

DELHI MOTOR VEHICLES RULES, 1993

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CHAPTER I PRELIMINARY

1. Short title and commencement

- (1) These rules may be called the Delhi Motor Vehicles Rules, 1993.
- (2) They shall, save as expressly provided otherwise, apply to and in relation to all motor vehicles in the National Capital Territory of Delhi.
- (3) They shall come into force on the date of publications of this notification

2. Definitions

- (1) In these rules, unless the context otherwise requires:
 - (a) "Act" means the Motor Vehicles Act, 1988 (Act No. 59 of 1988);
 - (b) "Board of Inspection" means a team comprising Inspectors of Motor Vehicle appointed by the Commissioner to inspect the Motor Vehicles and to issue relevant certificates, etc. under the provisions of the Act and rules framed thereunder;
 - (c) "Claims Tribunal" means a Motor Accidents Claims Tribunal constituted under Chapter XII of the Act;
 - (d) "Commissioner" means the executive head of the Transport Department of the Government of the National Capital Territory of Delhi;
 - (e) "Delhi" means the National Capital Territory of Delhi;

- (f) "Form" means the forms appended to these rules;
- (g) "Inspector" means an Inspector of the Transport Department;
- (h) "Inspector of Motor Vehicles" means a Pollution Level Test Inspector/Motor Vehicle Inspector having technical qualification as prescribed under the Act to inspect Motor vehicles;
- (i) "Legal Representative" shall have the meaning as assigned to it under Clause (ii) of Section 2 of the Code of Civil Procedure, 1908;
- (j) "Lt. Governor" means the Lt. Governor of the National Capital Territory of Delhi appointed by the President under Article 239 read with Article 239-AA of the Constitution of India;
- (k) "Passenger" means for the purpose of the rules in Chapter V, any person travelling in a public service vehicle other than the driver or the conductor or an employee of the permit-holder while on duty;
- (l) "Pollution under Control Certificate" means a written document indicating that the level of pollution from the exhaust of motor vehicle is within the limits prescribed under the Central Motor Vehicles Rules, 1989;
- (m) "Registered" means registered under the Act;
- (n) Section means a section of the Act;
- (o) "Secretary Transport" means the Secretary of the Governor of the National Capital Territory of Delhi, incharge of the Transport Department;
- (p) "State" means the National Capital Territory of Delhi;
- (q) "State Government" means the Government of the National Capital Territory of Delhi;
- (r) "State Transport Authority" means the State Transport Authority constituted for the National Capital Territory of Delhi under Chapter V of the Act;
- (s) "Stand" means a place duly appointed as a stand under the provisions of these rules;
- (t) "Travel Agent" means a person engaged in the business of making travel arrangement for tourists for monetary consideration and includes a tourist guide, excursion agent, travelling agent, or tour operator;
- (u) "Transport Department" means Transport Department of the Governor of National Capital Territory of Delhi;

(v) "Zonal Office" means any branch office of the Transport Department.

(2) Any word or expression appearing in these rules, but not defined shall have the same meaning as assigned to given and under the Act.

(3) The words and expressions appearing in these rules, but not defined under these rules or the Act, shall have the meaning as given to them under the General Clauses Act, 1897 (No. X of 1897).

CHAPTER II

LICENSING OF DRIVERS OF MOTOR VEHICLES

3. Licensing authority and jurisdiction

(1) The Licensing Authority. For the purpose of grant of a licence under this Chapter, licensing authority shall be the officer appointed/empowered as such by the Commissioner.

(2) Superintendence of Control.-Subject to the general control and superintendence of the State Government, the control over the person appointed as licensing Authority shall vest in the Commissioner.

(3) Jurisdiction.-A Licensing Authority shall have jurisdiction over the area as specified by the Commissioner.

(4) Communication.-The licensing authority shall communicate the particulars of an adverse entry received from any other agency/court to all the Zones of the Transport Department for their records.

(5) Functions.-The functions of the licensing authority shall to be deal

with the issue of driving licences, conductor's licence, under the Act and any

other functions as assigned by the Commissioner.

4. Conduct and hearing of appeal

(1) Appellate Authority.-The authority empowered under the Act and this Rule to hear an appeal against the decision of the licensing authority shall be the Commissioner.

(2) Conduct of hearing of appeal.-An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear a free of Rupees Twenty setting forth the grounds of objection to the order of the licensing authority and shall be accompanied by a certified copy of that order.

(3) When an appeal is lodged, a notice shall be issued to authority against whose order the appeal is preferred in such forms as the appellate authority may direct.

(4) The appellate authority after giving an opportunity to the parties to be heard an after

such further enquiry, if any, as it may seem necessary may confirm, vary or set aside the order from which the appeal is preferred and shall make an order accordingly.

(5) Any person preferring an appeal under the provisions of the Act and of this Rule shall be entitled to obtain a copy of document filed with the licensing authority on payment of a fee at the rate of Rupees Five per page.

(6) The appellate authority may make such orders for the refund of the fee as it may consider just and equitable.

5. Issue of duplicate licences badges

(1) If at any time a licence or a badge is lost by the holder thereof or is destroyed, the holder shall forthwith intimate the facts in writing in Form LLD in case of driving licence badge in Form L. CON.A in case of conductor's licence badge as the case may be, to the licensing authority.

(2) Upon the receipt of intimation as aforesaid the licensing authority shall, if he is not the authority by whom the licence was issued, apply to that authority for particulars of the licence and of any endorsements thereon, and after making such enquiries as he thinks fit shall if he is satisfied that a duplicate may properly be issued, issue a duplicate licence/badge:

Provided that in case of MMV or HMV "No Challan Pending" certificate shall have to be obtained from Delhi Traffic Police before the issue of duplicate licence.

(3) When a photograph is required to be affixed in case of a conductor to a duplicate licence issued under the provisions of the rules, the holder of the licence shall furnish the Licensing Authority with two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate certificate.

(4) The fee for a duplicate licence issued under this rule shall be a Rupee Eight-five only in the case of a driving licence in Form 7 and Rupees One hundred only in case of a conductor's licence in Form L.CON, provided that if the licence/badge is lost while in the custody of a court or an authority to which it has been submitted or surrendered in pursuance of the provisions of the Act or these rules a duplicate shall be issued free of charge.

(5) When a duplicate licence or badge has been issued upon representation that a licence has been lost and the original licence or badge is afterwards found by the holder he shall deliver to forthwith to the licensing authority.

(6) Any other person finding a driver's/conductor's licence or badge as the case may be shall deliver it to the holder of the licence or to the nearest police station.

(7) For the replacement of a photograph which has become obsolete, the same procedure shall be adopted as prescribed for the issue of a duplicate driving licence.

6. Driver's badge

(1) The driver of a public service vehicle shall display on his left chest a metal or plastic badge of the shape, size and colour approved by the Commissioner from time to time issued by,

and inscribed with, the name of the authority by which an authorisation to drive a public service vehicle has been granted and word "Driver", together with an identification number. The issuing authority for badges shall be the licensing authority as given in Rule 3.

(2) A driver of a public service vehicle shall not hold more than one such badge issued in the State.

(3) The fee for the issue of a badge as aforesaid by the licensing authority shall be Rupees One hundred. If the badge is lost or destroyed a duplicate badge shall be issued on payment of Rupees One hundred as penalty/charges thereof.

(4) If at any time the authorisation on a driver's licence entitling him to driver a public service vehicle is suspended or revoked by any authority or by any court or ceased to be valid by the efflux of time, the driver shall within seven days thereof surrender the badge to the licensing authority.

(5) An appeal against the order of issuing authority for badges shall be dealt within the same manner as in the case of driving licence given in Rule 4.

7. Driver's uniform

The driver of a public service vehicle other than driver of State Transport Undertaking, while on duty, shall wear khaki uniform with a name place in Hindi affixed on it. The driver of a State Transport Undertaking shall wear uniform as prescribed by that State Transport Undertaking.

7-A. Particulars of Driver

(1) Every holder of a permit shall furnish within ten days of receipt of the permit, a list of drivers who are engaged by him together with their photographs of passport size and such other particulars as the Commissioner may by order specify to establish the identity of such persons to the Secretary, State Transport Authority, Delhi,

(2) Whenever there is any change in the list, referred to in sub-rule (1) fresh list shall be submitted by the permit holder in the same manner within five days of the change.

(3) No transport vehicle shall ply unless it carries a proper authorisation card, containing the name, photograph and other such particulars of the driver as may be directed by Chairman (TA Commissioner Transport), and issued by the State Transport Authority authorizing such driver to drive the vehicle. The authorisation card shall displayed in the vehicle at a conspicuous place.

(4) No transport vehicle shall be driven by a person by a person other than the authorised driver, referred to in sub-rule (3) and its violation shall be treated as breach of the conditions contained in the permit and as contravention of the provisions of these rules¹.

7-B. Additional safeguards in respect of motor vehicles used for the purpose of educational institutions (school)

1. Rules 7-A to 7-C, ins. by the Noti. No. F-21/SECY/STA/97/PF/365, dated 22-06-1998 (w.e.f. 22-06-1998)

(1) No educational institution bus or any other omnibus transport vehicle used for the purpose of a School shall be driven by a driver who- (a) has less than five years' experience of driving a vehicle of the category that is being driven.

(b) has been challenged more than twice in a calendar year or account of violation of stop line or violating the Rule 111 requiring driving within the bus lane or track, or violating the restriction in respect of overtaking or jumping red (stop) lights or violating parking regulations or allowing unauthorised person to drive,

(c) is not dressed in a uniform of gray trousers and jacket with name place on which his name and name of the owner of the vehicle are distinctly embossed.

Explanation. For the purpose of sub-rule (1) the expression "omnibus transport vehicle" means any transport vehicle constructed or adapted to carry more than six persons excluding the driver.

(2) No motor vehicle of the category as referred to in sub-rule (1) shall be driven by a driver who has been challenged or charged with the offence of over speeding, drunken driving or driving dangerously or for the offences under Secs. 279 (rash driving or riding on a public way):337 (causing hurt by act of endangering life or personal safety of others): or 304 (culpable homicide not amounting to murder) of the India Penal Code 1860 (45 of 1860)

(3) No transport vehicle of the category as is referred to in sub-rule (1) shall:

(a) be driven unless it has a board of size 400 mm x 400 mm secured firmly on the front (but not on the windscreen) and the rear exterior of the vehicle for display of the fact that the vehicle is being used for the purposes of a school. The colour of the board shall be golden yellow on which an iconographic representation of two school children (one girl and one boy) shall be painted of height not less than 250 mm in black colour. Below the iconographic representation the words "SCHOOL BUS shall be written in black colour and the height of the letters must be at least 100 mm and the line thickness (width) of the type must be at least 16 mm;

(b) operate unless it is fitted with doors which can be closed and such doors shall be kept closed when the vehicle is in motion:

(c) operate, unless it is equipped with pneumatically closeable doors ;

(d) operate unless it is accompanied by a conductor who holds effective conductor's licence issued to him authorised him to act as such conductor.

(4) No person shall employ or permit any person who does not hold valid licence to act as a conductor for the vehicle.

(5) No vehicle as referred to in sub-rule (1) shall after six months of the commencement of Delhi Motor Vehicles (Amendment) Rules, 1998, be driven by a person unless he holds valid driving licence issued to him by a licensing authority of the National Capital Territory of Delhi and an authorisation card as referred to above in sub-rule (3) or Rule 7-A and the

authorisation card shall be displayed conspicuously in the vehicle.

7-C. Hours of work for a driver

(1) No driver of a motor vehicle of the category referred to in sub-rule (1) of rule 7-B shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week:

Provided that the hours of work in relation to a driver of such vehicle on each day shall be so fixed that he is allowed rest of at least half-an-hour after work of five hours".]

8. Fee for issue of a medical certificate

The Fee for issue of a medical certificate in connection with a driver/conductor's licence shall be a maximum of rupees thirty.

9. Exemption from payment of fee

No fee shall be charged from the officers of the diplomatic missions and their wives for the driving test and for the issue or renewal of the driving licences. However, Non diplomatic persons of the missions or their employees of Indian Nationality shall not be entitled to such exemption.

10. Communication of particulars of driving licences granted by one licensing authority to another licensing authority

(1) In case a driving licence issued by any other State or Union Territory of India is submitted for renewal, and there are good reasons to suspect that it is not genuine or some tempering has been done, the licensing authority shall verify the facts of its issue from the issuing authority by sending one copy of the renewing form to it and requesting that authority to verify the same within thirty days by post under certificate of posting.

(2) In case of renewal of driving licence for a vehicle other than MAV/HMV:

(i) If particulars are verified particulars are verified by the issuing authority, the licensing authority shall endorse Delhi number on the licence and renew the same, or

(ii) If no reply is received from the issuing authority within stipulated period, the application may be put to driving test as defined under sub-rule (3) of Rule 15 of the Central Motor Vehicles Rules, 1989 at Government Motor Driving Training School.

(3) In case of renewal of Driving Licence for MMV/HMV, the applicant shall be put to a driving test as if not defined under sub-rule (3) of Rule 15 of the Central Motor Vehicles, Rules, 1989 at Government Motor Driving Training School irrespective of intimation/non-intimation of the particulars from issuing authority.

Explanation.-Irrespective of sub-rule (1), every MMV/HMV Driving Licence holder, having a licence issued from outside the State shall have to appear for and pass the driving test as mentioned above before the renewal thereof in Delhi is allowed.

(4) If the Applicant qualifies the aforesaid driving test, he shall be issued the driving licence after taking from him an affidavit on a non-judicial stamp-paper of an appropriate value

regarding the genuineness of the licence and its endorsements. Thereafter, the Delhi Number shall be endorsed on that licence and renewed. The fact shall also be communicated to the original licensing authority, by post under certificate of posting.

(5) In case the reply from issuing authority indicates that the particulars of driving licence have been tampered with or the licence is not genuine then the licensing authority shall seize the driving licence and may initiate appropriate legal action.

11. Duties, functions and conduct of transport vehicle drivers and conductors

The driver and conductor of a transport vehicle:

(i) shall, as far as may be reasonably possible having regard to his duties, be responsible for the due observance of the provisions of the Act and of these rules and of the conditions of the permit relating to the vehicle;

(ii) shall not smoke in or on a vehicle during a journey or when it has passengers on board and shall not be, while on duty, under the influence of drink or drug;

(iii) shall behave in a civil and orderly manner to passengers and intending passengers;

(iv) shall be cleanly dressed in such a manner as State Transport Authority may specify;

(v) shall maintain the vehicle in a clean and sanitary condition;

(vi) shall not interfere with persons mounting or preparing to mount upon any other vehicle;

(vii) shall not allow any person to be carried in any public service vehicle in excess of 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 standing in the vehicle;

(viii) shall not willfully deceive or refuse to inform any passenger or intending passenger as to the destination or route of the vehicle or as to the fare for any journey;

(ix) shall not, save for good and sufficient reason, refuse to carry any person, (except those suffering from contagious diseases as given in Rule 5.19) tendering the legal fare;

(x) shall, where goods are carried on the vehicle in addition to the passengers, take all reasonable precautions to ensure that passengers are not endangered or unduly inconvenienced by the presence of the goods;

(xi) shall not, save for good and sufficient reason, require any person who has the legal fare to alight from the vehicle before the conclusion of the journey;

(xii) shall not loiter or unduly delay upon any journey but shall proceed to his destination 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 reason-dispatch;

(xiii) shall, in the event of a stage carriage being unable to proceed to its destination on account of mechanical breakdown or other cause beyond the control of the driver of the conductor, arrange to convey the passengers to their destination in some other similar vehicle, or, if unable to do so within a period of half an hour after the failure of the vehicle shall on demand refund to each passenger a proper proportion of the fare relating to the completion of the journey for which the passenger has paid the fare;

(xiv) shall not, in the case of stage carriage cause or allow any thing to be place in the vehicle in such a manner as to obstruct the entry or exit of passengers;

(xv) shall station himself at the parking places provided within the premises of the aerodrome or railway station and shall not approach any person for the purpose getting his vehicle hired;

(xvi) shall not act as a guide to any person or a tout to any shopkeeper; (xvii) shall carry Government servant in connection with enforcement of the provisions of the act and these rules as specified by the State Transport Authority without charging any fare;

(xviii) shall, in the event of a motor cab fitted with a taxi meter, not set in motion before it is hired and shall stop it immediately when the hirer has noted the reading an hiring charge are paid:

Note.-A cab shall be considered to be hired from the time it has been engaged or called from a distance from the time of such call.

(xix) shall, in the event of a motor cab fitted with a taxi meter which is hired by any person being unable to proceed owing to any defect in the mechanism of the tyres to cab, at once lower the flag to "stopped" or "Break down" and shall not restart his meter until such time the defect is remedied;

(xx) shall not cover or obscure the face of a taxi meter under any circumstances, or at any time and shall not without reasonable excuse, refuse to let the cab for hire when the flag is in a vertical position;

(xxi) shall, on demand by any police officer in uniform or any officer of the Transport Department in uniform, or any member of the State Transport Authority produce his licence or badge for inspection;

(xxii) shall not allow anybody to sit at the bonnet of the vehicle;

(xxiii) shall not allow anybody to sit along with him at driver's seat.

12. Exemption of Driver's of road rollers

The driver of a road roller shall be exempted from the provisions of the rules under this Chapter.

13. Maintenance of State register of driving licences in Zonal office and head office

The State register of driving licences, as prescribed under Section 26 of the Act, shall

be maintained by the officer-in-charge of each Zonal office who shall submit a copy thereof every month by the 5th day of the next succeeding month to the Joint Director of the Transport Department specifically authorised in writing who shall consolidate and supply a copy of the same to the Central Government as required under sub-section (2) Section 26 of this Act, Le. a printed copy of the consolidated Register quarterwise by the 15th day of the next following quarter in Form 10.

