

THE MIZORAM MOTOR VEHICLE RULES, 1995



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Government of Mizoram

CONTENTS

CHAPTER -1

PRELIMINARY

Rules CONTENTS

CHAPTER -I

PRELIMINARY

Rules Nos	Page Nos
1. Short title , extent and commencement	1
2. Definition	2 – 3

CHAPTER –II

LICENSING OF DRIVERS OF MOTOR VEHICLES

3. Licensing Authority	3
4. Necessity of Driving License	3
5. Two kinds of Driving License	3 – 4
6. Form of Driving License	4
7. Forms and contents of License and Registers	4
8. Authorisation to drive a public service vehicles	4 – 5
9. Enquiries to be made by the Licensing Authority	5
10. Issue of International Driving License	5 – 6
11. Grant of Driving License	6
12. Testing Officer	6
13. Appellate Authority	6 – 7
14. Conduct and Hearing of Appeals	7
15. Requirement as to photograph on Driving License	7 – 8
16. Lost or Destroyed Driving License	8
17. Defaced or torn Driving License	8 – 9
18. Issue of Duplicate Driving License	9
19. Temporary Authorisation in lieu of Driving License	9
20. Intimation of disqualification	9 – 10
21. Intimation to original Authority of Renewals and Endorsement	10
22. Report of change of address of Driving License holder	10
23. Duties and conduct of driver of transport vehicles	10 -12

24. Driver's Uniform 12 -13
25. Duties of drivers of goods vehicles 13
26. Duties of drivers of motor cabs and Autorickshaw cabs 13 -14
27. Conduct of drivers of goods vehicles 14 -15
28. Driver's Badge 15 -16
29. Maintenance of State Register of Driving License 16
30. Learner's License 16 -17
31. Procedure on disqualification under section 19 17
32. Refusal of renewal of Driving License after a period of three years 17 -18
33. Change of address 18
34. Fees to be paid under Chapter –II 18

CHAPTER – III LICENSING OF CONDUCTORS OF STAGE CARRIAGE

35. Licensing Authority 19
36. Application for grant of Conductor License and Testing Officer 19
37. Qualification for grant of Conductor's License 19
38. Renewal of Conductor's License 19-20
39. Change of residence 20
40. Appellate Authority 20
41. Conduct and Hearing of Appeals 20
42. Effectiveness of Conductor's License 20
43. Suspension and cancellation of Conductor's License 20
44. Duties and conducts of Conductors 20-23
45. Requirement as to photograph 23
46. Conductor's License lost or destroyed 24
47. Defaced or torn Conductor's License 24-25
48. Prohibition against holding more than one Conductor's License 25
49. Issue of duplicate conductor's License 25
50. Conductor's Badge 25-26
51. Effectiveness of Conductor's License issued by any other States than the State of Mizoram 26
52. Fees payable under Chapter –III 26

CHAPTER – IV REGISTRATION OF MOTOR VEHICLE

53. Registering Authority 27
54. Necessity of Registration 27
55. Appellate Authority 27
56. Conduct and Hearing of Appeals 27
57. Temporary Registration 28
58. Composition of Offence for non-renewal of Registration 28
59. Issue or renewal of Certificate of Fitness 28-30
60. Loss or destruction of certificate of Fitness 31
61. Torn or defaced Certificate of Fitness 31
62. Loss or destruction of Certificate of Registration 31-32
63. Torn or defaced Certificate of Registration 32

64.	Authority for suspension of Certificate of Registration	32
65.	Intimation of transfer of ownership	32
66.	Composition of offences under sub-section (3) of section 50	33
67.	Assignment of new registration mark	33
68.	Exemption of road plant	33
69.	Supply of copies of Registration	34
70.	Notice of alteration of Motor Vehicles	34
71.	Intimation regarding stolen and recovered Motor Vehicles	34
72.	Maintenance of State Register of Motor Vehicles	35
73.	Payment of Road Tax and fees for Motor Vehicles belonging to Govt.	35
74.	Fees payable under Chapter –IV	35-36

CHAPTER –V

CONTROL OF TRANSPORT VEHICLES

75.	S.T.A. period of office & terms etc.	36-37
76.	Conduct of business of S.T.A.	37-38
77.	Delegation of powers by the S.T.A.	38-39
78.	Instruction regarding delegation of powers	39
79.	Delegation of powers to Chairman	39
80.	Exemption from Section 66	39
81.	Disposal of applications for Contract Carriage, Goods Carriage & Private Service Vehicles permits	40
82.	Refusal to accept application for permits	40
83.	Power of refusal to accept application for permits	40
84.	Disposal of applications for Contract Carriage and Private Carrier's Permit	40-41
85.	Publication of application	41
86.	Power of S.T.A. to regulate the number of permits	41
87.	Preference in granting Stage Carriage Permits	41-42
88.	Forms of application for permits for the purpose of Chapter V	42.
89.	Forms of Permits	42.
90.	Permit fees	42-43
91.	Maintenance of Register for permits	44
92.	Exemption from payment of fees	44
93.	Entry of registration mark of permits	44
94.	Issue of temporary permits	44-45
95.	Special Permits	45
96.	Carriage of Goods in Stage & Contract Carriage	45-46
97.	Carriage of mails in Stage Carriages	46
98.	First-Aid Box	46-47
99.	Extension of area of validity or permits	47-48
100.	Stage carriage to ply on routes other than those specified in Permit under certain circumstances	48
101.	Additional conditions in respect of certain permit	48-49
102.	Carriage of foods in Stage carriages	49-50
103.	Prohibition of carriage of goods in Stage or Contract Carriages	50
104.	Carriage of personal luggage in Stage Carriages	50
105.	Carriage of animals on goods vehicles	51-52

106. Carriage of luggage in private service vehicles 52
107. Renewal of permits 52
108. Renewal of countersignature of permits 52
109. Validation of renewal in respect of countersignature of permit 53
110. Replacement of a vehicle covered by a permit 53
111. Validation of replacement order in respect of countersignature
On permit 53-54
112. Procedure of cancellation of permit etc. 54
113. Transfer of permit 54-55
114. Transfer of permit in case of death of permit holder 55
115. Issue of duplicate permits 56.
116. Variation of permit 56
117. Authorisation in lieu of permit 56-57
118. Appeals against the order of the S.T.A. and revision 57
119. Supply of copies of documents to interested persons in appeal
Of revision 57
120. Procedure in appeal or revision 57-58
121. Exemptions from provisions relating to working hours 58
122. Fixing in advance hours of work 58
123. Period of rest 59
124. Conduct of persons using stage carriages 59-61
125. Additional provisions relating to conduct of passengers and
Other persons in buses 61-62
126. Maintenance of complaint books in stage carriage 62-63
127. Conduct of passengers in motor cab 63
128. Carriage of infants & children in public service vehicles 63
129. Carriage of persons in goods vehicles 63-64
130. Duty to carry goods in goods carriage 64
131. Stand and halting places 65
132. Inspection of transport vehicles 66
133. Intimation of damage or failure of public service vehicles 66-67
134. Return in respect of transport vehicles 67-69
135. Inspection of brakes of transport vehicles 69
136. Restriction on use of trailers 69
137. Distinguishing boards for goods vehicles 69
138. Licensing and regulation of conduct of agents 69-70
139. Lost property 70-71
140. Necessity for Agent's license 71
141. Agent's license 71-72
142. Renewal of Agent's license 72
143. Cancellation of Agent's license 72-73
144. Issue of Duplicate license 73
145. Fees for license 73-74
146. Conditions of Agent's License 74-75
147. Particulars to be mentioned in Contract of Agency 75
148. Places to use for loading and unloading of goods etc. 75-77
149. Power of inspection 77
150. Prohibition of painting of marking etc 77
151. Painting and marking of motor cabs / stage carriage 77-78
152. Special plying permit for All Mizoram Taxi 78.

153. Fees payable under Chapter –V 78-79

CHAPTER –VI
SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS

154. Form of proposal of Transport undertaking 79
155. Manner of filing objections to proposal of the scheme 80
156. Manner of considering objections 80
157. Publication of approved scheme 80
158. Application for permit under section 10380-81
159. Disposal of articles found in vehicle 81
160. Manner of service of orders under Chapter-VI 81
161. Extension or modification of permits 81
162. Grant of permit under the proviso to section 104 82
163. Notice of application, hearing etc. 82.

CHAPTER –VII
CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES
PARKING OF UNSERVICEABLE VEHICLES

164. General 82
165. Movement forward & backward 82
166. Mirror 82-83
167. Restriction regarding television set or video in the Motor vehicles 83
168. Dangerous projections 83
169. Springs 83
170. Mudguard 84
171. Attachment to motor cycle 84
172. Communication with driver 84
173. Prohibition of use of military colours 84
174. General 84
175. Stability 84-85
176. seating room 85
177. Maximum permissible area to be occupied by each seat 85-86
178. Gangways 86
179. Limit of seating capacity 86=87
180. Condition regarding permission to carry standees 87
181. Head-room 88
182. Driver's seat 88-89
183. Width of doors 89
184. Grab rail 89
185. Steps 89-90
186. Cushions 90
187. Body dimensions 90
188. Protection of passengers from weather 90-91
189. Internal lightning 91
190. Body construction 91
191. Compulsory Electric lighting 91
192. Fuel tanks 91
193. Carburetors 91

- 194. Electric wires 91
- 195. Fire Extinguishers 91
- 196. Locking of nuts 91
- 197. Floor boards 92
- 198. Spare wheel and tools 92
- 199. First-Aid Box 92-93
- 200. Testing and inspection of private vehicles 93
- 201. Inspection of motor vehicles 93-94
- 202. Clearance 94
- 203. Springs 94
- 204. Wheel track 94
- 205. Ventilation 94
- 206. Application of Rules to the vehicle belonging to Educational Institution 94
- 207. Body and loading platform 94-95
- 208. Chocks 95
- 209. Driver's seat 95-96
- 210. Securing of goods in open goods vehicle 96
- 211. Application of Rule 198 to goods vehicle 96
- 212. Checking of designs of locally manufactured trailer 96-97

CHAPTER –VIII
CONTROL OF VEHICLE

- 213. Vehicle abandoned on road 97-98
- 214. Installation and use of weighing devices 98-99
- 215. Restriction of driving with gear disengaged 99
- 216. Prohibition of mounting in taking hold of vehicle in motion 100
- 217. Towing 100
- 218. Driving of Tractors on roads 100-101
- 219. Footpaths, cycle tracks & traffic segregation 101
- 220. Prohibition of loads 101
- 221. Restriction as to carriage of dangerous substance 102
- 222. Restriction on use of sound signals 102
- 223. Prohibition of use of cut-outs 102
- 224. Restriction on travelling backwards 102
- 225. Use of lamps when vehicle is at rest 102-103
- 226. Visibility of lamps and registration marks 103
- 227. Stop sign on road surface 103
- 228. Traffic sign on road surface 103
- 229. Duty to comply with traffic control signals 103
- 230. Traffic sign at unguarded Railway level crossing 104
- 231. Erections or placing of signs or advertisement on road prohibited 104
- 232. Provision as to Trailers 104
- 233. Prohibition and restriction on use of trailers with Motor Cycle And invalid carriage 104
- 234. Prohibition of attachment or trailers to certain vehicles 104
- 235. Restriction on number of trailer to be drawn 105
- 236. Attendance on Trailers 105-106
- 237. Restriction length of train of vehicle trailers 106

238. Distinguishing mark for Trailer	106
239. Heavy goods and passengers Motor Vehicles attendant	106
240. Wearing of protective headgear	106-107
241. Inspection of accident vehicle	107
242. Limit of speed	107
243. Reckless or negligent driving prohibited	107
244. Signaling device	107
245. Limitation of loads on bridges and ferries	107-108
246. Traffic signs to be observed	108
247. Direction of Police Officers to be obeyed	108
248. Signal to stop a Motor Vehicle by any Police Officer both by Day and night	108
249. Production of Driving License, Certificate of Registration and permit	108-109
250. Control gates	109
251. Not more than one heavy Motor Vehicle to be on bridge at a time	109
252. Driving on correct side on the road	109
253. Restriction to the use of vehicle over 34 tons laden weight	109
254. Exemption of fire brigade and ambulance vehicle	109

CHAPTER –IX CLAIMS TRIBUNAL

255. Production of Certificate of Insurance at the time of paying tax On Motor Vehicle.	109-110
256. Information to be furnished to Insurance company	110
257. Application for compensation arising out of an accident	110-112
258. Application for compensation under section 140	112
259. Production of passport size photograph by applicant	112
260. Fees	112
261. Examination of applicant	113
262. Summary disposal of application	113
263. Notice to the parties involved	113
264. Appearance and examination of parties	114
265. Summoning of witnesses	114
266. Fees for process	114
267. Appearance of legal practitioner	114
268. Local inspection	114
269. Power of summary examination	114-115
270. Method of recording evidence	115
271. Adjournment of hearing	115
272. Tendering of Expert's opinion	115
273. Framing of issues	115
274. Determination of issues	115
275. Diary	115
276. Judgment and award of compensation	115-116
277. Receipt for Compensation	116
278. Power vested in Civil Court which may be exercised by Claims Tribunal	116-117
279. Procedure to be followed by Claims Tribunal in holding enquiries	117
280. Saving	117

- 281. Registrar 117
- 282. Form of appeal and content of memorandum 117-118
- 283. Obtaining of information and document necessary for awarding Compensation under section 140 118
- 284. Judgment and Award of compensation under section 140 118-119
- 285. Procedure of disbursement of compensation n under section 140 To the legal heirs in case of death 119
- 286. Record 119
- 287. Insurance of Motor Vehicle 119

CHAPTER –X
MISCELLANEOUS

- 288. Performance of functions of officer under the Act and the Rules made there under 119-120
- 289. Uniforms 120-121
- 290. Repeals and Saving 121



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NOTIFICATION

No D. 26011/3/94-TPT, the 24th April, 1995. The Mizoram Motor Vehicle Rules, 1995 is hereby published for general information as required by sub-section (1) of section 212 of the Motor Vehicle Act, 1988 (Act No. 59 of 1988) and sub-rule (3) OF Rule 1 of these Rules.

Haukhum Hauzel
Secretary to the Govt. of Mizoram
Transport Department.

MIZORAM MOTOR VEHICLE RULES 1995

In exercise of the powers conferred under sections 28, 38, 65, 107, 111, 138 and 176 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988). The Governor of Mizoram is pleased to make the following rules, namely -

CHAPTER - 1 PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT:-
 - (1) These rules may be called the Mizoram Motor Vehicles Rules, 1995
 - (2) They shall, save as expressly provided otherwise, apply to and in relation to all Motor Vehicles in the state of Mizoram.
 - (3) They shall come into force on the date of publication in the official Gazette
2. DEFINITIONS :-
 - (1) These rules, unless the context otherwise requires,
 - (a) "Act" means the Motor Vehicle Act , 1988 (56 of 1988)

- (b) “Agent” means any person who engages in the business of collecting or forwarding and distributing goods carried by roads by goods vehicle plying for hire ;
- (c) “Agents license” means a license granted to an agent for a principal establishment and includes a supplementary license granted to such agent for any additional establishment such as branch offices specified in such supplementary license;
- (d) “Attendant” means every person except the driver , who is authorized to attend upon the passengers or vehicles;
- (e) “Bus” means a stage carriage for the conveyance of passengers within the limit of a Municipal Corporation or a Municipality ;
- (f) “Conductor” means every person except the driver , who is authorised to attend upon the passengers or vehicles;
- (g) “Central Rules” means the Central Motor Vehicle Rules, 1989;
- (h) “Director” means the Director of Transport and includes any other officer or officers of the Directorate of Transport, if specially authorized by the Government ;
- (i) “District Transport Officer” means any officer appointed by the Government to perform the duties and functions of a District Transport Officer under these rules and includes an Assistant District Transport Officer;
- (j) “Form” means a form appended to the Act, Central Rules, and these Rules;
- (k) “Government” means the State Government of Mizoram ;
- (l) “Inspector of Motor Vehicle” means any officer appointed by the Government to perform the functions of Inspector of Motor Vehicles under the Act or under these rules or under the rules framed by the Central Government and it shall include the Assistant Inspector of Motor Vehicles;
- (m) “Inspector of Enforcement” means any officer appointed as such by the Government ;
- (n) “Motor Licensing Authority” means any officer appointed by the Government to perform the duties and functions of Motor Licensing Officer under these rules ;
- (o) “Passenger” means any person travelling in a public service vehicle other than the driver or the conductor or the permit holder or an employee of the permit holder while on duty;

- (p) “Registering Authority” means any officer appointed by the State Government to perform the duties and functions of Registering Authority;
 - (q) “State” means the State of Mizoram
 - (r) “State Transport Authority” means the State Transport Authority constituted for the state of Mizoram under sub-section (1) of section 68 of Motor Vehicle Act, 1988 (Central Act No. 59 of 1988);
 - (s) “Section” means a section of the Act ;
 - (t) “Ticket” includes an identity card issued by the Undertaking ;
 - (u) “Traffic Control Signal” means traffic control signal as illustrated in the Second Schedule to these rules;
 - (v) “Undertaking” means any Transport Undertaking duly authorized to ply buses within the limits of a Municipal Corporation or a Municipality ;
- (2) All other words and expressions which are used but not defined here but defined in the Act shall have the same meaning as are respectively defined **them** in the Act.

CHAPTER – II

LICENSING OF DRIVERS OF MOTOR VEHICLES

3. LICENSING AUTHORITY:

(1) Each of the District Transport Officer shall be the Licensing authority for the area of the District for which he is appointed as such, to issue licenses under Chapter – II, or as the case may be, Chapter –III of the MV Act and includes such other officer who is appointed in this behalf by the Government.

(2) The area of jurisdiction of each Licensing authority shall be the area of the district for which he is appointed as such or such other area as may be specified by the Government in this behalf.

4. Omitted

5. omitted

6. Every application for issue of driving license or for making addition of another class of motor vehicle to a driving license or for renewal of driving license shall be made in accordance with sections 9, 10, 11 and 15, as the case may be, and relevant rules made thereunder by the Central Government and shall be in Form 4, 8 and 9 of the Central Motor Vehicle Rules 1989.

7. FORMS AND CONTENTS OF LICENSE AND REGISTERS:

- (1) Every Driving License shall be issued as per provisions of section 9. The Licensing Authority shall maintain registers of all driving licenses issued by such authority in such forms as the Central Government may prescribe for the State Register of Driving License to be maintained by the State Government.
- (2) The State Register of Driving License to be maintained by the State Government under sub-section (1) read with sub-section 3 of Section 26 shall be maintained by the Director of Transport of the State Government.
- (3) All Licensing Authorities of the State shall supply to the Director of Transport on or before the seventh day of every month covering the details for the preceding one month.

8. AUTHORISATION TO DRIVE A PUBLIC SERVICE VEHICLE:

- (1) No person shall drive a public service vehicle unless an authorization in the form prescribed by the Central Government has been granted.
- (2) Subject to the provision of sub-rule (3), a holder of Driving License may at any time apply to the Licensing Authority in Form MVR-1 for the grant of authorization and shall forward his Driving License with such application.
- (3) No authorization to drive Medium passengers Motor Vehicle shall be granted unless he has hold a Driving License for at least one year to drive a Light Motor Vehicle. No such authorization to drive a Heavy Passenger Motor Vehicle shall be granted unless he has hold a Driving License to drive a Light Motor Vehicle for at least two years or a Medium Passenger Motor Vehicle for at least one year.
- (4) The Licensing Authority may, for reason to be recorded in writing, revoke for a specified period an authorization granted or countersigned by him under this rule and, if the license was issued by another Licensing Authority shall sent intimation of the order to that Licensing Authority.
- (5) Unless revoked by the granting or countersigning authority under sub-rule (4) above, an authorization granted or countersigned under this rule shall continue to have effect so long as the License itself remains in force and the holder is not disqualified by any competent authority for holding of license to drive a public service vehicle.
- (6) The Licensing Authority may, if it thinks fit, by notice in writing, summon the applicant to appear before it at such time and place as the authority may appoint and in the case of the holder of the license issued outside the State require the applicant to pass the test as set forth in the Act notwithstanding that the applicant **shall previously have passed** the test.
- (7) The Licensing Authority shall sign or countersign the Driving License accordingly and return the same to the holder and shall at the same time send intimation to the Authority who had issued the original license.

- (8) Where a person holding an authorization to drive a public service vehicle makes an application for its renewal, then he shall, if so required by the Licensing Authority, submit himself to medical examination to such registered Medical Practitioner as the Licensing Authority specifies in this behalf and shall obtain a certificate in Form-1 (A) of Central Motor Vehicle Rules, 1989 as set forth in the Act from such Medical Practitioner and forward it to the Licensing Authority together with his Driving License. If the Licensing Authority, on considering this certificate, is of opinion that the applicant is suffering from disease which makes driving public service vehicle by him undesirable may refuse to renew the authorisation applied for.
- (9) If a Licensing Authority rejects an application under this rule, it shall inform the applicant in writing giving its reasons within one month and shall also return the Driving License to him.
- (10) Every driver for Taxis and Buses should obtain public service vehicle badges from their respective Motor Licensing Officers.

9. ENQUIRIES TO BE MADE BY THE LICENSING AUTHORITY:

- (1) Upon receipt of an application for a license or for an authorization to drive a public service 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 from holding the license.
- (2) The Licensing Authority shall have power to require the applicant to undergo further medical examination at any time if in his opinion to be recorded in writing there is reasonable doubt as to the applicant's physical fitness to drive a motor vehicle.

10. ISSUE OF INTERNATIONAL DRIVING LICENSE:

International Driving License can be issued by the Licensing Authority if the applicant:-

- (a) is a holder of a valid Driving License not less than three years;
- (b) is a citizen of India ;
- (c) while applying for issue of International Driving License produce valid passport;
- (d) also mention for which country or countries a Driving License is required and for how long the said Driving License is required.

11. GRANT OF DRIVING LICENSE:

The Licensing Authority may grant a Driving License to any fit person residing within his jurisdiction at the time of application, who satisfies him that he is of good character, a competent driver and not disqualified for the time being from holding or obtaining a license. Similarly, the Licensing Authority may renew any license once granted anywhere in India.

12. TESTING OFFICER:

- (1) The test of competence to drive as prescribed by the Central Government shall be conducted by an Inspector of Motor Vehicle.

Provided that, it shall be competent for the Licensing Authority to have more than one test of competence to drive.

- (2) Where the applicant for the Driving License fails in the test of competence to drive, he may be permitted to appear before the testing officer for a re-test after a lapse of 15 days.
- (3) The applicant shall produce a serviceable vehicle of the class to which the application refers and present himself for the test at such time and places as may be specified by the Licensing Authority or Testing Officer.
- (4) Where an applicant has passed the test of competence to drive the motor vehicle, he shall on the same day or within a week, pay to the Licensing Authority a fee as specified in these rules.

Provided that, the applicant, unless he shows sufficient reasons for not paying the said sum within a week, shall be liable to pass fresh test of competence.

13. APPELLATE AUTHORITY:

- (1) The authority prescribed under sub-section (8) of section 9 and sub-section (2) of section 17 to hear appeals against any order made under any of the aforesaid provisions of sub-section (1) of section 17 shall be the Director of Transport. The appellate authority empowered under sub-section (3) of section 19 to hear appeals against any order made under sub-section (1) of section 19 shall be the Director of Transport.
- (2) The authority empowered under sub-rule (1) above to hear appeals against the decision of the Director of Transport shall be the State Transport Authority whose decision shall be final.
- (3) Any person aggrieved by the refusal of the Licensing Authority to grant or countersign or revoke an authorization to drive a public service vehicle may within 30 days appeal to the Director of Transport whose decision shall be final.

The prescribed period of 30 days shall exclude the time required for obtaining a certified copy of the order against which the appeal is preferred and one copy of such order shall be granted free.

14. CONDUCT AND HEARING OF APPEALS:

- (1) An appeal referred to in rule 13 above shall be preferred in duplicate in the form of memorandum, setting forth concisely the grounds of objection to the order of the Licensing Authority, and shall be accompanied by a fee prescribed in chapter-II in cash and a certified copy of that order, against which appeal is preferred.
- (2) When an appeal is preferred, a notice shall be issued to the authority against whose order the appeal is preferred, in such form as the appellate authority may direct.

- (3) The appellate authority may give to the parties copies of any document concerned with the appeal on payment of a fee calculated at the rate of ten rupees for the first page and two rupees for each additional page of each document.
- (4) The appellate authority may, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as may deem necessary, pass such order as it thinks fit and an order passed by any such authority shall be final.

15. REQUIREMENT **AS TO** PHOTOGRAPH ON DRIVING LICENSE:

- (1) Where at any time it appears to a Licensing Authority that the photograph affixed to the Driving License has ceased to be clear likeness of the holder, the Licensing Authority may require the holder to surrender the Driving License forthwith and to furnish two clear copies within such time as the Licensing Authority may specify, appear in person before the Licensing Authority and present the photograph accordingly.
- (2) Where the holder fails to comply with a requisition by the Licensing Authority under sub-rule (1) above, the Driving License shall cease to be valid on the expiry of the said period.
- (3) Upon receipt of the copies of the photograph as provided in sub-rule (1) above, the Licensing Authority shall remove the old photograph from the Driving License and affix and seal thereto one copy of the new photograph and return the Driving License to the applicant and shall, if he is not the Licensing Authority by whom the Driving License was issued, forward the second copy of the photograph to that authority.

Provided that if the holder of the Driving License so desires, the Licensing Authority shall issue a duplicate driving license on payment of a prescribed fee with the new photograph affixed thereto and shall destroy the original Driving License. In such a case if the Licensing Authority is not the authority by whom the Driving License was issued, he shall inform the original Licensing Authority.

- (4) When a new photograph is affixed to a Driving License, a note shall be made upon the photograph of the date of affixture.

16. LOST OR DESTROYED DRIVING LICENSE:

- (1) When at anytime a Driving License is lost by the holder or is destroyed or mutilated, the holder shall forthwith intimate the fact in writing in Form MVR-2 to the Licensing Authority in whose area he has his place of residence at the time or in a letter setting out the particulars required by that form.
- (2) Upon the receipt of intimation as aforesaid, the Licensing Authority shall, if it is not the authority by whom the Driving License was issued, write to that authority for particulars of the Driving License and of any endorsements thereon, and shall, after making such enquiries as it thinks fit, if satisfied that a duplicate Driving License may properly be issued, issue a duplicate Driving License.

Provided that where subsequent to the issue of a duplicate Driving License, it is found that there has been endorsement by a Court since the date of

the grant or last renewal of the license it shall be lawful for the Licensing Authority to call for the duplicate Driving License and make the necessary endorsement thereon.

- (4) When a duplicate Driving License is required to be issued under the provisions of these rules, the holder of the Driving License shall furnish to the Licensing Authority three clear copies of a recent photograph of himself two of which shall be affixed to the duplicate Driving License and the other shall be transmitted by the authority issuing the duplicate Driving License to the authority by whom the Driving License was issued and intimate that fact to that authority.
- (5) Where a duplicate Driving License has been issued upon representation that a Driving License has been lost, and the original Driving License is afterwards found or received by the holder, the holder shall immediately return the duplicate Driving License to the Licensing Authority.
- (6) Any other person finding a Driving License shall deliver it to the nearest Police Station or nearest Licensing Authority. The Officer-in-charge of the Police Station on receipt of the Driving License shall immediately forward it to the nearest Licensing Authority. The Licensing Authority shall restore in the Driving License or substitute it for the duplicate in case such a duplicate has already been issued.

17. DEFACED OT TORN DRIVING LICENSE:

- (1) If at any time, it appears to a Licensing Authority that a Driving License held by any person is torn or defaced in any way as to cease to be reasonably legible, the Licensing Authority may impound the Driving License and issue a duplicate of it.
- (2) If a Driving License impounded as aforesaid, is required to have a photographs of the holder affixed thereto, then –
 - (a) Where the photograph on the impounded Driving License is, in the opinion of the Licensing Authority, satisfactorily and conveniently transferable to the duplicate Driving License, the Licensing Authority may so transfer, affix and seal the photograph to he duplicate Driving License , and
 - (b) Where the photograph on the impounded Driving License is not, in the opinion of the Licensing Authority, such as can be transferred to the duplicate Driving License, the holder of the Driving License shall, on demand by the Licensing Authority, furnish three clear copies of recent photograph of himself, two of which shall be affixed to the duplicate Driving License and sealed and the other shall be retained by the Licensing Authority by whom the Driving License was issued.

18. ISSUE OF DUPLICATE DRIVING LICENSE:

- (1) Where the duplicate Driving License is issued under rules 15, 16 and 17, it shall be clearly stamped “Duplicate” in red ink and shall be marked with the date of issue of the duplicate license and the seal of the Licensing Authority.

- (2) If the Licensing Authority who issued a duplicate license is not the authority by whom the Driving License was issued, he shall intimate the fact to the authority concerned.
- (3) If the Licensing Authority who affixed a new photograph to a duplicate Driving License is not the authority by whom the Driving License was issued, he shall forward the second copy to the photograph to that authority for record.

19. TEMPORARY AUTHORISATION IN LIEU OF DRIVING LICENSE:

- (1) Where the holder of a Driving License has submitted the Driving License to a Licensing Authority or the authority which issued the license for renewal or for obtaining an authorization to drive a public service vehicle and has deposited the prescribed fee, or where Police Officer or any Court or any other competent authority has taken temporary possession of a Driving License for any purpose and the Driving License has not been suspended or cancelled, the Licensing Authority or the Police Officer or the Court or **as the case may be**, or a person authorized under sub-section (2) of section 206, shall give him a temporary acknowledgement for the Driving License and temporary authorization to drive in Form MVR-3 the production thereof on demand shall be production of Driving License.
- (2) A fee of Rs 10/- shall be payable in respect of such temporary authorization.

20. INTIMATION OF DISQUALIFICATION:

- (1) A Licensing Authority taking possession of a Driving License under clause (a) of sub-section (2) of section 19 shall, if the license was issued by another Licensing Authority, intimate the fact to the authority.
- (3) Where a Licensing Authority declares a person disqualified under sub-section (1) of section 19, it shall cause the Driving License to be endorsed accordingly and retain the badge, if issued, during the period of disqualification and shall send an intimation of such declaration to the authority by whom the Driving License was issued.

