book, the pages of which are serially numbered and sealed or signed by the permit holder, shall be kept in every stage carriage on service in a clean and tidy condition by the conductor and notice shall also be displayed in every such stage carriage that a complaint book is available with the conductor. The book shall be made available by the conductor on demand by any passenger for making any entry therein and conductor shall also afford reasonable facilities to the passenger for the purpose. A passenger making an entry in the complaint book shall note at the foot of his entry therein his full name, postal address and the details of the authorisation or ticket he holds for journey in the bus at the time and shall put his signature.

(2) The complaint book shall be produced by the conductor on demand by any authority empowered to inspect stage carriages.

(3) The permit holder of the stage carriage or any person authorised by him in this behalf shall, as soon as may be, take due action on the complaints the nature of which shall, within fifteen days of making the complaint, be notified to the complaint as well as to the Secretary of the concerned Transport Authority.

224. Trip-sheet.- The Conductor, or where there is no conductor, the driver of every public service vehicle shall maintain trip sheets in duplicate in Form "TSS" and "TSC", as the case may be, in English or in Malayalam. The Form, "TSS" or "TSC" shall be maintained in bound books each containing not more than thirty-one serially numbered pages in duplicate so that each book may last for one full calendar month. The books shall also be serially numbered and shall be used only in the numerical serial order:

Provided that the Regional Transport Authority may exempt a City or Town bus service from maintaining trip sheets in the form aforesaid subject to the condition that a trip sheet containing the following particulars is maintained in a form approved by the State Transport Authority.

(a) the arrival and departure timings,

(b) the hours of duty of conductors and drivers,

(c) the number of passengers carried in each trip, and

(d) the name of the conductor and his conductor licence number.

225. Custody of trip sheet.- (1) The trip sheet shall-

- (a) be carried by the conductor, or in case there is no conductor, by the driver whenever the vehicle is in use,
- (b) be duly filled in from time to time as occasion arises by the conductor, or, in case there is no conductor, by the driver, and
- (c) be open to inspection by Magistrates, Secretaries to the Regional or State Transport Authorities, Officers of the Motor Vehicles Department not below the rank of Assistant Motor Vehicle Inspector, Police Officers in uniform not below the rank of SubInspector.

(2) Every book containing the trip sheets shall be delivered to the permit holder by the conductor or the driver, as the case may be, within seven days from the date of expiry of the period to which it relates. The permit holder shall preserve the book for a period of six months after the expiry of the period to which it relates and shall produce the same for inspection at any time within that period on demand by the authorities referred to in clause (c) of sub-rule (1).

226. Trip register.- (1) Every holder of a permit in respect of a public service vehicle shall maintain in English or Malayalam a trip register in Form "TR" in a bound book of which the pages are serially numbered. The trip register shall be posted daily from the trip sheets maintained under Rule 224 and be at all times open to inspection by Magistrates, Secretaries of Regional or State Transport Authorities, any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector, Police Officers in uniform not below the rank of Sub Inspector.

(2) Every owner of a public service vehicle shall maintain a register in Form "VIR" showing the particulars of persons employed in the vehicle from time to time including the persons engaged for short periods in the absence of regular employees. The register shall be at all times open to inspection by any authority or officer specified in sub-rule (1) above.

(3) The provisions contained in this rule and in Rules 224 and 225 shall not apply to vehicles owned by the State Transport Undertaking.

227. Passengers in public service vehicles.- Rules to be observed by-(1) When a public service vehicle is carrying passengers or waiting to pick up passengers, a passenger or intending passengers shall not-

- (a) use obscene or offensive language or conduct himself in a riotous or disorderly manner;
- (b) enter or alight from the vehicle otherwise than by doors or openings provided for the purpose;
- (c) when entering or attempting to enter the vehicle wilfully and unreasonably impede passengers seeking to enter the vehicle or to alight therefrom;
- (d) smoke inside the vehicle and also when the vehicle is being re-fueled.
- (e) occupy more than one seat or without lawful excuse occupy any seat exclusively reserved for any one or reserved for ladies;
- (f) enter or remain in or on the vehicle when requested not to do so by an authorised person for the reason that the vehicle is carrying its full complement of passengers or that the operator is debarred from picking up passengers at the place in question by reason of the conditions attached to his permit;
- (g) travel on the top of the vehicle or in or on any part of the vehicle not provided for the conveyance of passengers;

- (h) wilfully do or cause to be done with respect to any part of the vehicle or its equipment anything which is calculated to obstruct or interfere with the working of the vehicle cause injury or discomfort to any person;
- (i) when the vehicle is in motion distract the driver's attention without reasonable speak to him unless it is necessary to do so in order to give any directions cause as to the stopping of the vehicle;
- (j) give any signal which might be interpreted by the driver as a signal from the conductor to start;
- (k) spit upon or from the vehicle or wilfully damage, soil or defile any part of it;
- (l) When in or on a moving vehicle distribute printed or similar matter of any description or distribute any article for the purpose of advertising, propaganda, announcement or publicity;
- (m) wilfully remove, displace, deface or alter any number plate, notice board, fare table, time table, route indication or destination board or any printed or other notice or advertisement in or on the vehicle;
- (n) when in or on the vehicle throw any money to be scrambled for by any person on the road or footway, or throw out of the vehicle any bottle, liquid or any article or thing likely to annoy persons or cause danger or injury to any person or property;
- (o) when in or on he vehicle to the annoyance of other passengers, use or operate any noise instrument or make or combine with any person or persons to make any excessive noise by singing, shouting or otherwise;
- (p) throw any article from the vehicle or attach to or trail from the vehicle any streamer, balloon, flag or other article in such a manner as to overhang the road;
- (q) wilfully obstruct or impede any authorised employee of the permit holder in the course of his duties;
- (r) when in or on the vehicle beg, sell or offer for sale any article;
- (s) if his condition is such as to be offensive to passengers or if condition of his dress or clothing is such that it may reasonably be expected to soil or injure the linings or cushions of the vehicles or the clothing of other passengers, enter or remain in or on the vehicle after an authorised person shall have requested him either not to enter or to leave the vehicle and in such latter case shall have tendered to him the amount of any fare previously paid;
- (t) enter or travel in or on a vehicle with loaded fire-arms, or any dangerous or offensive article, or, except with the consent of an authorised person, bring into or on to the vehicle any bulky or cumbersome article or any bird or animal or any such living creature or place any of them in or on the vehicle than as directed by an authorised person, and
- (u) place any goods or article of luggage on a seat intended for passengers.

(2) No passenger shall use or attempt to use any pass or ticket which has been altered or defaced or issued to another person, if such pass or ticket bears thereon an indication that it is not transferable.

(3) Every passenger shall-

- (a) unless he is the holder of a pass or ticket in respect of that journey immediately upon dermand declare the joumey he intends to perform or has performed and

pay the conductor the fare for the whole of such journey and accept the ticket provided therefor.

- (b) leave the vehicle on completion of the journey unless he intends to continue the journey paying the fare for such extended portion of the journey.
- (c) produce the ticket issued to him, on demand by the conductor or the driver of the vehicle performing functions of the conductor or any authorised employee of the permit holder or any authority empowered to inspect stage carriages, and if he fails to produce his pass or ticket he shall be liable to pay the fare from the place where the stage carriage originally started or such portion thereof, as may be demanded from him without prejudice to any action that may be taken for travelling without a pass or a ticket under sub-section (1) of Section 78 of the Act.
- (d) surrender his ticket to any authorised employee of the permit holder at the end of the journey covered by that ticket.
- (e) if required to do so, surrender any season ticket held by him at the expiry of the period for which it was issued to him.
- (f) if required to do so, surrender any ticket held by him either on completion of the journey or journeys covered by that ticket or in exchange for a new ticket covering the journey or journeys he is till entitled to take.
- (g) occupy the seat pointed out by the conductor when there is seating accommodation in the vehicle and abstain from travelling in a standing posture while there is seating accommodation in the vehicle.

(4) No passenger shall leave or attempt to leave a public service vehicle without paying the fare for the journey which he has taken and with intent to avoid payment thereof.

(5) Any passenger contravening the provisions of these rules may be removed from the vehicle by the driver or conductor or, on request of the driver or conductor, by any police officer.

(6) A passenger in or on a vehicle who is reasonably suspected by the driver or conductor of contravening these rules shall on demand give his name and address to a police officer or to the driver or conductor.

228. Permit-Production on demand.- The permit shall be produced on demand at any reasonable time by the Secretaries of the State or Regional Transport Authorities, Officers of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector or Police Officers not below the rank of Sub Inspector:

Provided that if a permit is not at the time in possession of the person to whom demand is made, it shall be sufficient compliance with this rule if such person produces it within ten days at any police station the State which he specifies to the officer.

229. Permit-Inspecting Authority.- Magistrates, Officers of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector and Police Officers in uniform not below the rank of Sub Inspector may mount any transport vehicle for the purpose of inspecting the permit.

230. Inspection of goods carriages and their contents.- (1) Any of the following persons may at any time when a goods carriage is in a public place call upon the driver of the vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable him to make reasonable examination of the contents of the vehicle:

- (a) any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector,
- (b) any Police Officer in uniform not below the rank of Sub Inspector,
- (c) any Officer of the Central Excise Department in uniform, not below the rank of Inspector;
- (d) any officer of the Central Narcotics Department of and above the rank of Sub Inspector authorised in this behalf and carrying on in his person, while on duty, identity card issued by the Narcotics Commissioner,
- (e) the District Collector of the respective District, and
- (f) any Minister of the Government.

(2) Any Chowkidar employed in chowki posts may, at any time when a goods carriage is near or at the chowki post, call upon the driver of the vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable him to make reasonable examination of the contents of the vehicle.

(3) Notwithstanding the provisions of sub-rules (1) and (2) no person shall be entitled to examine the contents of any goods vehicle unless-

- (a) the permit in respect of the vehicle contains a provision or condition in respect of the goods which may or which may not be carried on the vehicle, or
- (b) he has reason to suspect that the vehicle is being used in contravention of the provisions of the Act or of these rules.

231. Inspection of public service vehicles.- (1) Any of the following persons may, at any time when a public service vehicle is in a public place call upon the driver of the vehicle to stop the vehicle and keep it at rest for such time as may be necessary to enable him to make reasonable examination of the number of passengers and other contents of the vehicle so as to satisfy himself that the provisions of the Act and of these rules and the provisions and conditions of the permit in respect of the vehicle are being complied with.

- (a) any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector,
- (b) any Police Officer in uniform not below the rank of Sub Inspector,
- (c) any Officer of the Central Narcotics Department of and above the rank of Sub Inspector authorised in this behalf and carrying on in his person, while on duty, identity card issued by the Narcotics Commissioner;
- (d) The District Collector of the respective District.
- (e) any Minister of the Government.

(2) Any Chowkidar employed in a chowki post may, at any time when a public service vehicle is near or at the chowki post, call upon the driver of the vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable him to make reasonable examination of the contents of the vehicle other than the passengers therein.

(3) Any officer of the Central Excise Department in uniform not below the rank of Inspector may, at any time when a public service vehicle is in a public place, call upon the driver of the vehicle to stop the vehicle and keep it at rest for such time as it may be necessary to enable the officer to make a reasonable examination of the contents of the vehicle to satisfy himself that excisable goods and contraband articles are not being carried in the vehicle,

232. Inspection of premises of permit holders.- The officers of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector and Police Officers not below the rank of Sub Inspector shall have the right to enter and inspect any premises used by permit holders for the purpose of their business.

233. Conviction of permit holders-Intimation by Court.- Any Court convicting the holder of a permit for an offence punishable under the Act or these Rules shall communicate particulars of such conviction in Form "PI" to the Authority which granted or last renewed the permit as the case may be and the authority, if any, which has endorsed or extended the validity of the permit.

234. Tourist Permit.- (1) Every application for the grant of a permit under sub-section (9) of Section 88 of the Act in respect of a tourist vehicle shall be accompanied by a fee of '[one thousand and five hundred rupees in the case of a tourist motor cab and two thousand and five hundred rupees in the case of a tourist omni bus),

(2) On receipt of an application under sub-rule (1) the State Transport Authority shall follow the procedure prescribed for considering an application for the grant of contract carriage permits under the Act and the rules made thereunder and may grant the permit in Form "TVP".

(3) On receipt of the order sanctioning the permit, the grantee shall, within the prescribed period produce the current records of the vehicle including the certificate of registration, certificate of fitness, certificate of insurance, evidence for payment of tax due under the provisions of the relevant Taxation Act and a certificate from the Registering Authority concerned to the effect that the vehicle in respect of which the permit is to be issued, conforms to the description, requirements regarding the seating capacity, standards of comfort, amenities and other matters which the Central Government may specify from time to time under clause (1) of sub-section (11) of Section 88 of the Act.

(4) An application for the renewal of a permit in respect of a tourist vehicle shall be made in the form prescribed for the grant of the permit, accompanied by the same fee as prescribed for an application for the grant of permit.

(5) When a permit is issued under sub-rule (2) the State Transport Authority shall forward to the other State Transport Authorities concerned information relating to-

- (i) the number of the permit, the registration mark of the vehicle and other particulars for the purpose of its identification;
- (ii) suspension or cancellation, if any, of the permit, and
- (iii) the grant of stay, if any, in an appeal or revision, and the disposal of the appeal or revision.

(6) The State Transport Authority shall also forward to the Other State Transport Authorities concerned, at intervals of not more than 3 months, a statement giving particulars of the permit issued during the period and the taxes and fees if any due to the other State and collected.

(7) The fares for tourist vehicles shall be fixed, from time to time by the State Transport Authority in accordance with the directions issued by Government under Section 67 of the Act.

(8) Whenever a tourist vehicle permit is transferred the authorisation granted to the vehicle shall also be transferred by the authority concerned.

(9) The provisions in Rules 147, 165, 172, 174, 178, 179, 180 and 186 shall as far as may be, apply in relation to a tourist vehicle permit, as they apply in relation to a contract carriage permit.

235. National Permit for goods carriages.- (1) Every application for the grant of a National Permit in respect of Goods Carriage shall be made to the Regional Transport Authority of the region in

which the applicant resides or has his principal place of business, and shall be accompanied by a fee of (two thousand and five hundred rupees).]

(2) On receipt of an application under sub-rule (1) the appropriate authority shall follow the same procedure prescribed for considering an application for the grant of a goods carriage permit under the Act and the rules made thereunder and may grant the permit in Form "N.P.Gd.C".

(3) On receipt of the order sanctioning the permit, the grantee shall within the prescribed period, produce the current records of the vehicle including the certificate of registration, certificate of fitness, certificate of insurance evidence of payment of tax due under the provisions of the relevant Taxation Act, a certificate from the Registering Authority concerned to the effect that the vehicle in respect of which the permit is to be issued, conforms to the description, requirements, standard and other matters which the Central Government may specify from time to time under sub-section (12) of Section 88 of the Act.

(4) An application for the renewal of a National Permit shall be in the form prescribed for an application for the grant of National Permit and shall be accompanied by the same fee as prescribed for an application for the grant of the permit.

(5) Whenever the transfer of a National Permit is allowed the authorisation granted to the vehicle shall also be transferred by the authority concerned.

(6) When a permit is issued under sub-rule (2) the appropriate authority shall forward to the State Transport Authorities of the other States concerned information relating to,-

- (i) the number of permit, the registration mark of the vehicle and other particulars necessary for the purpose of identification;
- (ii) suspension or cancellation, if any, of the permit; and
- (iii) the grant of stay, if any, in an appeal or revision and the disposal of the appeal or revision.

(7) The appropriate authority shall also forward to the State Transport Authorities of other States concerned, at intervals of not more than 3 months, a statement giving particulars of permit issued during the period and the taxes and fee, if any due to the other States and collected.