14. Authorisation of registered medical practitioner

(1) Commissioner may refer any applicant who has been issued medical certificate by any Registered Medical Practitioner for second opinion to a medical officer of any Government Hospital/dispensary, as deemed fit.

(2) Commissioner may further refer any case to the Medical Council, where the Registered Medical Practitioner is registered, for taking necessary action as they deemed fit against that Regd. Medical Practitioner, if it is

bound that the said Registered Medical Practitioner has issued Medical fitness Certificate to an unfit person.

(3) Commissioner may debar any Regd. Medical Practitioner from issuing Medical Certificate for the purpose of obtaining a licence unless these rules in case he has charged more than the fee prescribed under Rule 8,

(4) The Commissioner if he so considers necessary may be an order and for reasons to be recorded therein, disqualify any Regd. Medical Practitioner or class of Medical Practitioners from issuing any certificate for consideration by the Transport Department, under the Act and these rules.

CHAPTER III LICENSING OF CONDUCTORS OF STATE CARRIAGES

15. Licensing authority

The licensing authority in the case of conductor's licence shall be same as in the case of driving licence, given in Chapter-11.

16. Appointment of driver or any other person as conductor

A driver or any other person temporarily employed can act as a conductor without licence:

(1) When in an emergency it becomes difficult for the permit holder to provide for a conductor for his stage carriage, or where a conductor on duty, for reasons beyond his control cannot perform his duties, the driver of stage carriage may; for a period not exceeding one month, act as a conductor of the stage carriage without holding a conductor's licence as required by sub-section (2) of Section 29 of the Act;

(ii) a person other than driver of a stage carriage may also act as a conductor without

holding a conductor's licence, for a period not exceeding one month in any calendar year, provided that:

(a) he intimates through his employer in advance his intention so to the licensing authority within whose jurisdiction he intends to act as a conductor,

(b) he is disqualified for holding a conductor's licence, and

(c) he carries an authorisation from the owner stating the reasons why an unlicensed conductor has been employed.

17. Qualifications, duties, functions and conduct of conductor

(1) No person shall be granted a conductor's licence unless he satisfies the licencing authority that:

(i) he has adequate knowledge of the provisions of the Act and the rules made thereunder relating to the duties and functions of a conductor;

(ii) he possesses a good moral character;

(iii) he possesses a valid Adult First-Aid Certificate issued by the St. John Ambulance Association of India;

(iv) he possesses working knowledge of Hindi language; and (e) he is not below 18 years of age.

(2) The licensing authority may decline to issue/renew a conductor's licence if it is satisfied that:

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

(ii) the applicant was, at any time, the holder of a conductor's or a driving licence which has been cancelled for misconduct; or

(iii) the character or physique of the applicant is such as to render him an unsuitable person to hold a conductor's licence;

(3) The licensing authority may, for reasons to be recorded in writing, suspend or cancel a conductor's licence issued by itself or any counter signature granted in accordance with this rule.

(4) Any court by which a conductor is convicted of any offence in connection with his duty as a conductor may cancel the conductor's licence.

(5) A conductor of a stage carriage shall on demand by the police officer in uniform not below the rank of S.I. produce his conductor's licence for inspection.

(6) Duties and functions of conductors:

(a) a conductor shall be jointly responsible with the driver in the performance of their duties and functions as given in Rule 11;

(b) in addition to the aforesaid a conductor shall perform to following functions namely:

(a) announce the name of each place, bus stand or bus station or is stopping by request just before the vehicle is about to stop;

(b) ensure, before giving signal to the driver to start the vehicle, that the alighting persons have got down and the intending passengers have got into the vehicle;

(c) issue ticket immediately on payment of the legal fare or freight;

(d) at the conclusion of the journey, make reasonable search in the vehicle for any thing left behind by any passenger and shall take into his custody anything so found and further deal with it is given in Rule 70 under the heading "Lost Property"; and

(e) take all reasonable precautions to prevent luggage, which may be carried on the roof of the vehicle, being miscarried, or lost on the way or drenched in the rain.

18. The form of application for issue of conductor's licence

(1) An application for the grant of conductor's licence as required by sub-section (1) of Section 30 of the Act shall be made in the Form, L.Con.A and shall be accompanied by a medical certificate in Form M.C. Con., valid adult First Aid certificate from St. John Ambulance Association (India) and the fee as prescribed in sub-section (5) of the said Section 30.

(2) Upon receipt of an application for conductor's licence, the licensing authority after making such enquiries as may reasonably be necessary to establish the identity of the applicant and after scrutinising that the applicant is not disqualified for holding a conductor's licence, may issue the licence in Form, L.Con:

Provided that the licensing authority shall not issue a licence to the applicant, if he had previously held licence issued under Chapter III of the Act and unless it is satisfied that there is a good reason for his inability to obtain duplicate copy of his former licence.

19. Renewal of conductor's licence

(1) Applicant for renewal of a conductor's licence shall be made in Form, L.Con. A to the licensing authority which issued the licence or if the holder has changed the residence, otherwise than by way of temporary absence from his usual place of residence to the licensing authority of the area in which he is residing. The application shall be accompanied by the conductor's licence, valid Adult First Aid certificate issued by St. John Ambulance Association (India) and the fee prescribed in sub-section (5) of Section 30 of the Act.

(2) Upon receipt of an application for the renewal of a conductor's licence, the licensing

authority may after making such enquiries as it may deem necessary renew the licence.

(3) When the authority renewing the licence is not the authority which issued the licence, it shall intimate the fact of renewal to the authority which issued the licence.

20. Issue of duplicate conductor's licence

(1) If at any time a conductor's licence is lost or destroyed or become illegible or the photograph attached thereto ceases in the opinion of the authority by which the licence was granted to be reasonable likeness of the holder, the authority shall proceed in the manner as if the conductor's licence was a driving licence.

(2) The fee for the issue of a duplicate conductor's licence shall be twenty rupees and the application for the duplicate licence shall be made on Form. L.Con.A.

21. Conduct and hearing of appeals

The procedure of hearing appeals in the case of conductor's licence shall be the same as in the case of appeals with respect of driving licences given in Rule 4.

22. Conductor's badge

(1) The conductor of stage carriage shall display on his left chest a metal or plastic badge in the shape, size and colour approved by Commissioner from time to time issued by and inscribed with the name of the authority by which the conductor's licence is granted and the word "conductor" together with an identification number. The issuing authority for badges shall be licensing authority as given in Rule 15.

(2) A conductor shall not more than one such badge in the State.

(3) The fee for the issue for a conductor's badge as aforesaid by the licensing authority shall be rupees one hundred only. If the badge is lost or destroyed a duplicate badge shall be issued on payment of rupees one hundred only.

(4) If at any time a conductor's licence is suspended or cancelled by competent authority or by any court or cases to be valid by the efflux of time, the conductor shall within seven days surrender the badge to the licensing authority.

(5) An appeal against the order of issuing authority as regards badge shall be dealt within the same manner as in case of conductor's licence given in Rule 21.

23. Conductors uniform

(1) A conductor while on duty shall wear a khaki uniform with the name place, written In Hind, displayed prominently above the left hand pocket of the shirt.

(2) The conductor of a State Transport Undertaking shall wear the uniform as prescribed by such State Transport Undertaking.

24. Issue of certificate by registered medical practitioner

(1) The procedure and fee for the issue of certificate by a Registered Medical Practitioner for issue of conductor's licence shall be same as for a driving licence.

(2) The medical certificate referred to in sub-rule (1) of this rule shall be issued in Form M.C. CON.

25. Validity of conductor's licence issued by other states in Delhi

A Conductor's licence issued by any other State or Union territory of India, shall be valid in the State.

26. Communication of particulars of conductor's licences

In the case of conductor's licence issued by any other competent authority, outside the State and submitted for renewal in the State, the same procedure as for a driver's licence given in Rule 10, shall be followed.

CHAPTER IV REGISTRATION OF MOTOR VEHICLES

27. Appellate authority

The authority to hear appeals under Section 57 of the Act shall be the Commissioner.

28. Conduct and hearing of appeals

(1) An appeal under Rule 27 shall be preferred in duplicate in the form of memorandum, one copy of which shall accompany a fee of rupees twenty setting forth concisely the grounds of objection to the order of the registering authority or Inspector of Motor Vehicles (as the case may be) and shall be accompanied by a certified copy of the order,

(2) When an appeal is lodged a notice shall be issued to the registering authority in such form as the appellate authority may direct.

(3) The appellate authority, after giving an opportunity to the parties to be heard and after further enquiry if any, as he may deem necessary, may confirm, vary, or set aside the order of the registering authority or the Inspector of Motor Vehicle(s); as the case may be and shall make an order accordingly.

(4) Any person preferring an appeal under the provisions of the Act and of this rule shall be entitled to obtain a copy of any document filed with the registering authority, or the Inspector of vehicles in connection with any order against which he is preferring an appeal on the payment of fee at the rate of Rupees ten per page.

29. Refund of fees

The appellate authority make such order as to the refund of the fee as appears to it just and equitable.

30. Registering authority

The Registering Authority shall be any officer appointed/empowered by the Commissioner.

31. Issue/Renewal of certificate of fitness

(1) When a transport vehicle is produced for the issue/renewal of the certificate of

fitness after the expiry of validity of last certificate of fitness and no intimation is given regarding its non-use by the owner of the vehicle by surrender of its registration certificate to the registering authority, the vehicle shall not be deemed to be validity registered under Section 40 and in addition to fresh registration fee, a late fee at the rate of Rupees twenty per day shall also be paid by the vehicle owner before the issue/renewal of the certificate of fitness under Section 56 of the Act.

(2) At the time of the issue/renewal of registration certificate of certificate of fitness the vehicle owner shall submit a proof of residence as given under rule 4 of the Central Motor Vehicles Rules, 1989. 32. Issue of duplicate certificate of registration/Fitness.-(1) For

Transport Vehicle,-

(a) if at any time the certificate of registration/fitness of a transport vehicle is lost, destroyed or mutilated, the owner shall forthwith intimate the facts in writing to the registering authority by whom the certificate of registration of registration was issued or by whom the registration mark of the vehicle was assigned under sub-section (6) of Section 11 of the Act and shall apply in the Form 26 to the said authority for the issue of a duplicate certificate of registration. In case certificate of registration has been lost, a copy of the first information report lodged with the police shall also be furnished by the owner along with his application.

(b) upon receipt of an application in Form 26, alongwith a proof of his present residence together with a prescribed fee the registering authority may, after making such enquiries as appear necessary and obtaining a "No Challan Certificate" from the Delhi Traffic Police and the Enforcement Branch of Transport Department and obtaining particulars of the original certificate of fitness from Chief Motor Vehicle Inspector, "No due certificate" from the Recovery Branch of the Transport Department, etc., issue on Form 23 a duplicate certificate of registration and a certificate of fitness in Form 38 clearly stamped "DUPLICATE" in red ink;

(c) application for duplicate certificate of fitness shall be on plain paper giving full particulars together with a fee of twenty rupees only.

(2) Vehicle other than Transport Vehicle: (a) If at any time the certificate of registration of a vehicle other than a transport vehicle is lost, destroyed or mutilated, the owner shall forthwith intimate the facts in writing to the registering authority by whom the certificate was issued or whom the registration mark of the vehicle was assigned under sub-section (6) of Section 41 of the Act and shall apply in Form 26 to the said authority for the issue of duplicate certificate;

(b) upon receipt of application in Form 26 together with a prescribed fee the registering authority may after making such enquiries as appear necessary, issue in Form 23 a duplicate certificate of registration clearly stamped "DUPLICATE" in red ink. (3) Procedure when a lost certificate is subsequently found:

(a) when a duplicate certificate of fitness or certificate of registration has been issued upon representation that the original has been lost and the original is afterwards found by the holder, the original certificate of fitness or certificate of registration shall be delivered forthwith to the registering authority.

(b) Any other person finding a certificate of fitness or certificate of registration shall deliver it to the holder or to the nearest police station.

33. Entry to revised registration weight

If the gross vehicle weight entered in the certificate of registration is to be altered in accordance with the provisions of sub-section (5) of Section 58 of the Act, then the Registering Authority will send to the owner of such vehicle a notice under registered cover acknowledgment due requiring the owner to produce the certificate of registration personally or through some authorised person within 15 days of the receipt of notice for alteration, failing which the registration certificate will be deemed to be cancelled.

34. Temporary registration of motor vehicles and issue of temporary certificate of registration mark

(1) When the purchase of vehicle which has not been previously registered.

(a) desires to drive his vehicle to the office of registering authority for the purpose of inspection and registering of the vehicle; or

(b) is unable to obtain a certificate of registration in the ordinary course owing to the temporary closure of the office of the registering authority; or (c) is required in accordance with the provisions of Section 40 of the Act to obtain a certificate of registration elsewhere than in the State; he may be granted a temporary certificate of registration and temporary registration mark, which shall for the time being serve all the purposes of a regular certificate and registration mark.

(2) Temporary certificate of registration may be granted and registration marks may be assigned by the registering authority, or by any firm of motor dealers or association or persons using motor vehicles appointed by the Commissioner to act as a special registering authority under this rule:

Provided that when any firm or association is so appointed, the Commissioner shall from time to time specify the name of the persons being members or employees of the firm or association who shall be competent to sign the temporary certificate of registration and no certificate signed on behalf of the firm or association by any other person shall be valid.

(3) A temporary certificate of registration or a temporary registration mark shall not be issued, except in respect of a vehicle which has not previously been registered under the Act.

(4) Every application for a temporary certificate of registration shall be in writing and shall indicate the district or place where the vehicle is intended to be produced for permanent registration. It shall be supported by a certificate from the person or firm from whom the vehicle has been purchased to the effect that it has been sold to the applicant on the day when the certificate is signed.

(5) On presentation of the application with its accompanying certificate an authority empowered under sub-rule (2) above may issue a temporary certificate of registration in Form CR Tem. Foil A of this Form shall be handed over to the applicant. If the place in which it is

intended permanently to register the vehicle is in India, Foil B shall be dispatched immediately to the registering authority of the district in which it is to be registered. In other cases Foil B shall be dealt with according to such directions as may be issued by the Commissioner from time to time. The counterfoil together with the application and its accompanying certificate shall be kept on record by the authority issuing application and its accompanying certificate shall be kept on record by the authority issuing the certificate, and in the case of certificate granted by a firm or association, shall be exhibited for the inspection of the registering authority. The counterfoil with the connecting application and certificates shall be preserved for a period of not less than twelve months from the date of issue.

(6) In the case of vehicles intended to be permanently registered in any other State or Union Territory of India, the registering authority on receiving Foil B under the preceding sub-rule shall forthwith send an acknowledgment to the authority which issued it and that authority shall attach the acknowledgment to the counterfoil.

(7) The records maintained under sub-rule (4) by any firm of motor dealers or association of persons approved for the purpose of issuing temporary certificate of registration and temporary registration mark, shall be open to inspection at all reasonable times by any police officer not below the rank of sub-inspector or any officer of the Transport Department, if so empowered by the Commissioner.

(8) A temporary certificate of registration shall not be valid for more than one month except in the case of a chassis which is detained in a workshop for being fitted with body. In such a case the period may be extended upto three months on payment of additional fee of Rupees three hundred only.

(9) An authority issuing a temporary certificate of registration shall at the same time assign to the vehicle a distinguishing mark, to be displayed on in the manner prescribed for distinguishing marks assigned under Section 43 of the Act, the letters and figures composing the marks being in red on yellow ground. Where the temporary registration mark has been issued by an approved firm of motor dealers or association of motor users, the designation and address of the firm or association shall also be printed in small letters along with the lower edge of each plate.

(10) To enable firms and associations empowered under sub-rule (2) to fulfil the requirements of the preceding sub-rule the registering authority shall allocate to each firm or association a block of registration marks.

35. Pollution under control certificate

No vehicle shall be registered in Delhi without "Pollution under Control" certificate by concerned zonal office. It will also apply to the issue of temporary registration.

36. Exhibition of particulars

(1) The particulars as referred to under sub-section (2) of Section 8 of the Act and other prescribed particulars shall be exhibited on the left hand side of every transport vehicle.

(2) The weight shall be stated in kilograms and particulars shall be set forth in English/Hindi letters and numbers each not less than two and a half centimeter high and two

and a half centimeter wide legibly painted on a plane surface or plate affixed on the vehicle:

Provided that in case of vehicles not having sufficient plane surface of the left hand side to accommodate these particulars, they may be set forth in any convenient place on the left and side of the vehicle where they are readily visible.

37. Exemption from payment of fee

Notwithstanding anything contained in these rules, the Commissioner may by order exempt a person or class of persons from payment of fee for the issue or renewal of a registration certificate.

38. Forms to be used

The following forms shall be used other than those prescribed by the Central Government for the purpose of this chapter

| S.No. | Form | Subject |
|-------|----------|---------------------------------------------------|
| 1. | C.R. Tem | Temporary Certificate of registration |
| 2. | C.F.S. | Refusal to renew a certificate of fitness. |
| 3. | R. Temp | Temporary Receipt for Certificate of Registration |
| 4. | TVC | Road Tax Verification Certificate. |

39. Communication of the particulars of vehicles entering the state from Outside

When any motor vehicle which is not registered in the State, has been kept in the State for a period exceeding 14 days, the owner or other person in charge of the vehicle shall send intimation to the registering authority, and shall intimate:

(a) his name and permanent address, and his address for the time being:

(b) the registration mark of the vehicle;

(c) the mark and description of the vehicle; and

(d) in case of a transport the date on which the permit has been issued or countersigned within the State:

Provided that in case of a transport vehicle covered by a permit having validity in the State it shall be necessary to make a report under this sub-rule upon the occasion of first entry only.