21. INTIMATION TO ORIGINAL AUTHORITY OF RENEWALS AND ENDORSEMENT:

- (1) A Licensing Authority making addition to the classes of motor vehicle under section 11 which **Driving License** authorized the holder to drive shall, if it is not the authority by whom the Driving License was issued, inform of such addition to that authority in Form MVR-4.
- (2) A Licensing Authority renewing a Driving License shall, as required by the provisions of sub-section (6) of section 15 inform of such renewal to the Licensing Authority by whom the license was issued in Form MVR-5.
- (3) The Court making or causing to be made an endorsement on a Driving License under section 24 shall send intimation in Form MVR-6 to the Licensing Authority

by whom the Driving License was issued and to the Licensing Authority by whom it was last renewed.

22. REPORT OF CHANGE OF ADDRESS OF DRIVING LICENSE HOLDER:

The holder of any Driving License shall, except in the case of temporary absence not involving a change of residence for a period exceeding three months report within fourteen days, any change of his temporary or permanent address as notified on the Driving License to the Licensing Authority by whom the Driving License was issued and to the Licensing Authority by whom it was last renewed.

23. DUTIES AND CONDUCT OF DRIVER OF TRANSPORT VEHICLES:

The driver of a Transport 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 the rules framed thereunder ;
- (b) shall not smoke;
- (c) shall behave in a civil and orderly manner with passengers, intending passengers, consignors and consignees of goods;
- (d) shall wear clean dress and in the manner prescribed;
- (e) shall maintain the vehicle in a clean and sanitary condition;
- (f) shall not solicit customer save in a civil and quiet manner and shall not shout in order to attract a customer;
- (g) shall not interfere with persons mounting or preparing to mount any other vehicle;
- (h) shall not cause or allow to enter into or to be placed or carried in the vehicle persons 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 to believe to have been suffering from any such diseases;

Provided that where a person suffering from an infectious or contagious disease, or the corpse of any such person has been carried in a public service vehicle, the driver of the vehicle shall be responsible to report the fact of such carriage to the Medical Officer-in-charge of the nearest Municipal, Local Board or Government Dispensary and to the owner of the vehicle, and neither the owner nor the driver shall cause or allow any person to use the vehicle until the driver and the vehicle have been disinfected in such manner as the said Medical Officer may specify and a certificate to this effect has been obtained from the said Medical Officer;

- (i) 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 these rules or otherwise in

such a way as to impede him from having a clear vision of the road, or proper control of the vehicle;

- (j) shall, subject to any rules or regulation in force prohibiting the taking in 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 upon the demand and signal of the conductor or of any passenger desiring to alight from the vehicle and unless there is no room in the vehicle upon the demand or signal of any person intending to travel in the vehicle.

Note:- The provisions of this sub-rule shall not apply to the driver of a maxi cab or motor cab or an auto rickshaw cab.

- (k) shall not, when bringing the vehicle to rest for the purpose of picking up or setting down any passenger at or near the place where another vehicle is at rest for the same purpose, drive the vehicle so as to endanger, inconvenience 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 the vehicle to rest in front of or behind the other vehicle and on the left hand side of the road or place and shall draw it up as near the kerb as possible;
- (l) shall at all time 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 without having no sufficient fuel in the tank of the vehicle to enable him to reach the nearest fuel filling station on the route;
- (m) shall not loiter or unduly delay upon any journey but shall proceed to his destination or as near as may be in accordance with the time-table pertaining to the vehicle or where there is no such time-table with all reasonable despatch;
- (n) shall not carry or allow any person to sit or allow any goods to be placed on the right of the driver, if the vehicle is fitted with right hand steering control and on the left of the driver if the vehicle is fitted with left hand steering control;
- (o) shall, during the course of journey, if the conductor absents himself due to some emergency or sickness, perform the duties and the functions of the Conductor prescribed in Chapter III of the Act and the rules framed thereunder;
- (p) shall not be under the influence of any intoxicating drink or drug;
- (q) shall, where the conductor is absent, be responsible for the proper maintenance and production of the trip sheet when demanded by a competent authority;
- (r) shall be responsible for the proper exhibition or production, as the case may be, of the following valid documents –
 - (i) part 'B' of the permit or the temporary permit issued to the vehicle
 - (ii) Insurance Certificate
 - (iii) Registration Certificate
 - (iv) Fitness Certificate
 - (v) Public Carrier Permit

- (s) shall, on demand by any Police Officer not below the rank of Sub-Inspector or an Officer of the Motor Vehicle Department not below the rank of an Assistant Inspector of Motor Vehicles or Inspector of Enforcement staff, produce his Driving License for inspection.
- (t) shall see that no passenger is seated in the vehicle when the same is being filled with petrol or other liquid fuel;
- (u) shall not demand or extract fare or freight in excess of the rate fixed by the State Government;
- (v) shall keep the First-Aid Box intact with the medicines and equipment in readiness;
- (w) shall make all reasonable steps to help the injured persons in case of accident **in with** the vehicle driven by him is involved; and inform the nearest Police Station accordingly.

24. DRIVER'S UNIFORM:

Every driver of a transport vehicle shall, while on duty, wear a uniform of the type prescribed below:-

- a) Khaki bush.
- b) Khaki trousers

OR

Any other prescribed by the Government provided that the Director of Transport may, by notification, exempt any class of drivers of goods vehicles and drivers of tractor-trailers used for agricultural purpose from the provisions of this rule.

25. DUTIES OF DRIVERS OF GOODS VEHICLES:

In addition to the duties and functions specified in rule 23 above, the drivers of goods vehicles while on duty :-

- a) shall not cause or allow any person to be carried in the cabin of the vehicle in excess of the seating capacity specified in the registration certificate;
- b) shall not carry or cause to be carried any person or passengers for hire or reward;
- c) shall not carry animal, except in accordance with these rules;
- d) shall keep and maintain in English or Mizo in the goods vehicle a record in Form MVR-7 which shall give, in respect of each day, the information required to be recorded therein, and shall be opened for inspection by any officer of the Motor Vehicle Department not below the rank of an Assistant Inspector of Vehicles / Inspector of Enforcement or any officer of the Police Department not below the rank of a Sub-Inspector of Police; and

- e) shall take all reasonable precautions to prevent the foods from being spoiled or lost on the way .

26. DUTIES OF DRIVERS OF MOTOR CABS AND AUTO RICKSHAW CABS:

In addition to the duties specified in rule 23, the drivers of taxis or auto rickshaw cabs:-

- a) shall always park the vehicle in a queue in the place notified as taxi or auto rickshaw stand;
- b) shall move the cab as and when vacancies occur ;
- c) shall keep the front wheel of the cab straight at a distance of not less than 30.48 centimeters from the cab immediately in front of it, and where the stand is by the side of a kerb, parallel to and not more than 30.48 centimeters from the kerb;
- d) shall not allow his cab to remain in the queue when it is disabled or when it is not immediately available for being engaged;
- e) shall not allow his cab, when it is not engaged, to remain at any place other than a stand appointed for the purpose and shall not loiter for the purpose of his cab being hired in any public place;
- f) shall not prevent or attempt to prevent the first cab in the queue from being hired and shall not interfere with the persons hiring the first cab;
- g) shall, in the absence of reasonable cause to the contrary, proceed to the destination named by the hirer by the shortest and quickest route;
- h) shall not make use of his cab in connection with or for the furtherance of prostitution or act as a procurer of prostitutes nor shall allow his vehicle to be used in connection with any kind of smuggling or for transportation of any prohibited materials;
- i) shall not terminate any hiring after it has been engaged and before discharged by the hirer;
- j) shall not drive the vehicle or allow it to be engaged for hire, unless he is satisfied that the fare-meter is in working order ;
- l) shall not tamper with or allow any other person to tamper with the seal or working mechanism of the fare-meter;
- m) shall not set the fare-meter in motion before the vehicle is hired and shall stop the fare-meter immediately when the cab arrives at the destination;
Note:- The cab shall be considered to be hired from the time it has been engaged or when it is called from a distance from the time of such call.
- n) if he is unable to proceed further owing to any defect in the mechanism, puncturing or bursting of the tyres of the cab, he shall at once lower the flag to

“Stopped” position and shall not re-start the fare-meter until such time the defect is rectified ;

- o) shall not cover or obscure the face of the fare-meter under any circumstances or at any time;
- p) shall not, without reasonable cause, refuse to let the cab for hire when the flag is in a vertical position.

27. CONDUCT OF DRIVERS OF GOODS VEHICLES:

The driver of a goods vehicle –

- (a) 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 or otherwise in such a way as to impede him in having a clear vision of the road or proper control of the vehicle;
- (b) shall at all times exercise all reasonable care, 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 occupant or other person or without having sufficient fuel in the tank of the vehicle to enable him to reach the next fuel filling station of the route;
- (c) 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;
- (d) shall behave in a civil and orderly manner to hirers or their nominees and intending hirers or their nominees;
- (e) shall not solicit customer save in a civil and quite manner;
- (f) shall not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be with a reasonable dispatch;
- (g) shall, whenever the vehicle approaches an unguarded level crossing, cause it to be stopped, and after ensuring that no train is approaching in either direction, proceed to cross it ;
- (h) the driver of the goods vehicle, on demand by Police Officer not below the rank of Sub-Inspector of Police or any Officer of the Motor Vehicle Department of and above the rank of Assistant Inspector of Motor Vehicles shall produce all relevant documents of the vehicle for inspection.

28. DRIVER’S BADGE:

- (1) No person shall drive or cause or allow any other person to drive a stage carriage or contract carriage, unless the person so driving is allowed to drive, holds a

driver's badge. The badge shall be of a triangular shape in the case of a driver of a motor cab or an auto rickshaw cab, and of a circular shape in the case of drivers of other vehicles as a specimen shown in the Third Schedule.

- (2) The application for a badge shall be in Form MVR-8 and it shall be accompanied by a fee of fifteen rupees in cash.
- (3) Where the Licensing Authority issuing the badge is not the authority which granted the Driving License, it shall intimate the same to the Licensing Authority which had issued the Driving License in Form MVR-9.
- (4) The driver of a public service vehicle shall, while on duty, display his driver's badge on his breast.
- (5) No driver shall at any time hold more than one driver's badge.
- (6) No person shall hold or use any badge that is not issued to him and no person shall lend or transfer the badge issued to him to any other person.
- (7) The badge granted under these rules shall be valid throughout the State.
- (8) If at any time, the driver is disqualified from driving a transport vehicle or if his Driving License is revoked by any authority of court, or ceases to be effective, the driver shall forthwith surrender the badge to the authority by which it was issued.
- (9) The fee for issue of a badge and issue of duplicate badge shall be Rs 40/- in respect of Light Motor Vehicle and Rs 50/- in respect of Medium Motor Vehicle and Heavy Motor Vehicle. If the badge is lost or destroyed, a duplicate badge shall be issued by the Authority by which it was issued on an application made in Form MVR-10.

29. MAINTENANCE OF STATE REGISTER OR DRIVING LICENSE:

- (1) Every Licensing Authority shall maintain the State Register of Driving License in the form prescribed by the Central Government.
- (2) The Licensing Authority, as soon as the license is issued or renewed to a person shall cause an entry to be made in the State Register
- (3) The State Register shall be either bound or on a computer disc or tape.
- (4) The Register shall be maintained in alphabetical order beginning with the surname.
- (5) Where a person holding a Driving License for any class of Motor vehicle, obtains a Driving License of any other class or description of motor vehicle from the same authority, an entry to that effect shall be **taken** in the State Register against his name.

Provided that, if the Driving License is granted by any other authority or for any other class of motor vehicles, the Licensing Authority adding the other class

or description of motor vehicle, shall make an entry on the name of that person with all classes of motor vehicles the person is entitled to drive.

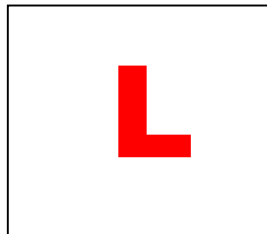
- (7) The Licensing Authority shall maintain a separate register for persons who are above sixteen years and below eighteen years and authorized to drive a vehicle without gear.

30. LEARNER'S LICENSE:

- (1) Sub-section (1) of Section 3 of the Act which requires a person to hold a license to drive a motor vehicle, shall not apply to any person driving a motor vehicle in a public place during the course of receiving instruction or of gaining experience in driving.
- (2) Every person who drives a motor vehicle in a public place for the purpose of aforesaid shall hold a learner's license in such form as may be prescribed by the Central Government.
- (3) The vehicle shall not carry any passenger or person other than the instructor duly licensed to drive the vehicle, who shall sit in such a position as to be able to readily stop the vehicle.

Provided that the necessity of carrying an instructor does not apply in case of driving a two-wheel motor cycle with or without gear. A plate (or card) to be affixed to the front and rear of the vehicle **a plate or card as set forth below.**

Plate (or card) nine inches square to be white with letter "L" in red, 6 inches high, 5 1/2 inches wide.



- (4) An application for Learner's License shall be made to the Licensing Authority in such form as prescribed by the Central Government.
- (5) A Learner's License shall be valid for a period of six months and may be renewed for further periods of three months on payment of prescribed fees for each such renewal.
- (6) If at any time a Learner's License is lost or destroyed, the holder shall intimate the fact within ten days to the Licensing Authority by whom the license was granted. On receipt of the intimation the Licensing Authority shall issue duplicate Learner's License on payment of prescribed fee.

31. PROCEDURE ON DISQUALIFICATION UNDER SECTION 19:

- (1) The Licensing Authority, if taking possession of a license under clause (a) of section 19 shall, if the license was issued by another Licensing Authority, intimate the fact to that authority.

- (2) When the Licensing Authority declares a person disqualified under sub-section (1) of section 19, it shall, if the person holds a license, endorse the license accordingly and shall send intimation of such declaration to the authority by whom the license was issued.
- (3) The Licensing Authority shall not declare any persons disqualified under sub-section (1) of section 19 unless such person has been served with a notice by registered post at his address recorded in his Driving License to show cause why proposed action should not be taken.

32. REFUSAL OF RENEWAL OF DRIVING LICENSE AFTER A PERIOD OF THREE YEARS:

- (1) A license, which has not been renewed under section 15 for three consecutive years, shall not be re-issued, but no person shall be debarred from obtaining a new license merely by reason of his former license having expired without renewal.
- (2) When a new license is issued under the circumstances set forth in sub-rule (1) above, a fresh number shall be allotted to the license so issued, the old license being endorsed as "Expired without renewal". In such case the holder shall be subjected to the usual test and medical examination.
- (3) Exemption of drivers of road roller:
Provision of Chapter –II of the Act shall not apply to the driver of road rollers.

33. CHANGE OF ADDRESS:

- (1) If the holder of a Driving License ceases to reside or have his place of business at the address recorded in the Driving License, he shall, within 30 days of any such change of address, intimate his new address, to the Licensing Authority by which the license was issued and if the new address is within the jurisdiction of another Licensing Authority to that other **Driving License Authority**.
- (2) Upon the receipt of such intimation if it is not the Licensing Authority by which the license was issued, the Licensing Authority shall intimate the change of address to the authority.

34. THE FEES TO BE PAID UNDER CHAPTER –II

- (1) Fees to be paid under this chapter for –
 - (a) Grant of renewal or issue of duplicate Learner's License - Rs 20/-
 - (b) Driving License Form - Rs 25/-
 - (c) A replacement of a photograph in the Driving License - Rs 10/-
 - (d) Issue of duplicate Driving License - Rs 100/-
 - (e) International Driving License - Rs 200/-
 - (f) Driving License application form - Rs 5/-

(g)	Any documents for an appeal as per sub-rule (3) of rule 13	-	Rs 25/-
(h)	Public service vehicle badge and duplicate for		
	Light Motor Vehicle	-	Rs 40/-
	Medium Vehicle and Heavy Motor Vehicle	-	Rs 50/-
(i)	Appeal as per sub-rule (1) of Rule 13	-	Rs 25/-
(j)	Temporary authorization of Driving License as per rule 19(2)	-	Rs 10/-
(k)	Application fee for driver's badge	-	Rs 15/-
(l)	Issue of Medical Certificate under section B (3)	-	Rs 20/-
(2)	Fees for prescribed Forms:		
(a)	Driving License form	-	Rs 25/-
(b)	Driving License application form	-	Rs 5/-
(c)	Driving License renewal form	-	Rs 5/-
(d)	Learner's License form	-	Rs 5/-
(e)	Application form for Learner's License	-	Rs 5/-
(f)	Form for additional Driving License	-	Rs 5/-
(g)	Duplicate Driving License application form	-	Rs 5/-

CHAPTER –III LICENSING OF CONDUCTORS OF STAGE CARRIAGE

35. LICENSING AUTHORITY:

The District Transport Officer of the respective districts shall be the Licensing Authority for the issue of Conductor License.

36. APPLICATION FOR GRANT OF CONDUCTOR LICENSE AND TESTING OFFICER:

- (1) An application for Conductors License as required by sub-section (1) of section 30 shall be made in Form MVR-11 to these rules and shall be accompanied by a Medical Certificate from a Medical practitioner authorized by the State Government to issue such certificate in Form MVR-12
- (2) Upon the receipt of an application for a Conductor's License, the Licensing Authority may, on making such enquiry as may reasonably be necessary to establish the identity of the applicant and if there is no proof that the applicant is disqualified under section 31 for holding or obtaining a Conductor's License, issue such license in Form MVR-13 for a period of three years.

- (3) The test of competence to hold Conductor's License shall be conducted by an Inspector of Vehicles.

37. QUALIFICATION FOR GRANT OF CONDUCTOR'S LICENSE:

No person shall be granted a Conductor's License unless he satisfies the Licensing Authority that:

- (a) he has adequate knowledge of first-aid and the provisions of the Acts and the rules made thereunder relating to the duties and functions of the conductors;
- (b) he possesses a good moral character ;
- (c) he should not be below the age of 18 years;
- (d) he has passed a Middle School Leaving Certificate Examination or equivalent and possesses working knowledge of Mizo language.

38. RENEWAL OF CONDUCTOR'S LICENSE:

- (1) An application for the renewal of a Conductor's License shall be made in Form MVR -14 and shall be accompanied by the Conductor's License issued earlier to the concerned person and the fee prescribed in these rules.
- (2) Upon the receipt of an application for the renewal of Conductor's License, the Licensing Authority may, after making such enquiries as it may deem necessary, renew the license.
- (3) A Licensing Authority renewing the Conductor's License shall intimate the fact of renewal in Form MVR-15 to the Licensing Authority by whom the license was issued.

39. CHANGE OF RESIDENCE:

The holder of a Conductor's License shall, except in the case of temporary absence not involving a change of residence for a period of exceeding three months, report any change of his temporary or permanent address as notified on the license to the Licensing Authority who has last renewed the license.

40. APPELLATE AUTHORITY:

The authority empowered under sub-section (2) of section 33 and under sub-section (4) of section 34 to hear appeals against the order of the Licensing Authority shall be the Director of Transport.

41. CONDUCT AND HEARING OF APPEALS:

- (1) An appeal under rule 40 shall be preferred in duplicate in the form of memorandum setting forth concisely the grounds of objection to the order of the Licensing Authority and shall be accompanied by a prescribed fee in cash and certified copy of that order.

- (2) When an appeal is preferred, a notice shall be issued to the authority against whose order the appeal is preferred in such form as the appellate authority may direct.
 - (3) The appellate authority may give to the parties copies of any documents connected with the appeal, on payment of fee calculated at the rate of ten rupees for the first page and two rupees for each additional page of each copy on the documents.
 - (5) The appellate authority may, after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, pass such order as it thinks fit and an order passed by any such authority shall be binding on the parties.
42. A Conductor's License issued by another competent authority outside the State of Mizoram shall not be effective within the State of Mizoram unless it is countersigned by any Licensing Authority of Mizoram.
43. The Licensing Authority may for reason to be recorded in writing suspend or cancel a Conductor's License. No person shall hold more than one Conductor's License effective in this State.
45. DUTIES AND CONDUCTS OF CONDUCTORS:

The conductor of a stage carriage, shall, as far as may be reasonably possible having regard to his duties-

- (i) be responsible for the due observance of the provisions of the Act and of these rule;
- (ii) shall not be smoking while on duty;
- (iii) behave in a civil and orderly manner to passengers and others;
- (iv) be cleanly dressed and shall wear khaki shirt or khaki bush shirt and khaki trousers of police pattern of khaki colour or any other uniform prescribed by the State Government;
- (v) maintain the vehicle in a clean and sanitary condition;
- (vi) not solicit custom, save in a civil and quiet manner;
- (vii) not interfere with persons mounting or preparing to mount upon any other vehicles;
- (viii) shall not allow any person to be carried in any stage carriage in excess of the seating capacity specified in the certificate of registration of the vehicle and any additional number of passengers permitted under the terms of the permit to be carried standing in the vehicle.
- (ix) Save for good and sufficient reason, not refuse to carry any person tendering the legal fare ;
- (x) Not allow any passenger to be carried in any stage carriage without payment of the legal fare;
- (xi) Take all reasonable precautions to **endure** that passengers are not endangered or unduly **inconvenienced** by the presence of good , where goods are carried on a vehicle in addition to the passengers;

- (xii) Save for good and sufficient reason, not required any person who has paid the legal fare to alight from the vehicle before the conclusion of the journey;
- (xiii) Not litter or unduly delay upon any journey but shall proceed to his destination as soon as may be in accordance with the time-table, with all reasonable dispatch;
- (xiv) 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 period and after failure of the vehicle, without demanding refund to each passenger a proper proportion of the fare relating to the completion of journey for which the passenger had paid the fare, in the event of the vehicle unable to proceed to its destination on account of mechanical breakdown or other causes beyond the control of the driver or conductor(s);
- (xv) Not cause or allow anything to be placed in the vehicle in such a manner as to obstruct the entry or exit of passengers;
- (xvi) Issue ticket immediately on payment of the legal fare or freight by the passenger except where arrangements outside the vehicle for the issue of tickets in advance to the intending passengers on payment of the legal fare has been made;
- (xvii) At the conclusion of any journey make reasonable search in the vehicle or anything left by any passenger and shall take into his custody anything so found by him or any other person in such vehicle and **as soon as may be**, make over the same to a responsible person at any office or station of the holder of the permit of the vehicle;
- (xviii) Not 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 an infectious or contagious disease, or the corpse of any person whom he knows or has reason to believe to have been suffering from any such disease;
- (xix) Notwithstanding anything contained in clause (xviii) above **upon application** in writing by a registered medical practitioner allow a person, suffering from an infectious or contagious disease to be carried in a stage carriage provided that no other person save a person or persons in attendance on the sick person shall be carried in the vehicle at the same time;
- (xx) Be responsible, when a person suffering from an infectious or contagious disease or the corpse of **any sick person** has been carried in a stage carriage, for reporting the fact to a Medical Officer or Health Officer and to the owner of the vehicle and neither the owner nor the driver or the conductor shall cause or allow any person to use the vehicle **have been disinfected** in such manner as the said Medical Officer may specify and a certificate to this effect has been obtained from the said Medical Officer;
- (xxi) Assist the driver and be on the look out for other motor vehicle approaching from behind and effectively signal their approach to the driver;
- (xxii) Take all reasonable precautions to prevent luggage being miscarried or lost on the way ;
- (xxiii) While on duty, not to be **under the influence of discharging his duties efficiently**;
- (xxiv) On demand by any passenger, produce the complaint book recording such remarks as the passenger may desire to make therein ;
- (xxv) While he is on duty, not permit the vehicle to be used for illegal or immoral purpose;
- (xxvi) Never permit any **petrol** to be poured into the fuel tank while the engine is in motion and

- (xxvii) Whenever the stage carriage approaches an unguarded level crossing, cause it to be stopped and after alighting therefrom and ensuring that no train is approaching from either direction, cause the vehicle to follow him till the other side of the level crossing is reached;
- (xxviii) Make all reasonable effort to help the injured persons in case of an accident to the bus and inform the nearest police station immediately ;
- (xxix) Help the infant, disabled, pregnant ladies, old aged passengers and the ladies with child in arm, to board and alight the bus ;
- (xxx) When the driver is taking the bus in reverse, get down from the bus and be on the look out for any other motor vehicle or other obstacle in the rear of the vehicle and effectively give signal to the driver;
- (xxxi) Never allow any explosive or dangerous or inflammable substance or any other materials prohibited by the State Government to be carried in the bus as personal luggage or cargo.

45. REQUIREMENT AS TO PHOTOGRAPHS : -

- (1) The copies of photographs required for a Conductor's License shall be of a passport size. It shall be snapped from the front, and shall be in black and white colour on glazed paper.
- (2) The photograph of the holder when affixed to a Conductor's License shall be sealed with the seal of the Licensing Authority in such manner that part of the impression of the seal is upon the photograph and part on the margin .
- (3) If at any time it appears to Licensing Authority that the photograph affixed to the Conductor's License has ceased to be a clear likeness of the holder, the Licensing Authority may require the holder to surrender the Conductor's License forthwith, and to furnish two clear copies of recent photograph of himself and the holder shall, within such time as the Licensing Authority may specify, appear in person before the Licensing Authority and present the photograph accordingly.
- (4) Upon receipt of the copies of the photograph as provided in sub-rule (3) above, the Licensing Authority shall remove the old photograph from the Conductor's License and seal thereto, one copy of the new photograph and return the Conductor's License to the applicant and shall, if he is not the Licensing Authority by whom the Conductor's License was issued, forward the second copy of the photograph to the authority which issued the license.

Provided that, if the holder of the Conductor's License so desires, the Licensing Authority shall issue a duplicate Conductor's License with a new photograph affixed thereto and shall destroy the original Conductor's License. In such a case if the Licensing Authority is not the authority by whom the Conductor's License was issued, he shall inform the original Licensing Authority.

- (5) If the holder fails to comply with any requisition made by the Licensing Authority under sub-rule (3) above, the Conductor's License shall cease to be valid from the expiry of the said period.
- (6) Where a new photograph is affixed to a Conductor's License, a note shall be made upon the photograph of the date of affixture.

46. CONDUCTOR'S LICENSE LOST OR DESTROYED:

- (1) If at any time a Conductor's License is lost by the holder or is destroyed, the holder shall forthwith intimate the facts in writing in Form MVR-16 to the Licensing Authority in whose area he has place of residence at the time.

- (2) Upon the receipt of intimation as aforesaid, the Licensing Authority shall, if he is not the authority by whom the Conductor's License was issued, apply to that authority for particulars of the Conductor's License and of any endorsements thereon and shall, after making such enquiries as he thinks fit, if satisfied that a duplicate may be properly be issued a duplicate Conductor's License and send intimation to the authority by whom the Conductor's License was issued.

Provided that , where subsequent to the issue of a duplicate license it is found that there has been an endorsement by a court since the date of the grant or last renewal of the license, it shall be lawful for the Licensing Authority to call for the duplicate Conductor's License and make the necessary endorsement thereon .

- (3) Where a photograph is required to be affixed to a duplicate Conductor's License issued under the provisions of these rules, the holder of the Conductor's License shall furnish the Licensing Authority with two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate Conductor's License and the other shall be transmitted by the authority issuing the duplicate Conductor's License to the authority by whom the Conductor's License was issued.
- (4) Where a duplicate Conductor's License has been issued upon representation that a Conductor's License has been lost and the original Conductor's License is afterwards found or received by the holder, the holder shall immediately return the duplicate Conductor's License to the Licensing Authority.
- (5) Any other person finding a Conductor's License shall deliver it to the nearest police station or the nearest Licensing Authority. The Officer-in-charge of the police station, on receipt of the Conductor's License, shall immediately forward it to the nearest Licensing Authority. The Licensing Authority shall restore the Conductor's License to the holder of the Conductor's License in case the duplicate Conductor's License has not been issued and shall substitute it for the duplicate in case such a duplicate has already been issued.

47. DEFACED OR TORN CONDUCTOR'S LICENSE:-

- (1) If at any time it appears to a Licensing Authority that a Conductor's License held by any person is so torn or defaced in any way as to cease to be reasonably legible the Licensing Authority may impound the Conductor's License and issue a duplicate in accordance with rule 49
- (2) If a Conductor's License impounded as aforesaid is required to have a photograph of the holder affixed there-
 - (a) if the photograph on the impounded Conductor's License is in the opinion of the Licensing Authority satisfactorily and conveniently transferable to the duplicate Conductor's License, the Licensing Authority may so transfer, affix and seal the photograph to the duplicate Conductor's License: or
 - (b) If the photograph affixed to a Conductor's License is impounded under the provisions of sub-rule (1) above is not in the opinion of the Licensing Authority such as can be transferred to the duplicate Conductor's License, the holder of the Conductor's License shall, on demand by the Licensing Authority furnish two clear copies of a recent photograph of himself, one of which shall be affixed to the duplicate Conductor's License and sealed and the other shall be recorded by the Licensing Authority by whom the Conductor's License was issued.

48. PROHIBITION AGAINST HOLDING MORE THAN ONE CONDUCTOR'S LICENSE :-

- (1) No person shall hold more than one Conductors' License.

