

12. OFFENCES, PENALTIES AND PROCEDURE

- | |
|--|
| 12.1 <u>General provision for punishment of offences. (MVA S 177)</u> |
| 12.2 <u>Penalty for travelling without pass or ticket and for dereliction of duty on the part of conductor and refusal to ply contract carriage, etc. (MVA S 178)</u> |
| 12.3 <u>Disobedience of orders, obstruction and refusal of information. (MVA S 179)</u> |
| 12.4 <u>Allowing unauthorised persons to drive vehicles. (MVA S 180)</u> |
| 12.5 <u>Driving vehicles in contravention of section 3 or section 4. (MVA S 181)</u> |
| 12.6 <u>Offences relating to licences. (MVA S 182)</u> |
| 12.7 <u>Punishment for offences relating to construction and maintenance of vehicles. (MVA S 182)</u> |
| 12.8 <u>Driving at excessive speed, etc. (MVA S 183)</u> |
| 12.9 <u>Driving dangerously. (MVA S 184)</u> |
| 12.10 <u>Driving by a drunken person or by a person under the influence of drugs. (MVA S 185)</u> |
| 12.11 <u>Driving when mentally or physically unfit to drive. (MVA S 186)</u> |
| 12.12 <u>Punishment for offences relating to accident. (MVA S 187)</u> |
| 12.13 <u>Punishment for abetment of certain offences. (MVA S 188)</u> |
| 12.14 <u>Racing and trials of speed. (MVA S 189)</u> |
| 12.15 <u>Using vehicle in unsafe condition. (MVA S 190)</u> |
| 12.16 <u>Sale of vehicle in or alteration of vehicle to condition contravening this Act. (MVA S 191)</u> |
| 12.17 <u>Using vehicles without registration. (MVA S 192)</u> |
| 12.18 <u>Using vehicles without permit. (MVA S 192-A)</u> |
| 12.19 <u>Punishment of agents and canvassers without proper authority. (MVA S 193)</u> |
| 12.20 <u>Driving vehicle exceeding permissible weight. (MVA S 194)</u> |
| 12.21 <u>Imposition of minimum fine under certain circumstances. (MVA S 195)</u> |
| 12.22 <u>Driving uninsured vehicle. (MVA S 196)</u> |
| 12.23 <u>Taking vehicle without authority. (MVA S 197)</u> |

12.24 Unauthorised interference with vehicle. (MVA S 198)
12.25 Offences by companies. (MVA S 199)
12.26 Composition of certain offences. (MVA S 200)
12.27 Penalty for causing obstruction to free flow of traffic. (MVA S 201)
12.28 Power to arrest without warrant. (MVA S 202)
12.29 Breath tests. (MVA S 202)
12.30 Laboratory test. (MVA S 204)
12.31 Presumption of unfitness to drive. (MVA S 205)
12.32 Power of police officer to impound document. (MVA S 206)
12.33 Power to detain vehicles used without certificate of registration permit, etc. (MVA S 207)
12.34 Summary disposal of cases. (MVA S 208)
12.35 Restriction on conviction. (MVA S 209)
12.36 Courts to send intimation about conviction. (MVA S 210)

12. OFFENCES, PENALTIES AND PROCEDURE

12.1 General provision for punishment of offences. (MVA S 177) — A person who contravenes any provision of Motor Vehicles Act , Central Motor Vehicles Rules and Maharashtra Motor Vehicles Rules , Regulation or Notification made thereunder should, if specific penalty is not provided for the offence, is punishable for

- (i) The first offence, with fine which extends to one hundred rupees,
- (ii) Any second or subsequent offence with fine which extends to three hundred rupees.

12.2 Penalty for travelling without pass or ticket and for dereliction of duty on the part of conductor and refusal to ply contract carriage, etc. (MVA S 178) — (1) A persons traveling in a stage carriage without having a proper pass or ticket with him or being in or having alighted from a stage carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on a requisition being made therefore, should is punishable with fine which extends to five hundred rupees.

(2) If the conductor of a stage carriage, or the driver of a stage carriage performing the functions of a conductor in such stage carriage, whose duty is—

(a) to supply a ticket to a person travelling in a stage carriage on payment of fare by such person, either wilfully or negligently,—

(i) fails or refuses to accept the fare when tendered, or

(ii) fails or refuses to supply a ticket, or

(iii) supplies an invalid ticket, or

(iv) supplies a ticket of a lesser value, or

(b) to check any pass or ticket, either wilfully or negligently fails or refuses to do so,

he should be punishable with fine which extends to five hundred rupees.

(3) If the holder of a permit or the driver of a contract carriage refuses, to ply the contract carriage or to carry the passengers, he should,—

(a) in the case of two-wheeled or three-wheeled motor vehicles, is punishable with fine which extends to fifty rupees;

(b) in any other case, is punishable with fine which extends to two hundred rupees.

12.3 Disobedience of orders, obstruction and refusal of information. (MVA S 179) —(1) A person who,

(i) Wilfully disobeys any direction lawfully given by any person or authority

(ii) Obstructs any person or authority in the discharge of any functions which such person or authority is required to perform, should, if no other penalty is provided for the offence, be punishable with fine which extends to five hundred rupees.

(2) A person who,

(i) Wilfully withholds any information

(ii) Gives information which he knows to be false or which he does not believe to be true, should, if no other penalty is provided for the offence, be punishable with imprisonment for a term which extends to one month, or with fine which extends to five hundred rupees, or with both.

12.4 Allowing unauthorised persons to drive vehicles. (MVA S 180) ---- A person who , being the owner or person in charge of a motor vehicle, causes or

permits, any other person who does not holds effective driving license or contravene the age limits stipulated in MVAS 4, is punishable with imprisonment for a term which extends to three months, or with fine which extends to one thousand rupees, or with both.

12.5 Driving vehicles in contravention of section 3 or section 4. (MVA S 181) —A person who drives a motor vehicle without having any effective driving license, is punishable with imprisonment for a term which extends to three months, or with fine which extends to five hundred rupees, or with both.

12.6 Offences relating to licences. (MVA S 182)— (1) A person who , being disqualified under M.V.Act for holding or obtaining a driving licence, drives a motor vehicle in any place, or applies for or obtains a driving licence or, not being entitled to have a driving licence issued to him free of endorsement, applies for or obtains a driving licence without disclosing the endorsement made on a driving licence previously held by him is punishable with imprisonment for a term which extends to three months, or with fine which extends to five hundred rupees or with both, and any driving licence so obtained by him should be of no effect.

(2) A person who , being disqualified under M.V.Act for holding or obtaining a conductor's licence, acts as a conductor of a stage carriage in a public place or applies for or obtains a conductor's licence or, not being entitled to have a conductor's licence issued to him free of endorsement, applies for or obtains a conductor's licence without disclosing the endorsements made on a conductor's licence previously held by him, is punishable with imprisonment for a term which extends to one month, or with fine which extends to one hundred rupees, or with both, and any conductor's licence so obtained by him should be of no effect.