40. Amount to be paid for the period of delay

The amount to be paid for the period of delay as laid down under sub-section (7) of Section 47 or sub-section (4) of Section 49 or sub-section (5) of Section 50 of the Act shall be rupees ten per month or a part of the month subject to maximum of rupees one hundred only.

41. Extension of validity of certificate of fitness pending consideration

(1) Pending consideration of an application for the renewal of fitness certificate or pending carrying out of repairs to the vehicle, the Board of Inspection, shall note the condition on Form C.F.X. under which it shall be permissible for the vehicle to be used pending the grant

or renewal of the certificate. These conditions shall in no case permit the use of the vehicle of the conveyance of passengers for hire or reward or for the carriage of goods other than the goods carried in connection with the repairing of the vehicle.

(2) If the Board of Inspection defers his decision under sub- rule (1) above and supplies the owner of the vehicle or his agent with a list of defects in Form-C.F.X., and if thereafter the vehicle is not produced before the same Board of Inspection for further examination within a period of two months (or such longer period as may have been specified by the Board of Inspection in the Form CFX), the certificate of fitness, if it is not already expired, shall be deemed to be cancelled with effect from the date when it was suspended.

(3) In issuing or renewing a certificate of fitness the Board of Inspection shall endorse thereon the period for which the certificate shall remain effective and the date, time and place appointed for the next inspection of the vehicle.

(4) The fee for issue of certificate in Form C.F.X. shall be rupees twenty.

42. Exemption

The Commissioner may give exemption from the provision of this chapter subject to such condition and on payment of due fee as prescribed by him for the exemption of Motor Vehicles in the possession of dealers in motor vehicles.

43. Information regarding stolen and recovered vehicles

The information regarding stolen and recovered vehicles shall be furnished by the Police Department, Delhi to the Secretary (Transport) every month so as to reach him atleast by the 5th day of the following month to which it pertains.

44. Maintenance of state register of motor vehicles

The State Register of Motor Vehicles shall be maintained in each zonal office and its copy shall be endorsed to Joint Director of Transport Department every month in Form 41.

45. Temporary receipt for a certificate of registration/certificate of fitness

(1) When the holder of a certificate of registration or a certificate of fitness of a transport vehicle has submitted them to a registering authority or other authority for any purpose under the Act or these rules and neither the certificate of registration nor the certificate of fitness has been suspended or cancelled, the registering authority shall furnish him with a receipt for the certificate of registration in Form R. Tem and during such time as the receipt shall be specified to remain in force it may be produced in place of certificate of registration or the certificate of fitness.

(2) Any authority granting a receipt under the proceeding sub- rule may at his discretion extend the term thereof by order endorsed thereon.

(3) No fee shall be payable in respect of a receipt given under this rule.

46. Issue of road tax verification certificate

The fee for the verification of the road tax shall be rupees twenty per vehicle and the road tax verification certificate shall be issued in Form T.V.C. on receipt of an application from

the owner of the vehicle and on payment of the verification fee.

47. Exemption from provisions of this chapter in general

The Commissioner may by order in writing exempt any vehicle, or class of vehicles, and any person or class of persons from the provisions of the rules given in this chapter.

CHAPTER V CONTROL OF TRANSPORT VEHICLES

48. State transport authority

(1) An official appointed to be a member of the State Transport Authority shall continue unless otherwise ordered by the State Government for a period of one year and thereafter until a successor is appointed. A non-official member of the State Transport Authority shall hold office for a period of one year and thereafter until a successor is appointed provided that the State Government may at any time remove any non-official member:

Provided further that when any non-official member dies or is removed or vacates office, his successors shall hold office for the remainder of the term of office of the member in whose place he is nominated and thereafter until a successor is appointed.

(2) A non-official member of the State Transport Authority shall be entitled to receive a fee of rupees fifty for every day on which he attends a meeting of the authority and any such member performing any journey under the orders of the Chairman in connection with the business of the Authority, other than a journey to attend a meeting of the authority, shall be entitled to receive travelling and halting allowances at the scale and on the conditions admissible to a Central Government servant of the first Grade, 'A' service.

49. Meeting of the state transport authority

(1) The State Transport Authority shall meet at such times and at such places as the Chairman may appoint:

Provided that the authority shall meet not less than once in each calendar month unless the Chairman certifies that in any calendar month no meeting is required.

(2) Not less than ten days notice shall be given of any meeting of State Transport Authority.

(3) Two members shall constitute a quorum.

(4) The Chairman, if unable to attend a meeting, shall nominate a member to act as Chairman at the meeting. (5) The Chairman or the acting chairman nominated under the preceding sub-rule shall have a second or casting vote.

50. Conduct of business of state Transport Authority

(1) Subject to the provisions of the Act and these rules and to the approval of the State Government, the State Transport Authority shall have power to make bye-laws to regulate the conduct of its business and shall likewise have power to amend such bye-laws, and the business of such authority shall be conducted accordingly under the directions of the Chairman.

(2) The Secretary shall lay before the State Transport Authority the agenda to be considered at any meeting.

(3) Save in the case of the hearing of an objection to the grant of stage carriage permit or of a public carrier's permit and in the case of hearing of a representation under the Act, the State Transport Authority may decide any matter without holding a meeting by the majority of votes of members recorded in writing and send to the Secretary (hereinafter referred to this procedure by circulation).

(4) In the event of procedure by circulation, the Secretary shall send to each member of the State Transport 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 State Transport Authority. Upon receipt of the votes of the members as aforesaid, the Secretary shall lay the papers before the Chairman, who shall record the decision by endorsement on the form of application or other documents, as the case may be, according to 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 State Transport Authority at regular constituted meeting of the State Transport 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 State Transport Authority, not less than one-third of the members of the State Transport Authority by notice in writing to the Secretary demand that the matter be referred to a meeting of the State Transport 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 a quorum.

(6) The State Transport Authority, may summon any applicant for 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 authorised by him in writing and until the applicant has furnished such information as may reasonably be required by the State Transport Authority in connection with the application.

(7) Nothing in this rule shall prevent the State Transport Authority from deciding upon procedure by circulation any matter which has been considered at a meeting or has been the subject of hearing and upon which a decision has been reserved.

(8) When a matter is decided by votes of members present at a meeting of the State Transport Authority not person other than a member of the State Transport 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

51. Refusal to consider applications for permits

When the State Government, if so directed by Central Government under the Act, impose a limit upon the number of permits of any class which may be granted for a specified route or a specified area and has already granted such number of permits of that class the State Transport Authority shall decline to consider further applications for such permits in respect of any such route or area.

52. Hearing of application or representation

Any person or authority who has made an application or a representation in connection with any type of permit to the State Transport Authority under the provision of the Act may appeal before the State Transport Authority upon the date appointed for consideration of hearing the application or the representation either in person or by a representative authorised by him or by it as the case may be, in writing in this behalf.

53. Application for permits

(1) Every application for a permit in respect of a transport vehicle shall be addressed to the Secretary, State Transport Authority, Delhi, and be in one of the Form prescribed for different categories of vehicles as under:

| Category of Transport Vehicle | Form Prescribed |
|-------------------------------|-----------------|
| Particular Stage Carriage | P.St.A. |
| Reserve of State Carriage | P.R.S.A. |
| Contract Carriage | P.C.A. |
| Goods Carriage | P.G.A. |
| Temporary Permit | P.TEM.A. |
| Private Service Vehicle | P.S.A. |

(2) (a) Application for the renewal of permit counter signature shall be made in Form P.R.A. and addressed to the Secretary of the State Transport Authority by which the permits was issued/countersigned not less than fifteen days before the expiry of the permit and shall be accompanied by the permit.

b) The application shall state the period for which the renewal is required and be accompanied by the prescribed fee.

(3) In granting any permit the State Transport Authority shall have power to **** the terms of the application in a reasonable degree, and in such case the application be deemed to be an application for a permit in the form granted.

54. Forms of permit

(1) Every permit issued shall be in one of the following forms:

| Form | Permit in respect of |
|----------|---------------------------|
| P.St.C. | Particular Stage Carriage |
| P.R.S.C. | Reserve of Stage Carriage |
| P.C.C. | Contract Carriage |
| P.Pr.C. | Private Goods Carrier |
| P.Pu.C. | Public Goods Carrier |

P.TEM.
P.S.C.

Temporary Permit
Private Service Vehicle

(2) Save in the case of a temporary permit, every permit shall be issued, together with a number of copies of permit equal to the number of vehicles which the holder of the permit is permitted to have in use on the road at any one time. Each such copy shall carry in addition to the number of the permit a separate serial number contained in brackets after the number of the permit, and shall be sealed and signed by the Secretary of the State Transport Authority.

(3) The holder of a permit shall cause the relevant copy of permit or the temporary permit, as the case may be, to be carried in frame or other suitable container affixed to the inside of the one of the doors used by passengers for gaining access to the vehicle in the case of public service vehicle and one of the doors used for gaining access to the driver's seat in the case of goods vehicle and shall maintain it in a clean and legible condition.

55. Entry of registration marks on permit

(1) Save in the case of temporary permit, where the registration marks of the vehicle is to be entered in the permit and applicant is not on the date of application in possession of the vehicle duly registered, the applicant shall within one month of the sanction of the application by the State Transport Authority, or such longer period as the State Transport Authority may specify, produce the certificate of registration of the vehicle before the State Transport Authority in order that 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 requires, been entered therein, and in the event of any applicant failing to produce the certificate of registration within the prescribed period, the State Transport Authority may revoke its sanction of the application.

56. Issue of duplicate permits

(1) When any permit has been lost or destroyed the holder shall forthwith intimate the fact to the State Transport Authority and shall deposit the prescribed fee for the issue of a duplicate.

(2) The State Transport Authority shall, upon receipt of an application in accordance with sub-rule (1), issue a duplicate permit as the case may be, and to the extent that it is able to verify the fact may be endorsed thereon certified copies of any counter-signature by any other authority intimating the fact to that authority:

Provided that each application for duplicate permit shall be accompanied by a police report in the case of loss and Challan Clearance Certificate from Delhi Traffic Police and Enforcement Branch of Transport Department and affidavit in the case of destruction.

(3) A duplicate permit or duplicate part of a permit issued under this rule shall be clearly stamped duplicate in red ink.

(4) When a permit or part of a permit has become as dirty, torn or defaced as in the opinion of the State Transport Authority to be illegible, the holder thereof shall surrendered the permit or part of the permit, as the case may be to the State Transport Authority and apply for the issue of duplicate permit or part of a permit in accordance with this rule.

(5) The fee for the issue of a duplicate permit or part of a permit shall be Rupees One Hundred only.

(6) Any permit or part or permit which is found by any person shall be delivered by that person to the nearest police station or to the holder or to the State Transport Authority and if the holder finds or receives any permit or part of a permit in respect of which a duplicate has been issued, he shall return the original to the State Transport Authority by which it was issued.

57. Special marks to be exhibited on state carriage when in use as a contract carriage

No stage carriage or vehicle forming part of a service of stage carriages shall be used as contract carriage unless a board is affixed on each side of the vehicle showing that it is for the time being in use as such and not as a stage carriage.

(2) The boards required by the preceding sub-rule shall exhibit the words "On Contract" in red letters on a white ground, the letters being of a size not less than that prescribed for the numerals of a registration marks and shall be affixed in prominent and unobscured position at or near roof level.

(3) The board required by sub-rule (1) shall be affixed before the commencement of any trip for which the vehicle is being needed as a contract carriage and shall be kept affixed throughout the whole of trip, and any board or marks indicating the route or routes on which vehicle is operated at other times shall be removed or covered up throughout the trip.

58. Route plan and fare table

Every stage carriage which has been allotted specified route shall carry route plan duly attested by the Secretary of the State Transport Authority showing the place of origin, termination via and detailed route it has to follow. The detailed route plans shall be exhibited inside the vehicle also giving the road map it shall follow unless specifically prohibited by the Delhi Traffic Police at the time of emergency. A fare table giving details of fare from one stage to another duly attested by the Secretary, State Transport Authority shall also be displayed permanently inside stage carriage.

59. Fees to be paid in respect of permits

(1) The following fee shall be payable for the issue and the renewal of permit and for the counter-signature of permits under the Act:

| Type of Vehicle | Fee Payable |
|------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| (a) For issue of renewal of permit Valid for five years in case of a Heavy Motor Vehicle | Rs.2500/- (Rupees Two Thousand Five Hundred Only) |
| (b) For issue or renewal of permit Valid for 5 years in case of Vehicle OTHER THAN HMV | Rs.1500/- (Rupees One Thousand Five Hundred Only) |

Provided that when an agreement is entered into between the State Transport Authority and any other Transport Authority in respect of the operation of any route joining two terminal

points one of which lies or both of which lie outside the State and such agreement provide for the remission or reduction of the fees payable for counter-signature of permits the State Transport Authority may remit or reduce the fee accordingly:

Provided further where a temporary permit or counter-signature is granted pending consideration of the application for permit or for counter-signature under the Act, or for renewal of permit or counter-signature under the Act, the State Transport Authority may, at its discretion at the time of granting a regular permit or counter-signature or sanctioning renewal of permit or counter-signature as the case may be, direct that a sum equal to a part or the whole of any fees paid for temporary permit shall be deducted from the fees payable for regular permit or counter-signature.

(2) In the case reserve of stage carriages the fees payable shall be calculated on the maximum number of vehicle which the permits holder is authorised to have in operation at any one time.

(3) The fee shall be paid in advance.

(4) If any fee is not paid by the due date the permit or the counter-signature (as the case may be) shall forthwith cease to be valid.

(5) In case the State Transport Authority extends the effects of a permit to an area or route in another State, a supplementary fee shall be payable at the same rate as if the permit has been countersigned for the second region.

(6) For a temporary permit granted under Section 43 of the Act a fee of Rupees Twenty per day shall be payable.

(7) The fee for a temporary permit issued or renewed for a period of four months at the time shall be Rupees Five hundred only:

Provided that the State Transport Authority may attach to a temporary permit or temporary counter-signature a condition that the fee shall be paid at the same rates as if a temporary permit or temporary counter-signature was a long-term permits or a long-term counter-signature.

(8) The fee payable for issue of a duplicate permit or part thereof shall be Rupees One hundred only.

60. Exemption from payment of fees

(1) No fee shall be payable for the permit issued to a foreign Embassy in India.

(2) The Commissioner may by order in writing exempt any person from the payment of the prescribed fee in this Chapter.

61. Custody, production and cancellation of permits

(1) Permit shall be produced on demand made at any reasonable time by a person authorised by the Chairman or Secretary State Transport Authority or any Police Officer not

below the rank of Sub-Inspector.

(2) Any Police Officer or Officer of Transport Department in uniform may mount any transport vehicle for the purpose of inspecting the permit.

(3) The holder of a permit may at any time surrender it to the State Transport Authority and the said Authority shall forthwith cancel any permit so surrendered.

(4) When the State Transport Authority suspend or cancel any permit-

(i) the holder shall surrender permit within seven days of the receipt of a demand in writing by the State Transport Authority;

(ii) the State Transport Authority shall send intimation to any other authority by which the permit has been countersigned.

(5) Within fourteen days the expiry of any permit by efflux of time, the holder thereof shall deliver it to the State Transport Authority by which it was issued. The State Transport Authority receiving any such permit shall intimate the fact to the authority or authorities by which it may have been countersigned.

In the event of suspension of permit the vehicle shall be produced for detention by the owner before the official of the Enforcement Branch of the Transport Department or Delhi Traffic Police so empowered and the period of detention shall be reckoned from the time of production of vehicle for detention along with permit.

61-A. Delegation of powers for suspension of permit

The State Transport Authority may by general or special resolution recorded in its proceedings and subject to the restrictions, limitation and conditions that it may impose, delegate to Group 'A' and Group 'B' gazetted officers, its powers under Section 86 of the Motor Vehicles Act, 1988 to suspend a permit or to recover from the holder thereof a sum of money agreed upon in accordance with sub-section (5) of Section 86 of the Motor Vehicles Act, 1988.

Provided that the State Transport Authority may delegate its powers as mentioned hereinabove by specifying the designation of the officer(s) and the name of the Government department/branch in which the said officer(s) may be serving if it is necessary to do so".]

62. Validity of permit issued by other state

If there is any valid

agreement with any other State or a Union Territory Administration to the effect that permits granted in other State shall also be valid in the National Capital Territory of Delhi without counter-signature then it will be valid without counter-signature².

63. Validity of permits issued by other region

(1) There shall be no Regional Transport Authority for the National Capital Territory of

1. Ins. by Notif. No. F 103/SECY/STA/97/1837, dated 19-5-1998 (w. 19-5-1998).

Delhi. There shall be only one State Transport Authority for the whole of the National Capital Territory of Delhi.

(2) The Zonal Office(s) shall work as branch office(s) of the Transport Department performing the functions as assigned by the Commissioner.

64. Condition attached to permit for giving effect to agreement

The permits issued as a result of an agreement with any other State shall be subject to the conditions as laid down in the agreement. These conditions may be altered/amended at any time as a result of change in such agreement and the said permit may be revoked or terminated as a result of such agreement.

65. Appeal against orders of the state transport authority

(1) The authority to decide an appeal the order of the State Transport Authority, shall be the State Transport Appellate Tribunal constituted under sub-section (2) of Section 89 of the Act.

(2) An appeal to the State Transport Appellate Tribunal under Section 89 of the Act against the order of the State Transport Authority shall be made in the form of a memorandum submitted in duplicate setting forth the ground of objection to order of the State Transport Authority, and shall be accompanied by a certified copy of the order appeared against and a fee of Rupees One hundred only in cash. The ground of objection to the order shall be stated concisely and under distinct heads, without any argument of narrative and numbered consecutively.

(3) When an appeal under Section 89 of the Act is preferred to the State Transport Appellate Tribunal. The Secretary of the State Transport Authority, shall give to any person interested in the appeal or revision, on the application, copies of any document connected therewith the filed with him, on payment of a fee of Rupees Five only per page copy of each such document.