- (2) A conductor of stage carriage shall produce his Conductor's License for inspection on demand by any police officer in uniform not below the rank of Sub-Inspector or any officer of Motor Vehicle Department not below the rank of Assistant Inspector of Motor Vehicles / Inspector of Enforcement or any member of the State Transport Authority within his jurisdiction, provided that, if at the time his license is demanded he is displaying the badge prescribed in rule 50, it shall be sufficient compliance with this sub-rule if he produces the Conductor's License within forty-eight hours at any police station which he specifies to the person making such demand.
49. ISSUE OF DUPLICATE CONDUCTOR'S LICENSE :-
- (1) When a duplicate Conductor's License is issued under rule 45, 46 and 47, it shall be clearly stamped "Duplicate" in red ink and shall be marked with the date of issue of the duplicate and the seal of the Licensing Authority.
- (2) If the Licensing Authority who issues a duplicate Conductor's License is not the authority by whom the Conductor's License was issued, he shall intimate the fact to that authority.
- (3) If the Licensing Authority who affixes a new photograph to a duplicate Conductor's License is not the authority by whom the Conductor's License was issued, he shall forward the second copy of the photograph to that authority for record.
50. CONDUCTOR'S BADGE :-
- (1) The Licensing Authority issuing a Conductor's License shall also issue simultaneously on payment of prescribed fee, a metal badge inscribed with its name, the word "Conductor" and an identification number. If the badge is lost or destroyed, a duplicate badge shall be issued on payment of prescribed fees by the authority which issued it in an application made to it in Form MVR- 17. In case the original badge is later found by the conductor, he shall return the duplicate badge to the issuing authority.
- (2) While on duty a conductor shall display his badge on his left breast and above the badge a plastic name plate indicating his initials and surname. The plastic name shall be of the size of nine centimeters in length and two centimeters in breadth.
- (3) No conductor shall lend or transfer to any other person, or permit the use by any other person, of the badge issued to him under sub-rule (1).
- (4) If at anytime a Conductor's License is suspended or revoked by an authority competent to suspend nor revoke or by any court or cases to be valid by efflux of time, the conductor shall, within seven days, of such suspension, revocation or ceaser, surrender the badge to the authority by which it was issued.
51. THE EFFECTIVENESS OF CONDUCTOR'S LICENSE ISSUED BY ANY OTHER STATE THAN THE STATE OF MIZORAM :-
- (1) The permit holder of the stage carriage shall not employ a person as a conductor having a Conductor's License issued by any Licensing Authority located outside the State of Mizoram.
- (2) A person can act as a conductor having a Conductor's License issued in any other States in respect of stage carriage operation in the State of Mizoram on the routes included in the reciprocal Transport Agreement as well as on the routes mutually agreed by both the State Transport Undertakings, with the intention to include the same in the subsequent Reciprocal Transport Agreement but shall comply with the provisions of rule 44.
52. FEES PAYABLE UNDER CHAPTER –III
- The fees payable under this chapter shall be :-
- (a) For the purpose of granting and renewal of Conductor's License shall be as per sub-section (5) of section 25.
- (b) For replacement of a photograph of Conductor's License - Rs 10/

- (c) For issue of duplicate Conductor's License - Rs 20/-
- (d) For renewal of Conductor's License - Rs 20/-
- (e) For an appeal against the order of Licensing Authority - Rs 25/-
- (f) For issue of Conductor's badge or its duplicate - Rs 25/-
- (g) For late renewal of license - Rs 20/-
- (h) Fee for prescribed application forms
- (i) Conductor's License form - Rs 5/-
- (ii) Application form for Conductor's License - Rs 5/-
- (iii) Application form for renewal of Conductor's License- Rs 5/-

CHAPTER –IV

REGISTRATION OF MOTOR VEHICLE

53. REGISTERING AUTHORITY: The district Transport Officer of a District shall be a Registering Authority of the concerned district for the purpose of these rules.

54. NECESSITY OF REGISTRATION : Every motor vehicle or trailer to be used shall be registered by the

Registering Authority as required by section 39 of the Act.

55. APPELLATE AUTHORITY:-

(1) The Authority to hear appeal against any order passed by the Registering Authority under Chapter IV of the Act shall be the Director of Transport. In case the Director of Transport himself has passed the order in some other capacity against such order, the appeal shall lie to the State Transport Authority.

(2) The Authority to hear appeal against any order passed by an Inspector of Motor Vehicles under section 53 shall be the Registering Authority.

(3) The Authority to hear appeal against any order passed by the Police Officer under section 53 shall be the State Transport Authority.

(4) The Authority to hear appeal against an order in respect of certificate of fitness under section 56 shall be the concerned Registering Authority.

56. CONDUCT AND HEARING OF APPEALS :-

(1) An appeal referred to in sections 45, 50, 54, 55, 57 shall be preferred in duplicate in the form of a memorandum, setting forth concisely the grounds of objections to the order of the Registering Authority of the Inspector of the Motor Vehicles or the Police Officer as the case may be, and shall be accompanied by a fee prescribed in sub-rule (6) of rule 74.

(2) The Appellate Authority after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, may confirm, vary or set aside the order appealed against.

(3) Any person preferring an appeal under the provisions of Chapter IV of the Act and of these rules shall be entitled to obtain a copy of any documents filed with the Registering Authority in connection with any order against which he is preferring an appeal on the payment of a fee calculated at the rate of ten rupees for the first page and two rupees for each additional page for each copy of documents.

(4) Subject to the provisions of sub-rule (3), the director of Transport or the Registering Authority may give any person interested in appeal preferred under Chapter IV of the Act, copies of any document connected with the appeal, on payment of a fee calculated at the rate of ten rupees for the first page and two rupees for each additional page per copy of each document.

57. TEMPORARY REGISTRATION :-

- (1) An application for temporary registration shall be in Form MVR-18.

(2) A temporary certificate of registration shall be in Form MVR-19 and shall be valid for a period not exceeding one month, unless extended under the provisions of sub-section (2) of section 43.

(3) The authority granting a temporary certificate of registration shall, in cases where the registration under section 40 of the Act is proposed to be effected by another authority forward to the latter a copy of Form MVR -19.

(4) 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 vehicle in the manner prescribed by the Central Government.

(5) The temporary mark to be assigned to any vehicle by any Registering Authority shall be in the manner specified by the Director of Transport.

(6) In the case of imported vehicle brought into the State, the owner of the motor vehicle shall apply in Form MVR-18 to the concerned Registering Authority along with the bill of entry.

(7) For the purpose of the temporary registration of vehicle, it shall not be necessary to produce the vehicle before the Registering Authority.

58. COMPOSITION OF OFFENCE FOR NON RENEWAL OF REGISTRATION:

On a failure of the owner in making an application for renewal of certificate of registration under sub-section (8) of section 41, the Registering Authority may in lieu of prosecution accept a compounding fee of twenty five rupees per calendar month or part thereof provided that such amount shall not exceed one hundred rupees.

59. ISSUE OR RENEWAL OF A CERTIFICATE OF FITNESS :-

(1) No person shall drive any transport vehicle and no owner of transport vehicle shall cause or permit the vehicle to be driven in any public place or any other place unless the vehicle carry a certificate of fitness as required under section 56 of the Act. Certificate of fitness shall be issued or renewed by the Officer of Motor Vehicle Department not below the rank of an Inspector of Motor Vehicles or an authorized testing station subject to the general control and direction of the appropriate Registering Authority.

(2) An application for issue of certificate of fitness shall be made in Form MVR 20 (Part)-I to the Inspector of Motor Vehicles or authorized testing station in whose jurisdiction the vehicle is normally kept whose functional area includes or the major portion of the routes or area to which the permit relating to the vehicle extends.

(3) There shall not be more than one certificate of fitness in respect of any vehicle.

(4) The Officer of the Motor Vehicle Department or the authorized testing station by whom the certificate of fitness was last renewed, may endorse thereon, the date, time and place appointed for the next inspection of the vehicle and the owner shall cause the vehicle to be produced accordingly before the concerned authority or any authorized testing station specified by the Government located in the jurisdiction of the Officer endorsing the certificate.

(5) If the owner finds that the vehicle cannot be produced for the next inspection on the date endorsed on the certificate of fitness, he shall apply to the Officer of the Motor Vehicle Department not less than fifteen days before the date of expiry of the certificate for a change in the date of inspection stating the reason thereof. On the next date given by the authorized testing station, the owner of the vehicle shall apply for the change in the date of inspection, stating the reasons to an Officer not below the rank of Inspector of Motor Vehicle in whose jurisdiction the vehicle is normally kept and such Officer if satisfied may specify the next date before which the vehicle should be produced for inspection before any authorized testing station in his area of jurisdiction or before him as the case may be.

(6) If no date, time and place for the next inspection is endorsed on the certificate of fitness as provided for in sub-rule (3), an application for the renewal of a certificate of fitness as provided for in sub-rule (3), **an application for the renewal of a certificate of fitness** shall be made in Form MVR-20 (Part- II) within one month before the date of expiry of the certificate and the owner of a vehicle of which such application is made shall cause the vehicle to be produced for inspection on such date and at such time and place as the Inspector of Motor Vehicle or authorized testing station may appoint. If the owner fails to make the application on or before the date aforesaid, he shall be liable to pay full fee prescribed under section 64, in addition to the usual fee chargeable for inspection, and on payment of such fee, a new certificate of fitness may be **issue** to him .

(7) If, owing the mechanical break down or other cause, a motor vehicle after the expiry date of the certificate, outside the area under the jurisdiction of the Officer of the Motor Vehicle Department by whom the certificate is to be renewed, has jurisdiction, the Officer of the Motor Vehicle Department without prejudice to any penalty to which the owner or driver may have become liable, may, if the vehicle is in his opinion fit for use, may make an endorsement in Form MVR -21 subject to such conditions as he may specify, and authorized its continued to use for such time as may reasonably be necessary for the vehicle to return to area of the said Officer and the vehicle may be driven to such area in accordance with such endorsement but shall not be used after return without renewal.

Provided that no authorized Testing Station situated outside the area of jurisdiction in which the owner should have obtained the certificate of fitness, shall issue such authorization to any vehicle under this sub-rule.

(8) If a vehicle is damaged at any time so as to be unfit for ordinary use and may in the opinion of any Inspector of Motor Vehicles be safely driven at a reduced speed to a place **or** repairs, and if such Inspector is satisfied that it is necessary that the vehicle should be driven, he may endorse in Form MVR-22 speed and other conditions if any and specify the time subject to which, the vehicle may be driven to a specified destination for the purpose of repair.

(9) When a certificate of fitness has been issued by a prescribed authority then an Inspector of Motor Vehicles shall be the authority for the purposes of cancellation of the certificate under sub-section (4) of section 56.

Provided that the certificate of fitness issued by the authorized Testing Station shall not be cancelled under this sub-rule by an Officer not below the rank of Inspector of Motor Vehicles;

Provided further that the above position shall not apply to the vehicle involved in an accident.

(10) The authority mentioned in sub-rule (9) of this rule cancelling the certificate of fitness shall give the owner or other person in charge of the vehicle, a notice in Form MVR-23 and shall alongwith a report of his action forward the certificate of fitness, certificate of registration and permit if any, to the Registering Authority under whose direction and control he may be working ;

Provided that if the certificate of fitness issued by the Authorised Testing Station is to be cancelled, an Officer not below the rank of Inspector of Motor Vehicles shall send a copy of this notice to the authorized Testing Station by whom the certificate of fitness was issued.

(11) after the authority has cancelled the certificate of fitness such authority after making an endorsement in Form MVR-24 specify the time and the conditions subject to which the vehicle may be driven to a specified destination for the purposes of repair.

(12) Nothing in sub-rule (9) shall bar the owner or the person in-charge-of the vehicle, the certificate of fitness of which has been cancelled from applying at any time for the restoration of the certificate of fitness if the vehicle is or has been repaired in such manner

that the provisions of Chapter VIII of the Act and the rules made thereunder are complied with. If such a vehicle is inspected and passed within fourteen days of the date of cancellation of the certificate of fitness but before the date of expiry specified in such certificate no restoration fee shall be charged. If, however, the vehicle is brought for inspection at any later time, fresh certificate of fitness will be required.

Provided that, notwithstanding anything contained in this rule, the renewal fee in such a case shall be in addition to the usual fee chargeable for inspection as prescribed by the Central Government .

(13) While inspecting a motor vehicle, the authority or the Authorised Testing Station shall fill in Form MVR -25 in duplicate, and shall, on completion of inspection deliver the original copy of the owner or his driver.

60. LOSS OR DESTRUCTION OF CERTIFICATE OF FITNESS :-

(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 for a duplicate certificate in Form MVR-26 with a fee as prescribed under the Central Rules.

(2) On receipt of intimation of the loss or destruction of a certificate of fitness, the authority shall furnish the owner with a duplicate copy of the certificate of fitness duly stamped "Duplicate" in red ink.

(3) Where a duplicate certificate of fitness has been issued upon representation, that a certificate of fitness has been lost and the original certificate of fitness is afterwards found or received by the holder, the holder shall immediately return the duplicate certificate of fitness to the Registering Authority or the Authorised Testing Station .

(4) Any other person finding a certificate of fitness shall deliver it to the Registering Authority. The Registering Authority shall restore the certificate of fitness to the holder of the certificate of fitness in case the duplicate certificate of fitness has not been issued and shall substitute it for the duplicate in case such a duplicate has already been issued.

(5) No person shall be liable to be convicted of an offence under section 130 if at the time when the certificate is demanded he has already reported the loss or destruction thereof, in accordance with this rule and a duplicate certificate has not been delivered to him.

61. TORN OR DEFACED CERTIFICATE OF FITNESS :-

(1) If at any time it appears to the Registering Authority or the Authorised Testing Station that the certificate of fitness is so torn or defaced in any way as to cease to be reasonably legible, he may impound such certificate and direct the owner of apply in Form MVR -26 for a duplicate certificate.

(2) On receipt of an application under sub-rule (1) in Form MVR- 26 together with a fee of twenty rupees the Inspector of Motor Vehicles or the Authorised Testing Station shall issue a duplicate certificate of fitness clearly stamped "Duplicate" in red ink.

62. LOSS OR DESTRUCTION OF CERTIFICATE OF REGISTRATION:-

(1) If at time a certificate of registration is lost or destroyed, the owner shall forthwith intimate the fact in writing to the Registering Authority by whom the certificate was issued or by whom the registration mark of the vehicle was assigned under section 47 of the Act and shall apply in Form MVR-26 to that authority for the issue of a duplicate certificate.

(2) On receipt of an application in Form MVR-26, together with the prescribed fee, the Registering Authority shall issue a duplicate certificate of registration in Form 22 appended to the Central Rules clearly stamped "Duplicate" in red ink.

(3) When a duplicate certificate of registration has been issued on representation that a certificate of registration has been lost and the original certificate of registration is

afterwards found or received by the holder, the holder shall immediately return the duplicate certificate of registration to the Registering Authority.

(4) Any other person finding a certificate of registration shall deliver it to the Registering Authority. The Registering Authority shall restore the certificate of registration to the holder of the certificate of registration or substitute if for the duplicate in case such duplicate has already been issued.

63. TORN OR DEFACED CERTIFICATE OF REGISTRATION :-

(1) If at any time it appears to a Registering Authority that a registration certificate held by any person is so torn or defaced in any way as to cease to be reasonably legible, the Registering Authority may impound such certificate and direct the owner thereof to apply in Form MVR-26 to the Registering Authority by whom the certificate was issued or by whom the registration mark of the vehicle was assigned under section 47 of a duplicate certificate was issued.

(2) If the Registering Authority who impound such certificate is not the authority by whom the certificate was issued or the fresh registration mark was assigned, it shall intimate the action taken under sub-rule (1) to the authority by whom the certificate was issued of the fresh registration mark was assigned, as the case may be.

(3) On receipt of the application under sub-rule (1) in Form MVR-26 together with the prescribed fee, the Registering Authority shall issue a duplicate certificate of registration in the Form 22 prescribed under the Central Rules and clearly stamped "Duplicate" in red ink.

64. AUTHORITY FOR SUSPENSION OF CERTIFICATE OF REGISTRATION ETC :-

(1) Any Police Officer not below the rank of Superintendent of Police, or a Registering Authority may suspend the certificate of registration of a motor vehicle under clause (b) of sub-section (1) of section 53.

(2) Any Officer of the Motor Vehicle Department not below the rank of an Inspector of Motor Vehicle may stop any motor vehicle, the use of which in a public place, in his opinion is likely to constitute danger to the public and examine such vehicle on a public road, or subject to the consent of the owner of the premises, on any premises where the vehicle is kept for the time being.

65. INTIMATION OF TRANSFER OF OWNERSHIP:-

Communication of transfer to the original Registering Authority under sub-section (1) and (2) of section 50 shall be in the form prescribed by the Central Rules.

66. COMPOSITION OF OFFENCES UNDER SUB-SECTION (3) OF SECTION 50 :-

The amount payable by any person in lieu of action for failure to give timely intimation about transfer of ownership as required shall be at the rate of fifty rupees per calendar month or part thereof by which the giving of such intimation is delayed by such person

Provided that the amount so payable shall not exceed one hundred rupees.

67. ASSIGNMENT OF NEW REGISTRATION MARK:-

(1) Application for a new registration mark under sub-section (1) of section 47 shall be in the form prescribed by the Central Rules.

(2) The Registering Authority shall, before assigning registration mark under sub-section (1) of section 47 or before entering the particulars of transfer of ownership of a motor vehicle in the certificate of registration required the owner or, as the case may be, the transferee to produce the motor vehicle before itself or before the Inspector of Motor Vehicles, in order the Registering Authority may satisfy itself that the particulars of the vehicle recorded in the certificate or registration are correct and the vehicle complete with the provisions of Chapter –VII.

(3) Where an owner of a motor vehicle who had registered his vehicle outside the State has brought his vehicle into the State or is for the first time being kept in the State shall intimate to the Registering Authority in whose jurisdiction such vehicle is kept for use in Form MVR-27 within seven days from the **date of expiry of such motor vehicle in the State**.

(4) If the owner of the motor vehicle or the person in possession of motor vehicle fails to **apply** the assignment of new registration mark under sub-section (1) of section 47 he shall be liable to pay the amount of fifty rupees for the default of every subsequent month, if continued.

Provided that the total amount payable under this rule in lieu of action under section 117 shall not exceed one hundred rupees.

(5) The Registering Authority assigning a new registration mark to a motor vehicle, shall, in Form MVR-28 intimate the registering authority which originally issued the certificate of registration, that a new registration mark has been assigned to the motor vehicle and call for the record of registration of vehicle or certified copies thereof. The registering authority shall simultaneously inform the owner and the other party, if any, to an agreement of hire-purchase, specified in the note appended to the certificate of registration of such new registration mark.

68. EXEMPTION OF ROAD PLANT :-

Nothing contained in Chapter –IV of the Act shall apply to road rollers, graders and other vehicles designed and used solely for the construction, repair and cleaning of roads.

69. SUPPLY OF COPIES OF REGISTRATION :-

A Registering Authority shall supply copies of the particulars of any motor vehicle registered in the records maintained by him to any person who may apply for the same, for every such copy in respect of ten or less number of vehicles, a fee of twenty rupees shall be charged.

70. NOTICE OF ALTERATION OF MOTOR VEHICLES :-

(1) The notice by the owner of a motor vehicle to the registering authority in accordance with sub-section (1) of section 52 shall be in Form MVR-29.

(2) The Registering Authority may on receipt of such notice require the owner of the motor vehicle to produce the certificate of registration in respect of the vehicle before him or his nominee, within seven days from the date on which such requisition was made for the purpose of verification of the entries therein.

71. INTIMATION REGARDING STOLEN AND RECOVERED VEHICLES :-

(1) An Officer-in-charge of the Police Station where the theft of motor vehicle is reported by the owner or any other person in possession of the vehicle, shall, immediately after the registration of an offence, send intimation to the Director of Transport and the Registering Authority in Form MVR -30 and send a copy thereof to the Registering Authority where the vehicle is registered.

(2) If the Police Station mentioned in sub-rule (1) is located in the jurisdiction of Police Headquarters, the Police Officer shall also simultaneously send one copy of intimation in Form MVR -31 to all the Registering Authorities located in Mizoram.

(3) On receipt of this intimation under sub-rule (1) the Director of Transport shall inform all the Registering Authorities the details of the stolen vehicle in Form MVR -31.

(4) The Director of Transport shall also maintain the register of stolen vehicle in Form MVR- 32.

(5) The Registering Authorities shall maintain the register of stolen vehicles in Form MVR-33 on the basis of the intimation received from the Director of Transport or from the Police Officer, as the case may be.

(6) If the vehicle reported to be stolen is recovered, the Police Station which recovered the vehicle shall intimate the fact in Form MVR- 34 to the Director of Transport and relevant Registering Authority.

(7) On receipt of intimation under sub-rule (4), the Director of Transport or the Registering Authority concerned shall take a note of such recovery in the register maintained.

72. MAINTENANCE OF STATE REGISTER OF MOTOR VEHICLES:-

(1) The Registering Authority shall maintain a "State Register of Motor Vehicles" in such form as prescribed under the Central Motor Vehicle Rules 1989.

(2) The register may be either in a bound book or on a computer disc or tape.

(3) As soon as the vehicle is registered, the necessary entries shall be taken up and entered in the State Register of Motor Vehicles.

(4) The State Register of motor vehicles shall be maintained according to the class of the vehicles, that is to say, Transport or Non-transport and also if the registration of all types of vehicles is in large number, according to the detailed classification of the vehicles, that is to say, two wheelers, car, goods carriage, tractors, etc, as may be decided by the Registering Authority.

73. PAYMENT OF ROAD TAX AND FEES FOR MOTOR VEHICLES BELONGING TO GOVERNMENT :-

All motor vehicles belonging to State Government / Government of India or any other vehicles belonging to other State or Government of Union Territory shall not be exempted from payment of registration and inspection fees if not specifically exempted by, the State Government of Mizoram, rates for fees shall be as per rate fixed for private vehicles.

74. FEES PAYABLE UNDER CHAPTER IC :

(1) The fees for registration shall be :-

(a) In respect of motor cycle/scooter (or any two wheeler)- Rs 30/-

(b) In respect of light motor vehicles - Rs 100/-

(c) In respect of medium vehicles - Rs 200/-

(d) In respect of heavy vehicles - Rs 300/-

(e) In respect of Tractors - Rs 150/-

(f) In respect of Trailers - Rs 150/-

(g) Invalid carriage - Rs 10/-

(h) Imported motor vehicle - Rs 400/-

(i) Imported motor cycle - Rs 100/-

(j) Any other motor vehicle not mentioned above - Rs 150/-

Provided that the State Government may, for special reasons by a notification wholly or partly remit fee in respect of any motor vehicle.

(2) Fee for issue of duplicate certificate of fitness shall be twenty rupees

(3) Fee for issue of duplicate certificate of registration shall be as per Central Rules.

(4) Fee for vehicle owner who fails to apply for assignment of new registration mark in time for every subsequent month if continued.- Rs 50/-

CHAPTER –V

CONTROL OF TRANSPORT VEHICLES

75. STATE TRANSPORT AUTHORITY, PERIOD OF OFFENCE AND TERMS OF APPOINTMENT OF MEMBERS :-

(1) The State Government shall appoint members of the State Transport Authority on an honorary capacity for a period of three years and thereafter until their successors are appointed.

Provided that when any member dies or is removed or vacates office, his successors shall be appointed for the remainder of the period of the member whose place he takes and thereafter till his successor is appointed.

(2) The State Transport Authority shall meet at such intervals and at such place as the Chairman may decide.

(3) Not less than seven days notice shall be given to every member of any meeting of the State Transport Authority.

(4) The State Government may at any time remove any member of the State Transport Authority.

(5) The quorum to constitute a meeting of the State Transport Authority shall be the Chairman and two other members either official or non-official.

(6) Non-official members of the State Transport Authority shall be entitled to receive travelling and halting allowances at the scale and on the conditions admissible to members of the State Legislature for all meetings of the Authorities, and any such member performing any journey, other than to attend a meeting of the Authority, in connection with the business of the Authority shall with the sanction of the Chairman be entitled to receive travelling and halting allowances likewise.

(7) The Chairman may, if necessary, nominate a panel of presiding members, who will preside over the meeting during his absence and the Chairman may vary such panel at any time.

(8) The Chairman or the Presiding member shall have a second or casting vote in case of tie in the voting.

76. CONDUCT OF BUSINESS OF STATE TRANSPORT AUTHORITY:

(1) The State Government may, at any time, after giving any member an opportunity to be heard, remove him from office for –

- (a) misconduct in the discharge of his duties, or
- (b) any disgraceful conduct, or
- (c) failure to attend three consecutive meetings of the Authority without sufficient excuse, or
- (d) any other cause deemed sufficient by the State Government.

(2) Subject to the provision of the Act and these rules and also subject to the approval of the State Government, the State Transport Authority shall have the power to make bye-laws to regulate the conduct of each business and shall, likewise have power to amend such bye-laws and the business of such authority shall be conducted accordingly under the direction of the Chairman.

(3) The State Transport Authority may decide any matter, without holding a meeting by the majority of the votes of members recorded in writing and send to the Secretary (hereinafter referred to as procedure by circulation).

(4) In the event of procedure by circulation, the Secretary shall send to each member of the Authority such particulars of the matter as may be reasonably necessary in order to enable the member to arrive at a decision and shall specify the date by which the votes of members are to be received in the office of the Authority. Upon receipt of the votes of members as aforesaid, the Secretary shall lay the papers before the Chairman who shall record the decision by endorsement in the form of application or other documents, as the case may be in accordance with the votes received and the vote or votes cast by the Chairman. The record of the votes cast shall be kept by the Secretary and shall not be available for inspection by any person save by a member of the Authority.

No decision shall be made upon procedure by circulation if, before the date by which the votes of members are required to reach the office of the Authority, not less than one third

of the members of the Authority by notice in writing to the Secretary demand that the matter be referred to a meeting of the Authority.

- (5) The number of votes, excluding the Chairman's second or casting vote, necessary for a decision to be taken upon procedure by circulation shall not be less than the number necessary to constitute the quorum.
- (6) The State Transport Authority may summon any applicant for a permit to appear before it and may decline to grant the permit until the applicant has so appeared either in person or by an agent authorized by him in writing and until the applicant has furnished such information and may reasonably be required by the Authority in connection with the application.
- (7) When a matter is decided by the votes of members present at a meeting of the State Transport Authority, no person other than a member of the Authority shall be entitled to be present and no record of the voting shall be kept save of the number of votes cast on either side.

Provided that when any matter is decided by the exercise of the second or casting vote of the Chairman the fact shall be recorded .

77. DELEGATION OF POWERS BY THE STATE TRANSPORT AUTHORITY:

The State Transport Authority may, for prompt and convenient dispatch of business by general or special resolution recorded in its proceedings, delegate to the Secretary the following powers :-

- (a) to grant , refuse or renew a private service vehicle permit under sub-section (1) of section 76:
- (b) to refuse a Contract Carriage permit, to grant with or without modification, such an application, and attach condition to the permit under sections 66 and 74 respectively:
- (c) To grant with or without modification or refuse goods carriage permit and power to impose conditions under sub-section (2) of section 79 or vary the conditions thereof;
- (d) To attach to a Stage Carriage Permit conditions under sub-section (2) of section 72 or vary the conditions thereof ;
- (e) To renew goods carriage permit and contract carriage permits under section 81 and to renew countersignature of any such permits ;
- (f) To transfer permit under sub-section (3) of section 82 ;
- (g) To grant or refuse a stage carriage permit in case where no objections or representations are received with reference to section 82 ;
- (h) To approve the time table of a service of stage carriage of the particulars stage carriage under sub-section (2) of section 72;
- (i) To grant or refuse a contract carriage permit in case where no objection or representation are received and power under sub-section (2) of section 74 to impose conditions on the use of a contract carriage.
- (j) To grant or refuse a private carriage permit in case where no objection or representation are received and power impose condition under sub-section (3) of section 76;
- (k) To grant or refuse a public carriage permit in case where no objection or representation are received with reference to sub-section (2) of section 80 and power under sub-section (2) of section 79 to attach conditions to a public carrier's permit;
- (l) To publish application for stage carriage or public carrier's permit ;
- (m) To transfer or refuse to transfer a permit otherwise than on the death of a permit holder in respect of all vehicles on the death of a permit holder ;

- (n) To permit or refuse to permit the replacement of one vehicle by the another ;
- (o) To suspend or cancel a permit or compound an offence in lieu of suspension or cancellation of permit and the power under sub-section (4) of section 88 to suspend or cancel the countersignature of permit or compound and offence in lieu of suspension or cancellation of countersignature ;
- (p) To grant or refuse a temporary permit ;
- (q) To refuse or entertain applications for grant or renewal of permit and countersignature of permits, where such applications are out of times or not in accordance with the provisions of the Act and of the Rules made thereunder ;
- (r) To grant or refuse a special permit of each extension validity;
- (s) To refuse summarily an application for a permit if the grant of the permit in accordance with the application or with modifications would have the effect or increasing the number of vehicle beyond the limit fixed by the State Transport Authority under sub-section (3) of section 71 ;
- (t) To suspend a permit or to recover from the holder thereof the sum of money agreed upon in accordance with sub-section (5) of the said section ;
- (u) To grant , renew or refuse the National Permit for goods carriage ;
- (v) To grant, renew or refuse licenses for agents or powers to suspend a license or to recover from the holder thereof a sum of money agreed upon in lieu of suspension ;

Provided that the Secretary shall keep informed the State Transport Authority from time to time of the actions taken by him in pursuance of the power delegated .

78. Notwithstanding anything contained in this rule, a State Transport Authority may, from time to time, issue instructions to the Secretary of the Officer as to the manner in which he shall exercise the powers delgated to him .

79. The State Transport Authority may, for the prompt and convenient despatch of its business, by a general or special resolution, delegate to its Chairman its powers to give effect to any directions issued under section 67 by the State Government.

80. EXEMPTION FROM SECTION 66 :

The provisions of sub-section (1) of section 66 shall not apply to any transport vehicle used as a relief vehicle for carrying passengers and their luggage from a disabled stage carriage to the place of destination.

81. DISPOSAL OF APPLICATIONS FOR CONTRACT CARRIAGE, GOODS CARRIAGE AND PRIVATE SERVICE VEHICLE PERMITS :-

- (1) When an application for contract carriage permit or goods carriage permit or a private service vehicle permit is received by the Secretary to the State Transport Authority, he shall examine whether the powers to deal therewith has been delegated to any other officer under rule 77 and forward the same to him for disposal if it has been so delegated.
- (2) In case where the application referred to in sub-rule (1) is required to be considered by the State Transport Authority, the Secretary shall scrutinize whether the application is in order and call for such further particulars and make such other inquiries as he may consider necessary and shall subject to any general directions of the State Transport Authority decide whether the application be disposed off by the circulation procedure or at the meeting of the Transport Authority.
- (3) Normally the application referred to in sub-rule (1) shall be disposed off within two months of the receipt thereof.

82. REFUSAL TO ACCEPT APPLICATION FOR PERMITS :-

Where the State Government by Notification in the Official Gazette has directed the Transport Authorities to limit the number of stage carriages generally or of any specified

type under sub-section (3) of section 71 or sub-section (3) of section 74, the number of vehicles of any class for which permits may be granted in any specified route and has actually granted permits equal to the maximum number of vehicles of any class, in such area, or as the case may be, on such route, the State Transport Authority shall notify this fact on the notice board of its office and may decline to receive any further applications for permits in respect of class of vehicle in the area or on the route aforesaid.

83. POWER OF REFUSAL TO ACCEPT APPLICATION FOR PERMITS:-

A permit cannot be claimed as a matter of right when a State Transport Authority has in the exercise of its powers under the Act imposed a limit upon the number of permits of any class which may be granted for a specified route for a specified area and has already granted such number of permits of that class the authority may decline to receive further applications for such permits in respect of any such route of a State.

84. DISPOSAL OF APPLICATIONS FOR CONTRACT CARRIAGE AND PRIVATE CARRIER'S PERMIT :-

(1) Upon receipt of an application for a contract carriage permit or for a private carrier's permit, the Secretary, State Transport Authority, shall, if the application is in order, with all reasonable dispatch circulate particulars thereof to members of Authority together with an intimation as to whether the matter is to be decided at a meeting of the Authority or upon procedure by circulation. In the latter case he shall, intimate the date by which the opinions of members have to be received.