12.7 Punishment for offences relating to construction and maintenance of vehicles. (MVA S 182) — Any person who contravenes the provisions of MVAS 109 (3) is punishable with a fine of one thousand rupees for the first offence, and with a fine of five thousand rupees for any subsequent offence.

12.8 Driving at excessive speed, etc. (MVA S 183)—(1) A person who drives a vehicle in contravention of the speed limits referred in MVAS 112 is punishable with fine which extends to four hundred rupees, or, if having been previously convicted , and is again convicted of an offence under this provision , with fine which extends to one thousand rupees.

(2) A person who causes any person who is employed by him to drive a vehicle in contravention of the speed limits referred to in MVA S 112 is punishable with fine which extends to three hundred rupees, or, if having been previously convicted, and is again convicted of an offence under this provision , with fine which extends to five hundred rupees.

(3) No person should be convicted of an offence punishable under MVA S 183 (1) solely on the evidence of one witness to the effect that in the opinion of the witness such person was driving at a speed which was unlawful, unless that opinion is shown to be based on an estimate obtained by the use of some mechanical device.

12.9 Driving dangerously. (MVA S 184)— A person who drives a vehicle at a speed or in a manner which is dangerous to the public, subject to nature, condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, is punishable for the first offence with imprisonment for a term which extends to six months or with fine which extends to one thousand rupees, and for any second or subsequent offence if committed within three

years of the commission of a previous similar offence with imprisonment for a term which extends to two years, or with fine which extends to two thousand rupees, or with both.

12.10 Driving by a drunken person or by a person under the influence of drugs. (MVA S 185)—A person who, while driving, or attempting to drive, a vehicle,—

(a) has, in his blood, alcohol exceeding 30 mg. per 100 ml. of blood detected in a test by a breath analyser, or

(b) is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle, is punishable for the first offence with imprisonment for a term which extends to six months, or with fine which extends to two thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which extends to two years, or with fine which extends to three thousand rupees, or with both.

12.11 Driving when mentally or physically unfit to drive. (MVA S 186)—A person who drives a vehicle in any public place when he is suffering from any disease or disability calculated to cause his driving of the vehicle to be a source of danger to the public, is punishable for the first offence with fine which extends to two hundred rupees and for a second or subsequent offence with fine which extends to five hundred rupees.

12.12 Punishment for offences relating to accident. (MVA S 187)—A person who fails to comply with the provisions of MVA S 132 (1)(c) or 133 or 134 is punishable with imprisonment for a term which extends to three months, or

with fine which extends to five hundred rupees, or with both or, if having been previously convicted of an offence under this provision, and is again convicted of an offence under this provision , with imprisonment for a term which extends to six months, or with fine which extends to one thousand rupees, or with both.

12.13 Punishment for abetment of certain offences. (MVA S 188)—A person who abets the commission of an offence under MVAS 184 or 185 or 186 is punishable with the punishment provided for that offence respectively.

12.14 Racing and trials of speed. (MVA S 189)—A person who without the written consent of the State Government permits or takes part in a race or trial of speed of any kind between vehicles in any public place, is punishable with imprisonment for a term which extends to one month, or with a fine which extends to five hundred rupees, or with both.

12.15 Using vehicle in unsafe condition. (MVA S 190)—(1) Any person who drives or causes or allows to be driven in any public place a vehicle or trailer while the vehicle or trailer has any defect, which such person knows of and which is calculated to render the driving of the vehicle a source of danger to persons and vehicles using such place, is punishable with fine which extends to two hundred and fifty rupees or, if as a result of such defect an accident is caused, causing bodily injury or damage to property, with imprisonment for a term which extends to three months, or with fine which extends to one thousand rupees, or with both.

(2) Any person who drives or causes or allows to be driven, in any public place a vehicle, which violates the standards prescribed in relation to road safety, control of noise and air-pollution, is punishable for the first offence with a fine

of one thousand rupees and for any second or subsequent offence with a fine of two thousand rupees.

(3) Any person who drives or causes or allows to be driven, in any public place a vehicle which violates the provisions of M.V.Act or the rules made thereunder relating to the carriage of goods which are of dangerous or hazardous nature to human life, is punishable for the first offence which extends to three thousand rupees, or with imprisonment for a term which extends to one year, or with both, and for any second or subsequent offence with fine which extends to five thousand rupees, or with imprisonment for a term which extends to three years, or with both.

12.16 Sale of vehicle in or alteration of vehicle to condition contravening this Act. (MVA S 191)—A person who being an importer of or dealer in vehicles, sells or delivers or offers to sell or deliver a vehicle or trailer in such condition that the use thereof in a public place would be in contravention of Chapter “Construction equipment and maintenance” of motor vehicles or alters the vehicle or trailer so as to render its condition such that its use in a public place would be in contravention of this Chapter is punishable with fine which extends to five hundred rupees:

12.17 Using vehicles without registration. (MVA S 192)— (1) A person who drives a vehicle or causes or allows a vehicle to be used in contravention of the provisions of MVA S 39 is punishable for the first offence with a fine which extends to five thousand rupees but should not be less than two thousand rupees for a second or subsequent offence with imprisonment which extends to one year or with fine which extends to ten thousand rupees but should not be less than five thousand rupees or with both: The Court is empowered to impose a lesser punishment by recording reasons.

(2) The above provision is not applicable to the use of a vehicle,

(i) In an emergency for the conveyance of persons suffering from sickness or injuries

(ii) For the transport of food or materials to relieve distress or of medical supplies for a like purpose:

However the person using this vehicle should reports about the same, to the Regional Transport Authority within seven days from the date of such use.

12.18 Using vehicles without permit. (MVA S 192-A)— (1) A person who drives a vehicle or causes or allows a vehicle to be used in contravention of MVA S 66 (1) or in contravention of any condition of a permit relating to the route on which or the area in which or the purpose for which the vehicle be used, is punishable for the first offence with a fine which extends to five thousand rupees but should not be less than two thousand rupees and for any subsequent offence with imprisonment which extends to one year but should not be less than three months or with fine which extends to ten thousand rupees but should not be less than five thousand rupees or with both:

The Court is empowered to impose a lesser punishment by recording reasons.

(2) The above provision is not applicable to the use of a vehicle,

(i) In an emergency for the conveyance of persons suffering from sickness or injuries

(ii) For the transport of food or materials to relieve distress or of medical supplies for a like purpose:

However the person using this vehicle should reports about the same, to the Regional Transport Authority within seven days from the date of such use.

12.19 Punishment of agents and canvassers without proper authority.

(MVA S 193)— A person who engages himself as an agent or canvasser in contravention of MVAS 93 or of any rules made thereunder is punishable for the first offence with fine which extends to one thousand rupees and for any second or subsequent offence with imprisonment which extends to six months, or with fine which extends to two thousand rupees, or with both.