(4) After the State Transport Appellate Tribunal has admitted an appeal it shall appoint time and place for the hearing of the appeal, and give an intimation to the authority against whose order appeal or revision application is made, also the appellant 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 said Tribunal in person or through an authorised representative with the original document or record pertaining to the case on the appointed date and at the place of hearing and subsequent hearings, if any.

(5) The Secretary of the State Transport Authority 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 State Transport Appellate Tribunal when the same are called for by it. The said Tribunal may, after following the procedure and such further enquiries, 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 other order in relation to the fact of the case it deems fit, and shall make an order accordingly.

66. Equipment to be carried by state and contract carriages.

(1) Every stage/contract carriage shall carry a first aid box containing the following

articles, namely:-

- (i) sterilized finger dressings;
- (ii) sterilised hand or foot dressings;
- (iii) sterilised large or body dressing;
- (iv) one extra large, two large and three small sterilised burn dressings;
- (v) two 15 grams packets of sterilised cotton wool; (vi) a bottle of 2 per cent, tincture iodine;
- (vii) a bottle of Sal Volatile;
- (viii) empty bottle fitted with Dropper for eye drops;
- (ix) 55 gms. medicine glass;
- (x) Any other article/medicine prescribed as considers to be necessary for providing first-aid facilities.

(2) The State Transport Authority may, as a condition of grant of any permit, require any public service vehicle to be equipped with a fire extinguisher of the type specified by the State Transport Authority in consultation with the Delhi Fire Service and may require that such fire extinguisher shall be got inspected at such intervals and by such person/authority as the State Transport Authority may specify from time to time.

(3) Save as otherwise specified by the State Transport Authority in respect of Municipal or Cantonment areas, every public service vehicle shall at all times be equipped with pneumatic tyre in good and sound condition readily inflated and mounted in such a way that it can be easily dismounted and fitted the vehicle in the lace of anyone of the road wheels.

(4) 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 or when vehicle is going for repairs purpose.

(5) Every public service vehicle shall at all times be furnished with an efficient jack and other tools necessary to change a wheel or rim and tyre and with the equipment necessary to repair the puncture, including the followings, namely:

- (a) spanners to fit every nut of the vehicle;
- (b) one screw driver;
- (c) one pair of pliers;
- (d) one hammer;

- (e) two tyre levers;
- (f) tyre repair outfit;
- (g) tyre pump;
- (h) wheel jack;
- (i) one spare headlight bulb and one spare rear-lamp bulb;
- (j) a supply of s spare fuses.

67. Number of passengers to be carried in a stage or contract carriage

Save with special permission of the State Transport Authority, no permission or counter-signature on a permit shall authorise the conveyance of more than a number of passengers as authorised in registration certificate in any stage carriage or contract carriage.

(2) Notwithstanding with the provisions contained in sub-rule (1), vehicle of the State Transport Undertaking may carry standing passengers upto the limit prescribed by the State Transport Undertaking.

(3) Notwithstanding anything contained in these rules, no public service vehicle other than a motor car shall be registered for a number of passengers in excess of the number contained by subtracting 120 kilograms from the difference in kilograms between the registered laden and unladen weight of the vehicle and dividing the resulting figure by 70 in case of a single decked vehicle and 60 in case of double decked vehicle, or such number of passengers that when the vehicle is loaded in the normal manner, the axle weight of any axle will exceed the registered axle weight for that axle.

68. Carriage of children and infants in a public service vehicle

'In relation to the number of persons permitted to be carried in public service vehicle:

- (i) a child of not more than twelve years of age shall be reckoned as a half, and
- (ii) a child of not more than three years of age shall not be reckoned

[(2) Notwithstanding anything contained in sub-rule (1), no educational institution bus or any other transport vehicle being used for the purpose of transporting students shall carry more than one and a half times the number of passengers (including school students) authorised in the registration certificate".

Explanation.-For the purpose of sub-rule (2) the expression "transport vehicle" includes all categories of contract carriage and private service vehicles³.]

69. Carriage of goods in stage and contract carriages

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

1. Renumbered as sub-rule (1), by Notif. No. F. 27/SECY STA/97/PF/365, dated 22-6-1998 (w.e.f. 22-6-1998).

(2) No goods liable to foul the interior of the vehicle or render it insanitary shall be carried in a stage carriage or contract carriage or the conditions subject to which certain classes of goods may be so carried.

(4) Subject to the provisions of the preceding sub-rules goods may be carried in a stage carriage or contract 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 authorised by the permit for the carriage of goods to the detriment of the public convenience by failing thereby to meet the demand for passengers transport, the State Transport Authority may after giving the holder an opportunity of being heard, declare that a breach of conditions of the permit has occurred and may thereafter proceed under the provisions of the Act.

(6) When goods are carried in a stage carriage in addition to passengers the goods shall be of such a nature and shall be so packed and secured on the vehicle that no danger, inconvenience or discomfort is caused to any passenger. Such under 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 entrances and the exist from the vehicle required under the rules shall be unobstructed.

(7) The weight in kilograms of goods (other than the luggage and personal effects allowed under sub-rule (8) of this rule] carried in a stage carriage or motor cab shall not exceed (N-X) 75, the letters in the formula signifying. N-the maximum number of passengers for which the vehicle might be registered under these rules;

X-the number of passengers carried on the vehicle, or the number of passenger for whom the seats are kept free and unimpeded by goods, whichever is greater.

In applying the formula to a double decked vehicle account shall be taken of number of passengers carried in the lower deck and the number of seats in the lower deck only.

(8) Except as permitted by sub-rule (70) of this rule not more than 14 kilograms of luggage and personal effects for each passenger shall be carried in each stage carriage.

(9) The state Transport Authority may impose conditions on the use of any contract carriage in regard to the weight of luggage and goods which may be carried therein generally or in any specified area; Provided that in the case of contract carriage other than a motor cab the weight of goods allowed shall not exceed that is permitted under these rules in the case of stage carriage⁴.

70. Lost property

(1) The driver of public service vehicle or conductor of a stage carriage shall, at the conclusion of every journey make a search in the vehicle for anything left by any passenger and

1. Ins. by Notif. No. F.21/Secy/STA/97/PF/365, dated 22-6-1998 (w.e.f. 22-6-1998).

shall take into his custody anything so found and shall immediately hand over the same to the person incharge of the office of the permit holder of the vehicle or to the permit holder himself or to an officer incharge of police station, and shall likewise take into his custody and deal with anything so found in the vehicle with any other person.

(2) The person incharge of the office of the permit holder of the vehicle or the permit holder himself, as the case may be, shall keep these articles lying with him for a period of seventy -two hours and if during that period nobody claims them, the property shall be deposited at the nearest police station as unclaimed property.

(3) If during a period of seventy-two hours, the owner of any article claims the same then after verification of the claim, the article may be made over to him by the person incharge of the office of the permit holder of the vehicle or the permit holder, as the case may be.

(4) Nothing in this rule shall apply to the State Transport Undertakings, which may follow their own rules/procedure prescribed by the State Transport Undertakings to deal with lost properties of passengers.

71. Painting/marketing and display of advertising material on transport vehicles

(1) Every public service vehicle and all parts thereof including paint work or varnish shall be maintained in a clean and sound condition and the engine mechanism and ail working parts in reliable working order.

(2) No advertising device, figure or writing shall be exhibited on any public service vehicle, save as may be permitted by the State Transport Authority by general or specific order.

(3) A public service vehicle when regularly used for carrying Government mail by or under a contract with the Indian Posts and Telegraphs Department may exhibit in a conspicuous place upon a plate or a plain surface of the motor vehicle the words "Mail" in red on white ground, each letter being not less than 15 centimeters in height and of a uniform thickness of 2 centimeters.

Save as provided above, no motor vehicle shall display any sign or inscription which includes the word "Mail".

(4) No public service vehicle, other than "contract carriage", shall ply on hire unless it clearly exhibits on the front top of the vehicle immediately above driver's seat, a route board, in the form illustrated below enabling the starting place, destination and registration number to be read by any person approaching the vehicle. Public service vehicle used for local service shall be illuminated by a white light from half an hour before the sun set to half an hour after the sun rise.

| | | |
|-----------|---------|-----------|
| Removable | Fixed | Removable |
| Delhi | DLH-999 | Narela |

The starting place and the destination shall be depicted in block letters on white back ground in Hindi.

(5) No more vehicle, other than a taxi cab, shall be painted in a colour or colour prescribed for motor cabs in this rule and no motor cab shall be permitted to ply if it does not conform to the provisions of this sub-rule, namely-

(a) colour of hood of all motor cabs (except tourist) shall be painted in cream yellow and rest of the body in black;

(b) the permit number in addition to the registration mark shall be painted on the cab in white in a red circle, the size of number being 5 centimeters in height and 4 centimeters in breadth at four different places:

(i) on left had top portion of the windscreen readable from inside,

(ii) on the rear boot against the black background,

(iii) on the left front door against black background,

(iv) on the right front door against black background.

(6) (1) The registering authority subject to the provisions of the Act, shall not register a vehicle in the State painted in the following colours, namely:

(a) Olive green; and

(b) Disruptive pattern with combination of colours as used by security forces or para military forces.

(ii) IN case any motor vehicle is found playing in the State in contravention of the provisions of the motor vehicle to produce a certificate that vehicle is not to be painted in olive green or disruptive pattern.

72. Conveyance in a stage carriage or contract carriage of corpses or persons suffering from contagious disease

No driver or conductor of a public service vehicle shall cause or allow to enter into or to be placed or carried in the vehicle any person whom he knows or has reasons to believe to be suffering from infectious or contagious disease or the corpse of any person whom he knows or has reasons to believe to have been suffering from any such disease. (2) Notwithstanding the provision of sub-rule (1) above the driver and the conductor may, upon application in writing by a registered medical practitioner, allow a person suffering from an infectious or contagious disease or the corpse of any such person to be carried in a public service vehicle provided that no other person or persons in attendance of the sick person, shall be carried in the vehicle at the same time.

(3) When 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 and the conductor of the vehicle shall be responsible that the fact is reported to the authorised medical officer of health and to the owner of the vehicle, and neither the owner nor the driver nor the conductor shall

cause or allow any person to use the vehicle until the driver and the conductor and the vehicle has been disinfected in such a manner as the said medical officer may specify and a certificate to this effect has been obtained from the said medical officer.

73. Disinfection

All passenger buses shall be disinfected once in two months and the owner shall furnish a certificate to this effect to the State Transport Authority.

74. Provision of taxi meters of motor cabs

(1) Every Taxi/Auto Rickshaw shall be fitted with any measuring instrument (Fare Meter) duly approved, tested and sealed by Controller, Weights and Measurements, Government of National Capital Territory of Delhi or an Inspector (Weights and Measurements) duly authorised by Controller, Weights and Measures, Government of National Capital Territory of Delhi for that purpose.

(2) A permit holder required to fit a fare meter shall produce the fare meter fitted to the vehicle before the Inspector, Weights and Measurements, Government of the National Capital Territory of Delhi referred to in sub-rule (1) of Rule 12 of the Delhi Weights and Measures (Enforcement) Rule, 1989, so that it may be tested and sealed and shall produce the fare meter for examination before the expiry of the permit of validity of the certificate for verification or whenever for any reason it has become necessary to break the seal.

(3) A permit holder shall furnish a certificate issued by the Inspector of Weights and Measurers, Government of National Capital Territory of Delhi to the effect that the fare meter has been verified for the purpose of sub-rule (2)

(4) No person shall drive or cause or permit to be driven any motor cab or auto-rickshaw, if the fare meter is not attached to the vehicle and sealed or if he knows or has reasons to believe that it is not accurate or is not in proper working order.

(5) No fare meter, which is in any way defective shall be fitted to any motor cab or auto-rickshaw and no motor cab or auto-rickshaw which is in any way fitted with a defective fare meter shall be used in any public place.

(6) Upon service of a notice by an inspector of weights and measures the owner of any motor cab or auto-rickshaw, prohibiting the use of the fare meter shall at once be removed and the motor cab or auto-rickshaw shall be immediately withdrawn from the service.

(7) The driver of every motor car or auto-rickshaw fitted with a fare meter shall not set it in motion before it is hired and shall immediately stop when the hirer has noted the reading and fare charges are paid.

(8) A motor cab or a auto-rickshaw shall be considered to be hired from the time it has been engaged or if called from a distance, from the point of such call.

(9) If the driver of any motor car or auto-rickshaw fitted with a fare meter which is hired by any person is unable to proceed owing to any defect in the mechanism of the meter thereof he shall at once lower the flag to "stopped" or "breakdown" and shall not restart his

meter until such time as the defect is removed.

(10) No driver shall cover or obscure the face of a fare meter under any circumstances or at any time.

(11) No driver shall without reasonable excuse refuse to let the cab or the auto-rickshaw for hire when the flag is in a vertical position.

(12) Method for indicating Fare, etc.-

(a) every Mechanical or electronic digital meter shall be so constructed as;

(i) to indicate upon the dial in suitable slots or on a suitable digital display consisting of Light Emitting Diodes (LEDs) as the case may be, the amount of fare calculated by time or by distance in kilometers, and

(ii) to have a flag showing by its position or to have window with illuminated words showing whether or not the meter is in action (i.e. "Hired" or "For Hire" or "Stopped").

(b) information to be given in slots of a mechanical meter or on digital display of an electronic digital meter. The nature of the information given in each slot of a mechanical meter, or a digital display of an electronic meter, shall be indicated by suitable working immediately above or below the slot or digital display, as the case may be. The words or signs denoting rupees or rupees and paise shall be placed immediately above, below, or beside the appropriate disc or drum positions.

(c) if, it is an electronic digital meter, it shall be provided with two switches "Meter Switch" and "Stop Switch" for operating the meter and shall also be provided with a "Roof Light" synchronized with the operation of the meter;

(d) mechanism and operation of an electronic digital meter. The mechanism of an electronic digital meter shall be so designed that-

(1)(aa) the "For Hire" window is illuminated when the Roof Light is "On"

(bb) the "Hired" window is illuminated and the Roof Light is turned "Of" when the meter switch is pressed "On".

(cc) the "Stopped" window is illuminated when the "Stopped Switch" is pressed "On".

(ii) it shall not be possible to set the meter in any position other than the three positions mentioned in sub clause (i) above;

(iii) the fare by time ceases to be recorded when the meter is in the "Stopped" position;

(iv) the fare by distance is recorded off the meter if the taxi car or Auto Rickshaw is driven with the meter in "Stopped" positions;

(v) the fare recorded is not obscured when the meter is in the "Hired" or "Stopped" position;

(vi) when the "meter switch" is turned off, the "For Hire" window is illuminated, the "Roof Light" is turned on and the previous record of fare is cleared and the various mechanisms of the meter are brought back to the initial positions;

(vii) the mechanism for recording time and distance cannot be engaged or disengaged except by the normal sequence of operation of the switches referred to in sub clauses (i) to (vi);

(e) Every member shall be so made as to be capable of being sealed by self of the type specified by Commissioner Transport by issuing specific instructions in this behalf, after the meter has been tested and approved.

(f) In case of mechanical meter, the mechanism driving the distance recording gearing of meters and in case of any electronic digital meter, the mechanism giving signal to the distance recording mechanism of the electronic meter, shall, be fitted not to the driving wheels of the cab but to the non- driving wheels of the chassis gear-box attached to the cab.

75. Halting of motor vehicle in public places

(1) Halting of stage carriages-

No stage carriage shall be halted in an urban area for more than five minutes consecutively for taking up or getting down of passengers or at any time during the course of a run except at a stand.

(2) Bus Stop.- (1) The District Magistrate may direct that in any street or any road in an urban area notified by him in this behalf (the notification being made by public proclamation or in such a manner as the District Magistrate may deem fit), no stage carriage shall take up or get down passenger except at a place appointed by him at a bust stop or at a stand.

(ii) No stage carriage shall be halted at a bus stop for longer than it is necessary to take up such passengers as are waiting when the vehicle arrives, and to get down such passengers as wish to alight.

(3) Every stage carriage trip to be begun and ended at stand.- (a) In the run of/any stage carriage starts or finishes in an urban area shall, unless the District Magistrate specifically exempts the vehicle from the provisions of this rule, be begun or ended from a stand.

(b) Where a stage carriage is exempted from the provisions of the preceding sub-rule it shall be condition of the exemption that no passengers shall be taken up or get down, as the case may be at any point within a distance of two hundred yards or such other distance as may be named in the order of exemption from the place where the stage carriage is garaged or parked at the start or finish of the run.

(c) In exempting a stage carriage from the provisions of Clause (i) of this sub-rule the District Magistrate may make it a condition that the first passengers be taken up, or the last passenger be set down at a particular bus stop for the purpose in the order of exemption.

(d) An order of exemption made under Clause (i) of this sub-rule shall remain in force for one year or such lesser period as the District Magistrate may direct and may be cancelled or modified by him at his discretion at any time.

(4) Stage carriages to be properly marked when not in use.-The State Transport Authority may attach to a stage carriage permit a condition that when the vehicle is not in use it shall not be halted in any public place except at a stand or at a parking place appointed by a competent authority under the Act.

Proceeding rules are not applicable to contract carriages.

Nothing in the sub-rule (1) or sub-rule (3) or in any direction made under sub-rule (2) shall apply to a stage carriage when it is being used under due authority as a contract carriage or as a vehicle for the carriage of goods without passengers, provided that a board has been affixed to the vehicle bearing the inspection "On Contract" or "Carrying goods only" (as the case may be) and provided particulars of the hiring have been entered in the log book of the vehicle.

(5) Having of contract carriages.-The State Transport Authority may impose, on the use of any contract carriage, or any stage carriage when the same is being used as a contract carriage, a condition that the vehicle shall not be halted in any public place in an urban area save at a parking place or (in the case of motor cab) a cab rank duly appointed under Section 117 of the Act as a stand.