(2) In deciding whether an application for a contract carriage permit or for private carrier's permit is to be considered at a meeting of the Authority, or upon procedure by circulation, the Secretary to the State Transport Authority shall without prejudice to the proper examination of the application and any enquiries necessary in connection therewith, have regard to the desirability of avoiding the delay in the issue of such permits shall normally be granted or refused within one month of the receipt of the application.

85. PUBLICATION OF APPLICATION :

(1) Further to the provisions of sub-section (2) of section 80 receipt of an application for a stage carriage permit or a public carrier's permit, the Secretary, State Transport Authority shall post a copy of application, together with the notice of the date before which representations may be submitted and of the date appointed for consideration on a suitable notice board situated on the premises of the office of the Authority.

(2) It shall be a sufficient compliance with the provision of sub-section (2) of section 80 if the particulars specified in that sub-section are posted on the official notice boards of the office of the State Transport Authority and published in the Official Gazette not less than twenty days before the date appointed for the receipt of representation.

(3) If upon publication of particulars of an application in respect of a stage carriage permit or of a public carrier permit as aforesaid no representation is received in connection therewith within the specified period, the application may, if the Chairman so desires, be submitted for the decision of the Authority for procedure by circulation.

86. POWER OF STATE TRANSPORT AUTHORITY TO REGULATE THE NUMBER OF PERMITS :

(1) The State Transport Authority shall have power to regulate the number of permits in any area under the Authority of its jurisdiction; provided that in regulating the number of such permits Local Boards / Association within the functional area whose interest are involved shall be consulted.

(2) The State Transport Authority shall have power to reduce or increase at any time, the number of permits issued by the State.

87. PREFERENCE IN GRANTING STAGE CARRIAGE PERMITS:

Subject to the provision contain in section 71, financial stability and satisfactory performance including payment of tax etc. by the applicant, the State Transport Authority, while considering applications for grant of stage carriage permits may give preference to applicant who is at least one of the following category :-

- (a) educated unemployed.
- (b) project educated person
- (c) ex-servicemen
- (d) applicant , who is having a diploma in automobile Engineering or a diploma in tourism or Transport Management from recognized institution ;
- (e) whether the applicant is an approved agent recognized by the Indian Tourism Development Corporation etc etc.

88. FORMS OF APPLICATION FOR PERMITS FOR THE PURPOSE OF CHAPTER –V :

(1) Every application for a permit in respect of any Transport vehicle shall be made using the following forms :-

- (a) in respect of service of stage carriage Form MVR-35
- (b) in respect of a particular contract carriage Form MVR-36
- (c) in respect of a goods carriage Form MVR-37
- (d) in respect of a temporary permit Form MVR-38
- (e) in respect of a private service vehicle permit Form MVR-39
- (f) in respect of a special permit Form MVR-40
- (g) in respect of tourist taxi permit Form MVR-36
- (h) in respect of tourist taxi permit Form MVR-36

(2) The application shall be addressed to the State Transport Authority and accompanied by a prescribed application form in this rules.

89. FORMS OF PERMITS :

(1) Every permit shall be issued using the following forms namely :-

- (a) a service stage carriage Form MVR-41
- (b) particular contract carriage Form MVR-42
- (c) casual contract carriage Form MVR-43
- (d) casual contract carriage Form MVR-44
- (e) a goods carriage Form MVR-45
- (f) temporary permit Form MVR-46
- (g) a private service vehicle Form MVR-47
- (h) a special permit Form MVR-48
- (i) a tourist vehicle Form MVR-49
- (j) national permit for goods carriage Form MVR-50

(2) Every permit issued under section 85 shall be sealed and signed by the Secretary of the Transport Authority by which the permit is issued or countersigned.

90. PERMIT FEES :

(1) Subject to the provision of these rules, the fees in respect of an application form, grant, renewal, issue of duplicate countersignature and recommendation, letter of a permit shall be –

- | | | |
|--|---|---------|
| (a) for the grant of stage carriage permit | - | ₹ 500/- |
| (b) for the renewal of stage carriage permit | - | ₹ 500/- |
| (c) for issue of duplicate carriage permit | - | ₹ 125/- |
| (d) for the grant of goods carriage permit - | - | ₹ 500/- |
| (e) for the renewal of goods carriage permit | - | ₹ 500/- |

- (f) for issue of duplicate goods carriage permit - ` 125/-
- (g) for the grant of countersignature of stage Carriage permit - ` 200/-
- (i) for the grant of countersignature of goods carriage permit - ` 100/-
- (j) issue of recommendation letter - ` 100/-
- (k) for the grant of private service vehicle permit - ` 100/-
- (l) for the renewal and issue of duplicate of private Service vehicle permit - ` 50/-

(2) The fees in respect of an application for a permit, countersignature and recommendation letter for a contract carriage and the fee for the renewal of such permit and countersignature shall be :-

- (a) for the grant of tourist taxi / local taxi permit - ` 300/-
- (b) for the grant of Auto-Rickshaw permit - ` 150/-
- (c) for the grant of tourist vehicle (contract carriage) Other than tourist taxi - ` 500/-
- (d) for the renewal of tourist taxi / local taxi permit - ` 150/-
- (e) for the renewal of Auto-Rickshaw permit - ` 75/-
- (f) for the grant of countersignature of permit in Respect of tourist vehicle (buses and taxis) - ` 200/-
- (g) for the grant of renewal of countersignature permit in respect of tourist vehicle - ` 100/-
- (h) issue of recommendation letter - ` 100/-
- (i) for issue of special permits for a period not more than fifteen days in respect of light vehicles - ` 50/-
- (j) for issue of special permit for a period not more than fifteen days in respect of medium and heavy vehicles- ` 100/-
- (k) for issue of special permits for more than fifteen days but not more than one month in respect of light vehicles and goods carriage - ` 100/-
- (l) for more one month but not more than three months- ` 500/-
- (m) for grant of special plying permit for local taxi Per year - ` 1000/-

(3) The fees in respect of an application for a national permit shall be one hundred rupees and the fee for the renewal of such permit shall be fifty rupees.

(4) Every permit issued under section 85 shall be sealed and signed by the Secretary, State Transport Authority by which the permit is issued or countersigned .

(5) The Director of Transport may write off the above fee in special circumstances .

(6) Entry fee for such vehicles entering Mizoram without having valid National permit or Tourist permit from other States ` 350/0 per month .

91. MAINTENANCE OF REGISTER FOR PERMITS :-

The Authority granting the permits , except in the case of temporary permits shall maintain a register in Form MVR-51.

92. EXEMPTION FROM PAYMENT OF FEES. :-

The State Government may, if it is of opinion that it is in the public interest so to do, by general or special order exempt, any person or class of persons from payment of all or any portion of the fees payable under Chapter V of the Act.

93. ENTRY OF REGISTRATION MARK OF PERMITS :-

(1) Save the case of temporary permit where the registration mark of the vehicle is to be entered on the permit and the applicant is not at the date of application in possession of the vehicle duly registered, then the applicant shall within one month of the sanction of the application by the State Transport Authority or such longer period as the Authority may specify produce the certificate of registration of the vehicle before that Authority in order that the particulars of the registration mark may be entered in the permit .

(2) No permit shall be issued until the registration mark of the vehicle to which it relates has, if the form of permit so required, been entered therein and in the event of any applicant failing to produce the certificate of registration within the prescribed period the Authority may revoke its sanction of the application.

94. ISSUE OF TEMPORARY PERMITS:-

(1) Temporary permits may be granted by the Secretary, State Transport Authority under section 87 to any person whether he is registered owner of the vehicle or vehicles to be used thereunder or not.

(2) When, at the time of application for a temporary permit, the applicant is not in possession of the vehicle or vehicles or has not entered into a contract to hire the vehicle or vehicles or otherwise the prescribed authority that he is, for an sufficient reason, unable to specify the registration mark or marks of the vehicles, to be used under the permit applied for, the authority , if it is, satisfied that undue inconvenience would be caused, issue a temporary permit in which the registration mark of the vehicle is not set out and may, if it thinks fit requires as a condition of the permit that the applicant shall within a period not exceeding fifteen days furnish to the Authority particulars of the registration mark.

95. SPECIAL PERMITS:-

(1) A special permit under sub-section (8) of section 88 may be granted by the Licensing Authority for one trip to and fro.

(2) The special permit issued under this rule shall be effective for a limited period, not in any case, exceeding fifteen days or as per condition agreed under reciprocal agreement between the States.

(3) A special distinguishing mark shall be assigned, which the permit holder shall display prominently in the windscreen of the vehicle covered by the permit.

(4) The Licensing Authority if it issued a special permit with validity in any other States shall send a copy of the permit to the proper authority of such other State.

96. CARRIAGE FOR GOODS IN STAGE AND CONTRACT CARRIAGES :-

(1) Nothing shall be carried on the top of the double decked stage or contract carriage .

(2) No goods liable to foul the interior of the vehicle or to render it **insanitary** shall be carried at any time in any stage or contract carriage.

(3) The State Transport Authority may specify in any permit the goods which shall not be carried in a stage carriage or a contract carriage or the condition, subject to which certain classes of goods may be so carried.

(4) Subject to the provisions of the proceeding sub-rules, goods may be carried in a stage carriage at any time in accordance with the conditions specified in the permit, provided that the obligation of the holder to carry passengers in accordance with the terms of the permit is discharged.

(5) If the holder of a stage carriage permit uses a vehicle authorized by the permit for the carriage of goods to the detriment of the public convenience by failing thereby to meet the demand for passenger transport, the State Transport Authority may after giving the holder an opportunity of being heard, declare that a breach of the conditions of the permit has occurred and may thereafter proceed under the provisions of section 86.

(6) The State Transport Authority shall not authorize the use of a contract carriage for the carriage of goods save for special reasons on particular occasion and subject to conditions and restrictions to be specified in the permit.

EXPLANATION : A contract carriage permit may authorize the use of the vehicle for the carriage of the personal or household effect of a hire but not the carriage of general merchandise.

(7) In no circumstance shall goods be carried in a compartment in which passengers are traveling and

(8) When goods or luggage are carried in a stage or contract carriage –

(a) 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 or is likely to be caused to any passenger.

(b) the bonafied personal luggage of passenger may be carried on top of the vehicle or in the compartment in which passengers are traveling; provided that the number of seats specified in the permit shall be kept free and unimpeded for the use of passengers. The amount of such personal luggage to be taken in the same compartment as the passenger shall be determined by the driver or conductor of the vehicle.

Provided always that the maximum permissible laden weight is not exceeded and provided further that the access to the entrance and exits of the vehicle required in Chapter VI of these rules shall be unobstructed.

(8) Subject to the provision of sub-rule (1), passengers cycles may be carried in a stage or contract carriage provided always that they are properly secured and are not carriage in the compartment intended for passengers.

97. CARRIAGE OF MAILS IN STAGE CARRIAGES :-

(1) The State Transport Authority, while granting a stage carriage permit on a particular route or area may prescribe as one of the conditions of the permit that the holder shall whether an individual, firm, or an association, if required, carry mails at such rates as the authority granting the permit may fix in consultation with Postal Authorities concerned. In the event of any disagreement, however, in regard to the fixation of rates, the matter shall be referred to the Governor of Mizoram whose decision shall be binding and final.

(2) The holder of a permit security the mail contract shall obtain permission from the Director to adjust the timings of his service to those required by the Postal Authorities, to the extent necessary for the carriage of the mails and in the event of the Director finding any difficulties in agreeing to such timings, suitable set of timing satisfactorily to all concerned shall be fixed by the Director and the Postal Authorities in conjunction and if a satisfactory solution cannot be reached, the case shall be referred to the State Transport Authority which shall decide the matter and this decision shall be binding and final.

98. FIRST-AID-BOX :- It shall be a condition of the permit relating to a Transport vehicle that the vehicle shall carry first-aid-box containing articles:-

- (a) a copy of the first-aid leaflet;
- (b) twenty four sterilized finger dressings;
- (c) twenty sterilized large or body dressings ;
- (d) twelve sterilized large or body dressings;
- (e) one extra large, two large and three small sterilized burn dressings;
- (f) two half ounce packets of sterilized cotton wool ;
- (g) a bottle of two percent tincture of iodine ;
- (h) a bottle of sal volatile ;
- (i) an empty bottle fitted with cork and camel hair brush for eyedrops, and
- (j) two ounce medicines glass.

99. EXTENSION OF AREA OF VALIDITY OR PERMITS :-

(1) Subject to the provisions of section 88, a Transport Authority which issues a permit (hereinafter referred to as the original Transport Authority), in Form MVR-53 may extend the area of validity of the permit to any other region within the State subject to such additional conditions attached for different regions ;

Provided that subject to provisions of the following sub-rules, the vehicles to which the permit refers are normally kept within the regions of the original Transport Authority.

(2) The original Transport Authority may issue permit having validity in any other region in accordance with any general or special resolution recorded by any other Transport Authority, and any permit so issued, shall be of like effect in the region of the other Transport Authority, as if it is issued by the Transport Authority.

(3) Subject to the provisions of sub-rule (2), the original Transport Authority may issue a contract carriage permit to be operative in another State or States if it attached a condition to the permit to the effect that the vehicle or vehicles shall only be used beyond the State of the original Transport Authority under contract for a return journey commencing and ending within the State of original Transport Authority and shall not be offered for hire outside that State.

(4) The original Transport Authority which issued a permit to be operative in any other State shall send a copy of the permit to the authority of the other State.

(5) Nothing in this rule shall effect the right of the holder of any permit to apply to any State Transport Authority for countersignature of a permit.

(6) Where the State has entered into reciprocal arrangements with any other State Transport Authority shall not grant any special permit valid in any part of that other State in accordance with sub-section (8) of section 88 except in conformity with the terms of the reciprocal arrangements.

(7) A special permit granted by a State Transport Authority of another State in accordance with the provisions of sub-section (8) of section 88 shall, unless the reciprocal arrangement between the two States provide otherwise, be valid without countersignature subject to the conditions , that the period of validity of special permit in the State shall not exceed a period of three months.

Provided that the State Transport Authority in whose jurisdiction the vehicle enters, may extend the validity of the special permit for a period not exceeding one month.

(8) Every application for the grant of inter-State permit of any kind of vehicle shall be made to the State Transport and shall be accompanied by the application fee of ` 50/-

(9) On receipt of an application under sub-rule (8), the State Transport Authority shall follow the same procedure in considering the application as is prescribed for

considering an application for the grant of an inter-State permit under the Act and the rules, and may grant permit in the relevant Form.

(10) Where a permit is granted under sub-rule (9), the State Transport Authority shall forward to every other State Transport Authority the information relating to –

(a) the number of permit and the registration mark and other particulars of the vehicle necessary for the purpose of its identification;

(b) the suspension or cancellation, if any, of the permit and

(c) the grant of stay, if any, where in appeal or revision a stay has been granted, and when the appeal or revision is finally decided, such decision.

(11) The State Transport Authority shall also forward to every other State Transport Authority, at intervals if not more than three months, a statement giving information in regard to the numbers of the permits and the date of expiry of such permits.

(12) Every application for the grant of national permit in respect of a goods carriage shall be made to the State Transport Authority and shall be accompanied by a fee of five hundred rupees.

(13) On receipt of an application under sub-rule (12), the State Transport Authority, shall follow the same procedure in considering the application as is prescribed for considering an application for the grant of a goods carriage permit under the Act and the rules, and may grant the permit in Form MVR- 50

100. STAGE CARRIAGE TO PLY ON ROUTES OTHER THAN THOSE SPECIFIED IN PERMIT UNDER CERTAIN CIRCUMSTANCES :-

Holder of a permit granted in respect of a stage carriage shall, if so directed by the authority granting the permit, such direction being made in the interest of public order, public safety or in any emergency, use a stage carriage on such route or in such area and during such period and at such timings as may be specified in the direction.

101. ADDITIONAL CONDITIONS IN RESPECT OF A CERTAIN PERMITS :-

(1) A permit in respect of a stage carriage may, subject to one or more of the following conditions be –

(a) that its holder, if required shall not use a stage carriage in a public place for the purpose of carrying or intending to carry passengers unless it carries in addition to the driver, a conductor.

(b) that there shall be exhibited on the vehicle adequate particulars indicating to the public the place to which and the route by which the vehicle is proceeding .

(c) that the service shall be regularly operated on the specified route in accordance with the approved time table except –

(i) When prevented by accident, unavailability of the route, or any unavoidable cause; or

(ii) When otherwise authorized in writing by the State Transport Authority .

(2) A permit in respect of a contract carriage may be subject to one or more of the following conditions-

(a) that the vehicle shall not be driven in a public place except by the permit holder or a licensed driver holding an authorization to drive a public service vehicle and duly authorized by the permit holder in writing shall be carried by the driver when driving, and produced on demand by any Police Officers not below the rank of Sub-Inspector of Police or Officers of the Motor Vehicle Wing of and above the rank of an Inspector of Motor Vehicles.

(b) that the number of persons to be carried in the vehicle shall not exceed the number which may be specified in the permit; and

(c) No advertising device, figure or writing shall be exhibited on the vehicle.

(3) A permit in respect of a public service vehicle may be subject to the condition that its holder shall make provisions on such vehicle for the conveyance of a reasonable quantity of passengers luggage with sufficient means for securing it and protecting it against rain .

(4) A permit in respect of a transport vehicle may be subject to a condition that the holder of the permit shall comply with all the provisions of the Act and the rules.

102. CARRIAGE OF GOODS IN STAGE CARRIAGES :

(1) Subject to the provisions of these rules, luggage may be carried on the roof of a stage carriage or in hoot, locker or compartment set aside for the purpose, but where it is so carried on a roof, adequate protection in the form of a guard rail shall be provided.

(2) No luggage shall be carried in any stage carriage in such a way as to block any entrance or exit.

(3) No goods shall be carried on the top deck of a double decked stage carriage.

(4) Where the holder of the stage carriage permit uses a vehicle authorized by the permit for the carriage of goods to the detriment of the public convenience by failing thereby to meet the demand for passenger transport, the Transport Authority may, after giving the holder an opportunity of being heard, declare that a breach of the conditions of the permit has occurred and may, thereafter proceed under the provisions of section 86 of the Act.

(5) Subject to the provisions of this rule, goods may be carried in a stage carriage at any time in accordance with the conditions specified in the permit, provided that the obligation of the holder to carry passengers in accordance with the terms of the permit is discharged.

(6) Where goods are carried in 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 specified in the permit shall be kept free and unimpeded for the use of passengers and the access to the entrance to an exit from the vehicles.

(7) The weight in kilograms of goods carried on a stage carriage shall not exceed $(N-X) \times 68$. Where in relation to a single decked stage carriage or to the lower deck of a double decked carriage. N- is the registered passenger seating capacity of the vehicle and X- is the number of passengers carried on the vehicle, or the number of passenger for whom seats are kept free and unimpeded by goods, whichever is greater.

(8) Bus tickets shall be issued to all passengers traveling in the contract and stage carriage.

103. PROHIBITION OF CARRIAGE OF GOODS IN STAGE OR CONTRACT CARRIAGES :-

(1) The Transport Authority shall authorize the use of contract carriage for the carriage of goods for –

(a) special reason on particular occasion and subject to conditions and restrictions to be specified on the permit; or

(b) the carriage of the personal, office or household effects of hirer if so authorized in the permit but not the carriage of general merchandise.

(2) No goods liable to foul the interior of the vehicle or to render it sanitary shall be carried at any time in any stage carriage or contract carriage.

(3) The Transport Authority may, specify in any permit the goods which shall not be carried in a stage carriage or a contract carriage or the conditions subject to which such classes of goods may be so carried.

104. CARRIAGE OF PERSONAL LUGGAGE IN STAGE CARRIAGES :-

Except in the case of stage carriage service operated exclusively within Municipal areas, a passenger in a stage carriage shall be entitled to carry free of charge not more than fifteen kilograms of luggage and personal effects.

105. CARRIAGE OF ANIMALS ON GOODS VEHICLE:

- (1) No cattle shall be carried in a goods vehicle in a public place unless-
- (A) IN THE CASE OF GOAT, SHEEP, DEER OR PIG :
- (a) a minimum floor space of 0.2 square metre per head of such vattle is provided in the vehicles.
 - (b) proper arrangements for ventilation are made and ;
 - (c) if carried in a double decked goods vehicle-
 - (i) the upper deck flooring is covered with metal sheets with a minimum height of 7.62 centimetres raised on all four sides so as to prevent the animal waste matter such as urine, litter etc, falling on the animals on the lower deck;
 - (ii) proper arrangement for drainage are made on each floor;
 - (iii) wooden buttons provided on each floor , to prevent slipping of hoofs of the animals.
- (B) IN THE CASE OF ANY OTHER CATTLE :
- (a) a minimum floor space of 2m X 1m per head of cattle and half of such floor space for a young ones of cattle which is weaned is provided in the vehicle;
 - (b) the load body of the vehicle is constructed of **storing** wooden planks or iron sheets with a minimum height of 1.5 metres measured from the floor of the vehicle on all sides and the back ;
 - (c) floors buttons are provided to prevent slipping of hoofs ;
 - (d) every projection likely to cause suffering to an animal is removed; and
 - (e) the cattle are properly secured by roped ties to the sides of the vehicle.

EXPLANATION ; “Cattle” for the purposes of this sub rule includes goat, sheep, buffalo, bull, ox, cow, deer, horse, pony, mule, ass, pig or young ones thereof.

- (2) No animal belonging to or intended for a circus menagerie or zoo shall be carried in a good vehicle in a public place unless -
- (a) in the case of wild or ferocious animal, a suitable cage, either separate from or integral with the load body of the vehicle used of sufficient strength to contain the animal security at all times is provided; and
 - (b) reasonable floor space for each animal is provided in the vehicle.
- (3) No goods vehicle when carrying any cattle or any animal shall be driven at a speed in excess of 24 kilometres per hour

106. CARRIAGE OF LUGGAGE IN PRIVATE SERVICE CEHICLES ;

(1) Not more than 30 kilograms of luggage of personal effects per occupants may be carried in a private service vehicle.

Provided that, if this the permit so provides, such vehicle may in addition, carry the personal or household effects of the holder of such permit or the office articles of such holder subject to the conditions that the total weight of the luggage or personal or household effects or office articles and persons does not exceed the permissible carrying capacity.

(2) Nothing in sub-rule (1) shall be constructed as authorizing the carriage of general merchandise in a private service vehicle.

107. RENEWAL OF PERMITS

(1) An application for the renewal of permit shall be made in writing to the State Transport Authority by which the permit was issued and shall be accompanied by the permit. The application shall state the period for which the renewal is desired and shall be accompanied by a fee of Rs 125 for buses, Light Commercial Vehicles and Heavy Motor Vehicle trucks and Vehicle Rs 75/- for taxi permits.

(2) The State Transport Authority renewing a permit shall endorse permit accordingly and shall return to the holder.

108. RENEWAL OF COUNTERSIGNATURE OF PERMITS:

(1) Subject to the provision of rule 109 and application for the renewal of a countersignature on a permit shall be made in writing to the State Transport Authority

concerned and shall , subject to the provisions of sub-rule (2), be accompanied by the permit. The application shall set forth the period for which the renewal of a countersignature is required.

(2) If at the time of application for renewal of a countersignature in a permit, the permit is not available being under renewal by the authority by which it was issued, the application shall state the fact and shall state the number and the date of the permit. The name of the authority by which it was granted, the date of its expiry and the number and the date of the countersignature to be renewed.

(3) The State Transport Authority by granting the renewal of a countersignature shall call upon the holder to produce the permit if it has not been produced and shall endorse the permit accordingly and return the same to the holder.

109. VALIDATION OF RENEWAL IN RESPECT OF COUNTERSIGNATURE OF PERMIT :

(1) The authority by which a permit is renewed may, unless any authority by which the permit has been countersigned (with effect or terminating before the date of expiry of the permit) by a general or special order otherwise directed, likewise renew any countersignature of the permit by endorsement on the permit in the manner set forth in the appropriate Form and shall, in such case intimate the renewal to such authority.

(2) Unless the permit has been endorsed as provided in sub-rule (1) or unless the period of validity of the countersignature has been endorsed by the authority making the countersignature, the countersignature shall be of no effect beyond the date of expiry stated therein .

110. REPLACEMENT OF A VEHICLE COVERED BY A PERMIT :

(1) If a holder of a permit desires at any time to replace any vehicle covered fby the permit by another vehicle, he shall forward the permit and apply in Form MVR-54 to the Transport Authority by which the permit was granted stating the reasons why the replacement is desired and shall also simultaneously-

(a) if the replacer vehicle is in his possession forward the certificate of registration of that vehicle , or

(b) if the replacer vehicle is not in his possession state any material particulars in respect of which the replacer vehicle will differ from the vehicle to be replaced.

(2) On receipt of an application under sub-rule (1), the Transport Authority may, subject to the provisions of sub-rule (3), grant permission for replacement, notwithstanding the fact that the replacer vehicle differs in material respects and capacity from the vehicle to be replaced.

(3) The Transport Authority may, for reasons to be recorded and communicated to the applicant, reject any application made to it under sub-rule (1), if the holder of the permit has contravened any provisions thereof or has been deprived of possession of the vehicle proposed to be replaced under any hire purchase agreement .

111. VALIDATION OF REPLACEMENT ORDER IN RESPECT OF COUNTERSISNATURE ON PERMIT:

(1) The Transport Authority granting permission for the replacement of a vehicle under rule 110 shall, unless the authority on behalf of which the permit was countersigned has, by general resolution otherwise, directed, endorse, on the correction made to the permit, the word "Valid also for _____" inserting the name of the authority concerned and shall intimate the fact and the particulars of the replacement of such authority.

(2) Unless the permit has been endorsed as provided in sub-rule (1) of this rule or unless the alteration has been approved by endorsement by the authority concerned, the countersignature on a permit shall not be valid in respect of any new vehicle.

112. PROCEDURE OF CANCELLATION OF PERMIT ETC :

(1) If the holder of a permit desires at any time to surrender the permit to the Transport Authority by which it was granted and the State Transport Authority, shall forthwith cancel the permit so surrendered.

(2) Where a State Transport Authority suspends or cancel any permit –

(a) the holder shall surrender the permit immediately after the suspension or cancellation takes effect ;

(b) the Transport Authority suspending or cancelling the permit shall send intimation to any authority by which it has been countersigned with effect from the time of suspension or cancellation and to any authority to whose area the validity has been extended under rule 109.

(3) Where a Transport Authority suspends any permit , the permit holder shall also surrender the registration certificate in respect of the vehicle and the plates bearing the registration mark assigned thereto.

(4) Within fourteen days of the expiry of any permit by efflux of time , the holder shall deliver the permit to the Transport Authority by which it was issued and the Transport Authority receiving any such permit shall intimate the fact to the authority or authorities by which it was countersigned with effect upto the date of expiry and to any authority to whose area the validity has been extended under rule 109.

(5) The holder of the permit shall, if so required by the Transport Authority intimate to it within twenty four hours of the receipt of suspension order, the place where the vehicle in respect of which the order is passed will be kept during the period of suspension, subject to the provisions of sub-section (2) of section 192 of the Act. Such holder shall not remove the vehicle from the place so intimated without prior permission of the Transport Authority.

113. TRANSFER OF PERMIT :

(1) Where the holder of a permit desires to transfer the permit to some other person under sub-section (1) of section 82, he shall together with the person to whom he desires to make the transfer, make a joint application in writing in Form MVR-55, to the Transport Authority by which the permit was issued, setting forth the reasons for the proposed transfer.

(2) On receipt of an application under sub-rule (1), the Transport Authority may acquire the holder 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 penalties to which the parties may be liable, the Transport Authority may declare void any transfer of a permit made upon such application and such enquiry as it thinks fit, the Transport Authority is satisfied that any matter stated to it under sub-rule (2) of any material particular in the application, was false.

(4) The Transport Authority may, summon both the parties to the application to appear before it and may, 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 be done, it shall call upon the holder of the permit in writing to surrender the permit within seven days of the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred and to pay a sum of rupees 500/- as transfer fee and to surrender any permit if held by him.

(b) On receipt of the permit and payment of prescribed fee, the Transport Authority shall make the necessary amendment there-in and issue a new permit to the transferee.

(c) The Transport Authority making a transfer of a permit with the words 'Transfer of permit valid for _____' inserting the name of the authority by which the permit has been countersigned with effect from the date of transfer.

(d) Unless the permit have been endorsed as provided in clause ©, the countersignature shall be of no effect after the date of transfer .

(6) The provisions of this rule shall not apply in respect of transfer of contract carriage permit issue for motor cabs.

114. TRANSFER OF PERMIT IN CASE OF DEATH OF PERMIT HOLDER :

(1) In case of the death of the permit holder, the person succeeding to the possession of the vehicle covered by the permit may, within thirty days of the death of the permit holder inform the Transport Authority which granted the permit of the death of the holder and of his own intension to use the permit.

(2) The person succeeding to the possession of the vehicle covered by the permit may submit an application in Form MVR-56, to the Transport Authority for transfer of permit in his name.

(3) Along with the application, the applicant shall attach a copy of the newspaper notice published in the local newspaper in Form MVR-57 indicating that his is the person succeeding to the permit of the permit holder who is expired.

(4) In case where the transfer of permit is allowed by the Transport Authority on account of the demise all the permit holder, a photograph of transferee shall be affixed in the permit and sealed by the Authority.

115. ISSUE OF DUPLICATE PERMITS :

(1) When any permit (including a temporary permits) has been lost or destroyed, the holder shall forthwith intimate the fact to the Transport Authority by which the permit was issued and deposit the prescribed fee for issue of a duplicate permit.

(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 intimating the fact to that authority.

(3) A duplicate permit issued under this rule shall be clearly stamped as 'Duplicate' in red ink.

(4) Where a permit has become dirty, torn defaced or otherwise so as in the opinion of the Transport Authority to be eligible the holder thereof shall surrender the permit to the Transport Authority and apply for the issue of duplicate to him in accordance with this rule.

(5) The fee for the issue of a duplicate permit shall be one hundred twenty five rupees for buses, light commercial vehicle and Heavy Motor Vehicle trucks and Rs 75/- for taxis. The fee for the issue of a duplicate temporary permit shall be fifty rupees.

(6) Where a duplicate permit has been issued upon representation that a permit has been lost and the original permit is afterwards found or received by the holder, the holder shall immediately return the duplicate permit to the Transport Authority.

(7) Any other person finding a permit shall deliver it to the State Transport Authority. The State Transport Authority shall restore the permit in case the duplicate permit has not been issued and shall substitute it for the duplicate if it has already been issued.