12.20 Driving vehicle exceeding permissible weight. (MVA S 194)— (1) A

person who drives a vehicle or causes or allows a vehicle to be driven in contravention of the MVA S 113, 114 ,115 is punishable with minimum fine of two thousand rupees and an additional amount of one thousand rupees per tone of excess load, together with the liability to pay charges for off-loading of the excess load.

(2) Any driver of a vehicle who refuses to stop and submit his vehicle to weighing after being directed to do so by an authorised officer or removes or causes the removal of the load or part of it prior to weighing is punishable with fine which extends to three thousand rupees.

गोपनीय

क्र. एमटीडी/२००९/सीआर-१२/का.२(१)/जा.क. ७०८
परिवहन आयुक्त यांचे कार्यालय,
प्रशासकीय इमारत, ३२ व ४३ मजला,
डॉ. आंबेडकर उद्यानाजवळ,
सरकारी वसाहत, वांद्रे (पूर्व),
मुंबई - ४०० ०७९.
दिनांक :- १ DEC 2009

प्रति,
सर्व प्रादेशिक परिवहन अधिकारी,
सर्व उप प्रादेशिक परिवहन अधिकारी.

विषय :- मोड्युलर हायड्रोलिक ट्रेलर वाहनांच्याबाबतीत ओवरलोड निश्चित करताना अनुसरावयाची कार्यपद्धती.

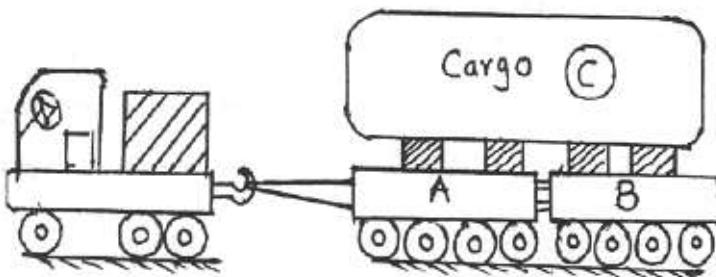
- संदर्भ :- १) केंद्र शासनाचे पत्र क्र.आरटी-११०४२/१३/२००८-एमव्हीएल, दि.३/०९/२००८.
२) या कार्यालयाचे पत्र क्र.एमएपी/२००९/का.२(१)/जा.क्र.९७८९, दि.२६/०८/२००९.
३) ओडीसी मालवाहतुक कार्यपद्धती शासन निर्णय क्र. एमव्हीआर ०९०९/२४२९/ सीआर-३६७/पारि-२, दि. १९/९९/२००९.

उपरोक्त संदर्भिय विषयान्वये मोड्युलर हायड्रोलिक ट्रेलर वाहनांच्याबाबतीत ओवरलोड निश्चित करताना अनुसरावयाची कार्यपद्धतीबाबत आपणा सर्वांना यापूर्वी वेळो-वेळी सविस्तर मार्गदर्शन करण्यात आलेले आहे. असे असून सुध्दा असे निर्देशनास आले आहे की, वायूवेग पथकात काम करणारे अनेक तपासणी अधिकारी केवळ हॉस्सच्या (पूलर) स्थूल वाहन वजनाचाच (Gross Vehicle Weight) विचार करून ओवरलोडची कार्यवाही करतात आणि ट्रेलरच्या स्थूल वाहन वजनाचा (Gross Vehicle Weight) अंजिबात विचार करत नाहीत व वाहन अटकावून ठेवतात.

असे केल्याने सदर वाहन व्यवसायकांवर अन्याय होत असल्याबाबतच्या तकारी शासनास व या कार्यालयास प्राप्त होत आहेत. याबाबत परिवहन मा. संचिव (परिवहन) यांनी तीव्र नाराजी व्यक्त केली असून सदर वाहनांच्याबाबतीत ओवरलोड निश्चित करताना अनुसरावयाच्या कार्यपद्धतीबाबत सविस्तर मार्गदर्शनपर पत्र त्वरित सर्व कार्यालयांना पाठविणे विषयी दि.०४/१२/२००९ जोती निझेश तिळे झाडेन.

त्या नुसार आपणांस खालीलप्रमाणे मार्गदर्शनपर आदेश देण्यात येत आहेत-

(अ) ओवरलोड कसा निश्चित करावा :-



गोडचुलर हायट्रोलिक ट्रेलर वाहनांच्यावाबतीत ओवरलोड निश्चित करताना खालीलप्रमाणे कार्यपद्धतीचे अनुसरण करावे.

- १) वरील रेस्वाचित्राचे अवलोकन करावे.
- २) खालील समीकरणाचा अवलंब करावा.

$$X = \text{Unladen weight of Trailer A + Trailer B}$$

$$Y = \text{Gross Vehicle Weight of Trailer A + Trailer B}$$

$$C = \text{Weight of Cargo}$$

$$\text{Total Detected Laden Weight} = X + C$$

- ३) जर $(X + C) > Y$ तरच वाहनात ओवरलोड असल्याचे सिद्ध होईल.

सारांशाने असे म्हणता येईल की, जर ट्रेलर्सचे भाररहित वजन अधिक मालाचे वजन हे ट्रेलर्सच्या सधूल वजनापेक्षा (Gross Vehicle Weight) जास्त असेल तेव्हाच सदर वाहनातून क्षमतेपेक्षा अधिक भार वाहून नेत असल्याचे सिद्ध होईल.

हॉर्सर मालाच्या वजनाचा भार प्रत्यक्षपणे येत नसल्याने हॉर्सरच्या Gross Vehicle Weight व Unladen weight चा विचार करण्याची आवश्यकता नाही.

उदाहरण क्र.१ :- समजा एका हॉर्सला प्रत्येकी ७२ टन स्थून वजन क्षमता (Gross Vehicle Weight) असलेले २ ट्रेलर जोडले असतील तर एकूण Gross Vehicle Weight १४४ टन इतके असेल. आणि या वाहनातून ९६ टन वजनाच्या मालाची वाहतूक

होत असेल आणि ट्रेलरचे भारविरहीत वजन (Unladen weight) हे प्रत्येकी १८ टन इतके

$$\text{असेल तर} \quad X = (18 + 18) = 36 \text{ टन.}$$

$$Y = (72 + 72) = 144 \text{ टन.}$$

$$C = 96 \text{ टन.}$$

$$\text{Total Detected Laden Weight} = X + C$$

$$= 36 + 96$$

$$= 132 \text{ टन.}$$

X + C हे Y पेक्षा कमी असल्याने वरील उदाहरणातील वाहनात क्षमतेपेक्षा जारत माल वाढून नेत नसल्याचे सिद्ध होते.

हॉर्सवर मालाच्या वजनाचा भार प्रत्यक्षपणे येत नसल्याने हॉर्सच्या Gross Vehicle Weight व Unladen weight चा विचार करण्याची आवश्यकता नाही.