(6) Responsibilities of driver, conductor and permit holder for securing compliance with these rules-In so far as any rule in this Chapter, or any order issued in conformity therewith, direct that a transport vehicle shall or shall not be halted in a certain place or in a certain manner, the rule shall be read as if it included provisions enjoining the driver and in the case of a stage carriage the conductor to ensure that it is so halted or not halted and requiring the holder of any permit issued in respect of the vehicle to take all measures open to him to secure compliance with the direction.

(7) Involuntary halts-No person shall be liable to be punished for halting a vehicle in contravention of any of these rules if the stopping of the vehicle was occasioned by a mechanical defect or by any other cause beyond the control of the driver or person in charge:

Provided that the driver or other person in charge shall continue to be liable for contravening Section 122 of the Act unless all practicable steps have been taken to dispose of the vehicle in such a way that it shall not cause danger, obstruction or inconvenience to other users of the road.

76. Construction and control of stands

(1) Notification of Stands-

(a) the District Magistrate may in consultation with the local authority having jurisdiction in the area concerned, make an order permitting any place to be used as stated and without such an order no place shall be so used:

Provided always that no place which is privately owned shall be notified as stand save on application by or with the written consent of the owner.

(b) the District Magistrate shall, from time to time, fix the fees or the maximum fees payable at any stand;

(c) no vehicle shall be admitted to any stand other than the vehicles in respect of which a permit is held by the person or company in whose name the stand has been sanctioned, together with any vehicles which may have been specially mentioned in the District Magistrate's order as entitled to use the stand.

(2) Inspection of Stand.-Every stand whether public or private shall be open to inspection at any time by the District Magistrate or any official deputed by the District Magistrate in this behalf or any official empowered by the Commissioner not below the rank of Sub Inspector.

(3) Prohibition on use of loud Sounding Devices at stands.-(i) No horn, gong, bell, whistle, gramophone, loudspeaker, musical instrument or other device for creating of loud sound shall be used to attract passengers to any stand.

(ii) In the event of such use the manager and any contractor employed to administer the stand, and the owner, driver and conductor of the vehicle to which the sound was intended to attract customers shall, in addition to the person who used the instrument, be punishable for contravening this sub- rule, unless he can show that the use of the instrument was without his consent.

(4) Cancellation of orders for the establishment of Stands.-(1) The District Magistrate may at any time at any time revoke any order made by himself or any of his predecessors permitting the establishment of any stand if in his opinion any of the conditions on which the stand was permitted to be established have been contravened or the stand has not been satisfactorily managed or its continuance is no longer in the public interest.

(ii) before revoking any order under the prescribed Clause (1) of this sub-rule, the District Magistrate shall give the person authorised to administer the stand, an opportunity of being heard, and shall record his reasons in writing; (iii) if an order permitting the establishment of a stand is not revoked under Clause (1) of this sub-rule, it shall remain in force for three years or such lesser period as may be mentioned in the order and may be renewed from time to time by the District Magistrate for a further period of not more than three years at a time.

(5) Control over District Magistrates:-All orders by a District Magistrate sanctioning the establishment of a stand, or revoking or modifying an order permitting the establishment of a stand, shall be appealable to the State Government whose orders thereon shall be final.

(6) Regulation of motor cab-ranks.-(i) At every cab-rank appointed under Section 117 of the Act:

(a) the driver shall station their motor cab in the rank in order in which they arrive, the motor cab which has been waiting longest being stationed in the front position, and, the motor cabs being moved up as vacancies occur;

(b) the drives of the first two motor cabs shall stay by their vehicles, ready to be hired by any person;

(c) no motor cab engaged for some future time shall be kept in the rank unless the driver is willing to accept any intermediate hiring that may be offered, and

(d) no disabled motor cab shall be kept in the rank unless the disablement can be and is intended to be remedied forthwith.

(ii) The District Magistrate may in the case of any cab- rank relax any or all the directions given in the sub-clauses of the preceding Cl. (i).

(iii) Nothing in Cl. (i) of this sub-rule shall render it obligatory on a person wishing to hire a motor cab from a cab- rank to take the first cab or restrict his freedom to choose whichever vehicle he prefers.

77. Intimation of change of address of permit holder

(1) If the holder of a permit ceases to reside or to have his place of business changed, as the case may be, at the address set forth in the permit, he shall within fourteen days send the permit to the State Transport Authority intimating the new address.

(2) Upon receipt of intimation under sub-rule (1) the State Transport Authority shall, after making such enquiries as it deems fit, enter in the permit the new address and shall intimate the new particulars to the authority of any region in which the permit is valid by virtue of counter-signature or otherwise.

78. Intimation of damage to or failure of public service vehicle

(1) The holder of any stage carriage or contract carriage permit shall within twenty four hours of the occurrence report in writing to the State Transport Authority any failure of or damage to such vehicle or to an part thereof, if the failure or damage is 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 carriages shall within twenty-four hours of the occurrence report in writing to the State Transport Authority, 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 or conditions of the permit for a period exceeding three days.

(3) Upon receipt of a report referred to in the preceding sub- rules, the State Transport Authority may, subject to provisions of these rules.

(i) direct the holder of the permit within such period, not exceeding one month from the date of occurrence, either to make good the damage to or failure of the vehicle or to provide a

substitute vehicle, or

(ii) 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 one month from the date of the occurrence, direct the holder of the permit to provide a substitute vehicle, and when the holder of a permit fails to comply with such a direction, cancel or vary the permit accordingly.

(4) Inspection of premises used by permit holder.-Any police officer in uniform not below the rank of Sub-Inspector or any officer of the Transport Department empowered in this respect by the Commissioner may enter at all reasonable time and inspect the premises used by the permit holder for the purpose of their business for any enquiry or verification.

79. Carriage of any person tendering legal or customary fare

Subject to the provision of Rule 72, the person incharge of a stage carriage shall carry in such vehicle any person tendering the legal or customary fares,

80. Carriage of animals in good vehicle

(1) No cattle/animal shall be carried in a goods vehicle unless the owner of the vehicle provides that;

(i) the load body of the vehicle is constructed of strong wooden planks or of iron sheets with a minimum height of 1.5 meters measures from the floor of the vehicle on all sides and the back.

(ii) the cattle/animals are properly secured by ropes tied to the sides of the vehicles,

(iii) each cattle/animal is provided reasonable space.

(2) The number of cattle that may be carried in a goods vehicle shall not exceed,-

(a) in the case of goats, sheep, pigs, rams, cows, kids and the like,

(i) 40, when the wheel base of such vehicle is below 3.5 meters.

(ii) 50, when the wheel base is 3.5 meters or above.

(b) in case of other cattle.

(i) 4 with calves/youngones or 5 without calves/youngones when the wheel base of a such vehicle is below 3.5 meter; and

(ii) 5 with calves/youngones or 6 calves/youngones when the wheel base is 3.5 meters or above.

Explanation.-"Cattle" for the purpose of this Rule include goat, sheep, pig, buffalo, lam, ox, cow, deer, horse, pony, ass, mule, camel and their youngones.

(3) No animal belonging to or intended for a circus menageries or zoo shall be carried

in a goods vehicle unless the owner of the vehicle besides providing reasonable floor space for each animal also provides in case of wild or ferocious animal, a suitable cage, either separated from or integral with the load body of the vehicle used of sufficient strength to contain the animal securely at all times.

(4) No cattle under sub-rule (2) or animal under sub-rule (3) shall be carried for more than 320 Kilometers at a stretch.

(5) No goods vehicle when carrying any goods under sub-rule (2) or animal under sub-rule (3) shall be driven at a speed in excess of twenty-four kilometer per hour.

81. Licensing of travelling agents

(1) Licensing Authority- (i) The licensing authority for the purpose of tour, operator excursion agent/travelling agent licence shall be any officer empowered by Secretary (Transport).

(ii) The licence shall be valid for a period of one year in the first instance and will be renewable annually.

(iii) The fee for the issue of a tour operator's/excursion agent's/travel agent's licence shall be rupees one thousand per year and for the renewal of such a licence it shall be Rupees One Thousand per year.

(2) Application.-An Application for the grant of travelling agent's licence/tour operator's excursion agent's licence shall be made to State Government along with a licence fee of Rupees One Thousand only.

(3) Security for compliance with conditions.-Every traveling agent, etc. shall furnish a security of Rupees Five Thousand in the form of a Bank Draft in favour of Tourism Department, National Capital Territory of Delhi.

(4) Forfeiture of security.-Without prejudice to any other action that may be taken against a licensee, the licensing authority in its discretion may by an order in writing forfeit either in full or in part the security deposit of a travel agent/tour operator/excursion agent, etc. if in its opinion any of the conditions under which the licence granted has been contravened by such agent:

Provided that before forfeiting the security deposit of such agent the licensing authority shall give the agent an opportunity of being heard and shall record reasons in writing for such forfeiture.

(5) Refund of security.-The Security deposit of a tour operator/travel/agent/excursion agent, etc., unless forfeited shall be refunded at the expiry of the licence or earlier in the event of voluntary closing down of the business before the expiry of the licence.

(6) Issue of duplicate licence.-If the original licence is at any time lost or destroyed the duplicate may be issued after proper verification which shall be clearly stamped in red ink "Duplicate". The fee for a duplicate licence shall be Rupee one hundred only. If the original

licence is subsequently found, the same shall be surrendered to the licensing authority.

(7) Display of licence.- (a) Every tour operator/travel agent/excursion agent, etc., shall carry with him his licence while on duty and shall produce it on the demand by any officer authorised by the licensing authority.

(b) The tour operator/travel agent/excursion agent, etc., in case of firm shall exhibit the licence at a prominent place in the office and the licence shall be made available for the inspection by any officer authorised by the licensing authority.

(8) Refusal of issuing licence.- (a) The licensing authority may refuse the licence to a tour operator/travel agent/excursion agent, etc., under this rule on any of the following grounds, namely:

(i) if he does not possess the qualifications as prescribed by the State Government from time to time;

(ii) if he has been convicted of an offence under Chapter XIV of Chapters XVI of the Indian Penal Code, 1860 (Act 45 of 1860) or under any of the provisions of any Act or any offence(s) punishable under any law providing for prevention of hoarding or smuggling or profiteering or adulteration of food and drugs or corruption and two years have not elapsed since the termination of the sentence imposed upon him;

(iii) if he has been declared insolvent by a court of competent jurisdiction and has not been discharged;

(iv) if his name has been removed from the Register of licensees under the scheme and one year has not been elapsed since the date of removal.

(b) No application for licence shall be refused unless the person applying for licence has been allowed an opportunity of being heard.

(9) Removal of the agent's name from the register.- (a) The licensing authority may by an order in writing remove the name of a tour operator/travel agent/excursion agent etc., from the Register and cancel his licence on any of the following grounds, namely:

(i) if he ceases to act as an agent;

(ii) if he is convicted of any offence under Chapter XIV and XVI of the Indian Penal Code Central, 1860 Act 45 of 1860 of, under any of the provision of any Act or any offence punishable under any law providing for the prevention of hoarding smuggling or profiteering or adulteration of food or drugs or corruption;

(iii) if he is declared insolvent by a court of competent jurisdiction and has not been discharged;

(iv) if any complaint of malpractice is received and proved against him;

(v) if he is black-listed by the licensing authority.

(b) Any agent whose name is removed from the Register under sub-rule (a) shall forthwith cease to be an agent.

(10) Black-listing of Travel Agent/Tour Operators/Excursion Agent, etc.--(a) The licensing authority may on proof of any complaint of malpractice or for any other offence committed under this rule for reasons to be recorded, black- list, an agent after taking into consideration the nature of malpractice or the gravity of offence(s), for such period as licencing authority deems fit.

(b) The particulars of the agent black-listed shall be exhibited at conspicuous place and notified to all travel trade and other concerned organisation, foreign missions in India and Indian missions abroad, etc.

(c) The action taken under Clause (a) of this sub-rule shall not protect such agent from being prosecuted under the provision of any other Act.

(d) If the licensing authority is satisfied that there are sufficient grounds for the removal of a travel agent/tour operator/excursion agent, etc., for the black-list he may, after recording the reasons, order his removal from such list and issue a fresh licence on payment of the prescribed fee and notify the name for information of all concerned.

(11) Notice of Removal and Black-listing. Before removing the name of a tour operator/travel agent/excursion agent, etc. from the register under sub-rule (9) of this rule or black-listing him under the sub-rule (10) of this rule the licensing authority shall give notice of ground or grounds on which it is proposed to take action and hold any enquiry in the presence of that person thereby giving him a reasonable opportunity of showing cause against it.

(12) Fixation of Rates.-The licensing authority may by notification in the Official Gazette fix the reasonable maximum rates which may be charged by a tour operator/travel agent/excursion agent or guide for the service rendered by him to a person engaging him as such. Such rate list duly attested by the licensing authority shall be displayed along with the licence and also carried by the agent while on duty.

(13) Tour Operator/Travel Agent/Excursion agent, etc. not to demand tip, etc.-No agent shall demand any tip, gratuity, present or commission other than that permissible under this rule from any person engaging him or from any dealer or from any hotel keeper in whose hotel such person resides or intent to reside.

(14) Conditions for licence.--(a) The object of issuing licence shall be to promote the development of tourism industry.

(b) The licence shall not concern himself/herself either directly or indirectly with any vehicle that is not covered by a permit.

(c) The licence shall behave in a civil and orderly manner with

passenger or passengers.

(d) The licence shall possess and maintain fully furnished office with adequate staff to attend the need of customer and to look after their luggage and shall maintain records containing complete particulars regarding names and addresses of the tourists, the fare collected from each of a group of travelers, the particulars of journeys and the particular of the contract carriage for the journey and shall furnish to the licensing authority who issued the licence, a daily return showing particulars. of contracts in the prescribed form, etc.

(e) No persons shall hold more than one licence effective to any person. The licensing authority may vary the conditions of licence or attach new condition(s) to such licence any time.

(8) No licensee shall lend or transfer the licence to any person.

(h) The licensee shall undertake to maintain an office under the charge of full time member of their shall who should be in a position to give accurate an up-to-date information regarding the transport and accommodation facilities, currency and customs regulations and general information about travel, etc.

(i) No agent or canvasser to whom the licence is granted shall advertise in any newspaper, book list, classified directory or other publication unless, there is contained in such advertisement appearing in such newspaper, book list, classified directory or other publication, the licence number, the date of expiry of the licence and the particulars of the authority which granted the licence.

(j) The licensee shall maintain a complaint book which shall be produced at the time of renewal. The renewal shall be refused if there is any serious complaint.

(15) Appeal and Revision-(a) Any licensee aggrieved by any order under these rules may appeal to the appellate authority within ninety days from the date of receipt of such order. The Appellate Authority shall be the Secretary (Transport).

(b) The memorandum of appeal/revision shall be filed in writing in duplicate setting forth concisely the grounds of appeal and shall be accompanied by an authenticated copy of the order against which the appeal is made and any other document relating to the appeal alongwith a fee of Rupees One Hundred only:

Provided that a memorandum of appeal shall not relate to more than one order or to be signed by more than one party.

(c) The appellate have a right to appear by a counsel and the prescribed authority may be represented by such officer or person as the Secretary (Tourism/Transport) may appoint.

(d) On receipt of any such appeal the Appellate Authority shall after giving the appellate a reasonable opportunity of being heard and after making such enquiry as it deems proper, dispose of the appeal for reasons to be recorded in writing.

(e) The Appellate Authority may make such order regarding refund of the fee for appeal as appears to be just and equitable.

(16) Fees for supply of copies of documents.-"The authority, which passed an order to be appealed against, shall on application be the party, give a certified copy of the order or of any other relevant document on payment of a fee @ Rupees Five per page per copy."

82. Licensing of public carrier goods agents

(1) Definition

(a) "Agent" means any person who engaged directly or indirectly in the business of collecting, forwarding or distributing goods carried by any public carrier;

(b) "Agent's licence" means a licence granted under this rule;

(c) "Collecting Agent" means a person licensed to do the business of collecting goods carried by any public carrier;

(d) "Collecting and Forwarding Agent" means a person licenced to do the business of collecting, forwarding and distributing goods carried by any public carrier;

(e) "Forwarding Agent" means a person licensed to do the business of forwarding and distributing goods carried by any public carrier.

(f) "Licensing Authority" means any officer empowered by the Commissioner for this purpose ;

(g) "Head Office" means a place within the State declared as Head Office by the agent for running his business of collection/forwarding/distributing goods carried by any public carrier;

(h) "Branch Office" means any place other than Head Office used simultaneously by the agent for his business purposes of Collection forwarding distributing gods carried by any public carrier.

(2) Licensing of an Agent – No person shall act as an agent unless he holds valid licence granted by the following authority authorizing him to carry on such business.

(3) Application – (i) Any person desiring to obtain a licence for carrying on any business referred to in sub-rule (1) of this rule or for renewing such licence may make an application to the licensing authority.

(ii) The application shall be accompanied by the licensing fee prescribed as under – Rupees Two Thousand only for Head Office and Rupees five hundred only for each Branch office.

(iii) On receipt of an application, the licensing authority shall grant or renew or refuse to grant or renew the licence, having regard among other things, to the following mattes, namely :-

(a) The number of goods vehicles either owned by the application or under this control exclusively by virtue of a written contract or agreement;

(b) The suitability of accommodation possessed by the applicant for the storage of goods;

(c) The facilities, if any, provided by the applicant for parking the goods vehicle ; and

(d) The financial resources and experience of the applicant and his ability to manage the business efficiently.

(4) Security of compliance with condition. – (i) For ensuring proper compliance of the conditions laid down in the rule, the licensing authority may, at the time of granting a licence order the licensee to furnish security of Rupees Fifty Thousand only in case of Head Office and

Rupees Ten Thousand only for each Branch Office.