(8) The provisions in Rules 147, 165, 172, 174, 178, 179, 180 and 186 shall as far as may be, apply in relation to a National Permit as they apply in relation to a goods carriage permit.

CHAPTER VI

SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS

236. Manner of notifying schemes.- Every scheme proposed by the State Government regarding the operation of road transport services by the State Transport Undertaking under Section 99 of the Act shall be in Form "A" and shall be published in the Official Gazette and in not less than one daily newspaper in the regional language circulating in the area involved. A copy of each of every scheme as proposed to be published Transport Undertaking, to the Secretary of the State Transport Authority and the Regional Transport Authority concerned. Copies of the scheme shall, also be put up on the notice boards of the offices of the State Transport Undertaking, the State Transport Authority and the Regional Transport Authority concerned.

237. Manner of filing objections.- (1) Any person affected by the scheme published under Section 99 of the Act may within 30 days from the date of publication of the scheme in the Official Gazette file his objections thereto before the Secretary to Government, Public Works and Transport Department, Secretariate, Trivandrum and shall simultaneously forward a copy each of the objections

to the State Transport Undertaking, the State Transport Authority and the Regional Transport Authority concerned furnishing the following particulars:-
the Gazette shall be forwarded to the State

- (a) Name and address of the objector;
- (b) Memorandum setting forth concisely the grounds of objection, signed by the objector or his authorised agent, and accompanied by six additional copies;
- (c) Whether he is an operator along or near the area or route included in the scheme notified by the State Government;
- (d) if reply to item (c) is in the affirmative, the following particulars shall be furnished:-
 - (i) Route with termini and intermediate stations, for which the operator holds the permit;
 - (ii) Route length-in Kilometre;
 - (iii) Extent of overlapping on the route included in the scheme with the overlapping distance;
 - (iv) Number of single trips operated in a day;
 - (v) Timings of services operated;
 - (vi) Registration number of vehicles operated;
 - (vii) Type and seating capacity of vehicles operated;
 - (viii) Date of expiry of the permit;
 - (ix) Arrangements made for housing; maintenance and repairs of vehicles;
 - (x) Number of persons employed-(driver, conductor, checking inspector, cleaner, etc.) showing their qualification age and length of service;
 - (xi) Details of machinery and equipments and reserve buses owned by the operator, and
 - (xii) Any other particulars to indicate the efficiency of the services operated by the operator.

(2) No objection in respect of any scheme shall be considered, unless it is made in accordance with sub-rule (1).

238. Consideration of objections.- (a) The Chief Minister or any other Minister nominated by him or any officer nominated by the Government in this behalf, shall be the authority to consider the objections filed and hear the objectors.

(b) The representatives of the State Transport Undertaking and the objectors or their authorised representative, if they so desire, shall be heard. The place, date and time of hearing shall be communicated to the concerned persons at least fourteen days before the date of hearing.

239. Manner of publishing approved scheme.- Any scheme for road transport services as approved or modified under sub-section (2) of Section 100 of the Act shall be notified in Form "B" in the Official Gazette and in one daily newspaper in the same manner as provided in Rule 236.

240. Manner of making application for permits.- (1) Every application for a permit by the State Transport Undertaking under Chapter VI of the Act, shall be in the following forms, namely:-

- (a) in respect of a pucca permit-Form P.St.S.A. (STU)
- (b) in respect of a temporary permit Form P.Tem.A. (STU).

(2) The fee for every stage carriage permit shall be the same as prescribed Rule 165.

241. Issue of permit.- On receipt of an application for a permit under Rule 240, the Transport Authority shall issue the permit, on production of the records relating to the vehicle.

242. Cancellation of existing permits.- (a) The State or Regional Transport Authority concerned shall, before making an order either cancelling any existing permit under clause (b) or modifying the terms of any existing permit under clause (c) of sub-section (2) of Section 103 of the Act, for the purpose of giving effect to an approved scheme, issue notice in Form "C" informing the affected operators, of the action proposed to be taken and giving them time of not less than thirty days to make representations against the proposed action.

(b) Any person making the representation under clause (a) shall send his representation addressed to the Secretary of the Regional Transport Authority or the State Transport Authority, as the case may be, and simultaneously send a copy to the State Transport Undertaking.

243. Manner of making representation.- (1) Every person making a representation under clause (a) of Rule 242 shall furnish his correct address along with his representation.

(2) No representation in pursuance of a notice under Rule 242 shall be considered by the State or the Regional Transport Authority, unless it is made in writing before the date specified and unless a copy thereof is furnished simultaneously to the State Transport Undertaking by the person making such representation.

244. Disposal of representation.- Where a representation under Rule 242 is made, the State Transport Authority or the Regional Transport Authority, as the case may be, shall dispose of the representation at a public hearing at which the State Transport Undertaking and the person making the representation shall be given an opportunity of being heard in person or by a duly authorised representative.

245. Holder of cancelled permit to submit statement.- Where in exercise of the powers conferred by clause (b) or (c) of sub-section (2) of Section 103 of the Act any existing permit is cancelled or the terms thereof are modified, the holder of the permit shall submit a statement in Form "D" with the original permits to the State Transport Undertaking and send a copy thereof to the State Transport Authority, or the Regional Transport Authority, as the case may be, within seven days from the date on which the cancellation or modification of the permit became effective.

246. Modification of approved scheme.- (a) Any scheme by the State Government under sub-section (1) of Section 102 of the Act to modify an approved scheme shall be in Form "E" and shall be published in the Official Gazette and in not less than one daily newspaper in the regional language circulating in the area involved. A copy of this scheme shall be sent to the State Transport Undertaking and to any other person, who in the opinion of the State Government is likely to be affected by the proposed modification. Copy shall also be sent to the Secretary of the State Transport Authority and the Regional Transport Authority concerned.

(b) The State Transport Undertaking or the other person concerned may, within thirty days from the date of publication of the scheme in the Gazette, file objections thereto, before the Secretary to Government, Public Works and Transport Department, Government Secretariate, Trivandrum. The objection shall be in the form of a memorandum setting forth concisely the grounds of objection, and shall be signed by the objector or his authorised representative. Six additional copies of the memorandum shall also be sent.

(c) The objection shall be heard by the same authority and in the same manner as provided in Rule 238.

(d) Any scheme as modified by Government under sub-section (1) of Section 102 of the Act shall be notified in the Gazette in Form "F".

247. Service of orders.- Every order under this chapter, except an order made by the State Government either approving or modifying a scheme, shall be served-

- (a) by tendering or delivering a copy thereof to the person on whom it is to be served or to his authorised agent; or
- (b) by sending it by Registered Post Acknowledgement due, at the last known address of the person on whom it is to be served; or
- (c) by fixing it on a conspicuous part of the premises where he last resided or where he had his last place of business, when service according to clause (a) or (b) is not practicable.

248. Disposal of articles found in transport vehicles of the State Transport Undertaking.- (1) Every article found in any transport vehicle operated by the State Transport Undertaking, which is not claimed by its owner, shall be handed over by the conductor concerned along with the ticket collections, to the cashier or other person of the District/Sub-District/Station, who receives the remittance of passenger ticket collections.

(2) The officer receiving the articles shall issue to the conductor a receipt in Kerala State Road Transport Corporation Form No. 17C for the article received.

(3) A "Register of unclaimed articles" shall be maintained in each District/Sub-District/Station, in Form "G" appended to these rules, in which details of all unclaimed articles shall be entered simultaneously to the issue of the receipt to the conductor concerned. Particulars regarding disposal of the unclaimed articles shall also be entered into this register at the appropriate time.

(4) In the case of a perishable article, if the owner does not claim the article within a reasonable time with satisfactory proof of ownership, the officer in charge of the District/Sub-District/Station, or any officer authorised by him in this behalf not below the rank of a Transport Inspector, shall disposed of the article in public auction as soon as may be necessary, taking into account the perishable nature of the article, after due notice in the office notice board. Proceeds of the auction sale shall be credited to the undertaking in the first instance. If, the owner furnished satisfactory proof of ownership of the article, the sale proceeds shall be paid to him, after deducting the actual cost incidental to the storage and sale of the article, subject to a minimum of two rupees.

(5) In the case of an unperishable article, if the owner does not claim it within one month from the date on which it was handed over by the conductor, it shall be sold in public auction by the officer in charge of the District/Sub-District/Station or any person authorised by him in this behalf, not below the rank of a Transport Inspector, after due notice of auction of not less than seven days in one of the dailies in the regional language circulating in the area and also in the notice board of the office. The proceeds of the auction sale shall be credited to the undertaking in the first instance. If the owner of the article, produces satisfactory proof of ownership of the article, the sale proceeds shall be paid to him, after deducting the actual cost incidental to the storage and sale of the article, subject to a minimum of two rupees.

(6) In the case of any valuable article such as gold or silver received as lost property, it shall be kept in the safe custody of the officer in charge of the District/Sub-District/Station for a period of one month from the date on which it was handed over by the conductor. If the article is not claimed by its owner on production of satisfactory proof of ownership within the said period of one month, it shall

be sent to the officer in charge of the cash section in the Head Office of the undertaking, who shall take action for its disposal in accordance with the orders in vogue.

(7) Nothing in this rule shall prohibit the officer in charge of the District/Sub-District/Station from returning the article to the owner thereof, if it is claimed before the date and time of sale with proof of ownership to the satisfaction of the said officer:

Provided that such article shall be returned to the owner only after realising the actual cost incidental to the storage of the article, subject to a minimum of two rupees.

(8) The auction of unperishable articles may be conducted on convenient dates, once in every three months.

(9) Payments to owners of the articles sold may be made by the officer in charge of the District/Sub-District/Station by revenue refund bills.

CHAPTER VII

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES

PART I

GENERAL RULES APPLICABLE TO ALL MOTOR VEHICLES

249. General.-(1) No person shall use and no person shall cause or allow to be used or to be in any public place any motor vehicle which does not comply with the rules contained in this Chapter or with any order thereunder made by the competent authority.

(2) Nothing in this rule shall apply to a motor vehicle which has been damaged in an accident or to a vehicle stopped or impeded owing to shortage of fuel or other temporary defects while at the place at which the accident or defect occurred, or to a vehicle so damaged or defective while being removed to the nearest reasonable place of repair or disposal.

250. Springing.- Every motor vehicle and every trailer drawn thereby shall be equipped with suitable and sufficient means of springing adequately maintained in good and sound condition between the road wheels and the frame of the vehicle:

Provided that this rule shall not apply to-

- (a) any motor vehicle registered before the first day of April, 1940, if any means of springing with which it is fitted or adequately maintained in good and sound condition;
- (b) any tractor not exceeding five thousand kilogram in weight unladen if all the unsprung wheels of the tractor are fitted with pneumatic tyres;
- (c) any land tractor and implement, agricultural trailer or any trailer used solely for the haulage of felled trees;
- (d) motor cycles, motorised cycles and motorised cycle rickshaws; and
- (e) vehicles designed for use in works or in private premises and used on a road only in passing from one part of the works or premises to another or to works or premises within a distance of four kilometres.

251. Mirror.- Every motor vehicle shall be fitted with a mirror which is so placed that the driver can have a distinct view of the traffic approaching from the rear.

252. Restriction on fuel to be used.- No person driving or in charge of a motor vehicle shall use or cause or allow the use of-

- (i) yellow or white kerosene solely or in conjunction with petrol or diesel oil; or
- (ii) adulterated petrol or adulterated diesel oil; or
- (iii) any other fuel except petrol or diesel oil.

253. Dangerous projection-Prohibition of .- No mascot or other similar fitting or device shall be carried by any motor vehicle in any position where it is likely to strike any person with whom the vehicle may collide unless the mascot is unlikely to cause injury to any person by reason of any projection thereon.

254. Wings or protecting cover.- Every motor vehicle except a tractor or a trailer used solely for agricultural purposes shall, unless adequate protection is afforded by the body of the motor vehicle, be provided with suitable wings or protecting cover:

Provided that this rule shall not apply to any motor chassis upon which a body is not yet built.

255. Motor cycle-Attachments to.- (1) Side car.-The side car of every motor cycle shall be attached to the left-hand side of the motor cycle. The wheel of the side car shall not be wholly outside lines drawn at right angles to the motor cycle from the extreme front and rear points of the motor cycle.

(2) *Pillion seat.*- Every pillion seat attached to a motor cycle shall have

- (a) two foot rests, one on either side of and directly below the seat fitted in such a manner that a person sitting on the pillion seat can rest his feet on such foot rests,
- (b) a suitably sprung cushion seat; and
- (c) a hand grip fitted to the front of the pillion seat.

(3) *Rear wheel cover.*- The rear wheel cover of every motor cycle which provides a seat for pillion rider shall be properly covered by a suitable device so as to prevent garments of the pillion rider from getting entangled in the spokes of the wheel.

256. Carburettors. - Any carburettor and apparatus associated therewith shall be so placed and shielded that no fuel leaking therefrom shall fall upon any part of fitting that is capable of igniting it or into any receptacle where it might accumulate.

257. Electric wires .- All electric wires or leads shall be adequately insulated.

(Provided that the electric wires in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

258. Locking of nuts.-All moving parts of every motor vehicle and all parts subject to severe vibration connected by bolts or studs and nuts shall be fastened by some efficient device so as to prevent them working or coming loose.

259. Painting.- No motor vehicle other than a motor vehicle registered under sub-section (1) of Section 60 of the Act, shall be painted in olive green colour, navy blue colour in disruptive and camouflage pattern and bear markings like B.A.Nos., formation signs and tactical numbers.

PART II

SPECIAL RULES APPLICABLE TO EVERY TRANSPORT VEHICLES OTHER THAN AN AUTORICKSHAW

260. General condition.- Every transport vehicle, and all parts thereof shall be maintained in sound and satisfactory condition, and the engine mechanism and all working parts in reliable working order.

(260A. Special Provision applicable to a stage carriage permitted to be operated as certain classes of services.- '(1) A stage carriage older than five years from the date of its registration shall not be permitted to be operated as a Luxury Service, a Super Deluxe Service or a Super Express Service and a stage carriage older than seven years from the date of its registration shall not be permitted to be operated as a Fast Passenger Service or a Super Fast Service.]

(2) A stage carriage older than twenty years from the date of its registration shall not be permitted to be operated as an Ordinary Service or a City Service:

Provided that the number of stage carriage permits for City Services, including those in respect of stage carriages older than fifteen years, powered by petroleum fuels, shall not exceed the number of permits existing on the date of commencement of the Kerala Motor Vehicles (Amendment) Rules, 2019:

Provided further that no stage carriage older than fifteen years Powered by petroleum fuels shall be permitted to be operated in the cities of Thiruvananthapuram, Ernakulam and Kozhikode Districts after a period of five years from the date specified in the first proviso, unless they are converted into vehicles powered by Electricity, Compressed Natural Gas (CNG) or Liquefied Natural Gas (LNG).

(3) A stage carriage older than fifteen years from the date of its registration shall not be permitted to be operated as a Limited Stop Ordinary Service.]

261. Body construction.- The body of every transport vehicle shall be soundly constructed and securely fastened to the frame of the vehicle and in accordance with the specifications, if any, laid down by the State or Regional Transport Authority.

262. Spare wheel and tools.- (1) Spare wheel.- Every transport vehicle shall at all times be equipped with at least one spare wheel inflated and kept ready, in such a way and it can be easily dismounted:

Provided that this sub-rule shall not apply to a vehicle for the completion of any journey during which the use of the spare wheel was necessitated.

(2) Tools.- Every transport vehicle shall at all times be furnished with an efficient jack and other tools necessary to change a wheel and to attend to minor repairs enroute.