116. VARIATION OF PERMIT

(1) Subject to the provisions of this rule, an application made in writing by holder of any permit, the Transport Authority, may at the time, in its discretion vary the permit or any of the conditions thereof .

(2) If the variation of any condition of any permit thereof is in accordance with any particular or general direction issued by the State Transport Authority under sub-section (4) of section 68 involves a question of principle which has already been decided by a ruling of the Transport Authority and such ruling has not been modified in appeal, the Transport Authority may vary the same.

117. AUTHORISATION IN LIEU OF PERMIT:

(1) When the holder of a permit has submitted the permit to the Transport Authority for renewal, countersignature or any other purpose, the court or any competent authority has

taken temporary possession of such permit from the holder, such authority, officer or as the case may be, the court shall furnish to the holder a receipt for having received the permit and authorization in Form MVR-58 to ply the vehicle during such period as may be specified therein and during that period, the production of the authorization on demand shall be deemed to be the production of the permit.

Provided that the authority granting such authorization may extend the period of validity of authorization so however, that the authorization shall remain valid until the permit is returned or the expiry of the permit, whichever is earlier.

(2) Until the permit is returned to the holder thereof, the vehicle concerned shall not be plied beyond the period including the extended period specified in the authorization.

118. APPEALS AGAINST THE ORDER OF THE STATE TRANSPORT AUTHORITY AND REVISION :

(1) The Authority to decide an appeal against the orders of the State Transport Authority shall be a State Transport Appellate Tribunal constituted by the State Government under section 89. An appeal to the State Transport Appellate Tribunal under section 89, against the order of any Transport Authority, shall be made within thirty days of the date of receipt of the order by the person preferring the appeal. It shall be in the form of a memorandum submitted in duplicate setting forth the grounds of objection to the order appealed against and a fee of two hundred rupees in cash. The grounds of objection to the order shall be stated concisely and under district heads.

(2) An application under section 90 to the State Transport Appellate Tribunal by a person aggrieved by an order of the Transport Authority shall be in the form of a memorandum, submitted in duplicate, setting forth the grounds of objection to the order concisely and under district heads. It shall be accompanied by a certified copy of the order of the authority sought to be revised.

119. SUPPLY OF COPIES OF DOCUMENTS TO INTERESTED PERSONS IN APPEAL OF REVISION :

(1) Where an appeal under section 89 is preferred or a revision application under section 90 is made to the State Transport Appellate Tribunal, the Secretary of the Transport Authority concerned shall give to any person therewith and filed with, him on payment of a fee calculated at the rate of twenty rupees for the first and five rupees for each additional page per copy of each such document.

120. PROCEDURE IN APPEAL OR REVISION :

(1) After the State Transport Appellate Tribunal has admitted an appeal under section 90, it shall appoint time and place for hearing of the appeal or revision application, as the case may be, give an intimation to the authority against whose order the appeal or revision application is made and also to the appellate or applicant concerned and any other person likely to be affected by the grant of the relief prayed for, such appellant, respondent or the person interested shall appear before the Tribunal in person or through an authorized representative with original documents or records pertaining to the case on the appointed date and place of the hearing, if any.

(2) The Secretary of the Transport Authority concerned shall, within fourteen days of the receipt of such intimation, send all the original documents and records pertaining to any appeal or revision application with proper index and paging to the Tribunal when the same are called for by it.

(3) The Tribunal may after following the procedure in sub-section (1) of section 89 or, as the case may be, section 90 and after such further inquiries, if any, as it may consider necessary confirm, vary or set aside the order against which an appeal or revision application is made or pass such order in relation to the facts of the case as it deems fit.

121. EXEMPTIONS FROM PROVISIONS RELATING TO WORKING HOURS :

As per provisions of sub-section (2) of section 91, the following vehicles shall be exempted from restrictions under sub-section (1) of section 91 namely –

(a) any transport vehicle used carriage of passengers or goods in any emergency arising out of fire, earthquake, flood, pestilence or other by or on behalf of any military or police authority in connection with military maneuvers or exercise or in the quelling of riots or civil disturbance;

(b) any fire brigade vehicle or ambulance when being used as such;

(c) any vehicle being used for the calamity, riots or civil disturbance ;

(d) any vehicle going for or returning with medical aid in an emergency or carrying any seriously injured or sick person for medical treatment, when no other means are reasonably available.

(e) any vehicle proceeding to the nearest place of halt, at which the driver and other occupants can reasonably obtain shelter and refreshment, after a delay in the journey arising out of the provisions of section 132 or section 134, or out of the failure of any of the tyres or of the machinery of the vehicle which failure could not have been prevented by the exercise of reasonable care and diligence.

122. FIXING IN ADVANCE HOURS OF WORK :

The State Transport Authority shall direct the employer of the drivers of the Transport vehicle such as stage carriage operating solely within the State, or from one State to another State to the satisfaction of the said authorities such time table, schedule or regulations, as may be necessary to fix in advance the hours or works of persons employed by him, and upon approval by such authority any time table, schedule or regulation as aforesaid in a suitable format shall be the records of hours of work fixed for the persons concerned.

123. PERIOD OF REST :

(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 purpose of clause (a) of sub-section (1) of section 91

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

124. CONDUCT OF PERSONS USING STAGE CARRIAGE :

(1) If at any time a passenger or person using or intending to use a stage carriage –

(a) obstructs any authorized employee of the permit holder in the execution of his duties; or

(b) has bulky luggage of a form or description which obstructs, annoys or inconvenience another passenger or is likely to do so; or

(c) carries any animal, bird flesh, or fish (other than tinned food on its original packings), any instruments implements substance or any other article which annoys or inconvenience or is offensive to any other passenger or is likely to go, or to be so ; or

(d) without lawful excuse occupies any seat exclusively reserved for female passengers; or

(e) sings or play upon any musical instrument or operates a transistor radio; or

(f) rings without lawful excuse, or otherwise interfere with any signal of the stage carriage ; or

(g) is reasonably suspected to be suffering from any contagious or infectious disease; or

(h) knowingly or intentionally enters a stage carriage which is carrying the maximum number of passengers according to the seating capacity specified in the certificate of

registration of the vehicle and any additional number permitted under the terms of the permit to be carried in excess of the seating capacity of the vehicle ; or

(i) has dress or clothing which is likely to soil or damage the seats or the dress or clothing of another passenger or which for the any other reason is offensive to other passengers; or

(j) commits or abets any breach of the provisions of the Act or rules made thereunder . The Driver or the conductor may require such person to alight from the vehicle forthwith and may stop the vehicle or keep it stationary until such person has alighted. Such person shall not be entitled to a refund of any fare which he may have paid and any person failing to comply forthwith may be removed by the conductor or the driver, or any Police Officer on being requested by the driver or the conductor or any passenger in that behalf, and shall be guilty of an offence.

(2) No passenger or person using or intending to use a state carriage shall-

(a) refuse to pay the legal fare ; or

(b) refuse to show any ticket on demand by any authorized person; or

(c) refuse to pay fresh fare when he has altered or defaced his ticket so as to render the number or any portion thereof illegible; or

(d) behave in a disorderly manner ; or

(e) behave in a manner likely to cause alarm or annoyance to any female passenger ; or

(f) use abusive language; or

(g) spit, eject betelnut juice ; or

(h) smoke in any vehicle on which a notice prohibition of smoking is exhibited.

(i) enter or leave or attempt to enter or leave any stage carriage while it is in motion and except at a bus stop ;

(j) enter or attempt to enter into or alight or attempt to alight from the stage carriage except by the entrance or exit provided for the purpose;

(k) continue to remain in the vehicle when it is being filled with fuel;

(l) interfere with the driving of the vehicle; or

(m) use or attempt to use a ticket other than the tickets valid for a particular journey or use or attempts to use ticket which has already been used by another passenger or in another journey; or

(n) willfully damage or spoil or remove any fittings in or on the stage carriage or interfere with any light or any part of the stage carriage or its equipment;

(o) board a stage carriage unless he is an employee of the permit holder, or a bonafide passenger or an intending passenger or hang on to any exterior part of a stage carriage; or

(p) travel beyond the destination to which the fare he has paid entitled him to travel without informing and paying to the conductor the legal fare for the additional journey, sufficiently in advance, or when so required refuse to get off the stage carriage in which he is travelling at the terminus of the routes for which it is booked; or

(q) on demand being made by the driver or conductor or police officer when reasonably suspected of contravening any of the provisions of this rule, refuse to give his correct name and address to such driver or conductor or police officer ; or

(r) on a request being made by the conductor refuse to declare to him the journey he intends, to take or has taken in the stage carriage, or before leaving the stage carriage, omit to pay the conductor the legal fare for the whole journey, as specified in the table of fares exhibited in the stage carriage.

(3) If at any time a passenger or person using a stage carriage is unable or fails to produce or surrender his ticket on demand during the journey or at the end of journey, by any authorized person, he shall be liable to pay the legal fare from the place when the stage carriage originally started or such portion thereof is required by the authorized person.

(4) Every passenger shall be entitled to receive a ticket from the conductor corresponding to the fare paid.

EXPLANATION : In this rule, the expression 'ticket' include season ticket, pass or any authorization issued by the permit holder authorizing a person to travel on a stage carriage.

125. ADDITIONAL PROVISIONS RELATING TO CONDUCT OF PASSENGERS AND OTHER PERSONS IN BUSES :

(1) No person shall enter or leave or attempt to enter or leave any bus while it is in motion and except at a bus stop.

(2) No person shall enter or alight from a bus except by the entrance or exit, as the case may be, provided for the purpose.

(3) No person shall enter a bus without first permitting all passengers leaving the bus to alight.

(4) No passenger or intending passenger or unauthorized person shall mount the driver's platform or talk or interfere with or otherwise distract the attention of the driver of a bus while he is on duty.

(5) No passenger shall place his foot upon any seat of a bus .

(6) A ticket shall be valid only for the journey during which and by the bus in which it has been issued.

(7) If at any time a passenger in a bus occupies more than one seat or reserves or attempts to reserve another seat either for himself or for another passenger, the driver or the conductor, if any, shall request such passenger, to alight from the bus forthwith and may stop and keep it standing until the passenger has alighted, such passenger shall not be entitled to any refund of fare which he may have paid and any person failing to comply forthwith such requirement may be forcibly removed by the driver or conductor, or on the request of the driver or conductor or any passenger by any Police Officer and shall also be guilty of an offence.

(8) The provision of this rule shall apply in respect of buses, operating within the limits of a Municipal Corporation or a Municipality.

(9) A copy of this rule in Mizo and such other language as the State Transport Authority may direct, shall be carried in a prominent place in every bus.

126. MAINTENANCE OF COMPLAINT BOOKS IN STAGE CARRIAGE:

(1) A bound complaint book duly ruled, pages signed and stamped with the seal of the manager of the stage carriage and where there is no manager of the stage carriage service permit holder, approved and countersigned by the

Registering Authority concerned shall be maintained by such manager or the permit holder, as the case may be, at such bus stand as may be directed by the Registering Authority and also in every stage carriages to enable passengers to record any legitimate complaint in connection with stage carriages service.

(2) Such complaint shall be written clearly and in an intelligible manner and the complaint shall also clearly and legibly record in the complaint book his full name, address and date on which such complaint is written.

(3) The manager of the stage carriage service or the stage carriage permit holder as the case may be, shall promptly look into every complaint recorded in the complaint book, remove the cause of the complaint or if its recurrence and submit within a month of the recording of the complaint and explanation to the State Transport Authority which granted the permit, together with a copy of the complaint stating the action taken by him in connection with the complaint. A copy of the report shall be forwarded by the manager of the stage carriage service or the stage carriage permit holder as the case may be to the complainant.

(4) The complaint book shall be so securely kept in the stage carriage and at the bus stand, as the case may be, as cannot be removed and shall at all times be made available by the driver and conductor, if any the stage carriage to any passenger desiring to record a complaint or to any officer of the Motor Vehicle Department not below the rank of an Inspector of Motor Vehicle Enforcement for the purpose of inspection.

(5) If the complaint book is lost or destroyed, the manager of the stage carriage service or the stage carriage permit holder as the case may be, shall within one week of such loss or destruction, intimate the fact in writing to the Registering Authority concerned.

(6) If the State Transport Authority is satisfied that adequate arrangements for recording complaints have been made in respect of any stage carriage service it may, by notification in the Official Gazette, direct that subject to such terms and conditions as shall be stated therein the provisions of this rule shall not apply to such stage carriage service.

127. CONDUCT OF PASSENGERS IN MOTOR CAB :

(1) No passenger in a motor cab shall –

- (a) Willfully or negligently damage the cab or any of its fittings ; or
- (b) on termination of the hiring, refuse or omit to pay the legal fare.

(2) In the case of a dispute between the driver of a motor cab and the passenger. Either party may require the order to proceed to the nearest police station where the officer in charge shall, if the dispute is not settled amicably, record the names and addresses along with the substance of the respective contentions of both parties.

128. CARRIAGE OF INFANTS AND CHILDREN IN PUBLIC SERVICE :

In relation to the number of persons that may be carried in a public service vehicle –

- (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

129. CARRIAGE OF PERSONS IN GOODS VEHICLES :

(1) Subject to the provisions of this rule, no person shall be carried in a goods vehicle:

–
Provided that the owner or the hirer or a bonafide employee of the owner or the hirer of the vehicle carried free of charge or a police officer in uniform travelling on duty may be carried in goods vehicle, the total number of persons so carried –

- (a) in a light transport goods vehicle having registered laden weight less than 990 kilograms not more than one ;
- (b) in any other light transport goods vehicle not more than three ; and
- (c) in any goods vehicle not more than seven ;

Provided further that the provisions of clauses (b) and (c) of the above provision shall not be applicable to the vehicles plying on inter-state routes or the vehicles carrying goods from one city to another city.

(2) Notwithstanding anything contained in sub-rule (1) but subject to the provision of sub-rule (4) and (5). A State Transport Authority may by an order in writing permit that a larger number of persons may be carried in the vehicle, on condition that no goods at all are carried, free of charge in connection with the work for which the vehicle is used and that such other conditions as may be specified by the State Transport Authority are observed and where the vehicle is required to be covered by a permit, the conditions of the permit.

(3) Notwithstanding anything contained in sub-rules (1) and (2) but subject to the provisions of sub-rules (4) and (5) –

(a) for the purpose of celebrations in connection with the Republic Day or Independence Day or any other public congregation, the State Transport Authority.

(b) for the purpose of enabling a co-operative Society or class of Co-operative Societies owning or hiring a goods vehicle to carry its member under its authority in such goods

vehicle when used for the purpose of carrying goods of the Society in the ordinary of its business, the Secretary of the State Transport Authority.

(c) where it considers expedient in public interest in respect of vehicles owned or hired by it, and in respect of other vehicles on such inescapable grounds or urgent nature to be specified in the order, the State Government may, by general or special order, permit goods vehicle to be used for the carriage of persons for the purposes aforesaid and subject to such conditions as may be specified in the order .

(4) No person shall be carried in any goods vehicle –

(a) Unless an area of not less than 0.40 square metre of the floor of the vehicle is kept open for each person; and

(b) in such manner –

(i) that such person when carried on goods in otherwise in danger of falling from the vehicle,

(ii) that any part of his body, when he in a sitting position, is at an height exceeding three metres from the surface upon which the vehicle rests.

(5) The provisions of this rule shall not apply to motor vehicle registered under section 60.

(6) No person other than an attendant or attendants required by rule 236 shall be carried on a trailer, which is a good vehicle.

130. DUTY TO CARRY GOODS IN GOODS CARRIAGE :

A goods carriage shall not, save for reasonable and lawful excuse, refuse to carry any goods of any person tendering the same for not less than the maximum freight, if any, permitted under section 67.

131. STAND AND HALTING PLACES :

(1) With the approval of the State Government of the State Transport Authority by notification in the Official Gazette or by the erection of traffic signs which are permitted for the purpose under clause (a) of sub-section (1) of section 116 or both, may, in consultation with Deputy Commissioner, Superintendent of Police and Association of Vehicle owners concerned –

(a) conditionally or unconditionally prohibit the use of any specified place or any place of a specified nature or specified class of vehicles.

(b) require that within the limits of any municipal corporation, municipality, notified area or within such other limits, as may be specified in the notification certain specified stands or halting places only shall be so used:

Provided that no place which is privately owned shall be notified except with the previous consent in writing of the owner thereof .

(2) Whereas a place has been notified or has been demarcated by traffic signs, or both, as being a stand or halting place for the purpose of this rule, then the place shall, subject to the provisions of these rules be deemed to be a public place within the meaning of the Act and the State Transport Authority may enter into an agreement with or grant a license to any person for the provisions or maintenance of such places including the provisions or maintenance of buildings or works necessary thereto subject to the termination of the agreement or license forthwith upon the breach of any condition thereof and may give directions for the conduct of such place thereby –

(a) prescribing the fees to be paid by the owners of public service vehicles using the place and providing for the receipt and disposal of such fees as prescribed by the State Government .

(b) specifying the public service vehicles or the class of public service vehicles which shall use the place or which shall not use the place ;

(c) appointing a person to be the manager of the place and specifying the powers and duties of the manager;

(d) requiring the owner of the land or the local authority, as the case may be, to erect such shelters, lavatories and latrine and to execute such other works as may be specified in the direction and to maintain the same in a serviceable, clean and sanitary condition;

(e) requiring the owner of the land or the local authority, as the case may be, to arrange for the free supply of drinking water for passengers including intending specified passengers; and

(f) prohibiting the use of such place by specified persons or by other than specified persons.

(3) Nothing in this sub-rule (2) shall require any person owning the land, which has been appointed as a stand or halting place to undertake any work or incur any expenditure in connection therewith without his consent and in the event of any such person declining to carry out work or to incur such expenditure failing to comply with any rule or direction made or given failing to comply with any rule or direction made or given to him under this rule, the authority competent may prohibit the use of such place for the purpose of this rule.

132. INSPECTION OF TRANSPORT VEHICLES :

(1) Any Police Officer in uniform not below the rank of Sub-Inspector or any officer not below the rank of Inspector of Motor Vehicles / Inspector of Enforcement or any member of Transport Authority, within his respective jurisdiction may at any time when goods vehicle is in a public place call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the police officer or the officer of the Motor Vehicles Department or such member to make reasonable examination of the contents of the vehicle.

(2) Notwithstanding anything contained in sub-rule (1), the Police Officer or Officer of the Motor Vehicle Department shall not be entitled to examine the contents of any goods vehicle unless-

(a) the permit in respect of the vehicle contains a provisions or conditions in respect of the goods which may or may not be carried on the vehicle; and

(b) the Police Officer or Officer of the Motor Vehicle Department in uniform or any member of a Transport Authority within his respective jurisdiction may, at any time when a public service vehicle is in a public place call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the Police Officer or the Officer of the Motor Vehicles Department, or such member to make reasonable examination of the number of passengers and other contents of the vehicle so as to satisfy himself that the provision of the Act and the rules and the provisions and conditions of the permit in respect of the vehicle are being complied with.

(3) Any Inspector of Motor Vehicle / Inspector of Enforcement in uniform, may at any time when a transport vehicle is in a public place call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the Inspector to inspect such vehicle. The Inspector shall give to the driver or any person in charge of the vehicle a certificate stating the date on the hour at which and the period for which the vehicle was detained.

133. INTIMATION OF DAMAGE OR FAILURE OF PUBLIC SERVICE VEHICLE :

(1) The holder of any stage carriage permit in respect of a particular vehicle by reference to the registration mark shall within seven days of the occurrence, report in writing to the Transport Authority by which the permit was issued any failure or damage to such vehicle or to part thereof, of such a nature as to render the vehicle unfit for use in accordance with the conditions of the permit for a period exceeding three days.

(2) The holder of any permit in respect of a service of stage carriage shall within twelve hours of the occurrence, report in writing to the Transport Authority, which has issued the permit, any failure of or damage to, any vehicle used by him under the authority of the permit of such a nature as to prevent the holder from complying with any of the provisions of conditions of the permit for a period exceeding twenty four hours.

(3) On receipt of a report under the preceding sub-rule, the Transport Authority by which the permit was issued may, subject to the provisions of these rules –

(a) direct the holder of the permit within such period, not exceeding two months from the date of the occurrence as the authority may specify, either to make good the damage to or failure of the vehicle or to provide a substitute vehicle; or

(b) if the damage to or failure of the vehicle is such that in the opinion of the said authority, it cannot be made good within a period of two months from the date of the occurrence, direct the holder of the permit to provide a substitute vehicle, and where the holder of the permit fails to comply with such a direction may suspend, cancel or vary the permit accordingly.

(4) The Transport Authority giving a direction or suspension, cancelling or varying a permit under sub-rule (3), shall send intimation of the fact to the Transport Authority of any other region in which the permit is valid by virtue of countersignature or otherwise.

134. RETURN IN RESPECT OF TRANSPORT VEHICLES :

(1) The State Transport Authority may, by general or special order, require the owners of transport vehicles –

(a) to maintain record and submit returns in respect of the vehicles in such form and by such dates as the State Transport Authority may specify, and such record and returns may include all or any of the following particulars, namely –

- (i) the registration number of the vehicle ;
- (ii) the name and address of the permit holder ;
- (iii) the type of permit held, permanent or temporary;
- (iv) the date of each journey undertaken;
- (v) the name and license number of the driver and conductor and other attendant, if any;
- (vi) the place of origin and destination of the goods vehicles;
- (vii) the time of commencement and termination of the journey and of every halt thereon ;
- (viii) the route upon which or the area within which the vehicle is used ;
- (ix) the serial number of the trip ;
- (x) the description of the goods carried in each trip (each commodity to be shown separately) and the number of packages of each commodity received from each consignor ;
- (xi) the name and address of the consignor and each commodity;
- (xii) the name and address of the booking, forwarding or collecting agencies for each commodity;
- (xiii) the weight in quintal in each commodity ;
- (xiv) the total maximum weight of the goods carried in the vehicle in each trip ;
- (xv) the number of kilometers travelled between the places of origin and destination in respect of each commodity ;
- (xvi) the quintal, kilometres performed in respect of commodity (sub-clause (xii) and (xv));
- (xvii) the freight leviable in respect of each consignor or consignee for each commodity ;
- (xviii) the freight charged for each commodity ;
- (xix) the volume of traffic carried by the vehicle during the year in metric tones ;

(xx) in the case of goods carried in the stage carriage, the number of trips and kilometers travelled to be given separately when the goods were carried exclusively in the stage carriage and when the goods were in addition to passengers, and in the latter case also the number of seats available for passengers, and

(b) to issue to each consignee a receipt in respect of every consignment received by or on behalf of the owner of transport vehicle, showing details regarding the date of receipt of the goods, particulars of such goods commoditywise, place from which the destination to which the goods are to be carried and the freight charged in respect of each commodity.

(2) No owner or other person shall cause or allow any person to drive a transport vehicle unless the owner or other person, has in his possession or record in writing of the name and address of the driver as set forth in his driving license, the number of the license and the name of the authority by which it was issued.

(3) No person shall drive a goods vehicle and no owner or other person shall cause or allow any person to drive such a vehicle unless the driver carries a way bill containing all or any of the particulars which may be specified by the State Transport Authority under sub-rule (1).

(4) the records required to be maintained under this rule shall be produced for inspection on demand by any Police Officer not below the rank of Sub-Inspector or an Officer of the Motor Vehicle Department.

135. INSPECTION OF BRAKES OF TRANSPORT VEHICLES :

Any officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicle specially authorized in this behalf by the State Government, may at any time when a transport vehicle is in public place, call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the officer to inspect the brakes of the vehicle so as to satisfy himself that the provisions of these rules are complied with.

136. RESTRICTION ON USE OF TRAILERS :

No trailer shall be attached to any transport vehicle covered by the permit.

137. DISTINGUISHING BOARDS FOR GOODS VEHICLES:

Every goods transport vehicle shall carry in a prominent place on the front of the vehicle a distinguishing board in the State language or in English with the letters 'Goods Carriage'.

138. LICENSING AND REGULATION OF CONDUCT OF AGENTS :

(1) Every owner of a public service vehicle to be let or plied for hire shall intimate to the State Transport Authority concerned the name and address of the person appointed on his behalf as the agent who has been engaged in the sale of tickets to passengers for travel by such vehicle.

(2) No person shall act as an agent unless he has obtained an agent's license in Form MVR-59 from the State Transport Authority concerned.

EXPLANATION: For the purpose of this sub-rule persuading any person, soliciting or attempting to persuade any person, to travel in a vehicle shall be deemed to be acting as agent for the sale of tickets for travel thereby.

(3) An agent's license shall be valid for a period of twelve months from the date of issue or renewal and shall be effective only in the region/District wherein it is issued or renewed.

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

(5) Application for an agent's license shall be made in writing to the State Transport Authority of the State wherein the applicant resides, in Form MVR-60 and shall be accompanied by two clear copies of recent photographs of the applicant.

(6) The fee for an agent's license, its renewal or for the issue of duplicate license shall be as per rate fixed in rule 145.

(7) An application for the renewal of an agent's license shall be made by letter enclosing the license accompanied by the prescribed fee, addressed to the State Transport Authority, by which the agent's license was issued. If the application for renewal accompanied by the appropriate fee prescribed is not received on or before the date of expiry of the license a late fee of Rs 50/- shall be charged.

(8) The State Transport Authority may, for reasons to be recorded in writing decline to issue or renew an agent's license or grant license on such condition as the State Transport Authority may consider it fit to impose.

(9) (a) The State Transport Authority may for reasons to be recorded in writing, suspend or cancel an agent's license.

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

(10) An agent shall on demand by any Officer of the Motor Vehicle Department not below the rank of an Inspector of Motor Vehicle in uniform produce his agent's license for inspection.

(11) No person shall hold more than one agent's license effective in the same State .

(12) The State Transport Authority may , specify that the agent shall wear a uniform of the type approved by it in that behalf.

(13) The agent shall, when on duty, wear in a conspicuous place on his left breast a metal badge issued by the State Transport Authority on payment of a fee along with his name plate in block letters on white background in bold letters in Mizo, English or Hindi. N agent shall lend or transfer the badge to any other person and he shall surrender it to the State Transport Authority in the event of his license being suspended, cancelled or not renewed. If the badge is lost or destroyed , a duplicate badge shall be issued by the authority which issued it in payment of fifty rupees.

139. LOST PROPERTY :

(1) Where a permit holder or his employee receive any article, he shall keep that article for a period of seven days and shall if the article is not claimed during that period hand over the same to the officer-in-charge of the nearest police station.

Provided that if the article is of perishable nature, it may be handed over to the officer-in-charge of the nearest police station even before the expiry of seven days.

(2) Where during the period mentioned in the preceding sub-rule-

(a) the article is claimed by not more than one person the permit holder may after making such enquiries as he deems fit and if necessary after taking an indemnity agreement from the claimant, hand over the article to the claimant;

(b) the article is claimed by two or more than two persons, then the permit holder may hand over the same to the officer-in-charge of the nearest police station.

(3) Where any article is received by an Officer-in-charge of a Police Station, then the provisions of the Mizoram Police Manual so far as may be applied to such article as they apply in relation to the unclaimed property under the Act.

140. NECESSITY FOR AGENT'S LICENSE ;

(1) No person shall act as an agent unless he holds a valid license authorizing the carrying on of his business of an agent at the place or places specified in the license.,

(2) The State Transport Authority shall issue such license.

141. AGENT'S LICENSE ;

(1) Any person desiring to obtain agent's license shall make an application to the State Transport Authority of the State in which he has his place of business or as the case may be, his principal place of business, such application shall be made in Form MVR-61.

(2) The application shall be accompanied by the fee of Rs 20/-

(3) In considering an application made under this rule, the licensing authority shall have due regard, among other things to :

(a) the number of goods vehicles, if any, either owned by the applicant or under his control;

(b) the suitability of accommodation in-charge of the applicant for the storage of goods at every operating place.

(c) the facilities provided by the applicant for parking goods vehicles while loading and unloading without hindrance to the general traffic in the area, and

(d) the financial resources of the applicant and his experience in the trade.

(4) The licensing authority shall either grant or renew the license including a supplementary license, for a branch office, if any in Form MVR-62 specifying the place or places where the business may be carried on, or refuse to grant or renew the license.

Provided that the licensing authority shall not refuse to grant or renew a license or, A supplementary license for a branch office 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 .

(5) The Licensing Authority shall, while granting or renewing a license (including any supplementary license) or at any time during the validity of license, by order require a license to furnish a security in cash of ten thousand rupees and when a license had furnish earlier any security in pursuance of an order passed under this sub-rule, additional security not exceeding ten thousand rupees.

(6) The license shall be in two parts, namely, the principal part (hereinafter referred to as "the principal license") in which supplementary license issued for every separate establishment or branch office for loading, unloading or receipt or delivery of consignments is carried on, shall be mentioned and the supplementary part (hereinafter referred to as " the supplementary license"). The details of the establishment or branch office (such as municipal house number, the nearest road, by land, the postal delivery district and other land marks in the vicinity to enable identification of the place of license duly attested by the licensing asuthority shall be attached to the license.

(7) The principal license in Form MVR-61 shall be kept and displayed prominently at the head office, and the supplementary license shall be kept and displayed prominently at each branch office to which it refers, except when the principal license or supplementary license, as the case may be, is forwarded to the licensing authority for effecting renewal thereof. Such license shall be produced before any inspecting officer of the Motor Vehicles Department .

(8) An agent's license shall be valid for a period of one year from the date of grant of its renewal. The date of expiry of the supplementary license shall be co-terminus with the date of expiry of the principal license irrespective of the date on which the supplementary license is granted.

(9) An agent's license shall be non-transferable.

142. RENEWAL OF AGENT'S LICENSE.:

(1) Agent's license may be renewed on an application in Form MVR-63 made to the licensing authority not less than 30 days before the date of its expiry and shall be accompanied by the principal and all supplementary license if any, and the prescribed fee.

(2) The renewal of a license shall be made by endorsement of renewal thereof by the licensing authority on the principal and the supplementary.

143. CANCELLATION OF AGENT'S LICENSE :

(1) Without prejudice to any other action which may be taken against a license, the licensing authority may, by order in writing cancel an agent's license or suspend it for such

period as it thinks fit in its opinion any of the conditions under which the premises have been approved or under which the license has been granted have been contravened.

(2) Before making any order of suspension or cancellation under sub-rule (1), the licensing authority shall give the licensee an opportunity of being heard and shall, record reasons in writing for such cancellation or suspension.