(ii) Security shall be acceptable in the form of Bank draft in the favour of Commissioner (Transport)

(5) Forfeiture of Security (a) Without prejudice to any action which may be taken against licensee, the licensing authority at its discretion may, by order in writing, forfeit either in full or in part, the security deposit of the agent if in its opinion any of the condition, under which the licence has been granted, has been contravened.

(b) Before making any order of forfeiture under this rule, the licensing authority shall giving the licensee an opportunity of being heard and shall record reasons in writing for such forfeiture.

(6) Refund of Security – The security deposit if not forfeited shall be refunded to the party, at the expiry of the licence or earlier in the event or voluntary closing down of the business before the expiry of the licence.

(7) Forwarding and Collecting Agents – (i) An agent's licence shall, where the holder thereof is licensed to act only as a forwarding agent or as a collecting agent, specify the fact clearly.

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

(iii) No agent's licence shall authorize a person to act as such agent unless he had adequate facilities to load and unload goods at the premises approved by the Commissioner under these rules.

(8) Period of Validity and Renewal – (i) An Agent's licence shall be valid for a period of one year from the date of its grant or renewal, but can be revoked or suspended at any time at the discretion of the licensing authority after giving an opportunity to the licence of being heard.

(ii) It may be renewed on an application made to the licensing authority not less than sixty days before the date of its expiry.

(iii) The renewal of licence shall be by endorsement of the renewal thereof by the licensing authority on the original licence, renewal fee shall be Rupees Two Thousand only in case of Head Office and Rupees five hundred only for each branch office and it shall be renewed for a period of one year at a time.

(9) Conditions for Agent's Licence- An agent's licence shall be subject to the following conditions, namely –

(a) That the licensee shall, subject to the provisions of the rules, provide places for loading and unloading of goods;

(b) That the licensee shall be responsible for proper arrangements for storage of goods

collected for dispatch and delivery ;

(c) That, where he is authorized to forward and distribute goods, the license:

- (i) shall be responsible for proper deliver of goods to the consignee ;
- (ii) shall be liable to indemnify the consignee for any loss or damage to goods arising out his negligence while in his control or possession ;
- (iii) shall not issued a goods transport receipt without having actually received the goods;
- (iv) shall not deliver the goods to the consignee without actually receiving from the consignee a goods transport receipt or if the receipt is lost or misplaced, an indemnity bound covering the value of the goods;

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

(e) that the licensee shall maintain a proper record of the vehicle(s) under his control and the collection, Despatch and delivery of goods which shall be open to inspection by the Commissioner or by any person duly authorized in this behalf by him and shall furnish to the Commissioner by 31st day of January every year a return in respect of previous calendar year ;

(f) that the licensee shall not charge any commission exceeding that prescribed by the Commissioner ;

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

(h) that the licensee shall maintain proper accounts of the commission charged by him which shall be open to inspection by the Commissioner or by a person duly authorized by him in this behalf;

(i) that the licensee shall ensure that the goods vehicle under his control have valid permits for routes on which the vehicle(s) have to ply.

(j) That the licensee shall maintain in good condition a weighting device capable of weighing at a time not less than 226 kilograms of weight.

(k) That the licensee shall as far as possible attend to his customers in the order in which they approach him;

Provided that customers in respect of fresh fruits, vegetable, milk and milk products shall be given priority over other customers;

(l) that the licensee shall assign the available traffic amongst the traffic in the order in

which they have approached him and shall maintain a register chronologically recorded particulars of the available traffic and the waiting operators ;

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

(n) that the licensee shall keep a complaint book which shall be given to the customers or the operators without any hesitation. It shall be open for inspection by any officer of Transport Department, so employed by the Commissioner or by police officer in uniform not below the rank of Sub-Inspector. The complaint book shall be produced before the licensing authority at the time of renewal. If there is any serious complaint, the renewal shall be refused ;

(o) that agent shall display a notice board as under,-

“In case of any complaint against the booking agency please inform Commissioner (Transport), Government of the National Capital Territory of Delhi, 59 Under Hill Road, Delhi”;

(p) that agent shall display a rate list, for different types of services provided by him, duly approved by the Commissioner.

(10) Particulars to be mentioned in Contract of Agency- All contract entered into by the licensee, for the purpose of collecting, forwarding, and distributing goods, as the case may be, shall be in writing and shall contain the following particulars namely :

- (i) names and addresses of the consignors and consignees ;
- (ii) description and weight of the consignment ;
- (iii) destination ;
- (iv) freight per tonee kilometer or for the whole consignment;
- (v) delivery instructions (e.g. the date by which and the exact place where the goods are to be delivered to the consignee etc.);
- (vi) terms of the agreement of payment, whether to pay or paid ;
- (vii) name of the owner, driver, the registration number of the vehicle and its authorized load and the rate and amount of commission.

(11) Rate of Commission – The Commissioner may, by notification in the Official Gazette, prescribe the maximum rate at which the commission may be charged by the licensees under these rules.

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

(b) Any approval under Clause (a) of this sub-rule shall be subject to the following

conditions, namely :

- (i) that the premises shall be administered in a seemly and orderly manner,
- (ii) that the premises shall at all times be kept in a clean condition and good state of repairs;
- (iii) that the licensee shall take all possible precautions to ensure that no breach of any of the provisions of the Act/Central Motor vehicles Rules, 1989 or of these rules is committed in respect of any vehicle entering or leaving or parking at such premises and shall report any such breach to the nearest police station.

(c) Where the Commissioner refuses to approve any premises under Cl (a) of this sub-rule, he shall record in writing his reasons for such refusal.

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

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

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

(14) Issue of Duplicate Licence – If at any time an agent's licence is lost, destroyed, torn or otherwise defaced to be illegible, the agent shall forthwith apply to the licensing authority for the grant of a duplicate licence. The application shall be accompanied by a fee of Rupees one hundred only. Upon receipt of such an application that authority shall issue a duplicate agent's licence clearly stamped "Duplicate" If a duplicate agent's licence is granted on a representation (in the form of an affidavit on non-judicial stamp paper of value of rs.2) that the licence originally granted has been lost or destroyed and if the original licence is subsequently found the original licence shall be surrendered to the licensing authority.

15. Display of Agent's Licence – (a) A collecting agent shall carry with him his agent's licence while on duty and shall produce it on demand to any inspecting officer of the Transport Department or any police officer in uniform not below the rank of Sub-Inspector.

(b) A forwarding agent shall exhibit his agent's licence at a prominent place in the premises approved under this rule and the licence shall be made available for inspection by an inspecting officer of the Transport Department or any police officer in uniform not below the rank of a Sub-Inspector.

(c) A collecting and forwarding agent shall carry with him his agent's licence while on

duty and shall produce it on demand to any inspecting officer of the Transport Department or any police officer in uniform not below the rank of a Sub-Inspector and shall also cause a true copy of his agent licence to be exhibited at a prominent place in the premises approved under the rule.

(16) Position on Suspension/Cancellation of Licence- (a) The licensing authority can suspend or cancel the licence at any time after giving an opportunity to the licence of being heard. In such a case the licensee shall stop further booking at once but the goods already booked shall, of course, be forwarded and distributed so that there may be no damaged to the goods. This action will be without prejudice to any other action taken.

(b) Take owner or partner of that booking agency shall not be eligible to apply for fresh licence within three years of its cancellation.

(c) On cancellation of the licence the paid and the security deposited shall be forfeited.

(17) Appeals – (i) Any person aggrieved by any order made under this rule may appeal to the Secretary (Transport) within thirty days from the date of the receipt of such order.

(ii) The memorandum of appeal shall be filed in duplicate setting forth concisely the grounds of objection and shall be accompanied by a certified copy of that order and fee of Rupees Five Hundred only:

Provided that a memorandum of appeal shall not relate to more than one order or be signed by more than one party.

(18) Regarding levies of Fees for Supply of Copies of documents by Transport Department.- the authority which passed an order to be appealed against shall, on an application by a party, give a certified copy of the order or of any other relevant document on payment of a fee at the rate of Rupees Five per-page per-copy.

83. Inspection of Transport Vehicles

(1) Any police officer in uniform not below the rank of Sub-Inspector may at any time when the vehicle is in a public place call upon the driver of a goods vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the police officer to make reasonable examination of the contents of the vehicle.

(2) Notwithstanding the provisions of sub-rule (1) the police officer shall not be entitled to the contents of any goods vehicle, unless;

(i) the permit in respect of the vehicle contains a provision or condition in respect of the goods which may or which may not be carried in the vehicle;

(ii) the police officer has reason to suppose that the vehicle is used in contravention of the provisions of the Act or the rules made thereunder.

(3) Any police officer in uniform not below the rank of a Head Constable may, at any time when the vehicle is in a public place, call upon the driver of a public service vehicle to

stop the vehicle and to keep it at rest for such time as may be necessary to enable the police officer to make reasonable examination of the number of passengers and other contents of the vehicle so as to satisfy himself that the provisions of the Act/Rules and the provisions and conditions of the permit in respect of the vehicle are complied with.

(4) Any officer of the Transport Department empowered by the Commissioner shall be entitled at any reasonable time to inspect any vehicle in a public place.

84. Carriage of persons in a good vehicles

(1) Save as the case of a vehicle which is being used for carrying of troops or police or in the case of a stage carriage in which the goods are being carried in a goods vehicle other than a bona fide employee of the owner or hirer of the vehicle, and except in accordance with this rule.

(2) No person shall be carried in a goods vehicle beyond the number for which the seating accommodation at the rate of thirty-eight centimeters (Measured along the seat excluding the space reserved for the driver) for each person, not more than six persons in all in addition to the driver shall be carried in any goods vehicle.

(3) No person shall be carried upon the goods or otherwise in such a manner that such person is in danger of falling from the vehicle, and in no case shall any person be carried in a goods vehicle in such a manner that any part of his person, when he is in a sitting position is at a height exceeding 3.8 meters from a surface upon which the vehicle rests.

(4) Notwithstanding the provisions of sub-rules (1), (2) and (3) Commissioner may as a condition of a permit granted for any goods vehicle, specify the condition subject to which a larger number of passengers may be carried on a regular or temporary basis including persons transporting dead body, provided that such number shall not exceed the area in square decimeter of the vehicle divided by sixty-five.

(5) Notwithstanding the provisions of sub-rules (1), (2) and (3) the State Government may, in case of goods vehicle owned by the Government, Railways or Local Bodies, allow carriage of more than six persons provided that such numbers shall not exceed the area in square decimeter of the floor of vehicle divided by sixty-five.

(6) Nothing contained in this rule shall be deemed to authorize the carriage of any person for hire or reward in any vehicle unless there is in force in respect of the vehicle a permit authorizing the use of the vehicle for such purpose, and save in accordance with the provisions of such permit.

85. Record to be Maintained and Returns to be Furnished by Owners of Transport Vehicle.

(1) The Driver of every contract carriage other than a motor cab and of every goods vehicle for which a public carrier's permit has been granted and which has not been restricted for any specified route or routes, shall maintain a log book and shall enter particulars of every hiring therein.

(2) Particulars to be entered in the log-book.

(A) In the case of contract carriage – (i) the name of the hirer, with sufficient particulars to enable him to be identified;
(ii) the appropriate number of persons included in the party;
(iii) the starting point and the ending point of the trip and the route to be followed ;
(iv) the date and time from which the hiring has effect ;
(v) the date and time when the journey is expected to be completed; and
(vi) the nature and weight of any goods carried.

(B) In case of goods vehicle – (i) the name(s) of the person or persons for whom the goods are being carried ;

- (ii) the nature and weight of the goods;
- (iii) the starting point and the ending point of the trip and the route to be followed ; and
- (iv) the date and time when the trip is to be begun and when it is to be completed;

Provided that in case of a vehicle carrying miscellaneous goods belonging to a number of owners it shall suffice if the names of two of them to be recorded with a general description of the types of goods carried.

(3) The particulars required by the proceeding sub-rule shall be entered in the log-book before the passenger or goods are taken into the vehicle and before the journey is begun.

(4) The provisions of this rule shall apply also to any stage carriage, authorized for use as a contract carriage or for the carriage of goods, in so far as the vehicle is used for other of these purposes.

(5) log-books required to be maintained under this rule shall be produced by the driver at any time when the vehicle is on the road or at any reasonable time on the demand of any police officer not below the rank of head constable or any official so empowered by the Commissioner.

(6) The State Transport Authority may, by general or special order, require the holder of a permit in respect of any transport vehicle to maintain records and submit returns in respect of the vehicle in such form as the authority may specify and such records and returns may include particulars of the daily use of the vehicle in respect of-

- (i) the name and licence number of the driver and conductor and other attendant, if any;
- (ii) the route upon which or the area within which the vehicle was used;
- (iii) the number of kilometers travelled;
- (iv) the time and commencement and termination of a journey and of any halts on a journey when the driver obtained rest ;

- (v) the weight of goods carried between specified places and the nature of the goods;
- (vi) in the case of goods carried in a stage carriage, the number of trips and the distance when goods were carried, the number of trips and the distance when goods were carried solely and when goods were carried in addition to passengers and in the latter case the number of the seats available for passengers.

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

86. Conduct of passengers in stage carriage and contract carriage

Every passenger in a stage carriage and contract carriage shall:

- (i) behave in an orderly manner;
- (ii) behave in a manner not likely to cause annoyance to any female passenger;
- (iii) not use abusive language;
- (iv) not molest any other passenger;
- (v) not smoke in the vehicle in which a notice is exhibited that smoking is prohibited;
- (vi) not spit,
- (vii) neither obstruct the driver and the conductor in the execution of their duties not obstruct or interfere without due cause with the working or driving of the vehicle;
- (viii) not refuse to pay the fare;
- (ix) not refuse to show any ticket on demand by any authorised person, and shall surrender any ticket held by him on completion of the journey for which it was issued;
- (x) not use or attempt to use any ticket which has been altered or defaced or in the case of a ticket, bearing on indication that it is not transferable, issued to another person;
- (xi) neither be suffering from any contagious/infectious disease nor be under the influence of alcohol, (xii) not wilfully or negligently damage the vehicle or its fittings;
- (xiii) in the case of cab neither refuse to pay the legal fare on termination of hiring not refuse to alight on completion of journey for which he has paid the fare:
- (xiv) leave the vehicle on completion of journey for which he has paid the fare.

(2) Any passenger who is reasonably suspected by the driver or conductor contravening these rules shall give his name and address to a police officer or to the driver or the conductor or to any passenger on demand and shall also give whatever information is required by any police officer or any officer so empowered by the Commissioner.

(3) A passenger shall declare, if so demanded by the driver or conductor, the journey he intends to take in the vehicle and to pay the fare for the whole of such journey and to accept any ticket issued therefore.

(4) If a passenger violates the provisions of this rule, the driver and the conductor, if any, may require such passenger to alight from the vehicle forthwith and may stop the vehicle and keep it standing until the passenger has alighted. Such passenger shall not be entitled to the refund of any fare which he may have paid and any passenger failing to comply forthwith with such a requirement may be forcibly removed by the conductor or the driver and shall be guilty of an offence. If such passenger cannot be removed from the vehicle, the vehicle shall be taken to the nearest police station and got removed forcibly with the help of the police at the request of the driver or the conductor or any of the passengers travelling in the vehicle.

(5) In the case of a dispute between the driver of a cab and the passenger either party may require the other to proceed to the nearest police station, where the officer in charge shall, if the dispute is not settled amicably, proceed according to law.

87. Complaint Book

(1) The conductor of every stage carriage shall keep a complaint book which shall be maintained in a clean and tidy condition and shall be produced by him on the demand of any passenger without any hesitation, as if complaint book was the property of passenger and the passenger shall be at liberty to make any entry therein.

(2) The owner of the vehicle shall endorse on the complaint book the action taken by him on the complaint within a week of the complaint and inform complainant in writing, under intimation to the Commissioner under the certificate of posting, regarding the action taken on the complaint.

88. Exemption from provisions of this Chapter in General

The Commissioner may, by order in writing exempt any vehicle or class of vehicle and any person or class of persons from the provisions of the rules given in this Chapter.

CHAPTER VI

SPECIAL PROVISIONS RELATING TO STATE TRANSPORT UNDERTAKINGS

89. Publication of proposal regarding a scheme

(1) Particulars of the scheme and its publication:

Every scheme for road transport service and every scheme proposing modification of an approved scheme for road transport service shall be prepared by the State Transport Undertaking inform P.S.U. -(A) or P.S.U.-(B) as the case may be. A copy of every scheme

proposed to be published in the Official Gazette, shall be submitted, by the State Transport Undertaking, to the Commissioner.

(2) Publication of the scheme in newspaper and putting it up on Notice Board of the officers concerned Apart from the publication in the Official Gazette, every such scheme prepared by the State Transport Undertaking shall be put up on the Notice Boards of the offices of the State Transport Undertaking and the State Transport Authority and shall also be published in at least one daily newspaper in Hindi circulating in the area involved.

90. Filing of objections

(1) Procedure for filing objections: Any person affected by the scheme published by State Transport Undertaking under Section 99 of the Act may, within thirty days from the date of publication of the scheme in the Official Gazette, file any objection in the form of a memorandum addressed to the Commissioner stating concisely the grounds for objection to the scheme and furnishing the following information, namely:

(a) the name and address of the objector;

(b) whether he is a holder of any permit or permits under the provisions of Chapter V of the Act and if so in respect of which particular route or routes or area:

(c) details of any alternative route or routes or area for which he desires to have permit.

(2) The memorandum may be signed by the objector himself or person authorised by him in this behalf by a valid power of attorney.

(3) The objector or his authorised agent, as the case may be, shall send a copy of the memorandum simultaneously to the State Transport Undertaking.