उदाहरण क्र.२ :- समजा एका हॉर्सला प्रत्येकी ७६ टन रस्त्याने वजन क्षमता (Gross Vehicle Weight) असलेले २ ट्रेलर्स व ७२ टन रस्त्याने वजन क्षमता (Gross Vehicle Weight) असलेला ९ ट्रेलर जोडले असतील तर एकूण Gross Vehicle Weight १८४ टन इतके असेल. आणि या वाहनातून १६० टन वजनाच्या मालाची वाहतूक होत असेल आणि ७६ टन Gross Vehicle Weight असलेल्या ट्रेलरचे भारविरहीत वजन (Unladen weight) हे प्रत्येकी १४ टन इतके असेल व ७२ टन Gross Vehicle Weight असलेल्या ट्रेलरचे भारविरहीत वजन (Unladen weight) हे प्रत्येकी १८ टन इतके असेल तर समीकरण खालीलप्रमाणे असेल

$$X = (14 + 14 + 18) = 46 \text{ टन.}$$

$$Y = (56 + 56 + 72) = 184 \text{ टन.}$$

$$C = 160 \text{ टन.}$$

$$\text{Total Detected Laden Weight} = X + C$$

$$= 46 + 160$$

$$= 206 \text{ टन.}$$

$$\text{Overload} = (X + C) - Y = 206 - 184 = 22 \text{ टन.}$$

X + D हे Y पेक्षा जास्त असल्याने वरील उदाहरणातील वाहनात क्षमतेपेक्षा जास्त माल वाढून नेत असल्याचे सिध्द होते.

हॉर्सवर मालाच्या वजनाचा भार प्रत्यक्षपणे येत नसल्याने हॉर्सच्या Gross Vehicle Weight व Unladen weight चा विचार करण्याची आवश्यकता नाही.

(ब) कागदपत्रांची तपासणी :-

मोड्युलर हायड्रोलिक ट्रेलर वाढनांच्या ओवरलोडबाबत तपासणी करताना मोटार वाहन कायदा, १९८८ व त्या अंतर्गत बनविलेल्या नियमांतील विहित केलेल्या कागदपत्रांबरोबरच सदर ट्रेलर्सच्या नोंदणीसाठी आवश्यक असलेली केंद्रीय भूपृष्ठ व रस्ते परिवहन व महामार्ग, मंत्रालय यांचे कडून देण्यात येणाऱ्या अधिसूचनेची तपासणी करावी. सदर अधिसूचनेतील सोबत जोडलेल्या अटीप्रमाणे अशा ट्रेलर्सच्या वाहतूकीकरिता प्रत्येक फेरीसाठी राज्य शासनाची विशेष परवानगी आदेश तपासणे आवश्यक आहे.

शासनाने दिलेल्या विशेष परवानगीतील अटीच्या तरतुदीचे व सदर ट्रेलर्सच्या नोंदणीसाठी आवश्यक असलेली केंद्रीय भूपृष्ठ व रस्ते परिवहन व महामार्ग, मंत्रालय यांचे कडून देण्यात येणाऱ्या अधिसूचनेतील तरतुदीचे काटेकोरपणे पालन सदर ट्रेलर्सच्या मालक व चालक यांचेकडून होत असल्याची खात्री करावी.

आपणांस निर्देशित करण्यात येते की, वर नमुद केलेल्या कार्यपद्धतीची काटेकोरपणे अंमलबजावणी करावी. सदर परिपत्रकाची प्रत आपल्या अधिनस्त सर्व कार्यकारी अधिकाऱ्यांना नावानिशी देण्यात याची व सर्व कार्यकारी अधिकाऱ्यांच्या रवाक्षरीसह हे परिपत्रक पोहचल्याबाबतचा अहवाल सात दिवसांत या कार्यालयास सादर करण्यात यावा.

प्रत :-

मा. सचिव (परिवहन), गृह विभाग, महाराष्ट्र शासन, मंत्रालय, मुंबई यांना
माहितीस्तव सविनय सादर.

परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई.

परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई.

12.21 Imposition of minimum fine under certain circumstances. (MVA S 195)— A person who having been convicted of an offence under M.V.Act or the rules made thereunder commits a similar offence on a second or subsequent occasion within three years of the commission of the previous offence, no Court

should, except for reasons to be recorded by it in writing, impose on him a fine of less than one-fourth of the maximum amount of the fine imposable for such offence.

12.22 Driving uninsured vehicle. (MVA S 196)—A person who drives a vehicle or causes or allows a vehicle to be driven in contravention of the provisions of MVA S 146 is punishable with imprisonment which extends to three months, or with fine which extends to one thousand rupees, or with both.

12.23 Taking vehicle without authority. (MVA S 197)—(1) A person who takes and drives away any vehicle without having either the consent of the owner thereof or other lawful authority is punishable with imprisonment which extends to three months, or with fine which extends to five hundred rupees, or with both:

(2) A person who, unlawfully by force or threat of force or by any other form of intimidation, seizes or exercises control of a vehicle, is punishable with imprisonment which extends to three months, or with fine which extends to five hundred rupees, or with both.

(3) A person who attempts to commit any of the acts as referred above or abets the commission of any such act, is also deemed to have committed an offence under MVAS 197 (1) (2)

12.24 Unauthorised interference with vehicle. (MVA S 198)—A person who otherwise than with lawful authority or reasonable excuse enters or moves any stationary vehicle or tampers with the brake or any part of the mechanism of a vehicle is punishable with fine which extends to one hundred rupees.

12.25 Offences by companies. (MVA S 199)— (1) Where an offence is committed by a company, every person who, at the time the offence was committed, was

- (i) In charge of,
- (ii) Responsible to, the company

for the conduct of the business of the company, is deemed to be guilty of the contravention and is liable to be proceeded against and punished accordingly:

(2) Where an offence is committed by a company, and it is proved that the offence is committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer is also deemed to be guilty of that offence and is liable to be proceeded against and punished accordingly.

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

12.26 Composition of certain offences. (MVA S 200)— (1) Any officer or authorities authorised by the State Government by notification in official Gazette , either before or after the institution of the prosecution is empowered to compound the offences punishable under MVA S 177, 178, 179, 180, 181, 182, 183(1)(2), 184, 186, 189, 190(2) , 191, 192, 194, 196, or 198.

(2) Where an offence compounded under MVA S 200 (1), the offender, if in custody, should be discharged and no further proceedings should be taken against him in respect of such offence.

HOME DEPARTMENT

Mantralaya, Mumbai 400 032, dated 1st June 2007

NOTIFICATION

MOTOR VEHICLES ACT, 1988.

No. MVR. 0806/246/TRA-2.—In exercise of the powers conferred by section 200 of the Motor Vehicles Act, 1988 (59 of 1988), and of all other powers enabling it in this behalf and in supersession of all notifications issued in this behalf, the Government of Maharashtra hereby specifies the officers of the rank specified in column (4) of the Schedule appended hereto, to be the officers by whom any offence under the sections specified in column (2) of the said Schedule may, either before or after the institution of the prosecution, be compounded for the amount specified in column (6) of the said Schedule.

