

I/111300/2023

**MOTOR VEHICLES DEPARTMENT,KERALA
TRANSPORT COMMISSIONERATE**

Dated: **28-02-2023**

From: Transport Commissioner
Kerala

To: AI Regional Transport Officers
All Joint Regional Transport Officers

Sir,

Sub:- Motor Vehicles Department - Recording of ownership type in Registration Certificate Divyangjans - directions-REG

Ref:- Letter no RT-11036/57/2020-MVL dated 03/02/2023 from Director (MVL) MoRTH

Attention is invited to the reference cited.

MoRTH has forwarded guidelines/notifications regarding the the recording the ownership type in Registration Certificate as Divyangjans . You are directed to comply the notification number ,G.S.R 661(E) dated 22/10/2020 from MoRTH in true letter and spirit. Necessary instructions may be given to the dealers under your jurisdiction in this regard. Copies of the advisory from MoRTH and notification no G.S.R 661(E) dated 22/10/2020 in this regard also attached herewith for your information and necessary action

Yours faithfully

Signed by

K Manojkumar

Date: 28-02-2023 18:33:08

**K MANOJKUMAR
SR. DEPUTY TRANSPORT COMMISSIONER (TAX)**

Transport Commissionerate, 2nd Floor, Trans Towers, Vazhuthacaud,
Thiruvananthapuram-14
phone:0471-2333337/2333317 0471-2333314
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Copy to ,

Nodal Officer (for necessary action)

SSG cell

No. RT-11036/57/2020-MVL
Government of India
Ministry of Road Transport and Highways
 (MVL Section)
 Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated 03 February 2023

To

1. The Principal Secretaries/ Secretaries (Transport) of all States/UTs
2. The Transport Commissioners of all the States/UTs

Sub: Recording of Ownership Type in Registration Certificate w.r.t. Divyangjan

Sir/Madam,

MoRTH has been receiving grievances from the citizens stating that the registering authorities are not recording ownership type as "Divyangjan" in the registration certificate of motor vehicles owned by them, and thereby depriving them from availing various exemptions /facilities granted by the Central Government and States/UTs.

2. To build hassle-free environment in which equal opportunities are provided for the growth and development of the Persons with Disabilities (Divyangjan), following guidelines/notifications issued by this Ministry are brought to your kind notice:
 - a. This Ministry vide letter no. RT-11021/40/2014-MVL dated 14.06.2016 issued guidelines for grant of driving licenses and registration certificates to differently able persons.
 - b. To achieve the targets of Accessible India Campaign, this Ministry vide advisory dated 26.06.2018 advised the States/UTs to take several steps. One of the advised steps was to provide facilities for speedy licensing and registration certificates for differently abled persons.
 - c. Ministry of Heavy Industries vide order 12(42)/2015- AEI dated 24th Oct, 2019 has facilitated persons with orthopedic disability, subject to Minimum 40% Orthopedic physical disability (*Benchmark* disability as per the Rights of Persons with Disabilities Act, 2018). This facilitates Divyangjan, who cannot drive the vehicle but use driver to drive the vehicles. It paved requirement of registration of normal vehicles under ownership type as 'Divyangjan'.
 - d. The Central Government vide G.S.R. 661 (E) dated 22.10.2020 amended Form 20 of CMVR, 1989 (i.e., Registration Certificate) for recording various ownership types in the registration certificate, including Divyangjan with GST/Divyangjan without GST, as the case may be, in order to facilitate Divyangjan, who owns the normal vehicles, to avail other facilities/concessions which was available to adopted vehicles only.
 - e. This Ministry vide RT-11036/57/2020-MVL dated 13.11.2020 apprised the States/UTs that the vehicles with Automatic Gear have been considered suitable for driving by some of the Divyangjan without altering the vehicle. Hence, this Ministry advised States/UTs to extend various exemptions/facilities/reliefs provided by the State Governments in respect of invalid carriage, to the vehicles owned by Divyangjan as well.

- f. Further, the Central Government had also amended rule 11(e) of the National Highways Fee (determination of Rates and Collection) Rules, 2008 vide G.S.R. 804 (E) dated 30.12.2020, thereby exempting toll fee where the vehicle is registered with ownership type as "Divyangjan" in the registration certificate (w.e.f. 31.12.2020).