91. Consideration of the objections

The representatives of the State Transport Undertaking and the objectors or their authorised agents, if they so desire, shall be heard by the State Government on such date, at such time and place and in such manner as may be determined by it and communicated to the parties concerned not less than fourteen days in advance.

92. Publication of approved scheme

Any Scheme for road transport service or any modification of an approved scheme, for road transport service as approved or modified by the State Government shall be notified in the Official Gazette in Form P.S.U.-(C).

93 Procedure for elimination of existing service

The State Transport Authority shall cause every order passed under Section 103 of the act to be published in the Official Gazette and every such order shall take effect from such date, not earlier than fifteen days from the date of the publications, as may be specified in the order. A copy of every such order shall be served upon the permit holder concerned and pasted on the notice board of the office of the State Transport Authority.

94. Manner of service of orders

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

(a) By tendering or delivering it or a true copy thereof to the person on whom it is to be served or his agent in any, or any adult member of his family or servant residing with him; or

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

(c) by affixing it to some conspicuous place of business in case of the above two members are considered impracticable.

CHAPTER VII

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES

95. Seating arrangement of public service vehicle other than tourism vehicles.

(1) Drivers' seat:

(a) No public service vehicle shall be driven otherwise than from the right hand side of the vehicle.

(b) On every public service space shall be reserved for the driver's seat such as to allow him to exercise full and unimpeded control of the vehicle, and in particular.

(i) the part of the seat against which the driver's back rests shall not be less than twenty eight centimeters, from the nearest point of the steering wheel;

(ii) the width across the vehicle shall not be less than seventy centimeters and shall extend to the left of the centre of the steering column in no case less than twenty five centimeters and so that a line drawn parallel to the axis of the vehicle through the centre of any gear lever, brake lever or other device to which the driver has to have frequent access, lies not less than five centimeter inside the width reserved for the driver's seat; and

(ii) in the case of public service vehicle other than a motor cab, the space reserved in accordance with Cl. (ii) above shall, at the left-hand end be enclosed with a rigid wooden or other suitable partition to a height not less than thirty centimeters above the seat, and continued forward of the seat at an adequate height above the floor of the vehicle.

(c) 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 driver⁵.

(2) Passenger's Seat in the Buses:

1. Ins. by Notif. No. F 21/SECY/STA/97/PF/365, dated 22-6-1998 (w.e.f. 22-6-1998).
2. Ins. by Notif. No. F 21/SECY/STA/97/PF/365, dated 22-6-1998 (w.e.f. 22-6-1998).

(a) In every public service vehicle other than a motor cab, there shall be provided, for a conductor seating space of 38 cm x 30 cm. for each passenger a reasonable comfortable seating space as specified below:

(i) in the case if the vehicle having seats for two passengers on each side across the vehicle, seating space of not less than thirty-eight centimeters square measured on straight lines along at right angles to the front of each seat;

(ii) in the case of vehicle having seats for two passengers on one side and three passengers on the other side across of the vehicle, a seating space of not less than thirty-eight centimeters square measured on straight lines along and at right angles to the front of each seat in case of seats for two passengers, and a seating space of not less than forty centimeters measured on straight lines along the seat and thirty-eight centimeters at right angles to the front of each seat (ie. depth of the seat) in the case of seats for three passengers; and

(iii) when the seats placed alongside the vehicle, a seating space of not less than thirty-eight centimeters square measured on straight lines along and at right angles of the front of each seat for two passengers, and a seating space of not less than forty centimeters measured on straight lines along the seat (ie. width of the seat) and thirty-eight centimeters at right angles to the front of each seat (i.e. depth of the seat) in the case of seats for three passengers; and

(aa) when the seats are placed along the vehicle, the backs of the seats on one side shall be at least one hundred and forty centimeters distant from the back of the seats on the other side;

(bb) when the seats are placed across the vehicle and are facing in the same direction, there shall be everywhere a clear space of not less than sixty-five centimeters between the back of facing seats;

Provided that a seat for the conductor need not be provided in the stage carriage running exclusively within the National Capital Territory of Delhi.

(b) The height of all seats from the floor shall not be less than forty centimeters including cushions in all buses.

(c) The backs (cushion portion) of all seats shall be closed to the height of at least forty-five centimeters above the level of the seat.

(3) Passenger's seat in favour passengers auto- rickshaws-(a) There shall be provided for each passenger a reasonable comfortable seating space of not less than forty centimeters square measured on straight lines along and on right angles to the front of each seat. The seats shall be placed across the vehicle. When all the seats are placed in the same directions there shall be at all places a clear space of not less than sixty-seven centimeters between the backs of either of the seat and shall face to the front or two seats to the front and two seats to the rear back.

(b) Leg space. There shall be provided at least twenty-seven centimeter leg space.

(4) Passenger Seat in Three Passenger Auto- Rickshaw. -(a) There shall be provided a seat not less than one hundred twenty centimeters in length. The depth of the seat shall not be less than forty centimeters.

(b) The backs of the seats shall be slanting and closed to a height of at least forty-five centimeters above the level of the seat.

(c) The seats shall be provided with fixed or movable cushions. The cushions shall be covered with leather cloth of good quality or other material of such kind that these are capable of being kept in a clear condition.

(d) The height of the seats from the floor shall be not less than thirty-five centimeters including cushions.

(e) Leg space-There shall be provided at least thirty-seven centimeters of leg space.

(5) Protection of passengers from weather-(a) Every public service vehicle shall be either constructed with a fixed and water tight roof or equipped with a water-tight hood that may be raised or lowered as required:

Provided that the above shall not apply to the upper deck of a double-decked vehicle.

(b) Save in the case of the uncovered top deck of a double decker, every public service vehicle shall have suitable windows, venetians or screens capable at all the times of protecting the passengers from weather without preventing adequate ventilation of the vehicle, when the screens are made of fabric, the whole of them shall at all time be fastened securely to the vehicle.

(c) Where glass windows or venetians are used, they must be provided with effective means to prevent their ratings.

[(d) In the case of educational institution buses and medium or heavy passenger motor vehicles being used for the purpose of transporting school students, horizontal window steel bars shall be fixed on the exterior of the bus in such a manner that the distance between any two bars does not exceed twenty centimeters.]

95-A.

Special provision for educational institution buses and omnibus transport vehicle carrying school children. No educational institution bus or an omnibus transport vehicle as referred to in sub-rule (1) of Rule 7-B being used for the purpose of transporting school students shall ply unless-

(a) it carries a complete list of the school children showing in respect of each student indicating the name, class, residential address and the points of stoppage for his/her embarkation and disembarkation near his/her residence against his/her name. The list will also indicate the route plan duly attested by the head of the educational institution showing the place of origin, termination and detailed route it has to follow;

(b) it is not more than five years old from the date of its first registration.

(c) in the case of educational institution bus, it is painted in golden yellow colour with a stripe below the window panel and the stripe shall be of colour distinctive of the school and twenty-five centimeters in width;

(d) the first step of the board is at a height not exceeding 325 mm from the ground and all steps are fitted with non-slip treads;

(e) it is equipped with convex cross view mirrors by which the driver can see the exit door and entrance door and the front of the rear wheels of the motor vehicle clearly and it is also equipped with large parabolic rear view mirror to enable the driver to have a clear view of the inside of the bus.

(f) it has been provided with hand-rails along the steps at the front door, which shall also be used both as entry and exit door. the height, material design of the hand rails shall be such as is approved by the Commissioner (Transport), Delhi.

(h) it is not fitted with any pressure horn or any other device for producing tonal sound which is operated on air pressure drawn from the braking system.

(i) it is equipped with the following, namely:

(1) First-aid box with glazed front, with contents are mentioned in Rule 66 and as may be directed from time to time by Commissioner (Transport), Delhi.

(2) First extinguisher, dry powder type located near the engine compartment;

(j) it has provision for bar racks under the seats, and

(k) it has provision for such other things as may be specified through and order of the Commissioner, from time to time.]

96. Sound signals

(1) No driver of a motor vehicle shall sound the horn or other device for giving audible warning with which the motor is equipped or shall cause or allow any other person to do so, continuously or to an extent beyond what is necessary to ensure safety.

(2) The District Magistrate may, by notification published in the Official Gazette or in one or more newspapers circulating in the State, or by the erection of traffic sign(s) in suitable place(s), prohibit the use of horn, gong or any other device by drivers of motor vehicles for giving audible warning in any area:

Provided that when the District Magistrate prohibits the use of horn, gong or any other device for giving audible warning during certain specified hours he shall cause a suitable notice, in English and Hindi to be affixed below the traffic sign setting forth the hours within which such use is prohibited.

(3) Except to avoid an imminent accident no person shall sound the horn or other audible warning device of any motor vehicle within the limits of a stand, parking place or cab-rank.

97. Prohibiting of carrying of appliances likely to cause annoyance or dangers.

(1) No vehicle owner shall be allowed to carry or fix any appliance/fitting on the motor vehicle which may cause annoyance or danger to the other road users.

(2) Restrictions on the use of coloured lights on motor vehicle: No motor vehicle owner shall allow or fix any coloured light in the front and on top of the roof other than the rear of the motor vehicle, provided that this provision shall not apply to the internal lighting of the vehicle or to light, if displayed by a direction indicator, save the following categories which are specified below as under:

(a) Revolving-cum-flasher red light will be used only by motor vehicles on emergency duties such as ambulances, fire brigade, vehicles of Delhi Police Control Room, and such light shall be on top at the middle of the roof.

(b) A red light without flasher will be allowed to be erected in the front, and on top of the wind screen position of a saloon vehicle of the General Officer Commanding (GOC) of Delhi area and the Chiefs of the three services, the Chief Justice of the Supreme Court of India and the Chief Justice of the High Court of Delhi.

(c) Official vehicles in attendance with the Cabinet Ministers of the Government of India. Lt. Governor, Delhi, Chief Minister of the State, will be permitted to use the blue fixed light on top and middle of the roof while plying on official duty.

(d) Police Patrol Vehicles, Pilot Vehicles, Transport Department Vehicles will use for distinction a blue revolving cum flasher light placed in front and on the top of the wind screen position.

(e) Amber revolving or flashing light will be used on vehicles plying on national and international airports in the National Capital Territory of Delhi.

(f) A red light without flasher will be allowed to be used on the front bonnet of the motor-vehicle after obtaining the written permission of the Secretary (Transport): Provided that the power of the high bulb so used shall not exceed seven watts and covered with frosted glass.

(3) Save the provisions of Rule 107 of the Central Motor Vehicles Rules, 1989, if any motor vehicle found playing within the State in contravention of above

provisions, the vehicle shall be challenged impounded by the Traffic Police Checking Staff of the Transport Department and its registration shall also be liable for cancellation.

98. Periodical testing and inspection of vehicles by prescribed authority

(1) The prescribed authority for the periodical testing and inspection of vehicles shall be Board of Inspection.

(2) The testing and inspection of vehicles shall be conducted according to the methods prescribed in this regards by the Commissioner (Transport) from time to time.

99. Air Pollution by motor vehicles

(1) Necessity of a Pollution Under Control Certificate.- (a) Every motor vehicle shall have to carry a valid "Pollution Under Control Certificate" issued by the Transport Department or by any pollution checking centre, duly authorised by the Commissioner to carry out pollution level checking from the exhaust of Non-Transport Motor Vehicles (petrol driven only) and for the tuning of the same if required.

(b) Notwithstanding the provisions contained in Clause (a) above, any Pollution Level Test Inspector authorised for the purpose by the Commissioner may test the pollution level of the exhaust of any vehicle. If the pollution level of the exhaust of the vehicle is found beyond the prescribed standard, he may direct the owner, driver of the vehicle to obtain a fresh Pollution Under Control Certificate" and cancel the existing Pollution Certificate.

(2) Validity and Fees.- "Pollution under Control Certificate" shall be issued for a Rupees Ten and be valid for a period of six months from the date of the issue.

(3) Authorisation of Pollution Checking Centre.- (a) No service station workshop shall act as a pollution checking centre unless it holds valid authorisation granted by the Commissioner.

(b) Application.- An application for authorisation for Pollution Checking Centre shall be made to the Commissioner along with a fee.

(c) Pollution checking.- Pollution Checking Centre authorised by Transport Department shall charge such fees for pollution checking and for minor adjustment, if any, for different categories of vehicles as shall be prescribed by the Transport Department from time to time.

(d) Inspection.- (i) A pollution Level Test Inspector authorised by the Commissioner may check working of any pollution checking centre.

(ii) If at any stage it is found that any pollution checking centre is violating the terms and conditions as prescribed by Transport Department or indulging in any unlawful activity, pollution level test Inspector may pass the order to stop the pollution checking activity of Pollution Checking Centre and shall report the case to the

Commissioner.

(iii) The Commissioner may at its discretion suspend/cancel the authorisation of the said pollution checking centre after hearing the accused or after making such enquiry as it deems just and proper.

100. Particulars other than the registration mark to be exhibited.

Save in the case of motor cab, delivery van or trailer the name of the owner as set forth in the certificate of registration and his address in brief shall be written on the left side of every transport vehicle.

All the particulars to be exhibited on a transport vehicle shall be set forth in English/Hindi letters and numerals each not less than two and a half centimeters square legibly painted on a plain surface or on a plate affixed on the vehicle.

101. Specific rules applicable to trailers

(1) Trailers prohibited with Motor-Cycles: (a) A motor-cycle with not more than two wheels with or without a side-car shall not draw a trailer.

(b) No Motor-cycle shall draw a trailer exceeding two hundred thirty kilograms in weight unladen or 1.5 meters in overall width.

(2) Prohibition of Attachment of Trailer to certain Vehicles.-(1) No motor vehicles which exceeds eight meters in length shall draw a trailer:

Provided that this rule shall not apply to any motor vehicle being towed in consequence of disablement.

(3) Attachment of Trailers.-(a) When a trailers or trailers are being drawn by a motor vehicle there shall be carried in the trailer or trailers or on the drawing motor vehicles, as the case may be, the following persons, not less than twenty years of age and competent to discharge their duties, that is to say:

(i) 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,-

(aa) one person on every trailer competent to apply brakes, and

(bb) one person placed at or near the rear of the last trailer in such a position as to be able to have a clear view of the road in the rear of the trailer, to signal to the drivers of overtaking vehicles and to communicate with the driver of the drawing motor vehicle;

(ii) if the brakes of the trailer can be operated by the driver of the drawing motor vehicle or by some other person carried on that vehicle, such other person in addition to the driver shall be carried on that vehicle, such other person in addition to the driver shall be carried on the vehicle and one operator on the last trailer in train in accordance with the provisions of sub Clause (bb) of Clause (1);

(ii) if the trailer is or trailers are being drawn by a locomotive, notwithstanding that the brake or the trailer can be operated by the driver or some other person on the locomotive, 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 (bb) of Clause (i);

(b) The above Clause (d) shall not apply:

(a) to any trailer not having more than two wheels and not exceeding seven hundred and seventy kilograms in weight ladden when used singularly and not in a train with other trailers;

(b) to the trailing half of an articulated vehicle;

(c) to any trailer used solely for carrying water, for the purpose of the drawing vehicle, when used singularly and not in a train with other trailers;

(d) to any agricultural or road making or road repairing or road cleaning equipment drawn by a motor vehicle;

(e) to any trailer specially constructed or adopted for any specific purpose, upon which an attendant cannot safely be carried; or to any closed trailer specially constructed for a specific purpose and specifically exempted from any or all of the provisions of this rule by an order in writing made by the Commissioner to the extent, so exempted.

(4) Distinguishing marks for Trailers.- (a) No person shall drive 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 the last trailer in train, as the case may be, a distinguishing mark 'T' in white on a black ground.

(b) The mark shall be kept clean and unobscured and shall be so fixed to the trailer that- (i) the latter of the mark is vertical and easily distinguishable from the rear of the trailer; (ii) the mark is either on the centre or to the right and side of the back of the trailer;

(iii) no part thereof is at height exceeding four feet from the grounds; and

(iv) the letter is eighteen centimeters in height and thirteen centimeters in width, the stroke being four centimeters broad. The overall measurement of the mark is twenty centimeter high and eighteen centimeter wide.

Explanation.-The above dimensions are the minimum, and the marks may be exhibited in a larger size if so desired.

102. Placement of Audio, Radio, Tape Recorder, etc. in the Motor Vehicle

Owner, driver or passenger of a motor vehicle shall follow the orders given by

Delhi traffic Police Department from time to time in regard to the placement in the vehicle of audio visual, radio, tape recorder, etc. or like type of devices.

102-A. Distinctive light on top four corners (not roof) in the exterior of educational institution buses

Amber flashing lights shall be erected of the top four corners (but not on roof) in the exterior of educational institution buses which shall be activated when such a motor vehicles is stopped for mounting or alighting of its occupants.]

103. Exemption from provisions of this Chapter in General

The State Government, may, by order in writing, and subject to such conditions as may be prescribed by Central Government, exempt any vehicle or class of vehicles and any person or class of persons for the provisions of the rules given in this Chapter.

CHAPTER VIII CONTROL OF TRAFFIC

104. Vehicles abandoned on the road

(1) When an abandoned, unattended, wrecked, burnt, or partially dismantled vehicle is removed under Section 127 of the Act, the vehicle, including its load, shall be taken to the nearest police station/police post, if possible, or may be given in the safe custody of any person or agency/deemed fit for the purpose by the police officer removing the vehicle.

(2) The delivery of the vehicle shall be made only after fine or penalty due in respect of the vehicle or in respect of the delay in the removal thereof has been paid by the owner of the motor vehicle, under Section 127 and/or Section 201 of the Act to the police officer removing the vehicle against a proper receipt.

(3) Notwithstanding any fine or penalty which may be imposed upon any person for the delay in the removal of the vehicle the owner of the motor vehicle or his heirs or assignee shall be liable to pay expenses incurred by any police officer in connection with the removing of the vehicle, etc. The police officer who receives payment accordingly shall give a receipt to the person making the payment.