263. Wooden chocks.- (1) In order to prevent goods vehicles or stage carriages from running backwards on slopes or otherwise to render it immobile every such goods vehicle or stage carriage plying through ghat roads shall be equipped with two wedge-shaped solid wooden chocks each measuring thirty centimetres in length, thirty centimetres in width and twenty-five centimetres in height with one of its sides having a slope making an angle of forty-five degrees at the end of the plane surface and the sloped side being rendered concave so as to fit the outer circumference of the size of tyre (eg. 8.25 x 20,9.00 x 20) normally fitted to the rear wheels of the vehicle.

(2) Each such chock shall be kept in a bracket fitted on the outer skirt of the tail-board of the vehicle and shall have hook. The tail-board of the vehicle shall also have a hook in the centre.

(3) Each such chock shall be linked with the tail-board by means of a metal chain of sufficient length fastened to the hooks in the chock and in the tail-board.

264. Paintwork or varnish.- The paintwork or varnish of every transport vehicle shall be maintained in a clean and sound condition and in accordance with the specifications, if any, laid down by the State or Regional Transport Authority.

PART III
SPECIAL RULES APPLICABLE TO EVERY PUBLIC SERVICE VEHICLE
OTHER THAN AN AUTORICKSHAW

265. Stability.- (1) Of double-decked vehicles.-A double-decked vehicle shall not be liable to be overturned when loaded with weights of fifty-five Kilograms per person placed in the correct relative position to represent the driver and conductor (if carried) and a full complement of passengers on the upper deck only, if the surface on which the vehicle stands were tilted to either side to an angle of twenty-eight degrees from the horizontal.

(2) Of single-decked vehicles.-A single-decked vehicle shall not be liable to be overturned under any conditions of load at an allowance of fifty-five kilograms per passenger, plus the maximum weight of luggage and goods which the vehicle is permitted to carry, if the surface on which the vehicle stands were tilted to either side to an angle of thirty-five degrees from the horizontal.

(3) Test regarding.-For the purpose of conducting test of stability of a vehicle the height of any stop used to prevent a vehicle from slipping sideways shall not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel which is then nearest to such surface when the vehicle is loaded in accordance with the requirements of sub-rules (1) and (2).

266. Side overhang.- In the case of a vehicle used as a stage carriage no part of the vehicle other than a direction indicator when in operation, or a driving mirror, shall project laterally more than thirty-five centimetres and five millimetres beyond the centre lines of the rear wheels in the case of single-rear wheels or more than fifteen centimetres beyond the extreme outer edge of the outer tyre in the case of dual-rear wheels.

267. Passenger Capacity-Specification for.- (1) Seating room.-In every vehicle '(except luxury service and super class service] lother than educational institution buses] there shall be provided for each passenger a reasonably comfortable seating space of thirty-eight centimetres square measured on straight lines along and at right angles to the front of each seat, and

- (a) When seats are placed along the vehicle, the backs of the seats on one side shall be at least one hundred and thirty-seven centimetres distant from the backs of the seats on the other side.
- (b) When the seats are placed across the vehicle and are facing in the same direction there shall be every where a clear space of not less than sixty-eight centimetres and five millimetres between the backs of the seats, and
- (c) When the seats are placed across the vehicle and are facing each other there shall be a clear space excluding padding and upholstery between the such surface of any portion of the seat against which the back of the passenger is to rest and the surface of the corresponding portion of the seat facing it of a minimum width of one hundred and twenty-four centimetres and five millimetres and a clear space excluding padding and upholstery between the fronts of facing seats of a minimum width of forty-eight centimetres and five millimetres:

Provided that this sub-rule shall not apply to vehicles which were registered before 16-5-1961.

[Provided further that the driver of those stage carriages operating as Luxury Service and Super Class Service shall stop the vehicle between 10.00 p.m and 06.00 a.m at such stopping places when so required by any passenger who intends to alight.]

[Provided also that the specification for passenger capacity in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1-2008 as amended from time to time.)

(d) in every educational institution bus, every seating position for school children shall be atleast 265 mm in width and 350 mm in dept

Provided that this Clause shall not be applicable to educational institution buses registered before the 1st day of January, 2014, but shall apply when its body is reconstructed, at any time, subsequent to the above date.]

[Explanation.-For the purpose of this rule, "Super Class Service" means a Super Deluxe Service, Super Express Service and Super Fast Service.]

(2) *Standing capacity*.- The State or Regional Transport Authority may, in respect of any public service vehicle other than a motor cab, fix the number of standing passengers the vehicle may be permitted to carry or the permit holder may be required to carry in the vehicle:

Provided that-

- (a) Such standing passengers may be permitted to be carried only in case of vehicles wherein the internal height or head-room is not less than one hundred and sixty-seven centimetres and five millimetres, and
- (b) the number of standing passengers so fixed shall not exceed twenty-five per cent of the number of passengers for whom there is seating accommodations as specified in sub-rule (1):

Provided further that fifty per cent standing passengers may be allowed in "City Services" or "Town Services".

[x xx x].

[Provided also that no standing passenger shall be allowed in luxury services, super deluxe services, super express services or super fast services).

[Provided also that the standing capacity in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

268. Maximum passenger capacity.- (1) Subject to the provisions of Rule 267 regarding passenger capacity, the number of passengers (including standing, if any) that may be permitted to be carried in a vehicle shall not exceed the number determined by the following formula, viz.-

$$N = \frac{G - (U + C)}{60}$$

where

N means the number of passengers,

G means the gross vehicle weight of the vehicle in kilograms,

U means the unladen weight in kilograms, and

C means the weight in kilograms of the crew including the driver, conductor and one checking inspector, if any, at the rate of fifty-five kilograms per head.

(Provided that the maximum passenger capacity in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.)

Note.- The denomination 60 denotes the average weight in kilograms of a passenger and personal effects,

(2) *Passenger capacity of double-decked vehicles.*-Subject to the provisions of sub-rule (1) of Rule 267 and sub-rule (1), not more than 72 sitting passengers in all and not more than 12 standing passengers in the lower deck may be carried in a double-decked stage carriage.

(Provided that the passenger capacity of double-decked vehicles that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

269. Minimum seating capacity of stage carriage.- (1) The minimum seating capacity of a stage carriage shall be directly proportionate to the wheel base of the vehicle. In all stage carriages "Registered in this State or assigned registration mark under Section 47 of the Act] the minimum number of seats to be provided shall be as shown in column (2) of the table below, leaving it to the operator to increase the capacity consistent with other rules relating to seating capacity and with due regard to the type of chassis on which the body is fitted:

<i>Wheel base</i>	<i>Minimum seating capacity</i>
254 to 293 cm.	16
294 to 305 cm.	20
306 to 343 cm.	25
344 to 407 cm.	30
408 to 432 cm.	35
433 to 496 cm.	40
497 to 505 cm.	45
506 to 550 cm.	50
above 550 cm.	55

Provided that such minimum number may be reduced by two seats in the case of a stage carriage with separate entrance and exit:

Provided also that such minimum number so reduced may be reduced further by one fifth in the case of stage carriages operating as City/Town Service:

[Provided also that such minimum number shall not apply to luxury service and super deluxe service].

Provided also that in every stage carriage, all the seats shall be arranged in configuration of either 3 x 2 or 2 x 2 or a combination of both, leaving the gangway at the middle, throughout the length of passengers' compartment and that the rear most row of seats shall also be of the same configuration as other seats.]

(Provided also that the minimum seating capacity of stage carriages that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

(2) In all stage carriages [x xx x), all seats shall face to the front.

(3) Sub-rule (1) shall not so apply to a stage carriage registered before the commencement of these rules but when its body is reconstructed at any time it shall provide the maximum number of seats possible in the existing body, to the satisfaction of the registering authority subject however to the minimum required under sub-rule (1) and without reducing the existing number of seats.

(4) Sub-rule (2) shall not so apply to a stage carriage registered before 1-4-1969, but when its body is reconstructed at any time the seats shall be so arranged as to face to the front.

(5) In all stage carriages, twenty-five per cent of the seats, excluding those provided for the driver and the conductor, shall be set apart for ladies.

(6) The seats so set apart shall be in the front portion of the passengers' compartment.

(7) Sub-rule (6) shall not so apply to a stage carriage registered before 1-8-2002.

(8) In a stage carriage registered before 1-8-2002 and having only one door in the rear, the seats for ladies shall be set apart in the rear portion of the vehicle. But when its body is re-constructed at any time in the manner provided in sub-rule (1) of Rule 280, the seats for ladies shall be set apart as provided in sub-rule (6).]

(9) in all stage carriages other than ordinary and limited stop ordinary stage carriages, except in services having online reservation facility, five per cent of the seats and in all ordinary and limited stop ordinary stage carriages, [twenty percent] of the seats, excluding those providing for the Driver and the Conductor, shall be set apart for senior citizens and out of the "[twenty percent] of the seats set apart for senior citizen in the ordinary and limited stop ordinary stage carriages, one half each shall be provided for senior citizen gents and senior citizen ladies respectively:

Provided that the seats set apart for senior citizens ladies shall be allotted nearer to the seats normally allotted for the lady passengers and in their absence, such seats shall be allotted to other lady passengers.]

(10) In all stage carriages five percent of the seats, excluding those provided for the driver and the conductor, shall be set apart for physically disabled persons:

Provided that one of the seats shall be earmarked in front of the conductor's seat and other seat shall be earmarked adjacent to entrance in the part where ladies seats are provided.]

(10a) In all stage carriages except in services having reservation facility, five per cent of the seats (maximum of two seats), excluding those provided for driver and the conductor, shall be set apart for women accompanied with a child below 3 years of age and the seats thus set apart shall be allotted nearer to the seats normally allotted for lady passengers.[Out of the total twenty-five per cent of the seats reserved for ladies as per sub-rule (5), one seat shall be set apart for pregnant women.]

(11) In all stage carriages, the following shall be conspicuously written inside the bus at the top on both sides", namely:-

270. Minimum seating capacity of a contract carriage other than an autorickshaw.- The minimum seating capacity of a contract carriage other than an autorickshaw shall be directly proportionate to the floor space available for providing comfortable seats to the satisfaction of the registering authority subject, however, to the compliance of the specifications laid down in Rule 267 and the maximum limit prescribed under Rule 268.

(Provided that the minimum seating capacity of a contract carriage other than an autorickshaw that are registered on or after the 1st day of October, 2017, shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

271. Floor boards.- The floor boards of every public service vehicle shall be so fitted as to exclude draughts and dusts as far as possible and shall not be pierced save for the purpose of drainage.

272. Gangways. – In every compartment of a vehicle the entrance to which is from the front or rear thereof, there shall be a gangway along the vehicle with a clear space of not less than thirty five centimeters between the rows of seats on either side or their supports.]

[Provided that the gangways in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev.1)-2008 as amended from time to time.]

273. Driver's seat.- (1) To be on right-hand side- Save as otherwise permitted by Transport Authority in the case of a vehicle with left hands steering control, no vehicle shall be driven other than from the right-hand side. The fact that such permission has been accorded shall be noted in the certificate of registration of the vehicle by the registering authority.

[Provided that the driver's seat in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

(2) *Space for.-* On every vehicle space shall be reserved for the driver's seat in such a way as to allow him to have complete control of the vehicle and in particular-

- (a) the part of the seat against which the driver's back rests shall not be less than twenty-eight centimetres from the nearest point on the steering wheel;
- (b) the width across the vehicle shall be not less than sixty-eight centimetres and five millimetres and shall extended to the left of the centre of the steering column in no case less than twenty-five centimetres and five millimetres and so that a line drawn parallel to the axis of the vehicle through the centre of any gear-lever, brake-lever or other device to which the driver has to have frequent access lies not less than five centimetres inside the width reserved for the driver's seat; and
- (c) the space reserved for the driver in accordance with clause (b) and the space adjacent thereto in every stage carriage shall be separated from the passenger compartment by a metal grill partition having a height of one hundred centimetre across the entire width of the bus. The size of the holes of the grill shall be not more than 20 c.m. x 20 c.m., but it shall not be reduced to such extent which may cause obstruction to the passengers to have clear vision of the road ahead.)

(Provided that the space reserved for driver in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.)

(3) *Arm rest.-* Arm rests for the driver not more than ten centimetres wide may be provided within the space specified in clause (b) of sub-rule (2).

(4) *No seat or luggage to be on right.-* No vehicle shall be so constructed that any person may sit or any luggage may be carried on the right-hand side of the driver, in the case of a vehicle fitted with right-hand steering control and no vehicle fitted with left-hand steering control shall be so constructed that any person may sit or any luggage be carried on the left hand side of the driver.

273A. Exhibition of toll free help line numbers in Stage Carriages.- (1) In every stage carriage, toll free/help line numbers of Chidline, Helpline against atrocities on women and telephone number of Police and Regional Transport Office concerned shall prominently be inscribed in white colour near to the registration mark at front and at rear;

Provided that in every stage carriage other than those owned by the Public Sector Undertaking, the mobile number of the registered owner shall prominently be inscribed in white colour along with the above said numbers.

(2) The letters shall have a minimum height of 20 mm, thickness of 3mm and a space of 2 mm between them.]

274. Conductor's seat.- On every stage carriage there shall be provided for the conductor a reasonably comfortable seating space of thirty-eight centimetres square so located as to allow him at all times a complete view of the inside of the vehicle.

275. Protection of passengers from weather.- Every vehicle shall be constructed with a fixed and water tight roof and suitable windows, venetians or screens, capable at all time of protecting the passengers from the weather without preventing adequate ventilation of the vehicle. When the screens are made of fabric they should be capable of being fastened securely to the vehicle.

[Provided that the windows provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

276. Protection of luggage on stage carriages.- Luggage carried on the outside of a stage carriage shall be protected from rain by a suitable water-proof covering securely fastened to the vehicle so as to prevent flapping and where it is carried on the roof, adequate protection in the form of a guardrail shall also be provided:

[Provided that all buses except type 1 NDX and SDX buses that are registered on or after the 1st day of October, 2017 shall have cabin luggage racks. The specifications of cabin luggage racks shall be in accordance with AIS 052 (REV-1-2008 as amended from time to time.)

Provided '(further] that nothing shall be placed or carried on the roof of a double-decked vehicle.

277. Body of stage carriage.- Save as otherwise permitted by the State or Regional Transport Authority every stage carriage shall have a body of the saloon type:

278. Driver to have clear vision.- Every vehicle shall be so constructed that save for the front pillars of the body, the driver shall have a clear vision both to the front and through an angle of ninety degrees to his right or left-hand side, as the case may be. The front pillars of the body shall be so constructed as to cause the least possible obstruction to the vision of the driver.

279. Communication with driver.- Every vehicle in which the driver's seat is separated from any passenger's compartment by a fixed partition shall be furnished with efficient means to enable the passengers and the conductor, if any, to signal to the driver to stop the vehicle.

280. Entrance and exit.- (1) Every stage carriage shall be provided with two doors, one at the front and the other at the rear of the left hand side of the body, having at least sixty-three centimetres width and sufficient height.

Provided that this rule shall not apply to stage carriages with wheel base up to and including 407 centimeters.]

[Provided further that the doors provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

(2) Every door of a stage carriage shall be provided with shutters which can be opened outward from inside as well as outside (] (x x x x).

(Provided that the shutters provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1-2008 as amended from time to time.)

(3) On both sides of every door in a stage carriage there shall be provided a partition wall upto a height of eighty-five centimetres from the floor of the vehicle.

(4) Every stage carriage shall be provided with an emergency exit in the form of a frame fixed with a safety glass with dimensions one hundred and fifty centimeters horizontally and one hundred and twenty centimeters vertically or in the form of a door with the same dimensions hinged at the top capable of being operated both from inside and out side. The emergency exit shall be fitted at the rear windscreen. The words "EMERGENCY EXIT" shall be prominently inscribed in red colour on a white background both inside and outside of the emergency exit:

Provided that in the case of stage carriages with wheel base up to and including 407 c.m. the emergency exit shall be of the dimensions 120 c.m. horizontally and 100 c.m. vertically.]