(3) Where a license is liable to be cancelled or suspended under sub-rule (1) except in the case of a contravention of clause (c) of sub-rule (3) of Rule 146 and the licensing authority is of the opinion that having regard to the circumstances of the case it would be unnecessary or inexpedient to cancel or suspend the license if the licensee agrees to pay a certain sum of money then, notwithstanding anything contained in the sub-rule, the licensing authority, may, instead of cancelling or suspending as the case may be, the license, recover from the licensee, the sum of money agreed upon.

(4) The power exercisable by the licensing authority under sub-rule (1) may be exercised also by the appellate authority.

(5) The licensing authority may order the forfeiture in whole or in part, of the security furnished by the licensee under those rules for contravention of any provision of these rules by the licensee.

Provided that no such forfeiture shall be made unless the licensee is given an opportunity of being heard.

(6) In the event of the forfeiture of a security deposit or part thereof, by the licensing authority, the license shall cease to be valid if the licensee fails to make payment or bring the security already furnished by him to its original value within thirty days of the receipt of the order of the forfeiture.

144. ISSUE OF DUPLICATE LICENSE :

If at any time an agent's license is lost, destroyed, torn or otherwise defaced so as to be illegible, the agent shall forthwith apply to the licensing authority for the grant of a duplicate license. The application shall be accompanied by the fee specified in these rules. On receipt of such an application, the authority shall issue a duplicate agent's license clearly stamped 'Duplicate' in red ink. If the duplicate agent's license is issued on a representation that the license originally granted has been lost or destroyed and the original license has been subsequently found, the original license shall be surrendered to the licensing authority.

145. FEES FOR LICENSE :

The fee for the grant or renewal of license or supplementary license or for a duplicate thereof, shall be –

(a) for grant of agent's license in respect of collecting and forwarding goods etc.

-Rs 10.000/-

(b) in respect of sale of tickets for travel by public service vehicle Rs 10.000/-

(c) in respect of local agents of private operators like Bazar buses Rs 500/-

(d) in respect of application for agent's license Rs 20/-

(e) for grant of a supplementary license of each additional establishment Rs 200/-

(f) for renewal of a license if application is made in time

(i) Principal license - Rs 1,000/-

(ii) each supplementary license - Rs 1,000/-

(g) for renewal of license of application is made late –

(i) Principal license - Rs 1,500/-

(ii) each supplementary license - Rs 1.500/-

(h) for issue of a duplicate copy of –

(i) Principal license - Rs 1,000/-

(ii) each supplementary license Rs 1,000/-

146. CONDITIONS OF AGENT'S LICENSE :

An agent's license shall be subject to the following conditions namely:-

(1) The licensee subject to the provisions of rule 148 provided adequate space for the parking of vehicles for the purpose of loading and unloading of goods.

(2) The licensee shall be responsible for proper arrangement of storage of goods collected for dispatch or delivery or both.

(3) The licensee shall-

(a) take all necessary steps for proper delivery of the goods to the consignee;

(b) be liable to indemnify the consignee for any loss or damage to goods while in his possession, by adequate insurance cover, where available, at the cost of the consignor or consignee;

(c) issue to the consignor and consignee a goods transport receipt only after he actually receives goods for dispatch and state therein the weight, nature of goods destination, approximate distance over which the goods are to be carried, the freight charged, the service charge, if any, such as for local transport, insurance while in his custody and labour charges, if any, for loading and unloading provided that the service charge shall be reasonable and proof of its reasonableness established, if required by the licensing authority;

(d) undeliver the goods to the consignee without actually receiving the consignee's note or any such note issued by the office which received the goods for dispatch or if this note is lost or misplaced, an indemnity bond covering the value of goods;

(e) issue copy of every goods transport receipt issued to the consignor or consignee to the driver of the goods vehicle transporting the goods as shall not allow any consignment to be loaded without handing over a copy of the receipt in respect thereof to the driver;

(f) maintain in Form MVR-64 a proper record of collection, dispatch or delivery of goods, the registration mark of the vehicle in which goods are carried for transport and make the same available for inspection by the licensing authority or by any person duly authorized by it in this behalf ;

(g) uncharged commission exceeding that which may be fixed by the State Transport Authority, subject to the orders of the State Government, if any ;

(h) maintain proper account of the commission charged by him to every operator of goods vehicles engaged by him;

(i) maintain of weighing device in good condition and capable of weighing at a time not less than 250 kilograms;

(j) unaccept goods for transport without valid reasons ; and

(k) comply with the provisions of this rules.

147. PARTICULARS TO BE MENTIONED IN CONTRACT OF AGENCY:

All contract entered into or way bills issued by a licensee for the purpose of collecting, forwarding or, distributing goods shall be in writing and shall contain the following particulars, namely –

(i) names and addresses of consignors and consignees ;

(ii) description and weight of consignment ;

(iii) destination and its approximate distance in kilometers from the starting station;

(iv) freight on weight-destination or weight distance or on truck distance basis for long distance haulage and for local transport for collections at consignor's place or delivery at consignee's place if required ;

(v) delivery instructions i.e. the approximate date by which and the place at which goods are to be delivered to the consignee ; and

(vi) terms for payment separately for long distance transport, local transport, home delivery and collection of labour charges for loading and unloading and the demurrage.

148. PLACES TO USE FOR LOADING AND UNLOADING OF GOODS ETC :

(1) The State Transport Authority may, in consultation with the local municipal authority or police authority having jurisdiction over the local area concerned, or both, approve any premises owned or to be used by an applicant for an agent's licence for loading/unloading and for parking goods vehicles or for the storage of goods, while in the custody of the license holder, having regard to the suitability of the site, traffic conditions obtaining in the locality, sanitary conditions, storage facilities, space for parking vehicles for the purpose of loading or unloading from transporting trucks provided at such premises, as the place of carrying on the business under the license.

(2) Any approval under sub-rule (1), shall be subject to the following conditions, namely –

(a) that the premises shall at all times be kept in clean condition and in good state of repair ;

(b) that the premises shall be administered in an orderly manner ;

(c) that the licensee shall not change premises or make any external alterations to it or in the parking arrangements thereat as may be likely to cause obstruction to the general traffic in the vicinity without prior approval of the licensing authority ; and

(d) that the licensee shall take suitable precautions to ensure that no breach of any provisions of the Act or of these rules in so far as these provisions relate to the requirement that a goods vehicle shall be carried by and observance of the regulations is committed in respect of any vehicle engaged by him and which is entering or leaving or standing at such premises, namely –

(i) valid and effective permit / countersignature for the route area of travel;

(ii) valid certificate of fitness ;

(iii) valid certificate of insurance, and

(iv) payment of tax under any law for the time being in force in the State concerning taxation or motor vehicle;

(v) construction, equipment and maintenance of Motor Vehicle, to the extent the defects are easily noticeable from the exterior appearance of a Motor vehicle ;

(vi) limits of weight and prohibitions or restrictions on use of motor vehicles ;

(vii) loading of goods overall height, length, width and projections of load laterally, to the front, to the rear and in height;

(viii) transport of dangerous or explosive substances, contraband articles, under any law for the time being in force ;

(ix) parking of abandoned motor vehicles on road in such a way as to cause obstructions to traffic or endanger to any person or other user of roads;

(x) leaving vehicles in dangerous position; and

(xi) driving of motor vehicles by persons holding valid effective driving license;

(3) Where the State Transport Authority refuses to approve any premises under sub-rule (1), it shall communicate in writing the reasons for such refusal.

149. POWERS OF INSPECTION : Any officer of the motor vehicles department not below the rank of an Inspector of Motor Vehicles in uniform, or any other person authorized in this behalf by the State Government, may enter upon the premises at all reasonable times for inspection of the premises used by the permit holder for the purpose of his business.

150. PROHIBITION OF PAINTING OF MARKING ETC :-

(1) No advertising device, figure, or writing shall be exhibited on any transport vehicle save as may be specified by the State Transport Authority by general or special order ,

(2) A transport vehicle when regularly used for carrying Government Mail by or under a contract with the Government of India, Department of Posts shall be painted in postal red colour and shall exhibit in a conspicuous place upon a plain or a plain surface of the motor

Rs 5/- for the second for each additional page per copy	Rs 20/-
(8) Fee for metal badge for agent	Rs 100/- and a duplicate
Badge	Rs 50/-
(9) Fee for temporary permit for truck /tanklorry etc for	
More than 1 (one) month but not less than 3(three) months	Rs 500/-
(10)Fee for more than 15 (fifteen) days but not more than	
1 (One) month for medium and heavy vehicles	Rs 200/-
(11)Fee for issue of special Road permit not more than 15	
(fifteen) days in respect of medium and heavy vehicles	Rs 200/-
(12) Fee for issue of special Road permit not more than	
15 (fifteen) days in respect of light motor vehicles	Rs 50/-
(13)Fee for issue of duplicate temporary permit	Rs 50/-
(14) (a) Fee for public/goods carrier permit	
(plying permit for buses)	Rs 500/-
(b) Fee fsor plying permit for taxis	Rs 300/-
(15)Fee for provisional permit for buses Light Commercial	
Vehicle (LCV/Heavy Motor Vehicle (HMV)	Rs 500/-
(16) Fee for prescribed application forms buses Light Com	
mercial Vehicle (LCV/Heavy Motor Vehicle(HMV)	Rs 50/-

CHAPTER VI

SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS

154. FORM OF PROPOSAL OF TRANSPORT UNDERTAKING

(1) The proposal to be prepared by a State Government under the provisions of section 99 shall be in Form MVR-67 in the First Schedule to these rules containing all the particulars specified in the said form and shall be published in that form in the Official Gazette and cause such proposal regarding Road Transport Service Scheme to be published on the notice boards in the office of the State Transport Authority Regional Transport Authority and the collector within whose jurisdiction the area or the route or portion thereof lies and in such newspapers as the State Government may direct.

Provided that , at least one of such newspaper shall be in the regional language circulating in the area and the publication of the proposal regarding Transport Service Scheme shall be accompanied by a notice stating that any person affected thereby may, within 30 days from the date of publication of the proposal in the Official Gazzete, file objections thereto before the State Government as provided in section 100.

155. MANNER OF FILING OBJECTIONS TO PROPOSAL OF THE SCHEME:

(1) Any person affected by the proposal may file any objection thereto, in the form of memorandum, in duplicate, addressing to the State Government. The memorandum shall set forth concisely the grounds for objections to the proposal and shall in addition to contain the following particulars namely :-

- the name and address of the objector;
- the information regarding permit or permit held under the provision of Chapter V of the Act together with particulars of the route or routes or area specified in such permits ;
- the manner in which the objector is affected by the proposal;
- details of any alternative route or area for which he desires to have permit ,

(2) Any person filing objections under section 100 shall send a copy thereof simultaneously to the State Transport Undertaking which has submitted the proposal.

156.. MANNER OF CONSIDERING OBJECTIONS :

(1) The State Government may, subject to the provisions of sub-rule (2), consider the proposed scheme and objections at a hearing of which at least seven days notice shall be given to every objector and the State Transport Undertaking.

(2) The notice under sub-rule (1) shall voluntarily be sent at the address of the objector by ordinary post under certificate of posting ;

Provided that, where the addresses of the objectors are illegible, the State Government may, instead of giving individual notice to every objector give notice by publication in a local newspaper having wide circulation in the area in which the objectors reside .

157. PUBLICATION OF APPROVED SCHEME :

The approved proposal to be published under sub-section (3) of section 100 shall be in Form MVR-68 of the First Schedule to these rules.

158. APPLICATION FOR PERMIT UNDER SECTION 103.

(1) Every application under sub-section (1) of section 103 shall be made –

(a) for stage carriage permit in Form MVR-69;

(b) for goods carrier permit in Form MVR -70;

(c) for contract carriage permit in Form MVR – 71

(2) The State Transport Authority, or , as the case may be, the Regional Transport Authority (hereinafter) in this chapter referred to as the relevant Transport Authority shall, on receipt of an application referred to in sub-rule (1), satisfy itself that the application related to a notified area or a notified route specified in approved scheme and issue thereafter to the State Transport Undertaking applying therefore a stage carriage permit in Form MVR-72 a public carrier's permit in Form MVR-73 contract carriage permit in Form MVR-74.

(3) Notwithstanding anything contained in this rule, pending the issue of a permit applied for under sub-section (1) of section 103, the State Transport Undertaking may operate the service in the notified area or a notified route specified in the approved scheme.

159. DISPOSAL OF ARTICLES FOUND IN VEHICLE:

(1) The maximum period for claiming any article left by the owner in any transport vehicle operated by the State Transport Undertaking shall be fifteen days.

(2) Where any article in any such vehicle is not claimed by its owner within the said period, the State Transport Undertaking may sell the article by public auctions. A notice of such auction be displayed fifteen days in advance of the date of the auction on the notice board at the place where the auction is to be held, and published in local newspaper.

(3) Nothing in this rule shall apply to any article which is of perishable nature or is in danger of losing the greater part of its value and it shall be lawful for the State Transport Undertaking to dispose of any such article at any time as the circumstances may require.

160 MANNER OF SERVICE OR ORDERS UNDER CHAPTER VI :

Every order under Chapter VI of the Act shall be served :-

(a) by tendering or delivering a copy thereof to the person on whom it is to be served or his agent, if any or

(b) by sending it by registered post at the last known address of the person on whom it is to be served: or

(c) by fixing it to some conspicuous place of his last known residence or place of business in case the above two methods are considered impracticable.

161. EXTENSION OR MODIFICATION OF PERMITS : Where the holder of a permit for a public service vehicle applied to the relevant Transport Authority extending or modifying the operation of the road transport service, so however that such extension or modification results in operative such service in a notified area or on a notified route or part thereof, specified in an approved scheme, then the relevant Transport Authority shall send a copy of such application to the State Transport Undertaking. The relevant Transport

Authority shall before passing any order on such application, give an opportunity to the State Transport Undertaking of being heard.

162. GRANT OF PERMIT UNDER THE PROVISIO TO SECTION 104 :

The relevant Transport Authority on granting a permit to any person under the proviso to section 104 shall inform the State Transport Undertaking concerned of the grant of such permit.

163. NOTICE OF APPLICATION, HEARING ETC : The State Transport Undertaking shall, in order to give effect to the provisions of this Chapter intimate to relevant Transport Authority, the designation and addresses of its Officers to whom notice of applications, hearing, orders or any other matter shall be sent and shall also inform them of the changes therein, from time to time.

CHAPTER –VII

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES :
PARKING OF UNSERVICEABLE VEHICLES.

164. 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 competent authority.

(2) Nothing in this rule shall apply to a motor vehicle which has been damaged in an accident while at the place of the accident or to a vehicle so damaged or otherwise rendered defective while being removed to a reasonable nearest place of repair or disposal ;

Provided that where a motor vehicle can no longer remain under the effective control of the person driving the same, it shall not be moved except by towing .

165. MOVEMENT FORWARD AND BACKWARD :- Every Motor Vehicle other than a motor cycle shall be capable of moving under its own power either forward or backward:

Provided that , the Government may, by general or special order, except any three wheeler motor vehicle or class of motor vehicles from the provisions of this rule, where it is satisfied that such vehicle or class of vehicle can be used in any public place without any danger to public safety.

166.. MIRROR : Every Motor Vehicle, other than a Transport vehicle not being a motor cab or a motor cycle having not more than wheels and to which a side car is not attached, shall be fitted either internally or externally, and every transport vehicle other than a motor cab shall be fitted externally with a mirror so placed that the driver have a clear and distinct vision of vehicles approaching from the rear;

Provided that the State Government may, by general or special order, exempt any transport vehicle or class of transport vehicles from the provision of this rule on such condition as may be specified in the order, if it is satisfied that having regard to the construction of such vehicle, class of vehicles fitting of mirror does not serve any useful purpose.

167. RESTRICTION REGARDING TELEVISION SET OR VIDEO IN THE MOTOR VEHICLES :

No television set or video shall be fitted or kept on or near the dash-board of the Motor Vehicle or shall be kept within the view of the driver.

168.. DANGEROUS PROJECTIONS :

(1) No mascot or other similar fitting or device shall be fitted or carried by any motor vehicle registered in India 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 reasons of any projections thereon .

(2) No motor vehicle shall be permitted to be used which is so constructed that any axle hub or hub-cab projects laterally more than four inches beyond the rim of wheel to which it

is attached, unless the hub or hub-cab does not project laterally beyond the body or wings of the vehicle or is provided with an adequate guard.

169.. SPRINGS : 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 wheel and the frame of the vehicle :

Provided that this rule shall not apply to :-

(a) any motor vehicle registered in India before the first day of July 1989, if any means of springing with which it is fitted are adequately maintained in good and sound condition.

(b) any tractor not exceeding four thousand five hundred and thirtysix kilograms in weight unladen, if all unspring wheels of the tractor are fitted with pneumatic tyres ;

(c) any land tractor, land implement, agricultural trailer, trailer equipped with pneumatic tyres having axle weight not exceeding three thousand and fifty kilograms avairdupois , or any trailer use solely for the haulage of felled trees or such other heavy loads as cannot be carried on springs;

(d) 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 3.2 kilometres ;

(e) such motor vehicle or class of motor vehicles not fitted with the means of springing by the manufacturers which the State Government may, by general or special order, declare to be otherwise suitable for use on public roads on the conditions specified in the order .

170. MUDGUARD : Every motor vehicles except a tractor or a trailer shall, unless adequate protection is afforded by the body of the motor vehicle, be provided with mudguards or other similar fitting to catch, so fas as practicable, mud or water thrown up by the rotation of the wheels .

171.. ATTACHEMENT TO MOTOR CYCLE : Every side car attached to a motor cycle shall be so attached, at left hand side of the motor cycle, that the wheel thereof is not outside the perpendicular planes at right angle to the longitudinal axis of the motor cycle passing through the extreme projecting points in front and in the rear of the motor cycle.

(2) Every pillion seat attached to motor cycle shall –

(a) have two foot-rests one on either side of and directly below the seat fitted in such manner that a person sitting on the pillion seat can rest his feet on such foot-rests.

(b) have a suitable spring cushion seat and

(c) have a hand grip fitted to the front of the seat.

(3) No pillion seat shall be attached to a motor cycle with less than 100 cubic centimeters engine .

(4) The rear wheel of every motor cycle on which a pillion seat is fixed, shall be covered by a protective device covering two-thirds of the area of the rear wheel so as to prevent the clothes of the pillion rider.

172. COMMUNICATION WITH DRIVER: Every motor vehicle for the use of passengers in which the drivers seat is separated from the passengers compartment by fixed position which is not capable of being readily opened shall be furnished with efficient means to enable the passengers to such compartment and the conductor, if any, to signal the driver to stop the vehicle.

173. PROHIBITION OF USE OF MILITARY COLOURS ETC :

(1) No motor vehicle other than a military motor vehicle shall use in any public place such painted in colour ordinarily used for military motor vehicles.

(2) No such motor vehicle shall exhibit or carry any military registration mark.

174. GENERAL: Every public service vehicle and all parts thereof including paint work, varnish and upholstery, shall be maintained in a clean and sound condition and the engine mechanism and all working parts in reliable working order.

175. STABILITY :

(1) The stability of a double-decked public service vehicle shall be such that when loaded with weight of 59 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 28 degrees from the horizontal point at which overturning occurs would not be reached.

(2) The stability of a single-decked public service vehicle other than motor cab (or a single-decked trolley bus) shall be such that under any conditions of load, at an allowance of 68 kilograms per passenger and his personal luggage, for which the vehicle is registered, if the surface in which the vehicle stands were tilted to either side of an angle of 35 degrees from the horizontal, the point at which over-turning occurs would not be reached.

(3) The stability of a single-decked trolley bus shall be such that under any condition of load, at a allowance of 68 kilograms per passenger and his personal luggage for which the vehicle is registered, if the surface on which the vehicle stands are tilted to either side to an angle of 32 degrees from the horizontal, the point at which over-turning occurs would not be reached.

(4) For the purpose of conducting tests of stability the height of any stop used to prevent wheel of the vehicle from slipping sideways shall not greater than two-thirds or the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel is loaded in accordance with the requirement of this rule.

176. SEATING ROOM :

(1) In every public service vehicle other than a motor cab, there shall be provided for each passenger except those permitted to be carried as standees, reasonably comfortable seating space of not less than 38 square millimetres measures on straight lines along and at right angles with front of each seat ;

(a) when the seats are placed along the vehicle facing each other, the backs of the seats on the side shall be at least 1.372 metres distance from the backs of the seats on the other side;

(b) when seats are placed along the vehicle and are facing in the same direction there shall be a space of not less than 685 millimetres between the back of the front seat and the back of the rear seat. When measured from the rear-most point of the back of the front seat to the rearmost point of the back of the rear seat. The seat shall be in two parts with a gangway of 305 millimetres in three places, two at the two extremes and one in the middle .

(c) when seats are placed across the vehicle and are facing in the same direction there shall be a space of not less than 660 millimetres between the back of the front seat and the front of the rear seat when measured at the topmost point of the upholstery and

(d) when seats are placed across the vehicle and are facing each other there shall be a space of not less than 1.27 millimetres between the backs of the facing seats when measured from the topmost point of the upholstery.

(2) The backs of all seats shall be closed to a height of 406 millimetres above seat level.

177. MAXIMUM PERMISSIBLE AREA TO BE OCCUPIED BY EACH SEAT :

(1) The area to be provided for each seat in the ordinary public service or private service vehicle shall not be more than 0.381 square metres.

(2) The area to be provided for each seat in a luxury or tourist air conditioned public service or private vehicle shall not exceed 0.571 square metres.

178. GANGWAYS:

(1) In every compartment of every public service vehicle entrance to which compartment is from the front or rear, there shall be gangway along the vehicle –

(a) where the seats are placed along the vehicle facing each other, there shall be as gangway a clear space of not less than 610 millimetres measured between the fronts of the seats ;

(b) where seats are placed across the vehicle, there shall be as gangway a clear space of not less than 305 millimetres between any part of adjoining seats or their supports and

(c) where a row of seats are placed along one side of the vehicle and the other seats are placed across the vehicle, there shall be as gangway a clear space of not less than 450 millimetres between the front of the seats placed along the vehicle and parts of the adjoining seats or their supports placed across the vehicle.

(2) Where the vehicle has seats placed across full width of the body with separate doors to each seat, gangway from front to rear of the vehicle shall not be required.

179. LIMIT OF SEATING CAPACITY

(1) Subject to the provisions of rule 176 regarding seating accommodation, the number of passengers excluding the driver and conductor of attendant that a transport vehicle other than goods carriage, motor cab may be permitted to carry and shall not exceed the number determined by dividing by 58 kilograms the difference in kilograms between the gross laden weight less 109 kilograms and the unladen weight of the vehicle.

(2) The maximum seating capacity of a vehicle shall be directly proportionate to the wheel base of the vehicle. In transport vehicles other than goods carriages and motor cabs, the minimum of attender number of seats including two seats for driver and conductor or attender to be provided shall be as specified in column (2) of the table below –

TABLE

Wheel Base	Maximum seating capacity
254 to 293 centimetres	16
294 to 305 centimetres	20
306 to 343 centimetres	25
344 to 407 centimetres	30
408 to 432 centimetres	35
433 to 496 centimetres	45
497 to 534 centimetres	50
534 to 541 centimetres	55
541 to 561 centimetres	60
Above 561 centimetrees	65

(3) Nothing in sub-rule (2) shall apply to :-

(a) stage carriage proposed to be operated in towns and cities and within a radius of 25 kilometres from the limits of such towns and cities.

(b) tourist vehicles covered by permits issued under sub-section (9) of section 88

180. CONDITION REGARDING PERMISSION TO CARRY STANDEES:

(1) Subject to the provisions of sub-rule (2), no passenger shall be permitted to be carried standing in any public service vehicle.

(2) where such public service vehicle is operated within the limits of a Municipal Corporation, or a Municipality, constituted under any law for the time being in force in the State including an area within a radius of eight kilometers from such limits, the State Transport Authority may direct that passengers may be carried standing in such public service vehicles, if there is a clear space serving as a gangway of such greater width than that prescribed in rule 178 as the State Transport Authority may specify in this behalf.

(c) The State Transport Authority may direct that in addition to the standing passengers permitted to be carried in any public service vehicle referred to in clauses (a) and (b), twelve school children may be permitted to be carried therein, during such period as may be specified by it, being periods when school going children leave their homes for attending schools or leave their schools for reaching home.

181. HEAD – ROOM :

(1) Every public service vehicle other than a motor cab shall have the following internal height or head-room measured along the centre of the vehicle from the top of the floor boards or batten to the underside to the roof supports :-

(a) in the case of the single decked vehicle and the lower deck of a double decked vehicle not less than 1.75 metres and not more than two metres.

(b) in the case of upper deck of a double-decked vehicle not less than 1.7 metres.

Provided that the State Transport Authority may vary the above measurement in respect of any public service vehicle plying solely in any specified municipal or cantonment limits and environs thereof .

(2) Nothing in this rule (1) shall apply to motor vehicles constructed before the first day of July 1989, in conformity with the provisions of rule made under the Act in any part of the State and in force therein before.

182. DRIVER'S SEAT :-

(1) No public service vehicle shall be driven other than from the right hand side of the vehicles.

(2) On every public service vehicle space shall be reserved for the driver's seat so to allow him to have full and unimpeded 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 280 millimetres from the nearest point of the steering wheel ;

(b) the width across the vehicle shall be not less than 690 millimetres and shall extend to the left of the centre of the steering column in no case less than 254 millimetres 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 50 millimetres inside the width reserved for the driver's seat.

(3) Arm-rest for the driver not more than 100 millimetres wide may be provided within the space specified in clause (b) of sub-rule (2)

(4) No public service vehicle shall be so constructed that any person may sit or any luggage may be carried on the right hand side of the driver.

(5) Every public service vehicle other than a motor cab shall be so constructed that there shall be a separate compartment containing proper seating accommodation for the driver. This compartment may be separated by suitable rigid partition of metal bar or adequately spaced metal bars, both on the side and on the rear, so as to isolate the driver without obstructing his vision, provided that in the case of a motor cab licenses to carry five passengers, two passengers may be permitted to be carried by the side of the driver's seat .

(8) Notwithstanding anything contained in those rules, where the Government, having regard to the availability and utility of any vehicles fitted with left hand steering control or the expediency of their use in public interest, is satisfied that it is necessary so to do that government may, by general or special order, exempt any public service vehicles or class of such vehicles with such control from any of the provisions of this rule, on such terms and conditions, if any, as may be specified in the order .

(6) Every public service vehicle shall be so constructed that, save from the front pillar of the body, the driver shall have a clear vision both to the front and through an angle of 90

degrees to his right hand side. The front pillar of the body shall be so constructed as to obstruct the vision of the driver to least possible extent.

(7) The provision of sub-rule (1) shall not apply to four wheel drive jeep and motor cabs.

183. WIDTH OF DOORS :

(1) Every entrance and exit of a public service vehicles other than a motor cab shall be at least 540 millimetres in width and of sufficient height.

(2) Every entrance and exit of a stage carriage, not being a stage carriage operating within the limits of a municipal council, municipal corporation or cantonment duly constituted or declared under any law for the time being in force, shall be fitted with doors so as to prevent the passengers from falling out.

184. GRAB RAIL : Grab rail shall be fitted to every entrance or exit, other than an emergency exit, of a public service vehicle, other than a motor cab, to assist passengers in boarding and alighting from the vehicle.

185. STEPS : In every public service vehicle other than a motor cab, the top of the tread of the lowest step for any entrance or exit, other than an emergency exit, shall not be more than 520 millimetres or less than 250 millimetres, above the ground when the vehicle is empty. All steps shall be fitted with non-slip treads. Fixed step shall not be less than 230 millimetres wide and shall in no case project laterally beyond the body of the vehicle.

(2) In the case of a double decked vehicle :-

(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 landing boards.

(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 stair case, excluding any grab rail which does not project more than 75 millimetres from the back of the seat, shall not be less than 660 millimetres.

(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 990 millimetres above the front of the tread of each step.

186. CUSHIONS : The seats of a public service vehicle shall be provided with fixed or moveable foam or soft cushions and the cushions shall be covered with leather, cloth or good quality or other suitable material so that they are capable of being kept in a clean and sanitary condition.

187. BODY DIMENSIONS : (1) Every public service vehicle other than a motor cab shall be so constructed that -

(a) in the case of a single-decked vehicle with an enclosed body,-

(i) the height of the body sided from the floor of the height to the sills of the window, as the case may be, shall not be less than 175 millimetres.

(ii) if the height of the sides of the body or the sills of the window as the case may be, above the highest part of any seat is less than 460 millimetres, provision is made by means of guard rails or otherwise to prevent the arms of seated passengers being thrust through and being injured by the passing vehicle or the extent to which the said window or ventions can be lowered, is such that when lowered their top edge is not less than 460 millimetres above the highest part of any seat;

(iii) 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

(iv) in the case of a double decked vehicle with an uncovered top deck, the top deck shall be provided with side rails and end rails the top of which shall be at least 915 millimetres above the highest part of any seat, and the top of front and back rails shall be at least 990 millimetres above the deck boards or battens and shall follow the chamber of the deck.

(2) For the purpose of this rule seat-back shall not be deemed to be part of the seat.

(3) A State Transport Authority may in the case of stage carriage plying solely in any specified municipal or cantonment limits and in the environs thereof require that life guards of a type to be approved by the authority shall be fitted to the sides of the vehicle between the wheels.

188. PROTECTION OF PASSENGERS FROM WEATHER

(1) Save in the case of the uncovered top deck of a double decked vehicle, every public service vehicle other than a motor cab shall be constructed with a fixed and water tight roof and every motor cab shall be constructed with a fixed and water-tight roof or be equipped with water-tight roof or be equipped with water-tight hood that may be raised or lowered as required.

(2) Save in the case of the uncovered top deck of a double-decked vehicles, every public service vehicle shall have suitable windows fitted with glass panels capable at all time protecting the passengers from the weather without preventing adequate ventilation of the vehicle.

(3) The glass windows must be provided with effective means to prevent their rattling.

189. INTERNAL LIGHTING :- Every public service vehicle other than a motor cab, having a permanent roof shall be furnished with one or more electric lights adequate to give reasonable illumination through the passengers compartment including the bending but of such power or so screened as not to impair the forwarding vision of the driver.

190. BODY CONSTRUCTION :- The body of every public service vehicle shall be constructed and fastened to the frame of the vehicle in compliance with such direction as may from time to time be issued by the State Transport Authority.

191. COMPULSSORY ELECTRIC LIGHTNING :- No light other than an electric light shall be fitted to any public service vehicle.

192. FUEL TANKS: (1) No fuel tank shall be placed in any public service vehicle within sixty centimeters of any entrance or exit of a single-decked vehicle or lower deck or a single-decked vehicle or lower deck of a double-decked vehicle.