(4) Notwithstanding any fine or penalty which may be imposed upon any person upon contravention of the provisions of Section 127 of the Act, or of any regulations made by a competent authority, the owner of the motor vehicle or his heirs or assignee shall be liable to make good any reasonable expense incurred by any police officer in connection with the moving, lighting, watching or removal of a vehicle or its contents in accordance with the provisions of the Act and this rule; and any police officer, or any person in whose custody the vehicle has been entrusted by 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 persons making the payment⁶.

1. Ins. by Notif. No. F 21/SECY/STA/97/PF/365, dated 22-6-1998 (w.e.f. 22-6-1998).

105. Use of weighting devices

(1) The driver of any goods vehicle required by a competent authority under Section 114 of the Act, to convey the vehicle to a weighing device shall upon the demand of such authority so drive and manipulate the vehicle so as to place it or any wheel or wheels thereof, as the case may be upon the weigh bridge or wheel-weigher in such a manner that the weight of the vehicle or weight transmitted by any or wheels may be exhibited by the weight-bridge or wheel weigher.

(2) If the driver of a motor vehicle fails within a reasonable time to comply with a requisition under sub-rule (1) a person authorised under Section 114 of the Act, may cause any person, being the holder of licence authorising him to drive such a vehicle, so to drive and manipulate the vehicle.

(3) When the weight or axle weight of a motor vehicle determined by separate or independent determination of the weight transmitted by any wheel or wheels of the axle, the Laden Weight or Axle Weight of the vehicle shall be deemed to be the sum of the weights transmitted by the wheels of the vehicle or wheels of any axle of the vehicle, as the case may be.

(4) Upon the weighing of a vehicle in accordance with the said section 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 axle the weight of which is separately determined.

5) No weighing device shall be used for the purpose of Section 114 of 400 the Act unless it is tested and certified to be in order by the Weight and Measures Department, Government of National Territory of Delhi, Delhi once in a year.

106. Maintenance and Management of Way Side Amenities Complexes

The way side amenities complexes wherever required, shall be developed, maintained and managed by respective agencies/departments to whom this work is entrusted accordingly to the instruction and to the satisfaction of the State Government.

107. Exemption of fire brigades, ambulances and other special classes of vehicle

In order to prevent danger to the public and to facilitate free passage of Fire Brigades, Ambulances and Police Patrol Van, all motor vehicles being driven or used at the time of the passage of a fire Prigades, Ambulance or a Police Patrol Van, as the case may be, proceeding to the scene of a fire or other incident, which shall be indicated by continuous sounding of an electric or manipulated bell, shall draw to the extreme left to the road and there remain stationary until the Fire Brigades, Ambulance or the Police Patrol Van, as the case may be, has passed.

108. Parking places

(1) The District Magistrate after consultation with State Transport Authority, the Deputy Commissioner of Police (Traffic) and the local authority having jurisdiction in the area may make orders appointing parking places for motor vehicles.

(2) Considerations governing the location of parking places and stands.-In deciding whether to grant permission for the use of any place as a stand or a parking place, as the case may be the District Magistrate shall have regard to the following matters, namely:

(a) the interests of the public generally and the efficient organisation of the motor transport;

(b) the suitability of the site from the point of view of traffic control;

(c) the avoidance of annoyance to persons living or having property in the location;

(d) the suitability of the site in relation to other stands or parking places, as the case may be, in the same town;

(e) any other consideration that may appear to be relevant.

(3) Conditions applicable to parking places and stands.- (a) Every order permitting a place to be used as a parking place or a stand shall be subject to the following conditions, namely:

(i) that the land and the building of the parking places or the stands, as the case may be, shall at all times be kept clean and in a good state of repair;

(ii) that the parking places or the stands as the case may be, shall be administered in a seemly and orderly manner;

(iii) that the person, company or authority permitted by District Magistrate to use the place as a parking place or a stand as the case may be shall take all possible precautions to ensure that no breach of the Act or of these rules is committed in respect of any vehicle entering or leaving or halting at the parking place or the stand and that such breach is reported to the nearest officer of the police;

(iv) that a board shall be set up in a conspicuous position at the parking place or the stand as the case may be, showing the fees payable (if and order has been made fixing the fees) and that the full amount of fees due from the owners and drivers of the vehicles shall be charged, neither more nor less.

(b) In making an order permitting a place to be used as parking place or as a stand, as the case may be, the District Magistrate may further attach to it any one or more of the following conditions, namely, that, that the local authority or person authorised to administer the parking place or the stand shall:

(i) maintain such records as the District Magistrate may from time to time direct;

(ii) employ such staff at the parking place or the stand, as may be specified in

the order.

(c) With the approval of State Transport Authority the District Magistrate may attach to the order any other condition that may seem to him to be necessary to secure the efficient administration of the parking place or the stand as the case may be, or otherwise in the public interest.

109. Restriction of Driving with Gear Disengaged

No person shall drive a transport vehicle with the engine free, that is to say, with the gear lever in neutral, the clutch pedal 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 on any hill marked by traffic sign.

110. Prohibition on Mounting or Taking Hold of vehicle

(1) No person shall mount or attempt to mount or alight from any motor vehicle, when the motor vehicle is in motion.

(2) No person shall take hold of an no driver of a motor vehicle shall cause or allow any person to take hold of any motor vehicle when in motion for the purpose of being towed or drawn upon some other wheeled vehicle or otherwise.

111. Traffic Segregation and Prohibition of Use of Foot- path

Where 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 foot-path or track.

¹[(2) Where bus lanes are segregated and markings on roads or streets have been provided, all buses and goods carriages (plying during permitted hours) shall be confined to the bus lanes and no motor vehicle other than a bus or goods carriage shall enter upon said bus lanes."]

112. Prevention of Danger, Injury or Noise to Public

(1) Projection of loads: (a) Nothing shall be placed or carried upon the outside of the roof of a double decked public service vehicle.

(b) 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 in such a manner that the load or any part thereof or anything extends beyond the vehicle.

(c) No projection of any load or part thereof shall be allowed in any type of vehicle and on any direction of the vehicle, that is to say, to the front, rear, left, right, upward or downward beyond the actual body of the vehicle⁷.

1. Renumbered as sub-rule (1) by the Notif. No. F 21/SECY/STA/97/PF/265, dated 22-6-1998 w.e.f. 22-6-1998)

(2) 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.

(3) User of lamps when a vehicle is at rest.-(a) If within the limits of any Municipality or Cantonment a motor vehicle is at rest, within the hours during which the lights are required, at the left hand side of the road or street or elsewhere in any duly appointed parking place, it shall not be necessary for the motor vehicle to exhibit any light, save as may be required generally or specifically by the District Magistrate.

(b) Outside the limits of a Municipality or Cantonment if a motor vehicle is at rest, within the hours during which the lights are required, in such a position as not to cause danger or undue inconvenience to the other users of the road, it shall not be necessary for the motor vehicle to display any lights.

(4) Dazzling lights.-(a) The driver of a motor vehicle shall at all times, when the lights of the motor vehicle are in use so manipulate them the danger or undue inconvenience is not caused to any person by dazzle.

(b) the District Magistrate may by notification in the Official Gazette and any erection of suitable notices in English and Hindi 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.

(c) The driver of a motor vehicle shall at all times ensure that there is no misuse of bright head light and the same is properly regulated.

(5) Visibility of Lamps and Registration Marks.-(a) No load or other thing shall be placed on any motor vehicle, so as to any time to mask or otherwise interrupt vision of any lamp, registration mark or other mark required to be carried by or exhibited on any motor vehicle by or under the provisions of the Act, unless a duplicate of the lamp or mark so masked or otherwise obscured is exhibited in the manner required by or under the Act for the exhibition of the masked or obscured lamp or mark.

(b) 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.

113. Stop Sign on Road Surface

(1) When any line is painted on or inlaid into the surface of any road at the approach to a road junction or to a pedestrian crossing or otherwise, no driver shall drive a motor vehicle so that any part thereof projects beyond that line at any time when a signal to stop is being given by a police officer or by means of traffic control lights or by temporary display of such sign⁸.

(2) A line for this purpose of this rule shall be not less than five centimeters in

1. Ins. by Notif. No. F 21/SECY/STA/97/PF/365, dated 12-6-1998 (w.e.f. 22-6-1998).

width at any part and shall be either in white/back or yellow colour.

114. Arrangement and maintenance of Glass

The glass of the front windscreen, 1 and side and rear windows of every motor vehicle shall be such and shall be maintained in such a condition as to be clearly transport and allow the driver a clear vision to the front and to the sides and through the prescribed mirror to the rear of the vehicle.

115. Wearing of Protective Head Gears

The protective head gear which a person is required to wear under Section 129 of the Act, shall, be of I.S.I. specification and in good condition. It shall be securely fastened to the head by means of strips and other fastenings, provided on the head gear.

116. Exemption from the Provision of this Chapter in General

The Commissioner may by order in writing exempt any vehicle, or class of vehicles, and any person or class of persons from the provisions of the rules given in this Chapter.

CHAPTER IX CLAIMS TRIBUNALS

117. Application of Claims

Every application for payment of compensation made under Section 166 shall be made in the Form- CTA and shall be accompanied by the fee of Rupee twenty only.

118. Procedure to be followed by Claims Tribunal

(1) Examination of Applicant-On receipt of an application under Rule 117, the Claims Tribunal may examine the applicant on oath, and the substance of such examination, if any, shall be reduced to writing.

(2) Summary Dismissal of Application.-The Claims Tribunal may, after consideration of the application and the statement, if any, of the applicant recorded under preceding sub- rule (1) dismiss the application summarily, if for reasons to be recorded, it is of the opinion that there are no sufficient grounds for proceedings therewith.

(3) Notice to the parties involved-If the application is not dismissed under sub-rule (2) above, the Claims Tribunal shall send to the owner of the motor vehicle, involved in the accident and its insurer, a copy of the application together with a notice of the date on which it will hear the application, and may call upon the parties to produce on that date any evidence which they may wish to tender.

(4) Appearance and Examination of Parties-(a) The owner of the motor vehicle and the insurer may, and if so required by the Claims Tribunal shall at or before the first hearing or within such further time as the Claims Tribunal may allow, file a written statement dealing with the claims raised in the application, and any such written statement shall form part of the record.

(b) If the owner or the insurer contests the claim, the Claims Tribunal may, and if no written statement has been filed, proceed to examine the owner and the insurer upon the claim and shall reduce the substance of the examination to writing.

(5) Summoning of Witness.-If an application is presented by any party to the proceedings for the summoning of witnesses, the Claims Tribunal shall, on payment of expenses involved, if any, issue summons for the appearances of such witness, unless it considers that their appearance is not necessary for a just decision in the case.

(6) Appearance of Legal Practitioner-The Claims Tribunal may in its discretion, allow any part to appear before it through a legal practitioner.

(7) Local Inspection-(a) The Claims Tribunal may during the course of inquiry before it, visit the site at which the accident occurred for the purpose of making a local inspection or examination any person likely to be able to give information relevant to the proceedings.

(b) Any party to a proceedings or the representative of any such party may accompany the Claims Tribunal for a local inspection.

(c) The Claims Tribunal after making a local inspection shall note briefly in a memorandum any facts observed and such memorandum shall form part of the record of inquiry.

(d) The memorandum referred to in Clause (c) above may be shown to any party to the proceedings who desires to see it and a copy thereof may, on application, be supplied to any such party.

(8) Inspection of the Vehicle.-The Claims Tribunal may, if it thinks fit, require the motor vehicle involved in the accident to be produced by the owner for inspection at a particular time and place to be mentioned by it, if necessary, in consultation with the owner.

(9) Power of summary Examination-(a) 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 the parties are present or not.

(b) No oath shall be administered to a person examined under preceding Clause (a) above.

(10) Method of Recording Evidence-The Claims Tribunal shall, as examine of witnesses proceeds, make a brief memorandum of such 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 records, provided that evidence of any medical witness shall be taken down as nearly as may word for word.

(11) Adjudgment of Hearing-If the Claims Tribunal finds that an application cannot be disposed of at one hearing it shall record the reasons which necessitates the adjournment and also inform the parties present on the date of adjournment of hearing.

(12) Co-opting of Persons during Inquiry-(a) The Claims Tribunal may, if it thinks fit, co-opt one or more persons possessing special knowledge with respect to any matter relevant to the inquiry, to assist in holding the inquiry.

(b) The remuneration, if any, to be paid to the person(s) co-opted shall in every case be determined by Claims Tribunal.

(13) Framing of Issues.-After framing the issues, the Claims Tribunals shall proceed to record evidence examined and the result of any local inspection, the Claims Tribunal shall proceed to frame and record the issue upon which the right decision of the case appears to depend.

(14) Determination of Issues-After framing the issues, the Claims Tribunal shall proceed to record evidence thereon which each party may desire to produce.

(15) Diary.-The Claims Tribunal shall maintain a brief diary of the proceedings on the application.

(16) Judgment and Award of Compensation.- (a) The Claims Tribunal, if passing orders, shall record concisely in judgment the findings on each of the issues framed and the reason for such finding and make an award specifying the amount of compensation to the reason for such finding and make an award specifying the amount of compensation to be paid by the insurer and also the person or persons to whom compensation shall be paid.

(b) Where compensation is awarded to two or more persons, the Claims Tribunal shall also specify the amount payable to each of them.

119. Power vested in the civil court which may be exercised by claims tribunal

The following provisions of the first schedule to the Code of Civil Procedure, 1908, shall, so far as may be, apply to proceedings before the Claims Tribunal, namely-

(a) Order V, Rules 9 to 12 and 15, to 39;

(b) Order IX;

(c) Order XII, Rules 3 to 10;

(d) Order XVI, Rules 2 to 21;

(e) Order XVII and;

(f) Order XXIII, Rules 1 to 3.

120. Appeal against the award of Claims Tribunal

(1) Forms and number of appeals against the decision of the Claims Tribunal.

An appeal against the award of Claims Tribunal shall be preferred in the form of a memorandum stating concisely the grounds on which the appeal is preferred.

(2) It shall be accompanied by a copy of the judgment and the award appealed against along with a fee of fifty rupees in the form of court fee stamps.

CHAPTER X MISCELLANEOUS

121. Price of Forms

The Price of each forms of any type other than the forms which are in the shape of booklet, supplied to the public under Central Motor Vehicles Rules, 1989 or the Delhi Motor Vehicle Rules shall be fifty paise only per form.

The price of a form which is in the form of a booklet shall be Rupees five each.

122. Motor Vehicles Department

The Transport Department shall be the Motor Vehicles Department for the National Capital Territory of Delhi with the Commissioner as its head.

123. Functions and Powers of Officers of Motor Vehicles Department

(1) The State Government may delegate any power under the Act and the rules made thereunder to any person for the proper the proper implementation of the And and the rules made thereunder and such persons shall discharge all functions and perform all duties as assigned to them most diligently.

(2) All the authorities prescribed under the Act and the rules made thereunder and all such persons so empowered, shall be under the over-all control of the Commissioner. The Commissioner shall be under the control of the State Government and shall exercise all the powers of the police officer of the rank of Commissioner of Police under the Motor Vehicle Act, 1988.

(3) The Joint Director(s) (Transport) and the Deputy Director(s) (Transport) shall be under the control of the Commissioner and shall exercise the powers of Deputy Commissioner of Police under the Motor Vehicle Act, 1988.

(4) All other Gazetted officers of the Transport Department shall be under the control of the Commissioner and shall exercise the powers of Assistant Commissioner of Police under the Motor Vehicle Act, 1988. All the Inspectors shall be under the control of the Commissioner and shall exercise powers of the rank of the Inspector of police under the Motor Vehicles Act, 1988.

(5) All other checking staff shall be under the control of Commissioner and shall exercise the powers of the corresponding rank of the Delhi Police under the Motor

Vehicles Act, 1988.

(6) In addition to the powers that may be conferred on any officer of the Transport Department under sub-section (3) of Section 213 of the Act, such officer shall also be empowered by the State Government under sub-section (5) of Section 213 of the Act.

124. Uniform

The uniform of the officers of the Transport Department while posted on duty shall be as under-

(a) The uniform of the enforcement officer of the Transport Department shall be similar to that of the Assistant Commissioner of Police. The Uniform of Pollution Level Test Inspector, Motor Vehicle Inspector, Headquarters Inspector and Inspector Enforcement shall be similar to that of the Inspector of Delhi Police.

(b) The uniform of the Driving Test Inspector, Road Safety Inspector, Driving Inspector and the Sub Inspector (Enforcement) shall be similar to that of Sub-Inspector of the Delhi Police.

(c) The uniform of Assistant Sub-Inspector (Enforcement); the Head Constable and the Constable shall be similar to that of the Assistant Sub-Inspector, Head Constable and the constable in the Delhi Police respectively.

(d) All the above officers and the staff shall also have stars on their uniforms as prescribed with corresponding type of uniform of the Delhi Police:

Provided that in all the above uniforms the badge shall bear the letters "D.T." in place of "D.P."

125. Regulations

The State Government may, by order published in the Official Gazette made regulations for purpose of carrying into effect the provisions of Delhi Motor Vehicles Rules, 1993. Such regulations shall however not be, inconsistent with the provisions of the Motor Vehicles Act, 1988. Central Motor Vehicles Rules, 1989, and these Rules, 1992.

126. Repealing and Saving

On the day on which these Rules come into force, the Driver Motor Vehicle Rules, 1940 as in force in the National Capital Rules, 1940 as in force in the National Capital Territory of Delhi shall stand repealed:

Provided that the repeal shall not affect-

(a) the previous operation of the Rules so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred

under the said Rules; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Rules, so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and such penalty, forfeiture or punishment may be imposed as if the Rules had not been repealed.