Schedule

Sr. No.	Sections of the Motor Vehicles Act, 1988	Type of Vehicles	Officers specified for compounding of any offence.	Offender who is liable to pay	Amount for compound- ing offences. (Rs.)
(1)	(2)	(3)	(4)	(5)	(6)
1	177	All vehicles	(1) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (2) Sub-Inspectors of Police in the Police Department (Traffic). (3) Assistant Sub- Inspectors of Police Department (Traffic). (4) Assistant Inspectors of the Motor Vehicles of the Motor Vehicle Depart- ment.	Whoever commits the offence.	100.00

Schedule—contd.

(1)	(2)	(3)	(4)	(5)	(6)
			(5) Sub-Inspectors and Assistant Sub-Inspectors of Police, looking after the work of traffic in the districts having no traffic branch.		
2	178 (1)	All stage carriages	Inspectors of the Motor Vehicles of the Motor Vehicle Department.	Whoever travels without pass or ticket.	200.00
3	178 (2)	All stage carriages	Inspectors of the Motor Vehicles of the Motor Vehicle Department	Conductor.	200.00
4	178 (3)	Two or three wheeled motor vehicles.	(1) Sub-Inspectors of Police in the Police Department (Traffic). (2) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	Owner or driver, whoever refuses to	50.00
5	178 (3)	All Vehicles except two and three wheeled	(1) Sub-Inspectors of Police in the Police Department (Traffic).	Owner or driver, whoever refuses to	200.00

Schedule—contd.

(1)	(2)	(3)	(4)	(5)	(6)
		motor vehicles.	(2) Inspectors of the ply. Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.		
6	179	All Vehicles	(1) Sub-Inspectors of Police in the Police Department (Traffic). (2) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	Whoever directly commits the offence.	200.00
7	180	All Vehicles	(1) Sub-Inspectors of Police in the Police Department (Traffic). (2) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	Owner or person in charge of vehicle.	300.00

Schedule—contd.

(1)	(2)	(3)	(4)	(5)	(6)
8	181	All Vehicles	(1) Sub-Inspectors of Police in the Police Department (Traffic). (2) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	Person driving.	300.00
9	182 (1)	All Vehicles	(1) Sub-Inspectors of Police in the Police Department (Traffic). (2) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	Person committing offence.	200.00
10	182 (2)	All Vehicles	(1) Sub-Inspectors of Police in the Police Department (Traffic). (2) Inspectors of the Motor Vehicles of the Motor Vehicle Department.	Person committing offence.	100.00

Schedule—contd.

(1)	(2)	(3)	(4)	(5)	(6)
			(3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.		
11	183 (1) All Vehicles and (2)	(1) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (2) Assistant Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police in the Police Department (Traffic). (4) Assistant Sub-Inspectors of Police in the Police Department (Traffic). (5) Sub-Inspectors and Assistant Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	(i) Person driving the vehicles ; (ii) Employer causing employee to drive.	200.00 each.	
12	184 All Vehicles	(1) Inspectors of the Motor Vehicles of the Motor Vehicle Department.	Person driving the vehicle.	500.00	

Schedule—contd.

(1)	(2)	(3)	(4)	(5)	(6)
			(2) Assistant Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police in the Police Department (Traffic). (4) Assistant Sub- Inspectors of Police in the Police Department (Traffic) (5) Sub-Inspectors and Assistant Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.		
13	186	All Vehicles	(1) Sub-Inspectors of Police in the Police Department (Traffic). (2) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	Person driving the vehicle.	100.00
14	189	All Vehicles	(1) Inspectors of the Motor Vehicles of the Motor Vehicle Department.	Person taking part in the race or trial;	300.00 each

Schedule--contd.

(1)	(2)	(3)	(4)	(5)	(6)
			(2) Assistant Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police in the Police Department (Traffic). (4) Assistant Sub-Inspectors of Police in the Police Department (Traffic). (5) Sub-Inspectors and Assistant Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	(ii) Person permitting race or trial.	
15	190	(2) All Vehicles	(1) Sub-Inspectors of Police in the Police Department (Traffic). (2) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	(i) Person driving the vehicle ; (ii) Person who causes or allows driving.	500.00 each
16	191	All Vehicles	(1) Sub-Inspectors of Police in the Police Department (Traffic).	Person committing the offence.	300.00

Schedule—contd.

(1)	(2)	(3)	(4)	(5)	(6)
			(2) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.		
17	192(1)	Two wheeled motor vehicles.	(1) Sub-Inspectors of Police in the Police Department (Traffic). (2) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	(i) Person driving the Vehicles ; (ii) Person who causes or allows driving.	300.00 each
18	192(1)	All vehicles except two wheeled motor vehicles	(1) Sub-Inspectors of Police in the Police Department (Traffic). (2) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	(i) Person driving the Vehicles; (ii) Person who causes or allows driving.	1,000.00 each
19	194	All vehicles except two	(1) Inspectors of the Motor Vehicles of the Motor Vehicle Department.	(i) Person driving the vehicle;	Rs. 2,000.00 as fine for the overloading and

Schedule—concl'd.

(1)	(2)	(3)	(4)	(5)	(6)
		wheeled motor vehicles,	(2) Assistant Inspectors of the Motor Vehicles of the Motor Vehicle Department.	(ii) Person who causes or allows driving.	Rs. 1000.00 for each metric tonne (or part thereof) of excess load each.
20	196	All vehicles.	(1) Sub-Inspectors of Police in the Police Department (Traffic). (2) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	(i) Person driving the Vehicles ; (ii) Person who causes or allows driving.	300.00 each
21	198	All vehicles	(1) Sub-Inspectors of Police in the Police Department (Traffic). (2) Inspectors of the Motor Vehicles of the Motor Vehicle Department. (3) Sub-Inspectors of Police looking after the work of traffic in the districts having no traffic branch.	Person committing offence.	100.00

By order and in the name of the Governor of Maharashtra,

RAMESH SHINDE,
Deputy Secretary to Government.

शासकीय मध्यवर्ती मुद्रणालय, मुंबई

NOTIFICATION

HOME DEPARTMENT
Mantralaya, Mumbai 32
Dated 05 June , 2009

**MOTOR
VEHICLES
ACT, 1988**

No. MVR 1009/C.R.72 / 09 /TRA-2 - In exercise of the powers conferred by section 200 of the Motor Vehicles Act,1988 (59 of 1988), and of all other powers enabling it in this behalf, and in modification of the the Government Notification,Home Department No MVR 0806/246/TRA-2 dated the 1st June 2007, in so far as it relates to entry 19 of the Schedule appended to the said notification, the Government of Maharashtra hereby with effect from 05th day of June 2009 , partially modifies the said notification , as follows, namely :-

In the said notification, in the schedule appended thereto, for entry 19, the following entry shall be substituted, namely :-

19.	194	All vehicles except two wheeled motor vehicles	(1) Inspectors of the Motor Vehicle Department, (2) Assistant Inspectors of the Motor Vehicle Department,	(i) Person driving the vehicle; (ii) Person who causes or allows the driving.	Compounding Fess Rs.1,250/- for the overloading of 1st one and half metric tonnes, and thereafter Rs.1,000.00 for each metric tonne or part thereof of load in excess of <i>first one and half Tonne</i> .
-----	-----	--	---	---	--

By Order and in the name of the Governor of Maharashtra


(C. S. Sangitrapo)
Secretary to the Government of Maharashtra

12.27 Penalty for causing obstruction to free flow of traffic. (MVA S 201)—

(1) A person who keeps a disabled vehicle on any public place, in such a

manner, so as to cause impediment to the free flow of traffic, is liable for penalty up to fifty rupees per hour, so long as it remains in that position:

(2) The vehicle involved in accidents is liable for penalty only from the time of completion of inspection formalities.