(2) The fuel tank of every public service vehicle shall be so placed that no overflow therefrom shall fall upon any woodwork or accumulate where it can be readily ignited. The "OFF" position of the means of operation shall be clearly marked on the outside of the vehicle, the filling points of all fuel tanks shall be outside the body of the vehicle and the filler caps shall be so designed and constructed that they can be securely fixed in position.

193. CARBURETTORS : In every public service vehicle, any carburetor and apparatus associated therewith shall be so placed and shielded that no fuel leaking therefrom shall fall upon any place of fitting that is capable of igniting it or onto any receptacle where it might accumulate.

194. ELECTRIC WIRES: All electric wire or leads shall be adequately insulated.

195. FIRE EXTINGUISHERS : Every public service vehicle other than a motor cab shall be equipped with one or more fire extinguishers of such types and capacity, as may be specified by the State Transport Authority and such fire extinguishers shall at all time be maintained in working condition.

196. LOCKING OF NUTS : All moving parts of every public service vehicle and all parts subject to service vibrations connected belts or studs and nuts shall be fastened by lock Nuts

or by nuts with and split efficient springs or lock nut washers or by constellated nuts and pins or by some other efficient device so as to prevent them from becoming loose.

197. FLOOR BOARDS : (1) The floor boards of every public service vehicle shall be strong and closely fitted so as to exclude as far as possible draughts and dust.

(2) The floor boards may be pierced for the purpose of drainage but for no other purpose.

198. SPARE WHEEL AND TOOLS : (1) Save as otherwise specified by the State Transport Authority in respect of municipal or cantonment areas, every public service vehicle shall, if all times be equipped with not less than one spare wheel or rim, fitted with pneumatic tyre in good and sound condition ready and inflated, and mounted in such a way that it can be readily dismounted and fitted to the vehicle, in place of any one of the road wheels.

(2) Notwithstanding anything contained in sub-rule (1), the provision of sub-rule (1) shall not apply to a public service vehicle, during the completion of any journey during which it has been necessary to bring the spare wheel or rim and tyre into use.

(3) Every public service vehicle shall at all times be furnished with efficient jack and other tool necessary to change a wheel or rim and tyre, and with the equipment necessary to repair a puncture

(4) Every public service vehicle shall, at all times be furnished with one screwdriver and at least with one spare fuse, one side light bulb and one head light bulb and when such vehicle is fit with sealed beam head lights with one spare sealed beam unit and a fan belt and one inspection lamp with 10 metres long wire;

Provided that the state Government may, by general or special order, exempt for such period as may be specified there in such order, any public service vehicle or class or such vehicle in respect on any areas if it is satisfied that adequate arrangement exist for expenditures and efficient emergency repairs in such areas.

199. FIRST-AID-BOX - Every stage carriage shall carry first-aid equipment in the aerosol bottles approved by Bureau of Indian Standard containing medicine for burns, wounds, pain killer and dressing materials as prescribed by the State Transport Authority, dust proof-aid-box containing the following articles namely :-

(a) twenty four sterilized finger dressings ;

(b) a leaflet containing first aid instruction approved by State Government from time to time.

(c) Twelve sterilized hand or foot dressings;

(d) twelve sterilized large or body dressings ;

(e) one extra large, two large and three small sterilized burn dressing ;

(f) two large packets of sterilized cotton wool;

(g) a bottle of two percent tincture or iodine or tube of antiseptic cream containing 0.5 percent of centrimide in non-greasy base.

(h) a bottle of salvolatile;

(i) empty bottle fitted with cork and camel hair brush for eye drops:

(j) two glasses;

Provided that, the State Government may, by a general or special order, exempt from the provisions of this rule for public service vehicles plying in such area or areas or on such particular route or routes, and on such conditions, if any as may be specified in the order, if it is satisfied that medical aid readily available in such area or areas or routes.

200. TESTING AND INSPECTION OF PRIVATE SERVICE VEHICLE :

No private service vehicle shall ply in a public place, unless it is covered by a valid fitness certificate. The provisions of rules 56, 59 and 60 shall, as far as may be, apply also to private service vehicles period of fitness certificate of private service vehicle shall not in any case exceed two years at a time.

201. INSPECTION OF MOTOR VEHICLES : (1) Notwithstanding the renewal of registration of motor vehicles other than the transport vehicle if the Registering Authority has reason to believe that owing to the mechanical defects, any vehicle is in such condition that its use in a public place constitutes a danger to the public, or it fails to comply with the recruitments of chapter VII of the Act or the rules made thereunder, he may cause such vehicle to be inspected by an Inspector of Motor Vehicles and giving the owner an opportunity of making any representation as required under sub-section (1) of section 53 suspend the certificate of registration of the vehicle under the said section till such time as the vehicle is produced for inspection duly repaired.

(2) In inspection, if the Inspector of Motor Vehicles is satisfied that such vehicle is in a mechanically defective condition, he shall issue to the owner a memorandum in Form MVR-23 using items thereof as are applicable to non-transport vehicles, and submit a copy thereof to the registering Authority.

(3) If on the receipt of a copy of such memorandum, the registering Authority has reason to believe that owing to the mechanical defects, the vehicle is in such condition, that its use in a public place constitutes danger to the public, or that it fails to comply with the requirements of Chapter VII of the Act or the rules made thereunder, he may, after giving the owner an opportunity of making any representation as required under sub-section (1) of section 53 suspend the certificate of registration of the vehicle under the said section till such time as the vehicle is produced for re-inspection duly repaired.

(4) The Registering Authority shall record below the certificate of registration of the vehicle, the date of every inspection and whether it was found in mechanically fit or defective condition.

(5) A fee for every inspection shall be fifty rupees and it shall accompany the application referred to in sub-section (8) of section 41.

202. CLEARANCE : All the under parts of the vehicle inside the pivots of the front axle and steering arms which must be placed as near as possible to road wheel as far back at least as the rear axle, shall be above the ground by not than 254 millimetres when the vehicle is fully loaded.

(2) Sufficient allowance shall in addition, be made to provide for the wear of the tyres, settling down of the springs or other causes likely to reduce height, so that the minimum clearance of 254 millimetres is at all time maintained.

203. SPRINGS : (1) Chassis springs shall be properly hung and must be of sufficient strength and flexibility to meet all likely contingencies.

(2) The rear springs shall be attached to or bear upon the back axle casing as rear to the road wheels as possible and the distance between the springs from outside to outside shall not be less than fifty percent of the overall width of the vehicle.

(3) The front springs shall be as wide apart as possible and the difference between them shall not be less than thirty seven percent of the overall width of the vehicles ;

Provided that if the width of the rear springs is fifty three percent of the overall width of the vehicles or more, the minimum distance between the front springs may be less than by 2.54 centimetres less than that required by this sub-rule.

(3) There shall be no cross springs.

204. WHEEL TRACT : The wheel tract of both front and rear wheels shall coincide and the distance between the centre lines of the track of the front wheels shall not be less than sixty nine percent of the overall width of the vehicle.

205. VENTILATION : Every stage carriage shall be provided with adequate means of ventilation., so that there shall be proper ventilation even when the windows, if any, are not opened. If the carriage is provided with opening windows, suitable provision shall be made so that opening of the window could be adjusted.

206. APPLICATION OF RULES TO THE VEHICLE BELONGING TO EDUCATIONAL INSTITUTION : The provisions of rules applicable to public service vehicles shall apply to private service vehicles registered in the name of Educational Institutions which are recognized by the State Government or which are managed by societies registered under the Registration of Societies Act 1860;

Provided that the rule for head road, shall not apply to private service vehicles.

207. BODY AND LOADING PLATFORM : Every goods vehicle including a trailer shall be equipped with a 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 such that the load can be securely packed within or fastened to the body or platform.

208. CHOCKS : (1) In order to prevent a goods vehicle from running backward and slopes, or otherwise to render it immobile, every such vehicle, not being a light motor vehicle shall be equipped with two wedge- shaped rigid chocks, each measuring 30 centimetres in length, 30 centimetres in breadth and 254 centimetres in height, with one of its sides having a slope making an angle of 45 degrees at the end. The plane surface of the sloped side of each chock shall be rendered concave so as to fit the outer circumference of the tyre normally fitted to the rear wheel of the vehicle.

(2) Notwithstanding anything contained in sub-rule (1) where such vehicle is fitted with single rear wheel, the break of each such chock may be less than 30 centimetres but not less than 15 centimetres.

(3) Each such chock shall have a hook and be kept-

(a) in a bracket fitted on the outer skirt of the tailboard of the vehicle, or

(b) where the vehicle has not tailboard in a metal carrier fitted between the frame side members, underneath the body nearest to the rear wheel on either side ;

(c) the tailboard of the vehicle and where the vehicle has no tailboard, the wooden planks above the frame side members shall also have hook in the centre.

(4) Each such chock shall be linked with the tailboard or where the vehicle has no tailboard with the wooden plank above the frame side members, by means of metal chain or steel wire rope of sufficient length and strength fastened to the hook in the chock and to the hook in the tailboard or the wooden planks, as the case may be.

(5) No person shall use any holder or any substance of a similar nature in lieu of wooden chock on slopes or otherwise to prevent goods vehicle other than light motor vehicle from running backward on slopes or to render it immobile otherwise.

(6) Notwithstanding anything contained in the rule, the State Government may, by notification in the Official Gazette exempt from the provision of this rule, any goods vehicle or class of such vehicle which in its opinion are not likely to slip backward on slopes.

209. DRIVER'S SEAT : (1) The provisions of rule 182 applicable to public service vehicles shall also apply to goods vehicles other than light motor vehicle provided with bucket type seats.

Provided that, where the State Government having regards to the price and utility of any goods vehicle or class of goods vehicle, is satisfied that it is necessary to do so, the State Government may, by general or special order, exempt any goods vehicles or class of goods vehicles fitted with left hand steering control from the provision of sub-rule (1) of rule 182.

(2) Where the Registering Authority registers a goods vehicle in respect of which, or belonging to class in respect of which, an order under sub-rule (1) has been made, he shall note in the certificate of registration, the fact that nothing in rule 182 in regard to and consequent upon the provisions requiring that the vehicles shall be driven from the right hand side shall apply to the vehicle.

210. SECURING OF GOODS IN OPEN GOODS VEHICLE :

Goods transported in open goods vehicle shall be properly secured within the body of such vehicles in such a manner so as to prevent the goods from falling from such vehicles.

211. APPLICATION OF RULE 198 TO GOODS VEHICLE : The provisions of rule 198 shall apply to every goods vehicles.

212. CHECKING OF DESIGNS OF LOCALLY MANUFACTURED TRAILER :

(1) An application for the approval of a new design of trailer manufactured in India and intended to be used as a transport vehicles shall be sent to the Director of Transport in triplicate by the manufacturer or his authorized assembler in Form MVR-75. Such application shall be accompanied by three copies of each of the following in addition to other documents mentioned in the form of application, namely –

- (a) Full specification;
- (b) drawing giving all dimension and detail; and
- (c) set of design calculations of –
 - (i) axles;
 - (ii) Springs;
 - (iii) long bearers;
 - (iv) cross bearers
 - (v) Platform tank of anything that may be carried on the cross bearers;
 - (vi) Two bars;
 - (vii) turn table of two axle trailers ;
 - (viii) bracking arrangement ; and
 - (ix) any other item such as shock absorbers, if included.

(2) (a) The Director of Transport shall forward the application and the documents to the institute approved by the Government (hereinafter referred to as the Institute) having competence and technical capacity to check the designs and the trailer, for verification and recommendation of the greatest laden and axle weight in respect of the trailer which are compatible with reasonable safety.

(b) The Institute shall then go through the design and calculation and if the design is found satisfactory by it, certify what would be in its opinion, the greatest laden and axle weights of the trailer which are compatible with reasonable safety;

(c) in case the design is not found satisfactory, the institute shall advice the applicant to the effect, and recommend such changes in the design as may be required to make the trailer suitable for the desired load;

(d) the Institute may call upon the applicant, to furnish details if required. In such case, the applicant, shall furnish fresh specifications and drawings incorporating alterations, if any.

(e) when a design is found satisfactory, the institute shall return two copies of the approved design, specifications and calculations with its recommendations as to maximum laden and axle weight compatible with reasonable safety to the Director of Transport. The Director of Transport may then approve the design and call for as many extra copies of the approved types of the designs specifications and calculations as may be required by him for sending them to different Registering Authorities for their records.

(3) The fee which may be charged by the Institute for such checking of a design shall be Rs 200/-. The fee shall be paid by the applicant to the Principal and Secretary of the Institute direct on demand by him and shall not be refunded.

(4) Notwithstanding anything contained in sub-rule (1), (2) and (3). The approval of the design of a trailer manufactured in India by a competent authority in any other states in India shall be deemed to be an approval accorded under these rules. Subject to the condition that similar provision exist in that state as contained in this rule;

Provided that there is in force in that other state, a rule or rules conforming to or containing substantially the same provisions as in this rule.

CHAPTER –VIII
CONTROL OF TRAFFIC

213. VEHICLE ABANDONED ON ROAD :

(1) If any 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 policeman in uniform or an officer of the Motor Vehicle Department not below the rank of Inspector of Motor Vehicles 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 to traffic in danger;

(b) take all reasonable precautions to indicate the presence of the vehicle unless it is moved to a position where it will not cause obstruction or danger ; and

(c) remove the vehicle and its contents to the nearest place of safe custody if the vehicle has been stationary in one place for a continuous period of ten hours and adequate steps have been taken for its repairs or removal by the owner or his representative.

(2) If a motor vehicle has been stationary in a duly appointed parking place for a period exceeding the specified time by a 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 the nearest place of safe custody.

(3) Notwithstanding any fine or penalty which may be imposed upon any person upon conviction for the contravention of the provisions of section 122 or 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 expenses incurred by any police officer in connection with the moving, lighting, watching or removal of a vehicle or its contents in accordance with sub-rules (1) and (2) and any police officer, shall be entitled to detain the vehicle until he has received payment accordingly and shall upon receiving such payment give a receipt to the person making the payment.

214. INSTALATION AND USE OF WEIGHING DEVICES ;:

(1) A weighting device for the purpose of section 114 may be –

(a) a weigh-bridge installed and maintained at any place by or under the order of the Government or a local authority, or a railway administration;

(b) a weigh-bridge installed and maintained by any person and certified by the Registering Authority to be weighing device for the purpose of the Act and these rules ; or

(c) a portable wheel weigher of any kind approved by the State Government.

(2) The driver of any goods vehicle shall upon demand by a competent authority, not below the rank of an Inspector of Motor Vehicle, drive and manipulate the vehicle so as to place it on any wheel or wheels thereof, as the case may be, upon any weigh-bridge or wheel weigher in such a manner that the weight of the vehicle or the weight transmitted by any wheel or wheels may be exhibited by the weigh-bridge or wheel weigher.

(3) If the driver of a motor vehicle fails within a reasonable time comply with a requisition under sub-rule (2) an officer not below the rank of an Inspector of Motor Vehicles may cause any person, being the holder of license, authorizing him to drive the vehicle, so to drive and manipulate the vehicle.

(4) When the weight or axle weight of a vehicle is determined by separate and independent determination of the weight transmitted by any wheel or wheels of the vehicles, the axle weight and the laden weight of the vehicle shall be deemed to be the sum of the weight transmitted by the wheels of any axle or by all the wheel or of the vehicle as the may be.

(5) on the weighing of a vehicle in accordance with section 114 and this rule, the person who has required the weighing or the person in charge of the weighing device shall deliver

to the driver or other person in charge of the vehicle a statement in writing of the weight of the vehicle and of any axle; the weight of which is separately determined.

(6) The driver or other person in charge of or the owner of a vehicle which has been so weighed may challenge the accuracy of the weighing device, by a statement in writing accompanied by a deposit of fifty rupees delivered –

(a) within one hour of the receipt of the statement referred to in sub-rule (5) to the person by whom the statement was delivered to him; or

(b) within fourteen days of the service on him of notice or proceedings against him under section 113 to the court issuing such notice .

(7) On receipt of a statement challenging the accuracy of weighing device under sub-rule (6), the person or the Court by whom the statement is received shall write to the registering authority, for the weighing device to be tested by an Inspector regarding the accuracy of the weighing device shall be final.

(8) If on the testing of a weighing device under sub-rule (7), the weighing device is certified to be accurate or to be inaccurate to an extent less than any weight by which the laden weight or unladen weight of the vehicle is shown in the statement referred to in sub-rule (5) to have exceeded the registered unladen weight, as the case may be, a contravention of sub-section (3) of section 113 shall be deemed to have been proved.

(9) If on the testing of a weighing device as aforesaid the weighing device is certified to be accurate to an extent greater than any weight by which the laden weight or unladen weight of the vehicle is shown in the statement referred to in sub-rule (5), to have exceeded the registered laden weight or the registered unladen weight, as the case may be, no further proceedings shall be taken in respect of any such laden weight or unladen weight. If the device is certified to be inaccurate to the said extent in respect of every such laden weight or unladen weight actually weighed, the deposit prescribed in sub-rule (5) shall be refunded.

(10) No person shall, by reasons of having challenged the accuracy of any weighing device under sub-rule (6) be entitled to refuse to comply with any order in writing under section 114.

215. RESTRICTION OF DRIVING WITH GEAR DISENGAGED:

On any hill marked by traffic sign No 10 of part 'B' of the schedule to the Act, no person shall drive any motor vehicle with the engine free, that is to say, with the gear level in neutral, the clutch lever depressed or with any free wheel or other device in operation which frees the engine from driving wheels and prevents the engine from acting as a brake when the vehicle is travelling down an incline.

216. PROHIBITION OF MOUNTING IN TAKING HOLD OF VEHICLE IN MOTION :

(1) No Person shall mount or attempt to mount on, or dismount from any motor vehicle in motion.

(2) No person shall take hold of and no driver of a motor vehicle shall cause or allow any person to take hold of, any vehicle when in motion for the purpose of being towed or drawn upon some other wheeled vehicle or otherwise.

217. TOWING

(1) No vehicle other than a mechanically disabled or incompletely assembled motor vehicle, a registered trailer or a side car, shall be drawn or towed by any motor vehicle.

(2) No motor vehicle shall be drawn or towed by any other vehicle unless there is in the driver's seat of the motor vehicle being drawn or towed a person holding a license authorizing him to drive the vehicle or unless the steering wheel of the motor vehicle being towed are firmly and securely supported clear of the road surface by some crane or other device on the vehicle which is drawing or towing it.

(3) When a motor vehicle is being towed by another motor vehicle, the clear distance between the rear of the front vehicle and the front of the rear vehicle shall at no time exceed five metres. Steps shall be taken to ensure that the two strips of chain is easily distinguishable

by other users of the road, and there shall be clearly displayed on the rear of the vehicle being towed in block letters, not less than seventy five millimeters high and on a white background the words "on tow"

Provided that no person shall be liable to be convicted for the contravention of this sub-rule for failure to display the words "On Tow" if the motor vehicle which is towing the other is not a motor vehicle adopted and ordinarily used for the purpose and so long as the vehicle is being towed between the place of the breakdown and the nearest place on the route at which the necessary materials can be obtained.

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

218. DRIVING OF TRACTORS ON ROADS

(1) No tractors when fitted for being driven on a public road shall be driven on such road at a speed exceeding ten kilometers per hour and no such tractor shall take sharp turns on such road;

Provided that if such tractor be a crawler tractor, it shall not be driven on asphalt road between 9.00 of the clock in the afternoon to 9.00 of the clock at night.

(2) Every such tractor when driven on a metalled road, shall be driven as far as possible on the side strips of such road.

219. FOOT PATHS, CYCLE TRACKS AND TRAFFIC SEGREGATION:

When any road or street is provided with foot paths or tracks reserved for cycles or specified classes of other traffic, no person shall, save with the sanction of a police officer in uniform drive any motor vehicle or cause or allow any motor vehicle to be driven on any such footpath or track.

220. PROJECTION OF LOADS :

(1) Nothing shall be placed or carried upon the outside of the roof of a double-decked service vehicle.

(2) 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 manner that the load or any part thereof or anything extends –

(a) laterally beyond the side of the body or beyond a vertical plane in prolongation of the side of the body.

(b) to the front beyond the foremost part of the load body of the vehicle;

(c) to the rear beyond the rearmost part of the vehicle and

(d) in height by a distance which exceeds 3.8 metres in case of a goods vehicle and 3.4 metres in case of any other motor vehicle from the surface upon which the motor vehicle rests.

(3) Notwithstanding anything contained in the foregoing rules, clause (c) of sub-rule (2) shall not apply to a goods motor vehicle when loaded with any pole or other projecting thing so long as –

(a) the projecting load falls within the limit of the body of a trailer being drawn by the goods vehicle; or

(b) the distance by which the pole or other thing projects beyond the rearmost point of the motor vehicle does not exceed 1.85 metres ; and

(c) there is attached to the rear of such pole or other thing in such a way as to be clearly visible from the rear at all times a white circular disc of not less than 38 centimetres in diameter; during the period commencing half-an hour after, before sunset and ending half an hour before sunrise, a lamp in addition to the prescribed lamps on the vehicle so arranged as to show a red light to the rear, and also a circular disc of not less than 38 centimetres in diameter painted in retro-reflected red colour so that the same will be illuminated in the light of the vehicle approaching from the rear.

221. RESTRICTION AS TO CARRIAGE OF DANGEROUS SUBSTANCE :

(1) Except the fuel and lubricant necessary for the use of the vehicle, no explosive, inflammable or otherwise dangerous substance, shall be carried on any public service vehicle and or any motor vehicle unless it is so packed that, even in the case of an accident to the vehicle it is unlikely to cause damage or injury to any person or property.

(2) If in the opinion of an Inspector of Motor Vehicle or a police officer not below the rank of Sib-Inspector, any public service vehicle or a motor vehicle is at any time loaded in contravention of this rule, he may order the driver or other person in-charge of the motor vehicle to remove or re-pack the inflammable or dangerous substance, and till such time shall not allow the public service vehicle or a motor vehicle to continue its journey.

222. RESTRICTION ON USE OF SOUND SIGNALS :

(1) No driver of a motor vehicle shall sound the horn or other device or giving audible warning with which the motor vehicle is equipped, or shall cause or allow any other person to do so needlessly or continuously or to an extent beyond that which is reasonably necessary to ensure safety.

(2) The Inspector General of Police, in city where such officer is appointed as elsewhere, the District Magistrate may, by notification publish in the Official Gazette or in one or more newspaper 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 by drivers of motor vehicles of any gong or other device for giving audible warning in any area within such city or the district and during such hours as may be specified in the notification;

Provided that, when the Inspector General of Police of the District Magistrate, as the case may be, prohibit the use of any horn, gong or other device for giving audible warning during certain specified hours, he shall cause a suitable notice in Mizo, English and Hindi setting forth the hours within which such use is so prohibited to be affixed below the traffic sign.

223. PROHIBITION OF USE OF CUT-OUTS : No driver of a motor vehicle shall in any public place, make use of any cut-out or other device by means of which the exhaust gases of the engine are released save through the silencer.

224. RESTRICTION ON TRAVELLING BACKWARDS: 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 on any circumstances, save in the case of road roller, for any greater distance or period of time than may be reasonably necessary in order to turn the vehicle around.

225. USE OF LAMPS WHEN VEHICLE AT REST:

(1) If within the limits of any municipal corporation, municipality or cantonment, a motor vehicle is at rest within the hours during which lights are required at the left hand side of any road or street or else where in any duly appointed parking place, it shall not be necessary for the motor vehicle exhibit any light save as may be required generally or specially by the Commissioner of Police in a city where any officer is appointed as elsewhere by the District Magistrate.

(2) The Inspector General Of Police in a city Where such officer is appointed and elsewhere the Superintendent of Police may, by notification in the official gazette and by erection of suitable notices in English and in the local language prohibit the use, within such areas or in such places as may be specified in the notification of lamps giving a powerful or intense light.

226. VISIBILITY OF LAMPS AND REGISTRATION MARKS :

(1) No load or other thing shall be placed at any time on any motor vehicle so as to mark, or otherwise interrupt vision of any lamps, registration mark or other mark required to be carried by or exhibited on any motor vehicle by or under the provision of the Act, unless a

duplicate of the lamp or mark so marked or otherwise observed is exhibited in the manner required by or under the Act for the exhibition of the marked or obscured lamp or mark.

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

(3) No driver shall use or allow the use of vacuum horn/double horn within Municipal / Town area.

227. 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 given by a police officer or by means of traffic control lights or by the temporary display of sign No. 3 of part A of the Schedule to the Act.

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

228. TRAFFIC SIGN TO BE OBSERVED: Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by a traffic sign, the erection of which is permitted under sub-section (1) of section 116.

229. DUTY TO COMPLY WITH TRAFFIC CONTROL SIGNALS:

Every driver of a motor vehicle shall, when driving the vehicle in a public place comply with any traffic control, a signal given to him by any police officer in uniform, for the time being engaged in the regulation of traffic in such public place.

230. TRAFFIC SIGN AT UNGUARDED RAILWAY LEVEL CROSSING:

Every driver of a motor vehicle shall observe the mandatory sign of the size, colour and types set forth below at each of the approaches of every unguarded railway level crossing.

MANDATORY SIGNS

60 centimetres	60 centimetres
HALT	AND PROCEED
Border	Red
Background	White
Letters	Retro-reflecting red

231. ERECTIONS OR PLACING OF SIGNS OR ADVERTISEMENT ON ROAD PROHIBITED.

No person shall place or erect or cause or allow to be placed or erected, on any road any sign or advertisement, which is in the opinion of the Commissioner of Police or the Commissioner is so placed or erected so as to obscure any traffic sign from view or is so similar in appearance to a traffic sign as to be misleading.

232. PROHIBITION AND RESTRICTION ON USE OF TRAILERS WITH MOTOR CYCLE AND INVALID CARRIAGES:

(1) A motor cycle with not more than two wheels with a side car shall not draw a trailer.

(2) a motor cycle with not more than two wheels without side car shall not draw a trailer unless the combination complies with the following requirement; namely –

(a) the connection of the trailer to the motor cycle behind the apex of the rear tyre, of or within the wheel base ;

(b) the trailer motor cycle connection shall allow the motor cycle complete freedom of movement in the lateral plane. It shall rotate freely, about the vertical axis preferably through 180 degrees; and

(c) the motor remains always in a vertical or in a line plane without the rider having to balance it.

234. PROHIBITION OF ATTACHMENT OF TRAILERS TO CERTAIN VEHICLE:

No motor vehicle which exceeds 8.4 metres in length not being motor vehicle used for towing a disabled motor vehicle will draw a trailer.

235. RESTRICTION ON NUMBER OF TRAILER TO BE DRAWN;

(1) No tractor shall draw more than three trailers.

(2) No tractor shall draw on a public road –

(a) exceeding half metric tone in weight unladen and fitted with solid steel wheels less than 60 centimetres in diameters; and

(b) a disc harrow without trolley wheels used as training implements, behind a tractor,

(3) No other goods vehicle shall draw more than one trailer.

236. ATTENDANCE ON TRAILERS:

(1) Where a trailer is or being drawn by a motor vehicle, there shall be carried in the trailer or trailers or on the drawing motor vehicle, as the case may be, the following persons, not being less than twenty years of age and competent to discharge their duties, that is to say –

(a) if the brakes of the trailer cannot be operated by the driver of the drawing motor vehicle or by some other person carried on that vehicle –

(i) One person on every trailer competent to apply the brakes; and

(ii) One person placed, at or near the rear of the last trailer in train in such a position as to be able to have a clear view of the road in rear of the trailer to signal to the drivers of overtaking vehicle and to communicate with the driver drawing motor vehicle;

(b) if the brakes of the trailer can be operated by the driver of motor vehicle or by some person carried on that vehicle such other person in addition to the driver shall be carried on that vehicle and one person in the last trailer in accordance with the provision of sub-clause (ii) of clause (a);

(c) if the trailer is or trailers are being drawn by tractor, the unladen weight of which exceeds 7,250 kilograms; provided 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) The provision of sub-rule (1) shall not apply –

(a) to any trailer having not more than two wheels and not exceeding 771 kilograms in weight laden when used singly and not in a train with other trailers;

(b) to the trailing half of an articulated vehicles;

(c) to any trailer used solely for carrying water for the purpose of the drawing vehicle when used singly and not in train with other trailers;

(d) to any agricultural or road making or road repairing or road cleaning implement drawn by a tractor vehicle; or

(e) to any closed trailer specially constructed for any purpose and specifically exempted from any or all of the provisions of this rule by an order in writing made by the registering authority, to the extent so exempted.

237. RESTRICTION ON LENGTH OR TRAIN OF VEHICLE AND TRAILERS:

The total sum of the length of any vehicle and its attached trailer or trailers shall not exceed 18 metres.

238. DISTINGUISHING MARK FOR TRAILER:

(1) No person shall drive, or suffer or cause to be driven, in any public place any motor vehicle to which a trailer is or trailers are attached unless there is exhibited on the back of the trailer or of the last trailer in train, as the case may be, a distinguishing mark in the form set out in the diagram contained in the Fourth Schedule to these rules in retro-reflective red colour and white background.

(2) The marks shall be kept clean and unobscured and shall be so fixed to the trailer 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 the right hand side of the back of the trailer; and

(c) no part thereof is at a height exceeding one hundred and twenty centimeters from the ground.

(3) The provision of sub-rule (2) shall not apply to the case referred to in corresponding clauses (a), (b), (c) of sub-rule (2) of rule 236.

239. HEAVY GOODS AND PASSENGERS MOTOR VEHICLES ATTENDANT:

The driver of a heavy goods and passenger motor vehicle shall be accompanied by an attendant who shall be in a position to give warning of any traffic approaching from the rear and shall assist the driver by giving signal when the motor vehicle is being taken in reverse.

240. WEARING OF PROTECTIVE HEADGEAR:

(1) Every person while driving or riding a motor cycle of any type that is to say motor cycles, scooters and mopeds shall wear protective headgear of such quality which will reduce head injuries to riders of two wheelers resulting from head impact;

Provided that sub-rule(1) shall not apply to person driving motor cycle with not more than three metric brake horsepower.

(2) A protective headgear referred to in sub-rule (1) should be one which has been approved by the Indian Standard Institute standard No 1511551-1976.

(3) Each protective headgear shall be permanently and legibly labeled in a manner such that the label or labels can be easily read without removing padding or any other permanent part with the following-

(a) manufacturer's name or identification;

(b) size

(c) month and year of manufacture;

(d) the mark of Indian Standard Institute;

(4) The headgear shall have minimum three adhesive type retro-reflective red colour stripes on the back of the headgear which will illuminate during the night. The stripes should be of the size of two centimeters broad and thirteen centimeters in length and affixed horizontally to the headgear.