Provided further that the emergency doors provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

(5) The provisions of this rule shall not so apply to a stage carriage registered before 1-8-2002 but shall apply when its body is reconstructed, at any time, subsequent to the above date.)

281. Grab rail.- To every door, other than emergency exit, in a stage carriage there shall be fitted grab rail on both sides. Inside the body two overhead grab rails with properly fastened hanger straps shall be provided length wise through out the passengers compartment above the gangway.

[Provided that the grab rails provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

282. Steps.- (1) *In single-decked vehicles.-* In every vehicle the top of the tread of the lowest step for any entrance or exit, other than an emergency exit shall not be more than forty centimetres or less than twenty-five centimetres above the ground when vehicle is empty. All steps shall be fitted with non-slip treads. Fixed steps shall not be less than twenty-three centimetres wide and shall in no case project laterally beyond the body of the vehicle unless they are so protected that they are not liable to injure pedestrians.

[Provided that the steps provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

(2) *In double-decked vehicles.-*(a) The risers of all steps leading from the lower to the upper deck shall be closed and no unguarded aperture shall be left at the top landing board;

(b) all steps leading from the lower to the upper deck shall be fitted with non-slip treads;

(c) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase, excluding any grab rail which does not project more than eight centimetres from the back of the seat shall not be less than sixty-six centimetres; and

(d) the outer stringer of an outside staircase shall be so constructed or a band shall be so placed, as to act as a screen to persons ascending or descending, and the height of the outer guard rail shall not be less than ninety-nine centimetres above the front of the tread of each step.

[Provided that the steps provided in double-decked vehicles that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

283. Cushions.- Save as otherwise permitted by the State or Regional Transport Authority. the seats and back rests of every vehicle shall be provided with foam cushions covered with suitable material capable of being kept in a clean and sanitary condition. The seats shall be provided with foam cushions of not less than (eighty) millimetres thickness and the back rests with foam cushions of not less than thirty millimetres thickness. In the case of all Express stage carriages all back rests shall be provided with comfortable head rests.

(Provided that a stage carriage operated as luxury service or super deluxe service shall be provided with push back foam cushioned seats with head rest in 2 x 2 configuration, with not less than 80 cms. back to back space, individual arm rests, foot rests and safety belts and a stage carriage operated as super express service or super fast service shall be provided with foam cushioned seats with head rest, in 3 x 2 configuration with not less than 75 cms. back to back space, and foot rest.)

[Provided further that the height of seats including the thickness of cushion shall not be more than forty-five centimetres from the floor.]

[Provided also that the cushion provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.]

284. Head room.- The internal height or headroom of every single-decked vehicle with permanent top shall be measured along the centre of the vehicle from the top of the floor boards or battens to the underside of the roof supports, and shall not be less than one hundred and thirty-seven centimetres in the case of vehicles with wheel bases less than three hundred and two centimetres and not less than one hundred and sixty-eight centimetres and not more than two hundred centimetres in other cases:

Provided that this rule shall not apply in the case of a motor cab or maxi cab:

Provided further that this rule shall not apply in the case of a vehicle registered prior to the commencement of these rule.

285. Body dimensions and guard rails.- (Every stage carriage] shall be so constructed that-

(a) in the case of a single decked vehicle with an enclosed body,-

(i) the height of the window sills shall not be less than eighty-five centimetres from the floor of the vehicle,

(ii) two guard rails shall be provided above the window sills upto a height of not more than ninety-five centimetres from the floor of the vehicle to prevent passengers from putting their arms out, and

(iii) the dimensions of the open windows on either side shall not be less than fifty five centimetres vertically excluding the guard rails and seventy centimetres horizontally:]

(b) in the case of a single-decked vehicle with open sides, guard rails shall be provided along the right-hand side of the vehicle to prevent any person other than the driver from mounting or alighting from the vehicle on that side, and

(c) in the case of a double-decked vehicle with an uncovered topped deck, the top deck shall be provided with side and end rails the top of which shall be, at least ninety-one centimetres and five millimetres above the deck boards or battens at the side and sixty-six centimetres above the highest

part of any seat, and the top of the front and back rails shall be at least ninety-nine centimetres above the deck boards or battens and shall follow the camber of the deck.

[Provided that the guard rails provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. I)-2008 as amended from time to time.]

Note.- The seat back shall not be deemed to be a part of the seat.

286. Internal lighting.- Every vehicle shall be furnished with one or more electric lights adequate to give reasonable illumination throughout the passengers compartment or compartments but of such power or so screened as not to impair the forward vision of the driver.

[Provided that the internal lighting in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev.I)-2008 as amended from time to time.]

287. Fuel tank. - No fuel tank shall be placed in any vehicle under any part of any gangway which is within sixty-one centimetres of any entrance or exit of a single-decked vehicle or the lower deck of a double-decked vehicle or in such position that any overflow therefrom may fall upon any wood-work or accumulate in any part of the vehicle.

[Provided that the position and other specifications of fuel tank in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. I-2008 as amended from time to time.)]

287A. Batteries.- Batteries shall be placed in a specially designed box in any suitable place other than the passenger's compartment.)

(Provided that the position and other specifications of batteries in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev 1)-2008 as amended from time to time.)

288. Fire extinguishers.- (1) The State Transport Authority and with the previous sanction or the State Transport Authority, the Regional Transport Authority may, as a condition precedent to the grant of a permit, require any vehicle to be equipped with a fire extinguishing apparatus of a type specified by it and may require that such fire extinguishing apparatus shall be inspected at such periods and by such person as it may specify.

[Provided that the fire extinguishers in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev. 1)-2008 as amended from time to time.)

(288A. Drinking water facility.- Drinking water facility shall be provided in Luxury Services, Super Deluxe Services and Super Express Services.]

289. Prohibition of audio-visual or radio or tape recorder type of devices.- No public service vehicle other than a contract carriage shall be installed with any audio-visual devices.

PART IV

SPECIAL RULES APPLICABLE TO EVERY EDUCATIONAL INSTITUTION BUS AND PRIVATE SERVICE VEHICLE

290. Seating capacity.- [(1)] The seating capacity of an educational institution bus shall be determined subject to the compliance of the specifications laid down in Rules 267 and 268 and that of a private service vehicle shall be determined as provided in Rule 270.

[(2) Every educational institution bus shall be painted in 'Golden-Yellow' colour as per IS 5-1994 (as amended from time to time). For school identification, a band of 150 mm wide of 'Golden Brown' colour shall be provided on all sides of the bus below window level].

Provided that sub-rule (2) shall be applicable to educational institution buses registering on and after the 1st day of January, 2014. This provision shall be applicable to the educational institution buses registered before the 1st day of January, 2014 at the time when the vehicle is produced for certificate of fitness.]

291. Exhibition of the name of the institution.- The name of the institution shall be written conspicuously at the top of the front and rear ends and on the left side of the body of the vehicle and the writings shall be horizontal.

[291A, Emergency Exit in Educational Institution Buses.- (1) Every educational institution bus shall be provided with an emergency exit in the form of a frame fixed with a safety glass with dimensions of 150 cm (One Hundred and Fifty centimeters) horizontally and 120 cm (One hundred and twenty centimeters) vertically for heavy vehicles and 120 cm (One hundred and twenty centimeters) horizontally and 100 cm (One hundred centimeters) vertically for other vehicles or in the form of a door hinged at the top, capable of being operated both from inside and outside.

(2) The emergency exit shall be fitted at the rear wind screen and the words "EMERGENCY EXIT" shall be prominently inscribed in red colour on a white background both inside and outside of the emergency exit.

(3) At least one guard rail shall be provided across the emergency exit without obstructing the safe passage of the children.

Provided that sub-rule (1), (2) and (3) are not applicable where there are rear doors in the educational institution bus provided by the manufacturer:

Provided also that sub-rule (1), (2), and (3) shall not apply to educational institution buses having wheel base less than 300 cm (three hundred centimeters):

(4) Every Educational Institution Bus shall be provided with side windows on either sides having not less than 55 cm height and 70 cm length.

(5) The provisions of sub-rule (1), (2), (3) and (4) shall not so apply to an educational institution bus registered up to three months from the date of final notification but shall apply when its body is reconstructed, at any time, subsequent to the above date.]

PART V

SPECIAL RULES APPLICABLE TO EVERY MOTOR CAB INCLUDING AUTORICKSHAWS

292. Seating capacity of motor cabs other than autorickshaws.- The seating capacity of a motor cab other than an autorickshaw shall be fixed in accordance with Rule 270 subject to a maximum of six passengers in addition to the driver.

293. Means of communication between passengers and driver.- Every motor cab in which there is a partition between the driver and the passengers shall be provided with a means of communication between the passengers and the driver.

294. Protection from weather.- Every motor cab shall be either constructed with a fixed and water tight roof or equipped with a water tight hood that may be raised or lowered as required.

295. Painting and marking of.- [x Xx x] No motor cab shall be permitted to ply if it does not conform to the provisions of this rule-

- (a) colour of the hood of all '[autorickshaws] shall be painted in cream yellow and rest of the body in black. "[x x x x]

(Provided that the autorickshaws driven by ladies shall be painted in blue colour with a white boarder of 10 centimetres width around the middle at the exterior. The words 'വനിത ഓട്ടോ' in Malayalam and 'Lady's Auto' in English shall be written in the front and rear of such autorickshaws.]

Provided further that the autorickshaws using CNG/LNG as fuel shall be painted in golden yellow colour for the hood part and eco green colour for rest of the part.)

[Provided also that] this rule shall not apply to the Tourist Motor Cabs covered by tourist permits issued under Rule 329B of the Kerala Motor Vehicles Rules, 1961, till such vehicles complete seven years from the date of their original registration.]

- (b) the permit number shall be painted on the cab in white in a red circle, the size of the number being five centimetres in height and four centimetres in breadth at four different places viz.,
- (i) on the left hand top portion of the windscreen in the case of vehicles with right and steering control and on the right-hand top portion of the windscreen in the case of vehicle with left hand steering control readable from inside;
 - (ii) on the rear boot or panel of the vehicle against black background;
 - (iii) on the left front door or side panel against black background,
 - (iv) on the right front door or side panel against black background:

Provided that [clause (b)] shall not be applicable in the case of a motorised cycle rickshaw converted as a motor cab.

296. Taxi-meter.- (1) Necessity of.- (a) Every motor cab, except when exempted in this regard by the State or Regional Transport Authority, shall be fitted with a taxi meter, which shall be fixed to and operated from a non-driving wheel.

(b) The vehicle shall not ply for hire unless the taxi meter bears the seal of the State or Regional Transport Authority to indicate that the taxi meter has been tested and is in working order. The seal shall be kept in tact.

(c) The owner, driver, attendant of the vehicle or other person who breaks or tampers in any way with the seal, or who, with intention to deceive, tampers with the taxi meter or the driving mechanism thereof, shall be deemed to have committed a breach of this rule:

[Provided that this rule shall not apply to the Tourist Motor Cabs covered by tourist permits issued under Rule 329B of the Kerala Motor Vehicles Rules, 1961, till such vehicles complete seven years from the date of their original registration.]

(2) *Inspection of.-* (a) The taxi-meter shall, whether for the first time or after repair or adjustment, be submitted to the State or Regional Transport Authority or any such officer as that Authority may from time to time depute in this behalf for examination and test. When it is produced for inspection, it shall bear the necessary holes for wires and be provided with the wires for the lead seals to be fixed to it.

(b) The taxi-meter shall be subjected to a practical road test of eight kilometres for each of the distance scales and time test for detention charges for not less than half an hour.

If it passes the test, it shall be sealed in such a manner that it cannot be opened or adjusted without removing the seal. When a meter is inspected for the first time, the inspecting officer shall note the number of the meter in the certificate of registration of the vehicle:

Provided that this rule shall not be applicable to a motorised cycle-rickshaw converted as a motor cab.

297. Milo-meter.- The State or Regional Transport Authority may permit the use of a milo-meter instead of a taxi-meter, when the provisions of the Rule 296 will apply to such milo-meter as they apply to a taxi-meter except that the milo-meter may not be required to satisfy the time test for detention charges.

298. "For hire" indicator.- Every taxi-meter shall be fitted with an indicator or handle in the form of a flag on which shall be printed the words "For hire". The taxi-meter shall be so constructed that when the flag is horizontal the taxi-meter shall be out of action. Such indicator shall be so placed as to be clearly visible to any person outside and in front of the vehicle and to the hirer when inside.

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

Provided that the owner of a motor cab which is not fitted with a taxi-meter shall cause to be painted in a conspicuous part of the vehicle the words "For hire" in English and Malayalm.

299. Setting taxi-meter in motion.- The driver of every motor cab provided with a taxi-meter shall, as soon as the vehicle is hired, set the taxi-meter in motion, and upon the termination of the hiring shall immediately stop the same:

Provided that if a motor cab is called from a garage or stand to take up a passenger at any place, less than four hundred and fifty-seven metres from the garage or stand, the taxi-meter shall not be set in motion until the motor cab arrives at such place and is ready to take up the passenger:

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

(2) **Lighting of taxi-meter.-** Every motor cab fitted with a taxi-meter or a milo-meter shall have a light so fitted as to illuminate the taxi-meter or milo-meter, The taxi-meter or milo-meter shall be so illuminated when the vehicle is in use in a public place during the period between half an hour after sun-set and half an hour before sun-rise.

300. Exhibition of cards showing the distance and rates of fares.- Every motor cab Including autorickshaw operating in cities and towns shall be provided with a card issued by the concerned Transport Authority, showing the distance between important places and rates of fares to be realised from the passenger. The card shall be exhibited in a conspicuous place inside the vehicle.

PART VI

SPECIAL RULES APPLICABLE TO AUTORICKSHAW AND MOTORISED CYCLE RICKSHAW CONVERTED AS MOTOR CABS

301. Seating room.- (1) In every autorickshaw with seating capacity for two passengers, there shall be provided a seat of not more than one hundred and twelve centimetres and not less than ninety one centimetres and in every autorickshaw with seating capacity of three passengers, there shall be provided a seat not more than one hundred and twenty three centimetres and not less

than one hundred and fourteen centimetres. The depth of the seat shall not be less than forty-one centimetres.

The back of the seat shall be slanting and closed to a height of at least forty-six centimetres above the level of the seat in both cases.

The seats shall be provided with fixed or movable cushions. The cushions shall be covered with leather, cloth of good quality or other materials of such kind that they are capable of being kept in a clean and sanitary condition.

The height of the seats from the floor of the vehicle shall be not less than twenty eight centimetres including cushions and not more than forty-one centimetres:

Provided that in the case of motorised cycle rickshaw there shall be provided a seat of the following description:-

- (a) length of not less than 70 centimetres;
- (b) width of not less than 38 centimetres; and
- (c) back of the seat, of not less than 30 centimetres.

(2) Type of body, material and roof.- Every autorickshaw shall have a body either of a station wagon or box type or hackney carriage type, soundly constructed to the satisfaction of the registering authority and shall be securely fastened to the frame of the vehicle. The body shall be of metal type construction. The sections used shall be of suitable gauge to withstand all strains and stresses and shall be of light weight. There shall be adequate arrangements for protection of passengers from sun, wind and rain. The materials used in the construction shall be strong and of good quality.

The roof shall be so constructed as to provide protection for passengers from sun and rain and shall be either of metal sheeting or canvas or some other suitable material. If all metal roof construction is used, due care shall be taken to insulate the roof against heat.

The right side should either be blocked by a fixed door upto the waist level of the passenger in seated position or provided with two chromium plated rods one below the other leaving a gap of twenty five centimetres in between and the lower one being at the level of the hip of the passenger and that both rods are welded to the frame at both ends.