(3) Where the vehicle is removed by a Government agency, towing charges should be recovered from the vehicle owner or person in-charge of such vehicle by any officer or authority authorised by the state government by notification in official Gazette.

12.28 Power to arrest without warrant. (MVA S 202)— (1) A police officer in uniform is empowered to arrest person without warrant , who in his presence commits an offence punishable under MVAS 184 or 185 or 197:

(2) Any person arrested in connection with an offence punishable under MVAS 185 should, within two hours of his arrest, be subjected to a medical examination referred to in MVAS 203 and 204 by a registered medical practitioner, failing which he should be released from custody.

(3) A police officer in uniform is empowered to arrest without warrant any person, who has committed an offence under M.V.Act and such person refuses to give his name and address.

12.29 Breath tests. (MVA S 202)— (1) A police officer in uniform or officer of the Motor Vehicle Department authorised in this behalf , has any reasonable cause to suspect any person driving or attempting to drive a vehicle in public place contravening the provision of MVA S 185, direct him to provide one or more specimens of breath for breath test .

(2) If a vehicle is involved in an accident in a public place and a police officer in uniform has any reasonable cause to suspect that the person who was driving

the vehicle had alcohol in his blood or that he was driving under the influence of a drug , require the person so driving the vehicle, to provide a specimen of his breath for a breath test— in the case of

- (a) A person who is at a hospital as an indoor patient, at the hospital,
 - (b) Any other person, either at or near the place where the requirement is made,
 - (c) If the police officer thinks fit, at a police station specified by the police officer:
- (3) If it appears to a police officer in uniform, that the device by means of which the test has been carried out indicates the presence of alcohol in the person's blood, the police officer is empowered to arrest that person without warrant except while that person is at a hospital as an indoor patient.
- (4) If a person, refuses or fails to do breath test and the police officer has reasonable cause to suspect him of having alcohol in his blood, the police officer is empowered to arrest him without warrant except while he is at a hospital as an indoor patient.
- (5) A person arrested , should while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.
- (6) The results of a breath test made , should be admissible in evidence.
- (7) “Breath test”, means a test for the purpose of obtaining an indication of the presence of alcohol in a person's blood carried out, on one or more specimens of breath provided by that person, by means of a device of a type approved by the Central Government, by notification in the Official Gazette.

12.30 Laboratory test. (MVA S 204)— (1) A person, who has been arrested under MVA S 203 , while at a police station, is required to provide a specimen

of his blood to such registered medical practitioner as directed by police officer, if,—

(a) it appears to the police officer that the device, by means of which breath test was taken in relation to such person, indicates the presence of alcohol in the blood of such person, or

(b) such person, when given the opportunity to submit to a breath test, has refused, omitted or failed to do so:

(2) Where the person required to provide such specimen is a female and the registered medical practitioner is a male medical practitioner, the specimen should be taken only in the presence of a female, whether a medical practitioner or not.

(3) The results of a laboratory test made , is admissible in evidence.

(4) “Laboratory test” means the analysis of a specimen of blood made at a laboratory established, maintained or recognised by the Central Government or a State Government.

12.31 Presumption of unfitness to drive. (MVA S 205)— In any proceeding for an offence punishable under MVAS 185, if it is proved that the accused, when requested by a police officer at any time so to do, had refused, omitted or failed to consent to the taking of or providing a specimen of his breath for a breath test or a specimen of his blood for a laboratory test, his refusal, omission or failure , be presumed to be a circumstance supporting any evidence given on behalf of the prosecution, or rebutting any evidence given on behalf of the defence, with respect to his condition at that time.

12.32 Power of police officer to impound document. (MVA S 206)—(1) Any police officer or officer of Motor vehicle department has reason to believe that

any identification mark carried on a vehicle or any licence, permit, certificate of registration, certificate of insurance or other document produced to him by the driver or person in charge of a motor vehicle is a false document within the meaning of section 464 of the Indian Penal Code , 1860 , seize the mark or document.

(2) Any police officer or officer of Motor vehicle department has reason to believe that the driver of a vehicle who is charged with any offence under M.V.Act abscond or otherwise avoid the service of a summons, seize any licence held by such driver and forward it to the Court taking cognizance of the offence. The court should on the first appearance of such driver before it, return the licence to him in exchange for the temporary acknowledgement.

(3) A police officer or officer of Motor vehicle department seizing a licence is required to give to the persons , a temporary acknowledgement and such acknowledgement should authorise the holder to drive until the licence is returned to him.

12.33 Power to detain vehicles used without certificate of registration permit, etc. (MVA S 207)— (1) Any police officer or officer of Motor vehicle department has reason to believe that a vehicle has been or is being used in contravention of the provisions of MVA S 3, 4, 39 , 66 (1) or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle is used, may seize and detain the vehicle, and take proper steps for the temporary safe custody of the vehicle:

(2) Where any such officer or person has reason to believe that a vehicle has been or is being used in contravention of MVA S 3 , 4 or 66 (1) he , instead of seizing the vehicle, seize the certificate of registration of the vehicle.

(3) Where a vehicle has been seized and detained , the owner or person in charge of the vehicle is required to apply together with the relevant documents

to the Transport Authority or any officer not below the rank of Assistant Regional Transport Officer . Such authority or officer , after verification of documents, by order, release the vehicle.

12.34 Summary disposal of cases. (MVA S 208)— (1) The Court taking cognizance of any offence under M.V.Act,—

(i) , if the offence is an offence punishable with imprisonment under M.V.Act; and

(ii) in any other case, state upon the summons to be served on the accused person that he—

(a) appear by pleader or in person; or

(b) by a specified date prior to the hearing of the charge, plead guilty to the charge and remit to the Court, by money order, such sum as the Court specify, and the plea of guilt is required to be indicated in the money order coupon itself:

(2) Where an accused person pleads guilty and remits the sum specified and has complied with the provisions of MVA S 208 (1) and (2), no further proceedings in respect of the offence should be taken against him nor should he be liable, to be disqualified for holding or obtaining a licence by reason of his having pleaded guilty.

12.35 Restriction on conviction. (MVA S 209)— A person should not be prosecuted for an offence punishable under MVA S 183 or 184 and be convicted unless—

(a) he was warned at the time the offence for prosecution against him.