241. INSPECTION OF ACCIDENT VEHICLE :

Any officer of the Motor Vehicle Department not below the rank of an Inspector of Motor Vehicle, shall inspect the motor vehicle involved in an accident and for that purpose may enter at a reasonable time any premises where the vehicle is kept and may remove the vehicle for inspection.

242. LIMITS OF SPEED:

No motor vehicle shall be driven at a greater speed than 20 miles per hour within any Municipal area or such other areas as the State Government may specify in this behalf.

243. RECKLESS OR NEGLIGENT DRIVING PROHIBITED:

No person shall drive a motor vehicle on any public road recklessly or negligently or at a speed in a manner in dangerous to the public having regard to all the circumstances of the case including the nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, whoever contravenes the provision of this rule shall be punished under section 184.

244. SIGNALLING DEVICE:

The signaling device required by section 128 shall be a direction indicator as prescribed and shall be fitted to both sides of the vehicle

245. LIMITATION OF ROADS ON BRIDGES AND FERRIES:

(1) When the authority liable for the repair of a bridge affixes or sets up at each end of it a notice stating that the gross weight of any vehicle or train of vehicle using the bridge must

not exceed a specified weight, no driver or the person in charge of any motor vehicle the gross weight of which exceeds the specified weight shall cause or suffer the vehicle to be driven and the person driving or in-charge of any such vehicle shall not drive the vehicle upon the bridge, except with the written permission of the said authority.

(2) The driver, conductor or other person in-charge of a public service vehicle shall cause all passengers to alight before embarking the said public service vehicle on any ferry boat, and shall not allow them to take their places again in the vehicle until it has been disembarked.

(3) Every passenger in a public service vehicle shall on the request of the driver, conductor or other person in-charge alight from the vehicle with a view to its being embarked on a ferry boat.

246. TRAFFIC SIGNS TO BE OBSERVED:

Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by a traffic sign, the erection of which is permitted under sub-section (1) of section 116 of the Act.

247. DIRECTIONS OF POLICE OFFICERS TO BE OBEYED:

The driver or the person in-charge of a motor vehicle shall obey all directions of the police officers in uniform posted or stationed at crossing or other places for the regulation of traffic.

248. THE SIGNAL TO STOP A MOTOR VEHICLE MAY BE GIVEN BY ANY POLICE OFFICER BOTH BY DAY AND NIGHT:

The police officer or any traffic duty may make signal to stop the vehicle, if in his opinion stoppage of the vehicle is required –

- (a) By raising hi hand above the shoulder, the palm of the hand open and facing the on coming vehicle, in case of vehicle coming from the front of each police on traffic duty;
- (b) By raising the arm to the level of the shoulder, the arm being kept straight and the palm open, in the case of vehicle coming from behind the police on traffic duty, in either case, by blowing short blast on a whistle.

249. PRODUCTION OF DRIVING LICENSE, CERTIFICATE OF REGISTRATION AND PERMIT :

(1) Every driver of a motor vehicle shall carry with him his driving license and shall produce it on demand by any licensing authority or police officer in uniform for examination.

(2) The owner of amotor vehicle or in his absence the driver or other person in-charge of the vehicle, shall on demand by any Registering Authority or police officer in uniform or any officer of the Motor Vehicle Department not below the rank of Motor Vehicle Inspector the certificate of registration of the vehicle and where the vehicle is a transport vehicle, the certificate of fitness referred to in section 56.

(3) If the license or certificate as the case may be, are not at the time, in the possession of the person to whom demand is made, it shall be a sufficient compliance if such person produce the license of certificate within ten days at Police Station or authority making the demand;

Provided that, except to such extent and with such modifications as may be prescribed, the provisions of this rule shall not apply to a driver driving to a paid employee or to the driver of a transport vehicle or to any person required to produce the certificate of registration or the certicate of fitness of a transport vehicle.

- (5) In the case of a driver of a vehicle belonging to the Mizoram State Transport, it shall be sufficient compliance with the provisions of sub-section (1) of section 86 if the license is produced within ten days by the Station Superintendent under whom the

vehicle is operating to the Officer-in-charge of the Police Station within whose jurisdiction the office of the Station Superintendent is situated.

250. CONTROL GATES :

No person without the permission of the Gatekeeper take a motor vehicle through, or around, a gate provided for regulation of traffic.

251. NOT MORE THAN ONE HEAVY MOTOR VEHICLE TO BE ON A BRIDGE AT A TIME :

No owner of a heavy motor vehicle shall cause or suffer the vehicle to be driven and person driving or in-charge of any such vehicle shall drive the vehicle upon any bridge at any time when another heavy motor vehicle is on the bridge.

252. DRIVING ON CORRECT SIDE ON THE ROAD:

The driver of a motor vehicle shall keep to the left side of the road but when passing any animal or vehicle going in the same direction, he shall pass on its right and shall not again return to the left side of the road until he is sufficiently far ahead to preclude any risk of collision.

253. RESTRICTION TO THE USE OF VEHICLE OVER 34 TONS LADEN WEIGHT:

No motor vehicle or trailer the laden weight or unladen weight which exceeds 15 tonnes shall be used on any road maintained by Government or any public authority.

254. Notwithstanding anything in Chapter VI of the Act, or the rules in this chapter shall be deemed to apply to a vehicle belonging to any authorized Fire Brigade or ambulance Service, when proceeding to the scene of any fire, or accident provided that such vehicle is equipped with a gong or horn approved in this regard by the Registering Authority, and such gong or horn is continuously sounded.

CHAPTER –IX
CLAIMS TRIBUNAL

255. Production of certificate of Insurance at the time of Paying tax on motor vehicle :

(1) the owner of a motor vehicle applying for transfer of ownership of the vehicle or to pay tax on the vehicle or in the case of a vehicle which is exempted from payment of tax under any law for the time being in force in the state when applying for exemption taken shall forward with the application a certificate of insurance, issued in pursuance of sub-section (4) of section 147 relating to the vehicle and complying with the requirements of Chapter XI of the Act and shall be valid –

(a) if the application is made before the commencement of the period for which tax is tendered, on the first day of that period, or

(b) if the application is made during the periods for which tax is tendered, on the date on which the application is made.

(c) the District Transport Officer concerned shall make full and detailed entries in respect of each and every vehicle, recorded with his office in respect of the insurance particulars, such as –

(i) the name of Insurance Company, the number of Divisional or Branch office issuing the policy.

(ii) the number of Insurance Policy ;

(iii) the period of validity.

(2) The entries regarding the Insurance particulars shall be preserved for a minimum period of five years;

Provided that, the owner of a vehicle exempted under sub-section (2) of section 147 shall forward, in place of the certificate on insurance issued as aforesaid, the certificate prescribed in rule 12 of the Motor Vehicles (Third Party Insurance Rules, 1946).

256. INFORMATION TO BE FURNISHED TO INSURANCE COMPANY:

(a) The District Transport Officer shall comply with the requisition from the concerned Divisional Manager, in respect of any motor vehicle involved in an accident.

(b) on receipt of a requisition in Form MVR-76 of the First Schedule from a Divisional Manager of an Insurance Company with which a motor vehicle involved in an accident may be insured, the District Transport Officer, to whom it may be addressed shall return the same form duly filled in, in duplicate, within two weeks from its receipt.

(c) The office of the Tribunal shall make available to any applicant on payment of the scheduled charges, a certified copy of the Form MVR -77 required by him, as mentioned in sub-rule (8) of rule 257 and such of the information as may be contained in it may be used as genuine and authentic, by any claimant, for the grant of compensation, on any account.

257/ APPLICATION FOR COMPENSATION ARISING OUT OF AN ACCIDENT:

(1) An application for compensation arising out of an accident of the nature specified under this Act shall be made to the Claim Tribunal, having jurisdiction over the area in which the accident occurred, which shall be in Form MVR-76 with particulars specified in that form.

(2) Every such application shall be sent to the said Claims Tribunal or to the Chairman, in case the Tribunal consists of more than one member, by registered post or may be presented to such Claims Tribunal and shall, unless the Claims Tribunal or its Chairman otherwise directs, be made in duplicate and shall be signed by the applicant.

(3) In case the Tribunal consists of more than one member, the State Government shall designate one of them as the Chairman of the Tribunal, and all references to the Presiding Officer shall be henceforth construed as references to the Chairman.

(4) The Chairman of the Tribunal shall have power to transfer any claim petition from the file of any member of the file or any other member.

(5) There shall be appended to every such application, inter alia, the following documents, namely –

(a) Injury certificate or in case of death, post-mortem report, or death certificate.

(b) True copy of First Information Report or Police Station diary entry or traffic accident report duly certified by the police officer or the police station concerned, in respect of the accident, and

(c) Certified copy of the Form MVR-78 of the First schedule mentioned in sub-rule (8) of this rule.

(6) The officer-in-charge of the police station shall, on demand by person, who wishes to make an application for compensation and who is involved in an accident arising out of the use of a motor vehicle or legal successor of the deceased, shall furnish to him such information and particulars mentioned under section 160 and within 15 days from the date of such demand.

(7) If any of the documents specified in sub-rule (5) are not appended to the application of the reasons for not appending them shall be stated, and if the Tribunal is satisfied it may proceed with the application and require production of such documents at a later stage.

(8) The Police Station within whose jurisdiction the accident for any motor vehicle occurs shall submit a detailed report regarding an accident to a claim Tribunal having jurisdiction over the area under sub-section (4) of section 166 of the Act and obtain an acknowledgement for it. The information shall be submitted by the police station to the Tribunal in Form MVR-78 within one month from the date of accident. Such information shall be submitted by only in respect of accidents, which are of fatal or serious in nature.

(9) True copies of the annexure referred to in sub-rule (5) shall also be attached to the copies of the main application to be served on the opposite parties and the insurance.

258. APPLICATION FOR COMPENSATION UNDER SECTION 140:

(1) Notwithstanding anything contained in rule 257, every application for a claim under section 140 shall be filed before the Claims Tribunal in triplicate, and shall be appended to every such application, namely –

- (a) Panchanama of the accident;
- (b) First Information Report or station diary entry of traffic accident report, duly certified by the police.
- (c) Medical certificate in Form MVR -79 or in case of death post mortem report or death certificate ; and
- (d) Certified copy of the Form MVR -78 mentioned in sub-rule (8) of rule 257.

(2) If any of the documents specified in sub-rule (1) are not appended to the application, the reasons for not appending them shall be stated, and if the Tribunal is satisfied, it may proceed with the application, and require production thereof at a later stage.

(3) The Claims Tribunal shall strive to dispose of the above application within 45 days from its receipt, and shall thereby record the reasons for any delay in its disposal.

259. PRODUCTION OF PASSPORT SIZE PHOTOGRAPH BY APPLICANT :

Notwithstanding anything contained in rule 257 or rule 258, the applicant shall produce his photograph which shall be attested by the V.C.P. concerned. The photograph shall either be affixed to the original claim application or affixed to a separate sheet of paper, which shall be fastened to the original claim application.

260. FEES : Every application for compensation shall be accompanied by a fee in the form of Court Fee stamps in accordance with the following scale, namely –

	AMOUNT OF CLAIM	FEE
(i)	Not exceeding Rs 5,000	Rs 10
(ii)	Exceeding Rs 5,000 but not Exceeding Rs 50,000	Rs 20
(iii)	Exceeding Rs 50,000 but not Exceeding Rs 1 lakh	Rs 50
(iv)	Exceeding Rs 1 lakh	Rs 100

Provided that , an application under rule 258 for a claim under section 140 shall be accompanied by a fee of twenty rupees in the form of court fee stamp.

261. EXAMINATION OF APPLICANT : On receipt of an application under rule 257 the Claim Tribunal may examine the application on oath , and the substance of such examination, if any, shall be reduced to writing and shall be signed by the member constituting Claims Tribunal or, as the case may be, the Chairman.

262. SUMMARY DISPOSAL OF APPLICATION :

(1) If any application for compensation received in Claims Tribunal shall be examined within 14 days from its receipt with a view to find out whether the same is in order. Any discrepancies or non-compliance with the statutory requirements may be notified as “Office Objections” on the Notice Board of the Claim Tribunal, and the parties or the Advocate concerned may be called upon to remove them, or to make their submissions in regard to the same within 14 days from the publication or display of the notice, failing which the concerned parties/ Advocate should be given to understand that the applications in question are liable to summary dismissal.

(2) The Claims Tribunal may, after considering the application and the statement of the applicant recorded under rule, rule 261 dismiss the application summarily, if for reasons to be recorded in writing, the Claims Tribunal is of the opinion that there are no sufficient grounds for proceeding therewith.

263. NOTICE TO THE PARTIES INVOLVED :

(1) If the application is not dismissed under rule 262, the Claims Tribunal shall send to the owner or the driver of the vehicle or both involved in the accident and its insurer, a copy of the application, and the annexures thereto, together with the notice of the date on which the parties shall enter their appearances either in persons, or through their duly authorized agents, and may also file their written statement. If any, with additional copies of the same, for being furnished to the other parties connected with the matter. It will dispose off the application, and may call upon the parties to produce on that date any evidence which they may wish to tender.

(2) The service of the notice shall be effected in the owner, the driver and the insurer of the vehicle in question, as the case may be, by way of personal service through the bereaved or by registered post with acknowledgement of delivery or both.

(3) Where the applicant makes a claim for compensation under section 140 the Claim Tribunal shall give notice to the owner and the insurer, if any, of the vehicle involved in the accident directing them to appear on the date, not later than fifteen days from the date of issue of such notice. The date so fixed for such appearance shall also not be later than fifteen days from the receipt of the claim application filed by the claimant. The Claims Tribunal shall state in such notice that in case they fail to appear on such appointed date, the Claim Tribunal shall proceed ex-parte on the presumption that they have no contention to make against the award of compensation.

264. APPEARANCE AND EXAMINATION OF PARTIES :

(1) The opposite party may, and if so required by the Claims Tribunal shall, at or before the first hearing or within such time as the Claims Tribunal may permit, file a written statement dealing with the claim raised in the application and any such written statement shall form part of the record, in accordance with the method of recording evidence specified in rule 270.

(2) If the opposite party contest the claim, the Claim Tribunal may, and if no written statement has been filed, shall, proceed to examine the parties to the claim and shall reduce the result of examination to writing.

265. SUMMONING OF WITNESSES: If an application is presented by any party to the proceeding for the summoning of witnesses the Claim 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.

266. FEES FOR PROCESS : The fees to be taken for any process issued by the Claims Tribunal shall be ten rupees by way of Court fee;

Provided that, no fee shall be charged for process of application for compensation under section 140.

267. LOCAL INSPECTION :

(1) The Claims Tribunal may at any time during the course of an enquiry before it, visit the site at which the accident occurred for the purpose of making a local inspection or examining any persons likely to be able to give information relevant to the proceedings.

(2) Any party to a proceeding or the representative of any such party may accompany the Claims Tribunal for a 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 enquiry.

(4) The memorandum shall be made available to any party who desires the same and shall supply any party with a copy, if applied and shall pay the fee thereof calculated at the rate of twenty rupees for the first page and fifty rupees for each additional page.

269. POWER OF SUMMARY EXAMINATION : 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

270. METHOD OF RECORDING EVIDENCE

The Claims Tribunal shall, as examination of witnesses proceeds, make a brief memorandum of a substance of the evidence of each witness and such memorandum shall be written and signed by the members of the Claims Tribunal and shall form part of the report.

Provided further that , the evidence of any medical witness shall be taken down as nearly as may be, word by word.

271. ADJOURNMENT OF HEARING

If the Claims Tribunal finds that an application cannot be disposed off at one hearing, it shall record the reasons which necessitates the adjournment and also inform the parties present of the date of adjournment of hearing.

272. TENDERING OF EXPERT'S OPINION:

(1) The Claims Tribunal may for the purpose of adjudicating upon any claim for compensation, other than claims for compensation under section 140, choose not more than two persons having technical or special knowledge with respect of any matter before the Claims Tribunal for the purpose of assisting it in the holding of the enquiry.

(2) The remuneration, if any, to be paid to the expert shall be determined by the Claims Tribunal.

273. FRAMING OF ISSUES:

After considering any written statement and the result of any local inspection, the Claim Tribunal shall proceed to frame the issues.

274. DETERMINATION OF ISSUES:

After framing the issues, the Claims Tribunal shall proceed to record evidence thereon which each party may desire to produce.

275. DIARY:

The Claims Tribunal shall maintain a brief diary of the proceedings on application.

276. JUDGEMENT 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 Insurers and the owners of the vehicle who may be found vicariously responsible for causing the accident 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) Where any lump sum deposited with the Claims Tribunal is payable to a woman or a person under the legal disability such sum may be invested, applied or otherwise dealt with for the benefit of the woman or her application or such person during his disability in such manner as the Claims Tribunal may direct, and where a quarterly payment is payable to any person under the legal disability, it may on its own motion or on any application made to it in his behalf order that the payment be made during the disability of the person concerned or to any dependent of the injured or heir of the deceased or to any other person whom such Tribunal thinks best fitted to provide for the welfare of the injured or the heir of the deceased.

(4) Where an application made to the Claims Tribunal in this behalf or otherwise, and it is satisfied that on account of neglect of the children on the part of the parent or on account of the variation of the circumstances of any dependent or for any other sufficient cause, an order of the Tribunal as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependent is to be invested, applied or otherwise dealt with, ought to be varied, the Tribunal, may make such orders for the variation of the former order as it thinks just in the circumstances of the case.

277. RECEIPT FOR COMPENSATION:

Upon payment of compensation, a receipt shall be obtained by the Claims Tribunal and such receipt shall be forwarded to the Insurer concerned or as the case may be, the owner of the vehicle for the purpose of record. This receipt shall also constitute a valid discharge of the liability of the Insurers or the owner in whose favour it is issued.

278. POWER VESTED IN CIVIL COURT WHICH MAY BE EXERCISED BY CLAIM TRIBUNAL:

- (1) Without prejudice to provisions of section 199 –
 - (a) Every Claims Tribunal, may exercise all or any of the powers vested in a Civil Court under the following provisions of the Code of Civil Procedure, 1908, in so far as they may be applicable.
 - (b) In addition to the provisions of sections 174 –
 - (i) Any Claims Tribunal constituted for Mizoram where the amount of compensation awarded by it does not exceed twenty five thousand rupees, shall have all the powers of the Civil Court, and where such amount exceeds the said sum, shall have all powers of the High Court, for purpose of execution of the award, as if the award is a decree for the payment of money made in suit by High Court, as the case may be, and the Claims Tribunal shall execute the same as of the same has been executed by the High Court, as the case may be.
 - (ii) Any Claims Tribunal constituted for in or outside Mizoram shall have all the powers of the Judge of the High Court for the purpose of execution of any award for compensation made by it, as if the award is a decree for the payment of money made in a suit by such court.
- (2) For the purpose other than those specified in sub-rule (1), the Claims Tribunal may exercise all or any of the powers of High Court as may be necessary in any case for discharging its functions under the Act and rules made thereunder.

279. PRECEDURE TO BE FOLLOWED BY CLAIMS TRIBUNAL IN HOLDING ENQUIRIES:

(1) Subject to the provisions of the Rules for the regulations of officers appointed to administer justice in the Lushai Hills of 1937, the following provisions of the Code of Civil Procedure, 1901, shall. So far as may be applied to the proceedings before every Claims Tribunal namely –

- (a) sections 28,79 and 82;
- (b) in the First Schedule, Order V, rule 9 to 13 (both inclusive) and 15 to 30 (both inclusive) Order VI Rules 4,5,7,10,11,16,17 and 18, and Order VII, Rule 10, Order VIII, Rules 2 to 5 (both inclusive) 9 AND 10, Order IX, Order XI, Rules 12 to 15 (both inclusive) 17 to 21 (both inclusive) and 23, Order XII, Rules 1,2,3A,4,7 and 9, Order XIII, Rules 3 to 10 (both inclusive). 10 to 12 (both inclusive) and 15 to 18 (both inclusive), Order XIX, Order XX, Order XIV, Rules 2 and 5, Order XVI, Order XVII, Order XVIII, Rules 1 to 34 (both inclusive), Rules 1 to 3 (both inclusive), 8,11 and 20, Order XXI, Order XXII, Rules 1 to 7 (both inclusive), and 9, Order XXIII, Rules 1 to 3 (both inclusive), Order XXIV, Order XXVI, Rules 1 to 8 (both inclusive) and 15 to 18(both inclusive),Order XXVII, Order XVIII, Order XXIX, Order XXX, Rules 1,3 to 8 (both inclusive) and Rule 10, Order XXXII, Rules 1 to 15 (both inclusive),Order XXXVII, Rules 1 to 10 (both inclusive). In so far as the Act and these rules make no provisions or make insufficient provision, the relevant provisions of the Code of Civil Procedure 1908, shall, so far as may be , apply to the proceedings before the Claims Tribunal.

280. SAVINGS:

Notwithstanding anything contained in these rules in the case of minor accidents and claims under section 140, the Claims Tribunal may follow such summary procedure, as it thinks fit.

281. REGISTRAR:

The State Government may appoint a Registrar of the Claims Tribunal, who shall be the head of the ministerial establishment of the Court of the Tribunal and shall exercise such powers and discharge such duties of a ministerial nature and a member of the Tribunal may, by order, direct from time to time or where the Tribunal consists of more than one member, the Chairman of the Tribunal may, from time to time, by order direct.

282. FORM OF APPEAL AND CONTENTS OF MEMORANDUM:

(1) Every appeal against the award of the Claims Tribunal shall be preferred in the form of a memorandum signed by the appellant or an Advocate or Attorney of the High Court duly authorized in that behalf by the applicant and presented to the High Court or to such Officer as it appoints in this behalf, this memorandum shall be accompanied by a copy of the award.

(2) The Memorandum shall set forth concisely and under distinct heads the grounds of objection to the award appealed from without any argument or narrative, and such grounds shall be numbered consecutively.

(3) Save as provided in sub-rules (1) and (2), the provisions of Order XXI and Order XLI in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), shall mutatis mutandis apply to appeals preferred to High Court under section 173.

283. OBTAINING OF INFORMATION AND DOCUMENTS NECESSARY FOR AWARDING COMPENSATION UNDER SECTION 140:

The Claims Tribunal shall obtain whatever supplementary information and documents which may be found necessary from the police, medical and other authorities and proceed to award the claim where the parties who were given notice appear or not on the appointed date.

284. JUDGEMENT AND AWARD OF COMPENSATION UNDER SECTION 140:

(1) The Claims Tribunal shall proceed to award the claims of Compensation under section 140 on the basis of –

(a) registration certificate of the motor vehicle involved in the accident, or a certificate regarding ownership of the vehicle involved in the accident from the District Transport Officer or the Police;

(b) insurance certificate of policy relating to the insurance of the vehicle against the Third Party risk, or the certificate regarding the insurance particulars of the vehicle from the District Transport office or the Police;

(c) seizure memo and the First Information Report;

(d) post-mortem report or death certificate, or certificate in Form MVR-79;

(e) the nature of the treatment given by the Medical Officer who has examined the victim;

(f) any other documents produced by or on behalf of the parties or obtained in the Tribunal under rule 284;

(2) The Claims Tribunal in passing orders, shall make an award of compensation of fifty thousand rupees in respect of the death, and of twenty five thousand rupees in respect of the permanent disablement to be paid by the Insurer or Owner of the vehicle involved in the accident.

(3) the Claims Tribunal in passing order under sub-rule (2), shall direct the insurer or owner of the vehicle involved in the accident to pay the amount of compensation to the claimant within two weeks from the date of the said order.

(4) The Claims Tribunal shall, as far as possible, dispose of the application for compensation within forty five days from the date of receipt of such application.

285. PROCEDURE OF DISBURSEMENT OF COMPENSATION UNDER SECTION 140 TO THE LEGAL HEIRS IN CASE OF DEATH:

Where the Claims Tribunal feels that the actual amount due to the Claimant is likely to take time because of the identification and the fixation of the legal heirs of the deceased, the Claims Tribunal may, call for the amount of compensation awarded to be deposited with the Claims Tribunal and then proceed with the identification of the legal heirs for deciding the payment of compensation to each of the legal heirs.

286.

The record of claims cases finally disposed off by the Claims Tribunal shall be preserved for a period of five years;

Provided that in cases where investment in favour of women and legally disabled person are made by the Claims Tribunal, the records shall be preserved till the end of the period;

Provided further that, in cases where any award of compensation is made and the claimant does not come forward within a year of passing the award, the records shall be preserved for five years only from the date of the award and the unclaimed amount shall be transferred to the treasury.

287. INSURANCE OF MOTOR VEHICLE

(1) A permit shall be liable to be cancelled if it found at any point of time that vehicle is not covered with any valid insurance policy, and it is not driven by any un-authorized person.

(2) No permit shall be renewed unless valid insurance coverage of the vehicle proved by the owner to the satisfaction of the authority concerned.

CHAPTER –X
MISCELLANEOUS

288. PERFORMANCE OF FUNCTIONS OF OFFICER UNDER THE ACT AND THE RULES MADE THEREUNDER:

Notwithstanding anything contained in these rules –

- (a) The Director of Transport may at any time perform any of the functions of a District Transport Officer, Inspector of Motor Vehicles or Assistant Inspector of Motor Vehicles;
- (b) The District Transport Officer may at any time perform any of the functions of Inspector of Motor Vehicles or Assistant Inspector of Motor Vehicles;
- (c) An Assistant Inspector of Motor Vehicles may at any time, if so required by a District Transport Officer, perform any of the functions of an Inspector of Motor Vehicles;
- (d) Any officer of the Motor Vehicle Department not below the rank of Assistant Inspector of Motor Vehicles shall exercise the powers under the provisions of sections 114,130,132,133,134,203,204,206, and 207;
- (e) Any officer of the Motor Vehicle Department not below the rank of Inspector of Motor Vehicles shall exercise the powers under the provisions of sections 136, 158,200 and 205;
- (f) An officer or above the rank of Assistant District Transport Officer shall exercise the powers under sub-section (2) of section 207;

Provided that the powers under clause (c) shall not be exercised by an officer below the rank of Assistant District Transport Officer unless he is in uniform.

289. UNIFORMS:

(1) The uniforms of the District Transport Officer, Assistant District Transport Officer, Inspector and Assistant Inspector of Motor Vehicles Enforcement Staff shall be as follows –

(a) Navy blue forage cap or navy blue peaked cap or navy blue turban or beret in navy blue colour. Each of these dress shall have a head-badge as illustrated in the First Schedule;

(b) Sky-blue shirt, sky-blue bush shirt, or sky-blue tunic with black buttons (of police pattern)

(c) Navy blue trousers of police pattern;

(d) Navy blue coat of police pattern (four buttons) for winter wear;

(e) Medium size necktie of navy blue colour. It shall have a badge as illustrated in the First Schedule;

(f) Whistle and whistle cord of navy blue colour;

(g) Police pattern cross belt or waist belt of same black leather with silver fitting and a badge on the belt buckle;

(h) black shoes;

(i) Navy blue stockings or socks;

(j) A set of Epauettes and badges and head-badge as illustrated in the First Schedule appended to these rules;

(2) The District Transport Officer Shall wear Ashok Emblem with letters MVD on the shoulder strap the letter and the emblem will be white metal.

(3) The Assistant District Transport Officer and Motor Vehicles Inspector shall wear three stars with letter MVD on the shoulder strap.

(4) Assistant Inspector of Motor Vehicles and Enforcement Inspectors to wear two stars, the stars shall be five pointed stars (Star of India pattern, 25.4 millimetres diameter). The star should be slightly frosted but without any design in the centre as illustrated in the Second Schedule to these rules. The shoulder badge with letters as illustrated in the Second Schedule to these rules will be worn at the base of the shoulder strap. The stars and the letters will be of white metal.

(5) Enforcement Checker to wear one star with navy blue and orange ribbon of 1.5 centimetres width, the stars shall be five pointed stars (Star of India pattern 25.4 mm diameter). The stars should be lightly frosted but without any design in the centre as illustrated in the Second Schedule to these rules. The shoulder badge with letters as illustrated in the Second Schedule to these rules will be worn at the base of the shoulder strap. The stars and the letters will be of white metal.

(6) The ribbon, when prescribed shall be worn 2.5 centimetres above the base of the shoulder strap.

(7) All officers of and below the rank of Assistant District Transport Officer shall also, wear an epaulette in the form of a geared wheel, on the left shirt sleeve as illustrated in the Second Schedule to these rules, Officers of and below the rank of Inspector of Motor Vehicles shall display this epaulette on the orange background and officers of the rank of Assistant District Transport Officer shall display this epaulette in the orange background with white border. The wheel shall be of white metal.

(8) the officers for whom the uniform has been prescribed under these rules shall also wear plastic name plate on the pocket or right side of the shirt of the size of nine centimeters long and two centimeters broad with their name with initial carved in Mizo. The colour of the name plate shall be black with white letter.

(9) The officers required to wear uniform as provided under these rules shall always be in uniform whenever they are on official duty.

290. REPEALS AND SAVINGS;

On the commencement of these rules, the Mizoram Motor Vehicles Rules, 1976 shall stand repealed;

Provided that, anything done or any action taken under the said rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules unless such thing of action is inconsistent with any of the provisions or these rules.

FORM MVR 1

[See rule 8(2)]

Form of application for the grant of an authorization to drive a public service vehicle

To,

The Licensing Authority I apply for the grant of an authoristaion to drive a public service vehicle and forward herewith the driving license held by me No dated issued by the Licenssing Authority of

Name of applicant
(in block letters or clear script)

Present address of applicant

Dated

Signature or thump impression
of the applicant

FORM MVR -2

[See rule 16 (1)]

Intimation on loss mutilation or destruction of driving license and application for duplicate license.

To,

The Licensing Authority,

I,..... of

(Permanent address).....

And (present address).....

(father's/husband's name).....

Hereby report that the driving license No

Issued by the Licensing Authority

On or about the day of 19.....

Has sbeen lost/mutilated/destroyed in the following circumstances.

2. I hereby apply for a duplicate driving license and tender the prescribed fee by cash.

3. I attach two clear copies of a recent photograph of myself,

4. I furhte declare that my driving license is not impounded by any authjority.

5. I hereby declare that there have been following/no endorsement by the Court/since the day of last renewal/grant.

Date of endorsement Court Offence Punishment

Dated19.....

Signature or thumb impression of applicant

(Duplicate signature or thumb impression)

- Strike out alternative not required.