3. Though there is no express restriction imposed by G.S.R. 661 (E) dated 22.10.2020 for recording ownership type "Divyangjan", whether the vehicle is adapted or normal, new or old, yet some registering authorities are insisting upon new and adapted vehicle for recording ownership type "Divyangjan". Under the following circumstances, a person with disability (PWD) may desire for recording ownership type "Divyangjan" in the registration certificate:

- a. Divyangjan may not like/not able to drive himself and may hire a driver to drive his vehicle who is in possession of an effective driving license.
- b. Divyangjan may not be able to afford a new vehicle and prefers to buy in-use vehicle whose ownership type is individual in the registration certificate.
- c. Divyangjan may buy in-use vehicle auctioned by Government, whose ownership type is Government in the registration certificate.
- d. There may be instances where a person, who already owns a motor vehicle and at later stage became disabled, may like to change ownership type from individual to Divyangjan.

4. For recording ownership type as "Divyangjan" in registration certificate, the vehicle type, whether adapted or otherwise, should not be the criteria to record the ownership type in registration certificate. However, the owner of the vehicle shall be a person with benchmark disability and in possession of a disability certificate issued by the Competent Authority for recording the ownership type as Divyangjan with GST/Divyangjan without GST, as the case may be.

5. In view of above, you are requested to issue directions to the registering authorities in your States/UTs for implementation of notification G.S.R.661 (E) dated 22.10.2020 in true letter and spirit at the earliest. If needed, the State Motor Vehicles Taxation Act/State Motor Vehicle Rules may be amended accordingly to facilitate the Person with Benchmark Disability not only with registration of the vehicle but also for extending benefits which were available to the adopted vehicles.

6. This issues with the approval of the Competent Authority.



(Dr. Piyush Jain)
Director (MVL)
Tel-23714974

Email: director-morth@gov.in

Copy to:

1. DDG NIC
2. Toll Division, MoRTH



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-22102020-222641
CG-DL-E-22102020-222641

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 539]	नई दिल्ली, बृहस्पतिवार, अक्तूबर 22, 2020/ आश्विन 30, 1942
No. 539]	NEW DELHI, THURSDAY, OCTOBER 22, 2020/ ASVINA 30, 1942

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 22 अक्तूबर, 2020

सा.का.नि. 661(अ).—केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए प्रारूप नियम, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 212 की उपधारा (1) के अधीन यथा अपेक्षित भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उपखंड (i) में भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय अधिसूचना संख्यांक सा.का.नि. 515(अ), तारीख 18 अगस्त, 2020 द्वारा प्रभावित व्यक्तियों से उस तारीख से, जिसको उक्त अधिसूचना अंतर्विष्ट करने वाले राजपत्र की प्रतियां जनसाधारण को उपलब्ध कराई गई थीं, तीस दिवस की अवधि की समाप्ति से पहले आक्षेप और सुझाव आमंत्रित करते हुए प्रकाशित किए गए थे;

उक्त राजपत्र की प्रतियां जनसाधारण को तारीख 19 अगस्त, 2020 को उपलब्ध करा दी गई थीं;

और उक्त प्रारूप नियमों के संबंध में जनसाधारण से प्राप्त किए गए आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा विचार कर लिया गया है ;

अतः, अब, केन्द्रीय सरकार, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 64 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1. संक्षिप्त नाम और प्रारंभ - (1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (पंद्रहवां संशोधन) नियम, 2020 है।

(2) ये नियम, राजपत्र में अपने प्रकाशन की तारीख से प्रवृत्त होंगे।

2. केंद्रीय मोटर यान नियम, 1989 में, प्रपत्र 20 में, क्रम सं. 4 के पश्चात निम्नलिखित अंतःस्थापित किए जाएंगे, अर्थात्: -

"4 क. स्वामित्व प्रकार

.....