(b) within fourteen days from the commission of the offence , a notice specifying the nature, time and place of the offence is required to served on or sent by registered post to him or the owner ,

(c) within twenty-eight days of the commission of the offence, a summons for the offence was served on him:

12.36 Courts to send intimation about conviction. (MVA S 210)— (1) Every Court by which a driver is convicted of an offence under M.V. Act or of an offence in the commission of which a vehicle is used, should send intimation to the licensing authority-

(a) Which issued the driving licence, and

(b) By whom the licence was last renewed,

(2) Every such intimation should state the name and address of the driver, the licence number, the date of issue and renewal of the same, the nature of the offence, the punishment awarded for the same.

स्लीपर कोचेस/कंगर ऊन या बाहताच्या तपासणी वावत.

परिषक्त क्रमांक एमटीएम-५८/२००८/पआ/का.३३/३०.७९७/जाक.७६८४८/दिनांक २/१२/०८
संदर्भ: या कार्यालयाचे सम क्रमांकाचे परिषक्त जा.क.३०५०९, दिनांक ३८/१०/२००८.

परिपत्रक

इतर राज्यालील काही स्त्रीपर कोंचम/केम्पर घैनची रचना, वाधणी, मोटणी आणि त्यांना देण्यांत आलेला पर्वटक परवाना, मोटार वाहन कावयांतील तरतुदीनुसार नमल्याचे निर्दशनाऱ्य आव्याप्तुल त्यावावत कावयानुसार कारवाई करण्याच्या सुचना उपरोक्त परिपत्रकानुसार महाराष्ट्र गज्यालील मर्य परिवहन कार्यालयाना व मीमा तपासणी नाकांचाना देण्यात आलेल्या हात्या, न्याचप्रमाणे या कायांलयाने परिवहन आवुक्त गुजरात, गज्यालील मध्यप्रदेश, गोवा व कर्नाटक यांना दिनांक ८/३/०४ रोजी मंदिर कला दांता परंतु त्याच्याकडे इन अंजन उत्तर प्राप्त झालेले नाही. या मंदिरभाट काही स्त्रीपर कोंचम/केम्पर त्र्यंब धारकांनी मुहुई उच्च न्यायालय, नाशिर खडीपीठाकडे याचिका दाखल केल्या होत्या. प्रकृत याचिकाची गुनावणी झाल्यानंतर माटार वाहन कावदा ३०,८८ रुप्या कलम ८८(९) प्रमाणे परवाना धारक यांचनांग महाराष्ट्र गज्याल प्रवेशास मंजव करता येणार नाही, मात्र मोटार वाहन कावदा व निवाम्या तरतुदीचा भेग होत अमल्यास कारवाई करता घेऊ अस निर्देश मा उच्च न्यायालयाने दिलेले आहेत. त्यानुसार महाराष्ट्र गज्यालील मर्य परिवहन कार्यालयाना व मीमा तपासणी नाकांचाना खालील प्रमाणे सुचना देण्यांत येत आहेत.

मोटार वाहन कायदा कलम ८८(१) नुसार पंचांग परग्रामा असरल्लवा वर्गसंघी रचना व वोधणी कलम ८८(३)प्रीत तरतुवीनुसार व केंद्रिय मोटार वाहन नियम १२८ मधील तपशोला नुसार असणे आवश्यक आहे. केंद्रिय मोटार वाहन नियम १२८ मध्ये स्लोपरक्षाचा/वर्षाची वार्षाणी अद्याप ममायेप्रट कलली नाही. च्यापूळ स्लोपर क्रोंचेस केंद्रिय मोटार वाहन नियम १२८ मधील तरतुदीच्यो प्रतीत करीत नाहीत. परिणामी अशा क्रोंचेसना मोटार वाहन कायदा कलम ५६ नुसार दण्यात आलेले यांयता प्रमाणपत्र मोटार वाहन कायदा आणि नियमांच्या तरतुदीच्या पालन करून दण्यात आलेले आहे असे म्हणता यांयत्र नाही. च्यापूळ अशा वर्षसवायतीत केंद्रिय मायदा वाहन नियम १२८ तसेच मोटार वाहन कायदा कलम ५६/३०/३१२ नुसार मालक आणि वालक यांच्यावर न्यायालयात सखला भरावा किंवा त्याच्याकडून प्रत्येकी रुपये १०००/- तक्काव शर्त निकारायला यावा.

२) मांटार वाढन काचदा कलम ४७(४) नुसार केंद्र शासनाच्या ओऱ्युच्यना क्रमांक ४०३ मध्ये कॅम्पर वैनच्या व्याख्येतुसार त्यापद्धे लिहिंग क्रॅटर्टम असण आवश्यक आहे. अशा वाढनाचा वापर करॅण्यक्रांतीची शिंयीर व तदनुपर्यागिक प्रवासासाठी करण्यात याचा उशो तरवट आहे. प्रत्यक्षात तरी गवाचन

कॅप्पर कॅन स्ट्रान नॉदविल्या मेलेल्या वाहनामध्ये लिंकिंग ब्वार्टर चा गमावेश आढळून घेत नाही. या उलट त्यामध्ये स्लोपर वर्द्ध वांधल्या गेल्या आहेत तसेच त्यांमध्ये वापर सर्वग प्रवासी वाटतुकीम होत आहे. परिणामी, अशा वर्सेसची नॉदणी कलम ४९(४) चा भंग करून असल्यामुळे कलम ३९ला अपरिहित असलल्या मोटार वाहन कायद्यानील नरतुरीनुसार असल्याचे म्हणता येणार नाही. त्यामुळे अशा वर्सेसचे मालक आणि घालक चांचे विशेष मोटार वाहन कायदा कलम ३९/३९२ खाली खटला भरण्यात याचा किंवा प्रत्यक्षी नडजाड शुल्क रुपय ५,०००/- विविकारण्यांत याच.

३) वर्सेसमध्ये आमने/शक्यिका यांची संख्या नॉदणी प्रवाणपत्रावरेक्षा जाण आढळल्यास त्यावाचीत खटला दाखल करावा किंवा नडजाड शुल्क घेऊल करावे. तसेच प्रत्यक्षात अगणाऱ्या आमने/शक्यिका याच्या मंजवेनुसार कर वसूल करण्यांत याचा शक्यिकेच्या संख्येपेक्षा प्रवाणपत्रावरेक्षा जाणने असल्यास प्रवाणांच्या मंजवेनुसार कर वसूल करावा.

४) स्लोपर वर्सेसची रचना कॅंदिय मोटार वाहन नियम १२८ नुसार नसल्यामुळे ती कलम ८०(३)नुसार असल्याचे दिसून घेत नाही परिणामी अशा वर्सेसचा कलम ८८(१)नुसार देण्यात आलेला पर्दटक, परवाना कायद्यानुसार आहे असे म्हणता येणार नाही.त्यामुळे अशा वर्सेसचे मालक/घालक याचे विशेष कलम ६६/१९२ (अ) नुसार खटला दाखल करण्यांत याचा. तथापि त्यांना महाराष्ट्र राज्यात येण्यास मज्जाव करण्यात येऊ नव्ये. या परिच्छेदात नमूद केल्याप्रमाणे केलेल्या कायदाईची माहिती त्या त्या राज्यातील मूळ नॉदणी व परवाना प्राधिकरणास पुढील सुवोग्य त्या कायद्याहीसाठी नोंद डाकेने कळविण्यांत याची.