(3) Driver's Seat.- The back of the driver's seat of an autorickshaw shall have at least ten centimetres of clearance from the front panel of the body.

(4) Wind screen.- A wind screen with wind screen wiper shall be provided in every autorickshaw.

(5) Floor board.- The floor board of an autorickshaw shall be not more than fifty six centimetres above the surface on which the vehicle stands.

(6) Road clearance.-The road clearance of every autorickshaw shall be not more than twenty centimetres and not less than ten centimetres:

Provided that in the case of a motorised cycle rickshaw the road clearance shall be not more than twenty-five centimetres,

(7) Tuning circle of autorickshaw.- Every autorickshaw shall be so constructed or the movement of the handle bar so locked as not to be capable of turning in either direction in a circle of not less than 7 metres in diameter.

PART VII

SPECIAL RULES APPLICABLE TO EVERY GOODS CARRIAGE

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

303. Seating room in the cab of a goods vehicle.- (1) Driver's Seat.-Save when specifically exempted by the State Transport Authority in the case of a vehicle with left-hand steering control, Rules 273 and 278 relating to the driver's seat shall, as far as may be, apply to every goods vehicle other than a light motor vehicle.

(2) For other persons.-As many persons as there is seating accommodation for at the rate of thirty-eight centimetres for each person measured along the seat excluding the space reserved to the driver may be permitted to be carried in the cab of a goods carriage.

304. Painting.- Every goods vehicle shall be painted in highway yellow colour either fully or in front and rear portion in highway yellow colour:

[Provided that the body of a goods carriage used to carry dangerous or hazardous goods shall be painted in white colour with a dry brown leaf ribbon of 5 c.m. width around in the middle at the exterior, and that the driver's cabin in orange colour:

Provided also that this rule shall not apply to goods vehicles covered by National Permits, Composite Permits and goods vehicles belonging to the Police Department and the goods vehicles temporarily registered under Section 43 of the Actl.

PART VIII

SPECIAL RULES APPLICABLE TO TRAILERS

305. Checking of designs of locally manufactured trailers.- (1) An application for the approval of a new design of a trailer manufactured locally shall be made in triplicate to the State Transport Authority by the manufacturer or his authorised assembler. Such application shall be accompanied by the fee prescribed in sub-rule (8) and three copies of each of the following documents, namely:

- (i) Full specifications;
- (ii) Drawing giving all dimensions and details; and
- (iii) Set of design calculations of,-
 - (a) Axles;
 - (b) Springs;
 - (c) Long bearers;
 - (d) Cross bearers;
 - (e) Platform tank, or anything that may be carried on the cross bearers;
 - (f) Tow bar and coupling arrangements;
 - (g) Turn-table or any other scribbling device for the front axle, in the case of two axle trailers;
 - (h) Breaking arrangements, if any;
 - (i) Pay load capacity of the trailers;
 - (j) Suspension arrangements of the trailer over the axle;

- (k) Turning circle required for the trailers;
- (l) Sizes and types of tyres recommended for the trailer; and
- (m) Any other item such as shock absorbers, if included.

(2) The State Transport Authority shall forward the application together with the accompanying Documents to the General Manager, Kerala State Road Transport Corporation, who shall cause an Apert scrutiny of the design and calculations and if the design is found satisfactory, certify what would be in his opinion the maximum laden and axle weights of the trailers which are compatible with reasonable safety.

(3) In case the design is not found satisfactory the General Manager, Kerala State Road Transport Corporation shall advise the State Transport Authority to that effect and recommend di changes in he design and construction, as may be required to make the trailer suitable for the designed load.

(4) The State Transport Authority either on its own motion or on the recommendation of the General Manager, Kerala State Road Transport Corporation under sub-rule (3) may call upon the applicant to carry out such changes in the design as may be specified and to furnish such further details as may be required by that Authority. In such cases the applicant shall furnish such further specifications and drawing, incorporating alterations, if any.

(5) When the design is found satisfactory, the General Manager, Kerala State Road Transport Corporation shall forward to the State Transport Authority two copies of the approved design, specifications and calculations together with his recommendations as to the maximum laden and weights compatible with reasonable safety. The State Transport Authority may then approve the design and inform the applicant the maximum laden weight and axle weight recommended by the General Manager, Kerala State Road Transport Corporation. Such approval shall be subject to the condition that the manufacturer's or his assembler's recommendation regarding the maximum laden and axle weights shall not exceed those recommended by the General Manager, Kerala State Road Transport Corporation.

(6) The approval given under sub-rule (5) by the State Transport Authority shall be subject to the condition that when such trailer is attached to any motor vehicle, the overall dimensions of such combinations shall not exceed the limits prescribed by the Central Government.

(7) The applicant shall supply to the State Transport Authority as many extra copies of the approved design, specifications and calculations as may be required by that Authority for the purpose of distribution to the different registering authorities for their record.

(8) The fee for the approval of the new design of a trailer manufactured in India shall be rupees three hundred which shall not be refundable.

(9) Notwithstanding anything contrary contained in these rules, a trailer built up in another State and approved for this purpose by the prescribed authority of that State shall be deemed to have been approved by the State Transport Authority of this State under this rule.

PART IX

SPECIAL RULES APPLICABLE TO GAS PRODUCERS INSTALLED IN MOTOR VEHICLES OTHER THAN MOTOR CARS AND MOTOR CYCLES

306. Definition.- For the purposes of the rules in this part, the term "producer" means and includes the whole of the equipment necessary for the generation of producer gas and its utilisation in the engine of a motor vehicle other than a motor car or motor cab.

307. Regulation of use of producers.- (1) Every producer fitted to a motor vehicle shall be of a model approved by the State Transport Authority and made by a manufacturer approved by such Authority. It shall not be necessary to obtain such approval in the case of any producer which has already been approved by a competent authority in Tamilnadu State. Every producer shall exhibit in a conspicuous place on the generator a plate showing, in addition to the manufacturer's name and serial number, the mark assigned to the model by the State Transport Authority.

(2) *Approval of models.-* (a) Every manufacturer seeking approval for a producer shall submit in duplicate the State Transport Authority, specifications and drawings (which should be blue prints or photostat copies) of the model he proposes to manufacture, together with a copy of the instructions for operating the producer, The thickness of the metal sheets used in the construction of the various parts of the producer shall be stated in the specifications.

He shall also give an undertaking in writing to submit a producer of that model to a laboratory test and also to produce a stage carriage or goods vehicle fitted with a producer of that model at such time and place and for such tests including a road test of not less than one hundred kilometres continuous run as may be determined by the State Transport Authority or by such officer as that Authority may depute in this behalf. No modification shall be made in an approved model except with the approval of the State Transport Authority. Such Authority may subject the model as modified to such test as it thinks necessary before approving the modification.

(b) Every manufacturer of a producer of an approved model shall if so required by the State Transport Authority or an officer empowered by it in its behalf, at any time after approval has been accorded to the model produce for a laboratory test at the Engineering College, Trivandrum a producer manufactured according to such approved model.

(c) The State Transport Authority may withdraw the approval accorded to a model if it is of opinion that by reason of deterioration in the standard of manufacture or the efficiency of the plant or defects subsequently discovered the model no longer satisfied the provisions of these rules.

(3) *Validation of other approved models.-* Notwithstanding anything contained in sub-rule (2), the State Transport Authority may declare as approved any model of producer approved by any competent authority in the States of India if such authority has prescribed specifications for producers, similar to those laid down in these rules.

308. Specifications-General.- A producer model shall not be approved unless it satisfies the provisions of these rules and is fitted accordingly.

309. Materials of construction.- (1) All materials used in the construction of the producer except any component part or parts thereof which may be expressly excluded from his guarantee by the manufacturer, shall be suited to the load of the vehicle in which it may be installed and capable of withstanding the temperature, chemical and other strains of working under reasonable conditions of operation and maintenance for not less than two years. A statement of material and component part or parts which may not withstand wear and tear for two years shall be furnished to the State Transport Authority by the manufacturer.

(2) Thickness of mild steel sheets used for the generator shall be not less than 16 gauge (1.7 millimetres). The thickness for the hot portions of the gas pipe lines, cooler and the filter casings shall be not less than 18 gauge (1.2 millimetres). The thickness of the portion of the gas pipe lines after the filters shall not be less than 20 gauge (0.9 millimetres). The thickness of the sheet for cooling water tanks shall be not less than 20 gauge (0.9 millimetres).

310. Design-General.- The producer shall be of simple design and construction and shall be capable of being installed in a vehicle in such manner as-

- (a) not to interfere with the steering and road safety of the vehicle or with the driver's range of vision including his view to the rear through the driving mirror or with any signals or signaling devices required, under the provisions of Act and these rules; and
- (b) not unduly to impair the pay loadspace and the weight distribution of the vehicle.

311. Weight.- The weight of the producer shall be a minimum having regard to the fequirements of strength, rigidity, resistance to high temperature and corrosion and to the type of vehicle to which it is to be fitted.

312. Hopper capacity.- The effective capacity of the fuel hopper shall give the vehicle an operating distance of not less than 80 kilometres and 500 metres without recharging.

313. Accessibility.- The producer shall be designed with a view to accessibility and ease of maintenance, cleaning, charging and ash removal. Provision for drainage shall be made wherever necessary.

314. Fitting.— All installations connected with the producer shall be securely fixed. The Installation shall not form a single inflexible unit but shall be connected with flexible couplings at appropriate points to relieve intermediate stresses. No rubber hose shall ordinarily be used as a nexible connection between the generator and the cooler.

315. Safety.- (1) The manufacturer shall take precautions in the manufacture of the oducers to ensure safety with special regard to risk from fire, gas poisoning and blow-back of hot charcoal.

(2) All equipments and pipings shall be free from gas or air leaks. Covers of the furnace and gas filters and cocks and packings shall be airtight. If a generator vent pipe is fitted, the pipe shall be connected directly to the furnace or shall branch from a pipe as near as possible to the furnace. If an escape funnel is provided for use during the air blowing operation, the pipe shall exhaust above the roof level.

A suitable valve or flame trap shall be fitted to the air inlet of all types of generator to prevent danger from blow-back.

(3) Exposed surfaces at high temperatures shall be screened against accidental contact.

(4) The compartment containing the generator shall be lined with asbestos or other heat- resisting material not less than six millimetres thick.

The joints in the heat resisting material shall be overlapped, not less than four centimetres or butted with a covering but-strap four centimetres wide and six millimetres thick. Where the generator is not recessed the heat resisting materials shall be provided on the rear side for a distance of not less than fifteen centimetres on either side of the generator.

(5) In the instructions issued by the manufacturers to purchasers of producers regarding the use of the producer, instructions shall be included to the effect that the garage and buildings in which producer gas vehicles may be housed shall have permanent ventilation in addition to doors and windows that may be opened.

316. Capacity of cleaners.- The generator and the cleaning system shall be so designed that they will operate for not less than eighty kilometres and five hundred metres without requiring attention or cleaning.

317. Piping.- All piping shall be of substantial and gas-tight construction and provided with such joints as are necessary for the effective maintenance and repair of the vehicle. Every joint or weld shall be strong.

318. Painting.- All parts of a producer except those exposed to high temperatures shall be suitably painted, and parts exposed to high temperatures shall be painted with satisfactory heat resisting paints.

319. Lay out.- The whole of the producer shall be installed either outside or underneath the body of a vehicle. If the construction of the body of the vehicle, is such that some part of the producer should be inside the body of the vehicle, such part shall be covered so as to prevent any ill effect from gas leakage or inconvenience due to excessive heat.

320. Location of the generator.- In the case of stage carriage, the generator of the producer shall be located at the rear in such a position as to cause as little interference as possible with the weight distribution. In the case of a goods vehicle, the generator of the producer may be located, either at the rear as prescribed for stage carriages or at the front. If the generator is located at the front, it shall be fitted behind the driver's cab in such a position as not to interfere with visibility or signalling. The generator shall be kept away from any part of the body by at least five centimetres.

321. Location of the fuel tank.- If the generator of the producer is fitted at the front of the vehicle-

- (a) the main fuel tank shall be located away from the generator as far as practicable; if the tank is located inside the body of the vehicle it shall be effectively insulated;
- (b) the filling spout and any other opening shall be located on the opposite side of the vehicle to the generator and not less than 122 centimetres away from the generator; and
- (c) where an auxiliary fuel tank with gravity feed is fitted the capacity of such tank shall not exceed four and half litres and it shall be located in the front portion of the vehicle as far away from the generator as practicable.

322. Dimensions,- The overall dimensions of the vehicle, with the producer installed, shall not exceed those permitted.

323. Cleaners-Installation.- Cleaners using solid filter material shall be installed on the vehicle in such a manner as to allow efficient and convenient packing of the filter material.

324. Clearance.- The road clearance at the bottom of the furnace shall be not less than thirty centimetres and five millimetres when the vehicle is unladen with the hopper full. The height of any part of the producer within the wheel base shall not be less than twenty-five centimetres and five millimetres from the road level,

325. Performance-Starting test.- After the commencement of the starting process, the time taken for the engine of the vehicle to idle satisfactorily on gas alone shall not be greater than five minutes using petrol or fifteen minutes without petrol. For the purpose of this test, the engine and the producer shall be cold at the beginning of the process.

326. Inspection.- When a new vehicle or a vehicle which has already been registered, is fitted with a producer, it shall be inspected to see that it conforms to the specifications and shall be subjected to a road test of not less than forty kilometres including the testing for starting time, as laid down in Rule 327.

327. Petrol - Carrying of.- No driver or other person in charge of a motor vehicle to which a producer is fitted shall-

- (i) at any time when there is fire in the generator, or petrol or cause or allow petrol to be poured into the petrol tank; or
- (ii) carry or cause or allow to be carried in the vehicle (save in the regular petrol tank thereof) any petrol or other inflammable or explosive substance.

328. General provision.- All producers shall be of such construction and so fitted as to provide adequate protection against danger or damage or injury arising from fire, gas poisoning or contact with exposed surface at high temperature.

PART X

SPECIAL RULES APPLICABLE TO GAS PRODUCERS INSTALLED IN MOTOR CARS OR MOTOR CABS

329. Definition.- For the purposes of the rules in this Part, the term "Producer" means and includes the whole of the equipment necessary for the generation of the producer gas and its utilisation in the engine of a motor car or a motor cab.

330. Installation and inspection.- *Installation on vehicles.-* In the case of every motor car or motor cab fitted with a producer,-

- (a) the generator shall be installed outside in the rear, or inside the luggage compartment;
- (b) the compartment containing the generator shall be lined with asbestos or other heat resisting material not less than 6 millimetres thick. If the generator is fitted outside in the rear, a suitable partition of asbestos or other heat resisting material not less than 3 millimetres thick shall be provided and this partition shall be placed -
 - (i) between any hot part of the generator and any painted surface within thirty centimetres and five millimetres of it, and
 - (ii) between the petrol tank and any part of the generator within thirty centimetres and five millimetres;
- (c) the generator shall be kept away from any part of the body by at least five centimetres;
- (d) exposed surfaces at high temperatures shall be screened against accidental contact;
- (e) the main petrol tank shall not be used unless the filling spout is on the opposite side from the air inlet opening of the generator;
- (f) the road clearance at the bottom of the furnace shall not be less than 23 centimetres when the vehicle is unladen with the hopper full; and
- (g) the producer shall be of such construction and so fitted as to provide adequate protection against fire, gas poisoning or contact with exposed surface at high temperature.

(2) **Inspection of vehicles.**- When a motor car which has already been registered is fitted with a producer, which shall invariably be inspected and tested before the alteration is recorded in the certificate of registration under Section 52 of the Act.

331. Approved list of models.- (1) The State Transport Authority shall maintain an approved list of producers suitable for fitment to motor cars and motor cabs. The list shall be published in the Gazette. No person shall, however, be precluded from fitting to a motor car or motor cab any producer not included in the said list.