1. स्वायत्त निकाय
2. केन्द्रीय सरकार
3. धर्मार्थ न्यास
4. ड्राइविंग ट्रेनिंग स्कूल
5. दिव्यांगजन

(क) जीएसटी रियायत प्राप्त करना

(ख) जीएसटी रियायत प्राप्त किए बगैर

6. शैक्षणिक संस्थान
7. फर्म
8. सरकारी उपक्रम
9. व्यक्ति
10. स्थानीय प्राधिकरण
11. बहु स्वामी
12. अन्य
13. पुलिस विभाग
14. राज्य सरकार
15. राज्य परिवहन निगम/विभाग।"।

[फा. सं. आरटी-11036/57/2020-एमवीएल]

प्रियांक भारती, संयुक्त सचिव

टिप्पण: मूल नियमों भारत के राजपत्र, असाधारण, भाग-II, खंड 3, उप-खंड (i) में अधिसूचना संख्या सा.का.नि. 590(अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किया गया था और अंतिम संशोधन अधिसूचना संख्या सा.का.नि. 628 (अ), तारीख 12.10.2020 द्वारा किया गया था।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 22nd October, 2020

G.S.R. 661 (E).—Whereas the draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 515 (E), dated the 18th August, 2020 in the Gazette of India, Extraordinary, Part-II, section 3, sub-section (i) inviting objections and suggestions from affected persons before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification were made available to public;

Whereas, copies of the said Gazette notification were made available to the public on the 19th August, 2020;

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

Now, therefore, in exercise of the powers conferred by section 64 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely: —

1. (1) Short title and commencement. — These rules may be called the Central Motor Vehicles (Fifteenth Amendment) Rules, 2020.

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

2. In the Central Motor Vehicles Rules, 1989, in Form 20, after serial number 4, the following shall be inserted, namely: —

“4A. Ownership type

1. AUTONOMOUS BODY
2. CENTRAL GOVERNMENT
3. CHARITABLE TRUST
4. DRIVING TRAINING SCHOOL
5. DIVYANGJAN

(a) AVAILING GST CONCESSION

(b) WITHOUT AVAILING GST CONCESSION

6. EDUCATIONAL INSTITUTE
7. FIRM
8. GOVERNMENT UNDERTAKING
9. INDIVIDUAL
10. LOCAL AUTHORITY
11. MULTIPLE OWNER
12. OTHERS
13. POLICE DEPARTMENT
14. STATE GOVERNMENT
15. STATE TRANSPORT CORPORATION OR DEPARTMENT.”.

[F. No. RT-11036/57/2020-MVL]

PRIYANK BHARTI, Jt. Secy.

NOTE: The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended vide notification number G.S.R 628 (E), dated 12.10.2020.

-71-

Government of India
Ministry of Transport & Highways

1, Parliament Street, Transport Bhawan,
New Delhi - 110 001

No. RT-11021/40/2014-MVL

Dated: 14th June, 2016.

To

The Principal Secretary (Transport)/ The Secretary (Transport)/ The
Commissioner (Transport)/ Additional Chief Secretary (Transport) of all States/
UTs.

**Subject: Procedure for guidelines for grant of driving licenses and registration
certificates to differently abled persons.**

Madam/Sir

This Ministry refers to erstwhile Ministry of Shipping, Road Transport & Highways resolution no. RT-11012/12/2001-MVL dated 23rd July, 2008 and Ministry of Road Transport & Highways letter number RT-11017/07/2011-MVL dated 5th May, 2011 regarding procedure of alteration in motor vehicles to facilitate the mobility of physically challenged person by the State Governments. (copies enclosed)

2. Ministry has been receiving a number of representations from differently abled persons, including hearing impaired citizens, highlighting the problems being faced by them due to non-availability of invalid carriages in the market as well as restrictions imposed in alteration in motor vehicles under Section 52 of the Motor Vehicles Act, 1988. Keeping in mind the above mentioned resolution and circular, and in order to ensure the mobility of differently abled persons, all State Governments/UTs are requested to consider the following guidelines for issue of driving licenses/registration certificates:-

- (i) Driving licences may be issued to the differently abled citizens, so long as the altered vehicles are safe and are at no threat to the vehicle occupant and public at large. Further, the registering authority in the States may inspect the vehicle and may register the vehicle altered according to the need of the differently abled person. They are fully empowered to deal with alterations of vehicles for differently abled person as this would avoid harassment and facilitate the mobility of differently abled persons.