(2) *Requirements for approval.*- The State Transport Authority shall not approve any model of producer for motor cars or motor cabs unless it satisfies the following requirements:

- (a) the thickness of the mild steel sheets used for the generator should be not less than 16 gauge, the thickness for hot portions of the gas pipe lines, cooler and the filter castings should be not less than 18 gauge and the thickness of the portion of the gas pipe line after the filters should be not less than 20 gauge;
- (b) the effective capacity of the fuel hopper should give the vehicle on which it is designed to be fitted on operating distance of not less than sixty-four kilometres and five hundred metres without re-charging;
- (c) the generator and the cleaning system should be so designed that they will operate for not less than sixty-four kilometres and five hundred metres without requiring attention or cleaning;
- (d) the design of the producer should ensure safety with regard to risk from fire, gas poisoning and blow-back of hot charcoal;
- (e) cleaners using solid filter material should be installed on the vehicle in such a manner as to allow efficient and convenient packing of the filter material;
- (f) the producer shall be capable of moving the vehicle on which it is designed to be fitted on gas alone in not more than fifteen minutes from the commencement of the starting process;
- (g) the producer should be capable of maintaining the vehicle on which it is designed to be fitted, on gas alone at speed of forty-eight kilometres and five hundred metres per hour when running on level roads;
- (h) the dust content as tested in the laboratory of the Engineering College, Trivandrum should not exceed 0.005 grams per cubic meter of gas and the maximum drop of pressure in the producer during that test should not exceed ten centimetres of mercury.

PART XI

SPECIAL RULES APPLICABLE TO TOURIST MOTOR CABS

332. Seats.- The seats shall be provided with foam rubber at least to a minimum thickness of 18 millimetres cushioning or with deluxe cushion supplied by the car manufacturers.

333. Fitting taxi-meter '[x xx x]-Exemption.- The provisions of Rules 295 and 296 of these rules shall not apply to the vehicles covered by tourist permits. These vehicles shall not also use public taxi stands.

PART XII

334. Exemption by Government.- Government may for good and sufficient reasons exempt to such extent as they deem necessary any motor vehicle or class of motor vehicles from all or any of the provisions of the rules in this chapter;

Provided that every application for exemption under this rule shall be accompanied by a fee of rupees two hundred.

CHAPTER VIII CONTROL OF TRAFFIC

335. Powers of Transport Authority to restrict speed, weight, etc.- The State Transport Authority and the Regional Transport Authority shall have the power,-

- (a) to impose speed limits including the minimum speed;
- (b) to impose limits on the laden weight or axle weight (or dimensions of other matters connected with the construction or design) of motor vehicles and to prohibit or restrict the use of motor vehicles generally or of a particular class or of trailers in a specified area or in respect of any road; and
- (c) to designate any road as a main road:

Provided that the power conferred on the Regional Transport Authority by subject to the control of the State Transport Authority:

Provided further that any limit or restriction under clause (b) shall be imposed by the Regional Transport Authority only with the specific concurrence of the State Transport Authority, and if so required by Government or the State Transport Authority, after prior consultation with one or more representatives of the motor trade or trade associations.

336. Use of Heavy/Motor Vehicles.- (1) *Restrictions of roads or areas regarding.-* Government or the State Transport Authority may in consultation with the Public Works Department and such other Local Authority as is deemed necessary, approve a list of roads or areas in the State fit for operation by heavy goods vehicles or heavy passenger motor vehicles.

(2) *Issue of permits for.-* The State or any Regional Transport Authority shall not issue a permit for regular operation of any heavy goods vehicles or heavy passenger vehicles on any road or area, which is not included in the list referred to in sub-rule (1):

Provided that the above restriction shall not apply in the case of temporary permits issued by any Transport Authority for a limited number of trips on any road or area, not prohibited under Section 115 of the Act:

Provided further that temporary permits may be issued by any Transport Authority on any road or area prohibited under Section 115 of the Act on specific sanction from the Government, or in the case of vehicles engaged for public works on the recommendations of the Executive Engineer of the Roads, subject to such restrictions and conditions as may be imposed by the Transport Authority.

336A. Restrictions in time of transporting dangerous or hazardous goods.- Movement of bullet trucks transporting bulk load of Liquefied Petroleum Gas shall be restricted during peak traffic hours from 8 a.m. to 11 a.m. and 4 p.m. to 6 p.m. in Corporation and Municipal limits:

Provided that the Regional Transport Authority of the region shall impose suitable local time Restrictions for goods carriages transporting dangerous or hazardous goods according to local requirements for ensuring road safety, free flow of traffic and movement of vehicles.]

337. Restrictions on use of truck-trailer combinations.- (1) A truck-trailer combination shall not be used-

- (a) on ghat roads;
- (b) on roads of less than six metres and seventy centimetres width generally, except for small stretches of road with not less than three metres and sixty- five centimetres carriages way and few narrow bridges.

338. Restriction on use of Tractor Semi-Trailer combinations.- (1) A tractor-semi-trailer combination shall not be used-

- (a) on ghat roads where trucks are not permitted to ply;
- (b) on roads with single lane carriage way of less than three metres and sixty-five centimetres width;
- (c) on narrow roads of not less than three metres and sixty-five centimetres width unless equipped with turn table arrangement and the turning radius is not more than twenty-one metres and thirty-five centimetres.

339. Authority to restrict the use of motor vehicles. - Authority shall be competent to prohibit or restrict the use of motor vehicles under the provisions of Section 115 of the Act provided that in the case of any prohibition or restriction deemed necessary solely due to the deteriorated condition of any road or bridge, any officer of the Public Works Department not below the rank of an Executive Engineer who is in charge of such road or bridge shall be competent to impose the prohibition or restriction.

340. Weighing of vehicles-Officers competent.- Police officers in uniform not below the rank of Sub Inspector, officers of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector are authorised to require the weighing of goods vehicles and trailers.

341. Weighing devices- Use and installation.- A weighing device for the purpose of Section 114 of the Act may be-

- (a) a weigh bridge installed and maintained at any place by or under the orders of Government or a Local Authority; or
- (b) a weigh bridge installed and maintained by any person and certified by the registering authority to be a weighing device for the purpose of the Act and these
- (c) a portable wheel-weigher of any kind approved by Government:

Provided that when the weight or axle weight of a motor vehicle is determined by separate and independent determination of the weight transmitted by any wheel or wheels of the vehicle, the axle weight and the laden weight of the vehicle shall be deemed to be the sum of the weights transmitted by the wheels of any axle or by all the wheels of the vehicle, as the case may be.

342. Authorities empowered to erect traffic signs.- (1) Save as otherwise provided for in sub-rule (2), and subject to the general instructions of the Regional Transport Authority, the Secretary of the Authority shall be competent to cause or permit traffic signs to be placed or erected in any public place for the purpose of regulating motor vehicle traffic.

(2) Any authority empowered, under any law for the time being in force relating to local bodies such as a Corporation, a Municipality, or a Panchayat, to specify the maximum safe load for a bridge or a culvert, or to close a public road or street may for the purpose of exercising the said power, elect the appropriate traffic signs.

343. Authority to add transcriptions to traffic signs.- The authorities empowered to erect traffic signs shall be competent to add thereon transcriptions of the words, letters or figures as referred to in sub-section (2) of Section 116 of the Act.

344. Bus stand and parking places.- (1) *Authority to determine location of.-* The Regional Transport Authority shall, in consultation with the concerned authorities of any Corporation, Municipality or Panchayat, the Executive Engineer and the Superintendent of Police of the District, determine the location of-

- (a) bus stands, where from stage carriages start or terminate service; and
- (b) parking places wherein motor vehicles in general or of specified description may stand either indefinitely or for a specified period of time:

Provided that in the case of vehicles of the Kerala State Road Transport Corporation, the District Transport Officer or the Assistant Transport Officer may, in consultation with the local authority concerned, fix up stands at the starting points and at the termini of the bus routes and also bus stands and stopping places in the course of the route subject to the following conditions:

- (i) The District Transport Officer or the Assistant Transport Officer, as the case may be, shall consult the local authority concerned before determining the starting points, termini and the bus stops and bus stands within the limits of the local authority;
- (ii) In case of any difference of opinion between the local authority and the concerned officer of the Corporation the matter shall be referred to the District Collector concerned;
- (iii) The District Collector, after giving an opportunity of being heard to the officers of the Corporation and the local authority concerned, shall determine the issue and the decision of the District Collector shall be final.

(2) **Construction of.-** Government or subject to the previous approval of Government, any Corporation, Municipality or Panchayat may construct-

- (a) waiting sheds at bus stands for protection of stage carriages from weather during the period when they are at the bus stand before the commencement of any journey and for the convenience of the passengers, including public comfort stations; and
- (b) parking places wherein provisions may be made for the accommodation of motor vehicle generally or of a specified class with or without protection from weather.

(3) **Maintenance of.-** Government or other authority constructing waiting sheds at bus stands, or parking places shall arrange for their maintenance and also for the regulation and safe custody of vehicles garaged therein.

(4) **Rules regarding.-** Government may lay down regulations regarding any or all matters including the levy of waiting charges on motor vehicles using the bus stands or parking places.

345. Removal and custody of vehicles-Abandoned.- (1) *To remove obstruction.-* If any motor vehicle is allowed to stand in any place other than a duly appointed parking place in such a way as to cause obstruction to traffic or danger to any person, any police officer may-

- (a) forthwith cause the vehicle to be moved under its own power or otherwise to the nearest place where the vehicle will not cause undue obstruction or danger;
- (b) unless it is moved to a position where it will not cause obstruction or danger take all reasonable precautions to indicate the presence of the vehicle; and
- (c) if the vehicle has been stationary in one place for a continuous period of twenty-four hours and adequate steps have not been taken for its repair or removal by the owner or his representative remove the vehicle and its contents to a place of safe custody.

(2) *After an air raid.*- If after the "Raiders Passed" signal has been sounded after an air raid, a motor vehicle remains in any public place without a driver or other person in charge, and a police officer has reason to believe either that the driver or other person in charge has been killed or wounded during the air raid, or that the vehicle is in danger of being damaged by pilferes or otherwise by reason of the absence of the driver or other person in charge, the police officer may take charge of the vehicle and for that purpose he may remove the vehicle or cause it to be removed under its own power or otherwise, to any place of safe custody.

(3) *From parking place.*- If a motor vehicle has been stationary in a duly appointed parking place for a period exceeding that specified by the competent authority in respect of the said place or, if no such period has been specified, for a period exceeding six hours, any police officer may remove the vehicle to a place safe custody.

(4) *Payment for.*- Notwithstanding any fine or penalty which may be imposed upon any person upon conviction for the contravention of the provisions of Section 122 of the Act or of any regulations made by a competent authority in relation to the use of duly appointed parking places, the owner of the motor vehicle or his heirs or assignees shall be liable to make good any expense incurred by any police officer in accordance with this rule and any police officer or any person into whose custody the vehicle has been entrusted by any Police Officer, shall be entitled to detain the vehicle until has received payment accordingly and shall, upon receiving such payment, give a receipt to the person making the payment.

346. Prohibition in the case of moving vehicle.-(1) *From mounting or dismounting.*- No person shall mount or attempt to mount on, or dismount from, any motor vehicle, when the motor vehicle is in motion, nor shall the driver or person in charge of such vehicle permit any person to do so,

(2) *From taking hold of.*-No person shall take hold of, and no driver of a motor vehicle shall cause or allow any person to take hold of any motor vehicle when in motion for the purpose of being towed or drawn upon some other wheeled vehicle or otherwise.

347. Protective head gear.- The head gear to be worn by any person driving or riding on, a motor cycle shall be of the ISI standards.

347A. Exemption from wearing of protective headgear.- Any person riding on a motor cycle than the driver thereof, need not wear a protective headgear.]

348. Production of certificate of registration and fitness on demand.- Magistrates, Ofécers of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector, and Police Officers in uniform not below the rank of Sub Inspector are authorised to demand the production of the certificate of registration and the certificate of insurance of any vehicle and where the vehicle is a transport vehicle, also the certificate of fitness and the permit.

349. Production of driving licence-Exemption from.-The drivers of fire brigade vehicles belonging to the Kerala Fire Service Department shall be exempt from the provisions of Section 130 of the Act provided that they are in uniform at the time of checking,

350. Information regarding driver or conductor.- *Liability of owner to furnish.*- No owner of a motor vehicle shall cause or allow any person to function as a driver or conductor, unless the owner has in his possession a record in writing of the name and address of the driver or conductor as set forth in his licence, the number of the licence and the name of the authority by which it was issued.

351. Officers empowered to seize vehicles and documents.- [(1)] Magistrates Police Officers in uniform not below the rank of Sub Inspector, officers of the Motor Vehicles Department not below the rank of Assistant Motor Vehicle Inspector are authorised to:

- (a) seize any identification mark carried on, or any document produced by the driver or person in charge of a motor vehicle under the provisions of Section 206 of the Act.
- (b) seize, detain and arrange for the temporary safe custody of motor vehicle under the provisions of Section 207 of the Act:

Provided that any officer of the Public Works Department not below the rank of Assistant Engineer is also authorised to exercise the powers under clause (b) when by reason of the unauthorised operation of any motor vehicle, on a route or area under the charge of or within the jurisdiction the officer, such action is due under Section 270 of the Act.

(2) Where a motor vehicle is seized under sub-section (1) of Section 207 of the Act by an officer authorised under sub-rule (1), he shall-

- (a) prepare a mahazar in triplicate containing the details of the vehicle seized and the offence for which it is seized and a seizure list in quadruple showing the articles found detached in the vehicle at the time of seizure and hand over a copy each thereof, to the person in possession and control of the vehicle, under proper acknowledgement;
- (b) arrange or cause to be arranged for the safe custody of the vehicle till it is released under sub-section (2) of the said section:

Provided that where the vehicle is seized by an officer, other than a police officer, he shall hand over the vehicle, immediately, to the officer-in-charge of the Police Station having jurisdiction over the area within which the vehicle was seized, for custody:

Provided further that where the vehicle is seized in a check post by an officer of the Motor Vehicles department, he may arrange for the safe custody of the vehicle in the checkpost concerned.

- (c) send a report together with copies of the mahazar, seizure list and other records, if any, to the authority or officer authorised by the Government under sub-section (2) of Section 207 of Act to order for the release of the vehicle seized.]

352. Officers empowered to inspect vehicles involved in accidents.- Magistrates, Officers of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector and police officers not below the rank of Sub Inspector are authorised to inspect any motor vehicle involved in an accident.

353. Vehicles with left hand steering control writing.- The words "Caution Left hand Drive" shall be painted in red on a white back ground on the right hand rear of every vehicle with left hand steering control near the number plate, the letters being not less than four centimetres square each.

354. Precautions in driving.- (1) On ghat roads.-On any ghat road and elsewhere on any hill marked by traffic sign No. 10 of Part C of the schedule to the Act, no person shall drive a motor vehicle with the engine free, that is to say, with the gear lever in neutral, the clutch lever depressed or with any free wheel or other device in operation which frees the engine from the driving wheels and prevents the engine from acting as a brake when the vehicle is travelling down an incline. On all ghat roads motorists shall proceed with special caution. When a motor vehicle going down-hill meets a motor vehicle going up-hill the former shall stop and allow the latter to pass.

Explanation.- "Ghat road" means a road notified in the Gazette as such by the Government and indicated by a notice board erected at each end of such road.

(2) While reversing.- No driver of a motor vehicle shall cause the vehicle to travel backwards without first satisfying himself that he will not thereby cause danger or undue inconvenience to any person, or in any circumstance, save in the case of a road-roller, for any greater distance or period of time than may be reasonably necessary to turn the vehicle round:

Provided that in the case of a transport vehicle the conductor or attendant, as the case may be, shall be responsible for directing the driver while the vehicle is being reversed.

355. Use of foot-paths or other tracks by motor vehicles-Restrictions.- Where any road or street is provided with foot-path or tracks reserved for cycles a specified classes of other traffic, no person shall, save with the sanction of police officer in uniform, drive any motor vehicle or cause or allow any motor vehicle to be driven on any such foot-path or track.

356. Towing of vehicles.- (1) Restriction on.- No vehicle other than mechanically disabled or incompletely assembled motor vehicle, a registered trailer or semi-trailer, or a side-car shall be drawn or towed by any motor vehicle:

Provided that no cycle or motor cycle shall be towed and no cyclist or motor cyclist shall allow himself to be towed by any motor vehicle.

(2) *Licensed driver to be in drawn vehicie.-* No motor vehicle shall be drawn or towed by any other motor vehicle unless there is in the driver's seat of the motor vehicle being drawn or towed a person holding a licence authorising him to drive the vehicle or unless one axle of the motor vehicle being towed is 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) *'On Tow' to be displayed.-* 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 four metres and centimetres. Steps shall be taken to render the two ropes or chains easily distinguishable by other users of the road, and there shall be clearly displayed on the rear of the vehicle being towed in black letters not less than seven centimetres and five millimetres high and on a white ground the words 'On Tow':

Provided that no person shall be liable to be convicted for the contravention of this rule for failure to display the words 'On Tow' if the motor vehicle which is towing the other is not a motor vehicle adapted and ordinarily used for the purpose and so long as the vehicle is being towed between the place of the break down and the nearest place on the route at which the necessary materials can be obtained.

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

357. Projecting load-Restriction in transport of.- (1) Limits of Projection.-No person shall drive and no person shall cause or allow to be driven in any public place any motor vehicle which is loaded in a manner likely to cause danger to any person or in such a manner that the load or any part thereof anything extends beyond the limits prescribed in sub-rule (7) of Rule 93 of the Central Motor Vehicles Rules, 1989.

(2) Authority competent to 6xempt or restrict.-The District Magistrate may with the concurrence of the Regional Transport Authority

(a) by order in writing exempt any motor vehicle, for such a purpose, for such period, and subject to such conditions as he may specify, from any or all the provisions of sub-rule (1) and (2);

- (b) by notification in the Gazette either prohibit, or restrict within specified hours, the transport of projecting loads within such area or on such roads as may be specified in the notification.

358. Dangerous substances.- (1) Restriction in carrying.-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:

Provided that nothing in this rule shall apply to safely packed cartridges for small arms which a passenger may take with him in any such vehicle.

(2) *Authority to remove.-* If, in the opinion of any police officer not below the rank of Sub Inspector or of any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicle Inspector, any public service vehicle is at any time loaded in contravention of sub-rule (1) he may order the driver or other person in charge of the vehicle to remove the explosive, highly inflammable or otherwise dangerous substance.

359. Horns.- (1) Restriction on use of.- No driver of a motor vehicle shall sound the horn or other device for giving audible warning with which the motor vehicle is equipped, or shall cause ensure safety.

(2) *Authority to prohibit.-*The District Magistrate may by notification in the Gazette and by the erection in suitable places of traffic sign No.7 as set-forth in Part A of the Schedule to the Act, prohibit the use of any horn, gong or other device on a motor vehicle for giving audible warning within Such locality and during such hours as may be specified in the notification:

Provided that when the District Magistrate prohibits use of any horn, gong or other device for giving audible warning during certain specified hours, he shall cause a suitable notice in English and in Malayalam setting forth the hours within which such use is so prohibited to be affixed below the traffic sign.

360. Use of lamps-Restriction regarding.- (1) Dazzling lights.- The driver of a motor vehicle shall at all times when the lights of the motor vehicle are in use so manipulate them that danger or undue inconvenience is not caused to any person by dazzling:

Provided that the Inspector General of Police, or the concerned District Magistrate may, by notification in the Official Gazette, and by the erection of suitable notice in English and Malayalam either prohibit or restrict the use of lamps giving powerful or intense light within such areas and such places and for this purpose stipulate the extent to which such lamps may be screened or shrouded.

(2) *Parking lamps.-*Save when left within twenty-three metres of the nearest lighted lamp or the side of a public road having a system of lighting by electric lamps no person shall keep stationary any motor vehicle without exhibiting the parking lights thereon within the hours during which lights are otherwise required under these rules.

(3) *In urban areas.-* No person shall drive any motor vehicle in any public road lighted by a system of electric lamps in the cities of Trivandrum, Cochin and Calicut or in any Municipal town without dimming or dipping the head lamps of the vehicle.

361. Restriction on illuminated advertisements.- No illuminated advertisements shall be carried or displayed on any motor vehicle.

362. Visibility of lamps and registration marks.- No load or any other goods shall be placed on any motor vehicle so to mask or otherwise interrupt vision of any lamp, registration mark or other

mark required to be carried by or exhibited any motor vehicle by or under the provisions of the Act, unless a duplicate of the lamp or mark so masked or otherwise obscured is exhibited in the manner required by or under the Act for the exhibition of the masked or obscured lamp or mark.

363. Registration and other marks to be kept in clear conditions.- All registration and other marks require to be exhibited on a motor vehicle by or under the provisions of the Act shall at all times be maintained in a clear and legible condition.

364. Rear view mirror-Obscuring of.- No person driving or in charge of a motor vehicle shall permit any person to stand or sit, or anything to be placed in such a manner or position as to obscure the driver's vision during day time either directly or rearward through the rearview mirror.

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

(2) A line for the purposes of this rule shall be not less than five centimetres in width at any part and shall be either in white, black or yellow.

[xxxx.

[365A. Police Officers to assist blind and disabled persons.- The Police Officers engaged in traffic control shall assist blind persons or handicapped persons moving on trolleys, by crutches or by any other means, to cross the road by stopping the vehicles moving on the road]

366. Attendants on trailers.- (1) When a motor vehicle draws one or more trailers, the following persons, not being less than twenty years of age, and competent to discharge their duties. shall be carried, that is to say-

- (a) If the brakes of the trailer or trailers cannot be operated from the motor vehicle.
 - (i) One person on every trailer competent to apply the brakes, and
 - (ii) One person placed at or near the rear or the last trailer in such a position as to have clear view of the road in rear of the trailer, to signal to the drivers of overtaking vehicles and to communicate with the driver of the drawing motor vehicle,
- (b) if the brakes of the trailer can be operated by some person, other than the driver, carried on that vehicle, such other person in addition to the driver shall be carried on that vehicle and one person on the last trailer in accordance with the provisions of sub-clause (ii) of clause (a), and
- (c) If the trailer is or trailers are being drawn by a tractor, notwithstanding that the brakes of the trailer or trailers can be operated by the driver or some other person on the tractor not less than one person on each trailer and not less than two persons on the last trailer in train one of whom shall be the person required by the provisions of sub-clause (ii) of clause (a).

(2) *Exemption.*-Sub-rule (1) shall not apply-

- (a) to any trailer having not more than two wheels and not exceeding eight hundred kilograms in weight laden when used singly and not in a train with other trailers,
- (b) (b) to the trailing half of an articulated vehicle,
- (c) to any trailer used solely for carrying water for the purposes of the drawing vehicle when used singly and not in a train with other trailers,

- (d) to any agricultural or road-making or road-repairing or road cleansing implement drawn by a motor vehicle,
- (e) to any closed trailer specially constructed for any purpose and specially exempted from any or all of the provisions of this sub-rule by an order in writing made by the registering authority to the extent so exempted, and
- (f) to any trailer specially constructed or adapted for any purpose upon which an attendant cannot safely be carried.

367. Distinguishing marks for trailers.- (1) No person shall drive or cause to be driven in any public place any motor vehicle unless there is exhibited on the back of the last trailer, a distinguishing mark in white on a black ground in the form set out in the Second Schedule to these rules.

- (2) The mark shall be unobscured and shall be so fixed that-
 - (a) the letter on the mark is vertical and easily distinguishable from the rear of the trailer,
 - (b) the mark is either on the centre or to the right-hand side of the back of the trailer and
 - (c) no part thereof is at a height exceeding one hundred and twenty-two centimetres from the ground.

(3) This rule shall not apply to the cases referred to in clauses (a), (b), (c) (d) and (f) of sub-rule (2) of Rule 366.

368. Attendant on heavy motor vehicles.- Every heavy motor vehicle shall carry not less than one attendant, being a competent person of over twenty years of age, to assist the driver in the management of the vehicle and when the vehicle is in motion to be in a position to give warning of any traffic approaching from rear.

369. Exemption from the provisions of rules under Chapter VIII of the Act.- (1) The Government may, by notification in Gazette, exempt to such extent as may be specified in the notification any motor vehicle or class of motor vehicles from all or any of the provisions of the rules framed under Chapter VII of the Act.

CHAPTER IX

INSURANCE OF MOTOR VEHICLES AGAINST THIRD PARTY RISKS

370. The owner of a motor vehicle applying for registration or renewal of registration, grant or renewal of permits, issue or renewal of certificate of fitness, transfer of ownership, payment of tax or for any other authority to use a vehicle in a public place by himself or any other person on his order or with his permission shall produce with his application a certificate of insurance complying with requirements of Chapter XI of the Act and valid on the date when such authority comes into operation:

Provided that the owner of a motor vehicle exempted under sub-section (2) of Section 147 of the Act, shall produce, in the place of a certificate of insurance, the certificate prescribed in Rule 148 of the Central Motor Vehicles Rules, 1989.

CHAPTER X

CLAIMS TRIBUNALS

371. Application for compensation.- (1) Every application for payment of compensation shall be made in Form "Comp. A" and shall be accompanied by the fee prescribed therefor in sub-

rule (1) of Rule 397.

(2) Any application which is found defective on scrutiny may be returned by the Claims Tribunal for being submitted after curing the defects within a specified time not exceeding two weeks.

(3) An application for compensation shall be numbered as an Original Petition (Motor Vehicles).

372. Examination of applicant.- On receipt of an application under Rule 371 the Claims Tribunal may, examine the applicant on oath, and the substance of such examination, if any, shall be reduced to writing.

373. Summary disposal application.- The Claims Tribunal may, after considering the application and the statement, if any, of the applicant recorded under Rule 372 dismiss the application summarily, if for reasons to be recorded it is of the opinion that there are no sufficient grounds for proceedings therewith.

374. Power of High Court to transfer applications.- (1) The High Court may transfer an application from the file of one Claims Tribunal before whom the application is pending to that of any other Claims Tribunal,-

(a) if, the Claims Tribunal before whom the application is pending is personally interested in the application and reports the matter to the High Court; or

(b) if an application for transfer by any party to the application, the High Court is satisfied that there are sufficient grounds for such transfer.

(2) A Claims Tribunal to whom an application is so transferred under sub-rule (1) may, subject to special directions in the order of transfer, proceed either de novo or from the stage at which it is so transferred.

375. Power of Claims Tribunals to transfer applications.- A Claims Tribunal shall transfer an application filed before it to another Tribunal if such application is one which comes within the jurisdiction of the latter.

376. (1) It shall be the responsibility of the Insurance Company to collect the particulars regarding the registered owner of the vehicle and the driving licence and submit a report thereof to the Claims Tribunal concerned together with other information such as the name of the Insurance Company, the Divisional Office under which the policy has been taken, the number of the Policy/Certificate, the period for which the policy subsists and the nature of the insurance liability, immediately on receipt of information regarding the accident from the parties.

(2) The Insurance Companies may require the Regional Transport Officer/Joint Regional Transport Officer concerned to give the details of the accident in Form "Comp. B" to enable them to submit reports under sub-rule (1) and on receipt of such requisition the regional Transport Officer or the Joint Regional Transport Officer concerned shall provide the necessary details to the Insurance Company.

377. Notice to parties involved.- (1) If the application is not dismissed under Rule 373 the Claims Tribunal shall send to the owner of the motor vehicle involved in the accident, its insurer and its driver a copy of the application together with a notice of the date on which it will hear the application and may call upon the parties to produce on that date any evidence that they may wish to tender:

Provided that in the case of an application for compensation under Section 140 of the Act the owner or insurer or driver, as the case may be, shall be directed to appear not later than 10 days from the date of issue of the notice and the date so fixed shall also be not later than 15 days from the date of receipt of the claim application.

(2) If the insurer is not impleaded as a party to the application as originally filed, or if the name of the insurer is not correctly given therein, it shall be open to the applicant to make an application to the Claims Tribunal for appropriate amendment to the application for the purpose of bringing the insurer on record.

(3) Whenever the Claims Tribunal deems fit, it may receive from the applicant addressed envelopes with sufficient postal stamps affixed for service of notice.

378. Appearance and examination of parties.- (1) The owner of the motor vehicle, the insurer and the driver may, and if so required by the Claims Tribunal shall, at or before the first hearing or within such further time as the Claims Tribunal may allow, file a written statement dealing with the claims raised in the application, and any such written statement shall form part of the records.

(2) No pleading subsequent to the written statement filed under sub-rule (1) shall be presented except by the leave of the Claims Tribunal and upon such terms as the Claims Tribunal thinks fit, but the Claims Tribunal may at any time require a written statement or additional statement from any of the parties and fix a time for presenting the same.

(3) If the owner or the insurer or the driver contests the claim, the Claims Tribunal may, and if no written statement has been filed it shall, proceed to examine the owner, the insurer and the driver upon the claim and shall reduce the substance of the examination to writing.

(4) In any claim for compensation under sub-section (1) of Section 140 of the Act, the claimant shall not be required to plead and establish that a death or permanent disablement in respect of which the claim has been made was due to any wrongful act, neglect or default of the owner or owners of the vehicle or vehicles concerned or any other person.

(5) The Claims Tribunal shall obtain necessary information from the police, medical and other authorities and proceed to settle the claims, whether the parties who were given notice appeared or not on the appointed date.

379. Framing of issues.- (1) After perusing the application and the written statements, if any, filed under Rule 378 and also the result of the examination if any, under the samerule, of the parties, the Claims Tribunal shall frame issues before the evidence is recorded.

(2) The Claims Tribunal may at any time before pronouncing judgment amend or delete issues already framed or frame additional issues on such terms as it thinks fit.

380. Summoning of witnesses.- If an application is presented by any party to the proceeding for the summoning of witnesses, the Claims Tribunal shall, on payment of the expenses involved, if any, issue summons for the appearance of such witnesses unless it considers that their appearance is not necessary for a just decision of the case:

Provided that if in the opinion of the Claims Tribunal, the party is financially poor, it may not insist on the payment of the expenses involved and the same shall be borne by the Government Provided further that in cases where the party succeeds in whole or in part, the expenses so incurred by the Government shall be directed to be paid to it by the owner or the insurer, as the case may be, of the motor vehicle.

381. Appearance of legal practitioner.- (1) Any party may appear in person or through a legal practitioner before the Claims Tribunal.

(2) The scale of fees contemplated in the rules regarding fees payable to the advocates in respect of original suits shall apply in the case of applications for compensations.

382. Local inspection.- (1) The Claims Tribunal after giving notice to the parties may, at any time during the course of an inquiry before, it visit the sight at which the accident occurred for the purpose of making a local inspection, or examining any person likely to be able to give information relevant to the proceeding.

(2) Any party to the proceeding or the representative of any such party may accompany the Claims Tribunal for local inspection.

(3) The Claims Tribunal, after making a local inspection, shall note briefly in a memorandum any facts observed, and such memorandum shall form part of the record of inquiry.

(4) The memorandum referred to in sub-rule (3) may be shown to any party to the proceedings who desires to see it and a copy thereof may on application, be supplied to any such party.

383. Place of proceedings,- The Claims Tribunal, if it considers necessary, make camp and conduct the proceedings anywhere within its jurisdiction.