- (ii) With regard to issue of driving licence as per the Hon'ble Delhi High Court's Order dated 14th February, 2011, in W.P (C) 10849/2009, the National Association of the Deaf Vs UoI, it is clarified that *an applicant, is to be called for the test if he applies for a learner's licence without the medical certificate and if he passes the test as required under Rule 11, he shall be granted the learner's licence as that is the statutory requirement. Similarly, if a person belonging to the said category satisfies the necessary criteria, he shall be allowed to obtain the licence.* Such test would be conducted on the altered vehicle approved in accordance with para (i) if required.
- (iii) In para 4 of this Ministry's letter of even number RT-11013/03/2011-MVL dated 5th May, 2011 as mentioned in para 1 of this letter for "whereby a driver does not need to use his clutch (in the case of AUTOCLUTCH Kit) or uses his hands to operate the break or accelerator" the following is substituted "whereby a driver does not need to use his clutch (in the case of AUTOCLUTCH Kit) or uses his hands or legs, or combination of his limbs to operate the brake or accelerator".
- (iv) A differently abled person with a licence to drive an altered vehicle shall be allowed to drive an altered vehicle of the same type anywhere in the country.

3. In view of above and for hassle free process, State Governments/UTs may authorize the respective RTOs for issue of such driving licences or registration certificates. However, in case of difficulties, the case may be referred to the State Authority or the Ministry.

Yours faithfully,



(Priyank Bharti)
Director (MVL)

Ph. 011-23314316

Email: dirmvl-morth@gov.in

No. RT-23018/1/2016-T(Pt.III)(Vol.I)
Government of India
Ministry of Road Transport and Highways
(Transport Section)

New Delhi, Dated 21 June, 2018

Office Memorandum

Sub.: Advisory to achieve targets of Accessible India Campaign.

The Accessible India Campaign was launched by Hon'ble Prime Minister on 3rd December, 2015 for creating universal accessibility for persons with Disabilities in all spheres including inter-alia Education, Transport, Information & Communication Technology (ICT) etc. The Campaign is based on the principles of the Social Model of Disability, which proposes that disability is caused by the way society is organized, and not based on the person's limitations and impairments. The physical, social structural and attitudinal barriers prevent people with Disabilities (Divyangjan) from participating equitable in socio-cultural and economic activities.

2. A barrier-free environment would thus facilitate an independent and dignified way of life for all individuals. The Accessible India Campaign thus aims to build an inclusive society in which equal opportunities are provided for the growth and development of persons with Disabilities (Divyangjan).

3. A Meeting of the committee of Secretaries (Cos) was held on 2nd April 2018 to review the Accessible India Campaign. It has been decided in the meeting that 25% of the Govt. Owned Public Transport is to be made fully accessible by March, 2019. All bus stops and terminals may also be made fully Accessible for persons with disabilities.

4. In this connection, please also refer to the Minutes of the meeting held in this Ministry on 10th April, 2018 with the Principal Secretaries/ Secretary, Transport of all the States and Union Territories and the steps to be taken in this direction to achieve the Target.

5. The State Govt./ UTs are advised to undertake the following steps to achieve the targets of Accessible India Campaign: -

- (i) 25% of Govt. owned public transport vehicles should be made fully accessible by March 2019.
- (ii) All bus stops/ terminals/ports should be made Accessible.
- (iii) Facilities for speedy Licensing and registration may be provided to differently abled persons.

with Encl:-

....2/-

-2-

- (iv) E- rickshaw/E-cart has been created as a separate category vehicle under M.V. Act and is being promoted for replacing manual labored rickshaw. The speedy process of licensing and registration would result in creating livelihood opportunities for differently abled persons.

6. The above actions may kindly be completed on priority.



(Abhay Damle)

Joint Secretary (Transport)

Tele No. 23719209

To,

- The Chief Secretaries of all State Government/Union Territories (As per List).

Copy to: The Secretary, Department of Empowerment of Persons with Disabilities- for information.