384. Inspection of the vehicles.- The Claims Tribunal may, if it thinks fit require the motor vehicle involved in the accident to be produced by the owner for inspection at a particular time and place to be mentioned by it, if necessary in consultation with the owner.

385. Expenditure involved for inspection.- The Claims Tribunal may, if any journey is undertaken for the purpose specified in Rule 382 at the instance of the party, require the party to deposit before hand an amount equivalent to the actual expense likely to be incurred by it and its staff for the purpose, and draw only the amount so deposited by the parties to meet all the incidental expenditure in connection with such journeys.

386. Power of summary examination.- (1) The Claims Tribunal during a local inspection or at any other time, save at a formal hearing of a case pending before it, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not and whether any or all of the parties are present or not.

(2) No oath shall be administered to the person examined under sub-rule (1).

387. Examination of the injured by a Medical Officer.- The Claims Tribunal may, if it considers necessary, direct any medical officer in a Government Hospital or in a Medical College Hospital or any Board consisting of such Medical Officers to examine the injured and issue disability certificate indicating the degree and extent of the disability, if any, sustained as a result of the accident.

388. Method of recording evidence.- (1) Evidence of each witness including medical witness, if any, shall be recorded in writing by the Claims Tribunal in full, that is word by word, and evidence so written and signed by the Claims Tribunal shall form part of the record.

(2) Where a Claims Tribunal is prevented by death, transfer or other cause from concluding the trial of a claims petition his successor may deal with any evidence taken down under sub-rule (1) as if such evidence had been taken down by him under that sub-rule and may proceed with the claims petition from the stage at which his predecessor left it.)

389. Co-opting of persons during inquiry.- (1) The Claims Tribunal may, if it thinks fit, Co-opt one or more persons possessing special-knowledge with respect to any matter relevant to the inquiry. Such person(s) shall not sit as member(s) if the Claims Tribunal, but shall render such assistance as is required to hold that inquiry.

(2) The remuneration, if any, to be paid to the person(s) co-opted shall in every case, be determined by the Claims Tribunal.

390. Registers.- The Claims Tribunal shall maintain the following registers:-

- (i) O.P. Register,
- (ii) LA.Register,
- (iii) A Diary,
- (iv) Posting Register,
- (v) Disposal Register,
- (vi) Register of Securities.

391. Ascertaining particulars of earlier claims.- The Claims Tribunal may, for reasons to be recorded in writing, call upon the respondents to furnish the following information:-

- (i) full particulars of all earlier accidents in which the respondents had been involved and in which the claims have been awarded at least in part;
- (ii) The amount of compensation paid in such earlier accidents, the name and address of the victims and the name of the insurer who paid the damages; and
- (iii) their connection, if any, with the claims.

(391A. Prohibition against release of motor vehicle involved in accident.- (1) No Court shall release a motor vehicle involved in an accident resulting in death or bodily injury or damage to property, when such vehicle is not covered by the policy of insurance against third party risks taken in the name of owner or when the owner fails to furnish copy of such insurance policy despite demand by investigating police officer, unless and until the owner furnishes sufficient security to the satisfaction of the Court to pay compensation that may be awarded in a claim case arising out of such accident.

(2) Where the motor vehicle is not covered by a policy of insurance against third party risks, or when the owner of the motor vehicle fails to furnish copy of such policy in circumstance mentioned in sub-rule (1), or owner fails to furnish sufficient security as provided in sub-rule (1), the motor vehicle shall be sold off in public auction by the Magistrate having jurisdiction over the area where accident occurred, on expiry of three months of the vehicle being taken in possession by the investigating police officer, and proceeds thereof shall be deposited with the Claims Tribunal having jurisdiction over the area in question, within fifteen days for the purpose of satisfying the compensation that may have been awarded, or may be awarded in a claim case arising out of such accident]

392. Judgment and award of compensation.- (1) The Claims Tribunal in passing orders, shall record concisely in a judgment, the findings on each of the issues framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the insurer, or the owner in the case of vehicles which are not insured and also the person or persons to whom compensation shall be paid,

(2) Where compensation is awarded to two or more persons the Claims Tribunal shall also specify the amount payable to each of them.

(3) The Claims Tribunal shall furnish copies of the judgment as required to be recorded under sub-rule (1) to the Secretary of the Regional Transport Authority, the registering authority and the licensing authority concerned for taking such action as the authorities consider necessary against the drivers, conductors or owners or the vehicle involved in the accident.

(4) Notwithstanding anything contained in sub-rules (1) and (2) the record of judgment shall, in respect of claims exceeding five thousand rupees, contain the evidence which shall either be verbatim or a reasonably complete and full memoranda of testimony explaining the basis of compensation, the findings on each such evidence and the reasons for such findings, before making an award specifying the amount of compensation.

393. Award of claims under Section 140.- The Claims Tribunal shall proceed to award the claims under Section 140 of the Act on the basis of the following:-

- 1) Registration Certificate of the motor vehicles involved in the accident;
- 2) (2) Insurance Certificate or policy relating to the insurance of the vehicle against Third party risks;
- 3) (3) Copy of the First Information Report;
- 4) (4) Post-mortem certificate or certificate of injury from the Medical Officer; and
- 5) (5) The nature of treatment given by the Medical Officer, who has examined the victim.

394. Enforcement of an award of the Claims Tribunal.- (1) Without prejudice to its power under Section 174 of the Act, the Claims Tribunal shall for the purpose of enforcement of its award, have all the powers of a Civil Court in the execution of a decree under the Code of Civil Procedure, 1908 as if the award were a decree for payment of money passed by such Court in a Civil suit.

(2) The Claims Tribunal may institute suo motu execution proceedings if the amount of compensation awarded is not paid before the expiry of the period for payment stipulated in the award and the case shall be called on a date to be fixed in the award for the purpose.

395. Code of Civil Procedure to apply in certain cases.- The provisions of Rules 9 to 13 and 15 to 30 of Order V, Rules 16 to 18 of Order VI, Order IX, Rules 3 to 10 of Order XII, Rules 1 to 21 of Order XVI, Rules 1 to 3 of Order XXIII and Order XXVI of the First Schedule to the Code of Civil Procedure, 1908, shall, so far as may be, apply to the proceedings before the Claims Tribunal.

396. Appeal against the decision of Claims Tribunal.- (1) An appeal against the award of a Claims Tribunal shall be preferred in the form of a memorandum stating concisely the grounds on which appeal is preferred.

(2) It shall be accompanied by a copy of the judgment, the award appealed against, and the fee prescribed in sub-rule (3) of Rule 397.

397. Fees.- (1) Every application under sub-section (1) of Section 166 of the Act, for payment of compensation shall be accompanied by a fee of rupee one in the form of Court Fee Stamp, if the claim in a case of accident is confined to special damages and if any further general damages, are claimed, an advalorem fee shall be charged on the aggregate of the special and general damages claimed on the following scales, namely:-

Amount Claims	Amount of Court Fee
(i) Upto Rs.5,000	Rs.10
(ii) Rs.5,001 to Rs.50,000	Rs.10 plus 1/4% of the amount by which the claim exceeds Rs.5,000.

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|-----------------------------|--|
| (iii) Rs.50,001 to 1,00,000 | Rs. 122.50 plus 1/2% of the amount by which the claim exceeds Rs.50,000. |
| (iv) Over Rs.1,00,000 | Rs.372.50 plus 1% of the amount by which the amount of claim exceeds Rs. 1,00,000. |

(2) The Claims Tribunal may, in its discretion, exempt a party from the payment of the fee prescribed under sub-rule (1):

Provided that when the claimant succeeds and an award is made in his favour, the party ordered by the award to pay the compensation shall deposit the amount of compensation before the Claims Tribunal and the claimant shall be paid only such amount available after deducting the court fee which would have been paid by the claimant had he not been exempted under sub-rule (2) of this rule.

(3) The fee for an appeal shall be 2% of the excess amount claimed with a minimum amount of rupees one thousand;

Provided that if the appeal is filed for reducing the claim amount or to strike down the order of the Claims Tribunal, the appeal fees shall be ₹ 1,000 (Rupees one thousand only)]

398. Certified copies.-The rules relating to the issue of certified copies obtaining in the Civil Rules of Practice, Kerala shall mutatis mutandis apply in the case of Claims Tribunal.

398A. Destruction of Records of Tribunals.- The provisions of the Kerala Destruction of Records Act, 1961 (Act 2 of 1962), shall apply to the Motor Accident Claims Tribunals in the State with regard to the disposal by destruction or otherwise of the records in the possession or custody of the Tribunals and the State Government may frame necessary rules in this behalf.]

CHAPTER XI

RECOVERY OF PENALTY UNDER SECTION 201

399. Police Officers in uniform not below the rank of Sub-Inspector and all Officers of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector are authorised to recover penalties under sub-section (2) of Section 201 of the Act.

CHAPTER XII

MISCELLANEOUS

400. Refund of fees.- Except when otherwise provided in the Central Motor Vehicles Rules, 1989, subject to the provisions of Rules 401 and 402 the Secretary of the State Transport Authority, or the Secretary of the Regional Transport Authority concerned, may on application sanction the refund of-

- (a) the excess, where the amount paid is in excess of the proper fee;
- (b) the full fee paid, where the fee was paid by mistake; and
- (c) the full fee paid, where the remittance of the fee is not followed by an application for the purpose for which the fee was paid.

401. No refund after inspection.- No refund of fee for a certificate of fitness shall be made when the inspection of the vehicle in respect of which the certificate was applied for, has been carried out.

402. Time for application for refund.- (1) No refund of fee paid in excess shall be made if the application for such refund is not made within three months from the date of such excess payment.

(2) No refund of fee paid by mistake shall be made if the application for such refund is not made within one year from the date of the credit of the fee to Government.

(3) No refund of the fee, where the remittance of the fee is not followed by an application for the purpose for which the fee was paid, shall be made if the application for such refund is not made within one year from the date on which the fee was credited to Government.

403. Fees to be remitted.- The fees under these rules shall, unless otherwise provided, be remitted to any of the State Treasuries or any of the offices of the Motor Vehicles Department or FRIENDS Jana Sevana Kendram or by way of e-payment facility introduced as per G.O. (Rt.) No. 06/2012/Tran dated 04/01/2012, where such facility is provided and the original of the chalan or receipt or slip of remittance, as the case may be, attached to the application.]

404. Registers and records.- The registers and other records to be maintained at the offices of the Registering, Licensing and Transport Authorities shall be in the forms prescribed by the State Transport Authority.

405. Officers of the Motor Vehicles Department and their duties and powers.- (1) For the purpose of Section 213 of the Act, there shall be a Motor Vehicles Department in the State with the Transport Commissioner as the Head of the Department. (Additional Transport Commissioner/Joint Transport Commissioner], Senior Deputy Transport Commissioners, Deputy Transport Commissioners, Assistant Transport Commissioner, Regional Transport Officers, Joint Regional Transport Officers, Joint Regional Transport Officer (Administration) in the offices of the Deputy Transport Commissioners, Assistant Secretary to the State Transport Authority, Motor Vehicles Inspectors and Assistant Motor Vehicles Inspectors and all other officers who may, from time to time, be appointed for the purpose of the said section, shall be regarded as officers of the Motor Vehicles Department and shall exercise the powers and perform the duties assigned to them under the Act and the rules and the notifications issued thereunder. They shall carry out the instructions and orders issued by the Transport Commissioner from time to time.

(2) The powers exercisable by a police officer under the Act shall be exercisable also by any officer of the Motor Vehicles Department not below the rank of Assistant Motor Vehicles Inspector.

(3) The powers exercisable by the Motor Vehicles Inspectors under these rules and the Central Motor Vehicles Rules or the notifications issued under the Act shall be exercisable also by the Assistant Motor Vehicles Inspectors, in accordance with the duties assigned to them from time to time.

406. Uniform for Regional Transport Officers, Joint Regional Transport Officers, Motor Vehicles Inspectors and Assistant Motor Vehicles Inspectors.- (The] Regional Transport Officers, Joint Regional Transport Officers, Motor Vehicles Inspectors and Assistant Motor Vehicles Inspectors of the Motor Vehicles Department shall wear the following uniform while on duty, namely:-

1. Regional Transport Officers-

(i) Peak cap-Khaki Gabardine, Cap, Badge with letters 'KTS' and Kerala Emblem and embossed buttons with the letters 'KTS' in yellow metal or gilt.

- (ii) Jacket and trousers-Khaki Gabardine or terrycotton with embossed buttons in yellow metal on pockets and front of the jacket. The jacket to be tucked inside the trousers;
- (iii) Sam Browne belt;
- (iv) Whistle of police pattern attached to yellow cord and carried in the left breast pocket;
- (v) Brown shoes;
- (vi) Khaki, nylon or cotton socks;
- (vii) [Badge] of rank-One star and Kerala Emblem made of brass on the centre of each shoulder strap, evenly placed length-wise with metal badge bearing the letters 'KTS' at the base.

2. Joint Regional Transport Officers-

- (i) Peak cap-Khaki Gabardine, Cap, Badge with the letters 'KTS'and Kerala Emblem and embossed buttons with the letters 'KTS' in yellow metal or gilt;
- (ii) Jacket and trousers-Khaki Gabardine or terrycotton with embossed buttons in yellow metal on pockets and front of the jacket. The jacket to be tucked inside the trousers; cer
- (iii) Sam browne belt;
- (iv) Whistle of police pattern attached to yellow cord and carried in the left breast pocket;
- (v) Brown shoes;
- (vi) Khaki nylon or cotton socks;
- (vii) Badges of rank-Three stars made of brass on the centre of each shoulder strap evenly placed length wise with metal badge bearing the letters 'KTS' at the base:

Provided that lady Regional Transport Officers and Joint Regional Transport Officers shall wear Khaki saree with Khaki blouse with appropriate badges of rank.

3. Motor Vehicles Inspectors-

- (i) Peak cap-Khaki Gabardine, Cap, Badge with the letters "KMV and Kerala Emblem and embossed buttons with the letters "KMV" in yellow or gilt;
- (ii) Jacket and trousers-Khaki Gabardine or terrycotton with embossed buttons in yellow metal on pockets and front of the jacket. The jacket to be tucked inside the trousers
- (iii) Sam Browne belt;
- (iv) Whistle of police pattern attached to yellow cord and carried in the left breast pocket;
- (v) Brown shoes;
- (vi) Khaki, nylon or '[cotton socks];
- (vii) Badges of rank-Three five pointed stars made of brass on the centre of each shoulder strap, evenly placed length wise with the metal badge bearing the letters 'KMV at the base and ribbon yellow and red horizontally divided on each shoulder strap worn between metal badge and stars.

4. Assistant Motor Vehicles Inspectors-

- (i) Peak cap-'[Khaki Gabardine], Cap, Badge with the letters 'KMV' and Kerala Emblem and embossed buttons with the letters 'KMV' in yellow or gilt;
- (ii) Jacket and trousers-Khaki, Gabardine or terricotton with embossed buttons in yellow metal on pockets and front of the jacket. The jacket to be tucked inside the trousers;
- (iii) Sam Browne belt;
- (iv) Whistle of Police pattern attached to yellow cord and carried in the left breast pocket;
- (v) Brown shoes;
- (vi) Khaki nylon or cotton socks;

(vii) Badges of rank-Two five pointed stars made of brass on the centre of each shoulder strap evenly placed length-wise with the metal badge bearing the letters "KMV' at the base and ribbon yellow and red horizontally divided on each shoulder strap worn between metal badge and stars.]

407. Repeals and savings.- On the commencement of these rules, the Kerala Motor Vehicles Rules, 1961, the Kerala Motor Vehicles (State Transport Undertakings) Rules, 1971 and the Kerala Motor Accidents Claims Tribunal Rules, 1977 shall stand repealed:

Provided that any order made or action taken under the said rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.