५) चर उल्लेख केल्याप्रमाणे कॅप्पर वॅनची रचना जाणि वांधणी कायद्यानुसार नसल्यामुळे त्याना कॅंदिय मोटार वाहन नियम १२८ मधून देण्यात आलेली सुट घरावर असल्याचे दिसून नाही. त्यामुळे त्याआधार त्यांना देण्यात आलेला पर्दटक परवाना कायद्यानुसार असल्याचे म्हणता येणार नाही. परिणामी अशा वर्सेस मालक/घालकाच्या विशेष कलम ६६/१९२ (अ)खाली खटला दाखल करण्यात याचा. तथापि त्यांना महाराष्ट्र राज्यात येण्यास मज्जाव करा यात येऊ नव्ये. या परिच्छेदात नमूद केल्याप्रमाणे केलेल्या कायदाईची माहिती त्या त्या राज्यातील मूळ नॉदणी व परवाना प्राधिकरणास पुढील सुवोग्य त्या कायद्याहीसाठी नोंद डाकेने कळविण्यांत याची.

६) वन्याचशा वर्सेस टप्पा पद्धतीने वाहतुक करनात. त्यांच्या मालक/घालका विशेष मोटार वाहन कायदा ६६/३९२ (अ) खाली त्यावाल्यात खटला दाखले करावा

७) इतर राज्यात नॉदविलेल्या दुरिस्ट प्रवाणावरील वर्सेस महाराष्ट्र राज्यातील दोन ठिकाणामध्ये वाहतुक करून असल्याचे दिसून घेते. हे कॅंदिय नियम ८५(३)चा भंग करणार आहे. अशा वावतीत देशील ६६/१९२ (अ)खाली मालक/घालकाचिक्कद खटला दाखल करावा.

८) इतर राज्यात नॉदविलेल्या काही वर्सेस त्यांच्या मूळ राज्यात नावापार जाहीर करतात व महाराष्ट्र गवळात घालनात. अशा वर्सेसची त्याच्या मूळ राज्याचा कर भरणे अवश्यक आहे. तो भरला असल्याची याचा करने येण्यो.

८) अशा वर्षायकांन खालील प्रमाण करवण्यात करावा.

अ.क्र.	आमने / शिव्यका	अवासानुकूलित	वातानुकूलित
१	प्रति आमने प्रति वर्ष	रु. ५,०००/-	रु. ५,०००/-
२	प्रति शिव्यका प्रति वर्ष	रु. ५,०००/-	रु. ६,२५०/-

१०) मांटार वाढन कावदा कलम ३०, किंवा ५५ मध्यांतरातीचा भेग केल्यास वाढन, कलम २०३ आलो अटकावून ठेवता येते, तसेच कर भगलला नसल्यास मुंबई मांटार वाढन कर कायदा, कलम ३२ (य) प्रमाण वाढन अटकावून ठेवता येते, अशाप्रमाण कर भगपथन्त तसेच तडजाड शुल्क विकारीगर्पर्यन्त किंवा खटला दाखल हाईफैसल वाढन अटकावून ठेवण्यात याचे.

११) अशा त-हेच्या वर्षेस जाऊना व येताना वेगवगळे प्रवासी घेऊन जात असल्यामुळे वरोल प्रमाण खटला दाखल करण्याची किंवा तडजाड शुल्क विकारीगर्पर्यन्त काशवाई जाऊना आणि येताना प्रत्यक्ष वेळी न बुकला करण्यात याची.

१२) तपासणी अधिकार्याने तपासणीच्या वेळी श्लोपर काथेस किंवा कंप्यार वर्हन याची रचना व वाईर्हणी प्राची तपासणी प्रत्यक्षात वाहनामध्ये जाऊन कागदी व तपशीलाची विस्तृत नोंद तपासणी प्रतिवेदनावर घ्यावी.

१३) या वावतोतोल केलेल्या काशवाईच्या अहवाल संपर्क तपशीलामह दरमोज वा कार्यालयास सोवत जाहेण्यांत आलेल्या प्रपत्रात पाठविण्यात याचा

सोवत : प्रपत्र.

परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई. २५/१२

प्रति,

संवं प्रांदिक परिवहन अधिकारी,
मर्य उप प्रांदिक परिवहन अधिकारी,
प्रभारी अधिकारी, सर्व सोसा तपासणी नाके

प्रति,

मा.प्रधान संशिव (पासवहन), गृह विभाग, महाराष्ट्र शासन, मसलेय, मुंबई याचा माहितीसंकलन

मादर,

परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई. २५/१२

१३० बी बीसपासी २१२५

रथनपते मुंबई
मुंबई

१४/८/२००९

क्र.एमकीआर ०७१०/सोआर-२७१/का.२(४)/जा.क्र ९८९

परिवहन आयुक्त यांचे कायालय

प्रशासकीय इमारत, ३/४ मजला,

डॉ. आंबेडकर उद्यानाजवळ,

बांद्रे (पूर्व), मुंबई - ४०० ०५१.

दिनांक -

17 FEB 2011

11 2011

प्रति,

सर्व प्रादेशिक / उप प्रादेशिक परिवहन अधिकारी,
महाराष्ट्र राज्य.

विषय - कॅंट्रीय मोटर वाहन नियम १३ मध्ये नमूद कमाल मर्यादेपेक्षा मोजमापे जास्त असणा-या कार व दुचाकी वाहनांची वाहतूक करणा-या वाहनांवर कारबाई करणेवाचत.

संदर्भ - १) कॅंद्र शासन अधिसूचना क्र. आरटी-११०२८/२९/२००६-एमकीएल,
दि.३/६/२००९.

२) इंडीयन फांडेशन ऑफ ट्रान्सपोर्ट रिसर्च अॅण्ड ट्रेनिंग यांचे सर्व राज्यांच्या परिवहन सचिव/आयुक्त यांना लिहालेले दि.१९/१०/२०१० रोजीचे पत्र.

उपरोक्त विषयाबाबतची संदर्भ क्र. १ च्या कॅंद्र शासन अधिसूचनेव्यारे कॅंट्रीय मोटर वाहन नियम १३ मध्ये नमूद कमाल मर्यादेपेक्षा मोजमापे जास्त असणा-या कार व दुचाकी वाहनांची वाहतूक करणा-या वाहन मालकांना त्यांची वाहने नियमित करून घेण्यासाठी ६ महिन्याची मुदत देण्यात आली होती.

या अधिसूचनेला अनेकवेळा मुदतवाढ देण्यात आली. अधिसूचना क्र. एसओ-२८८५/इ, दि.१३/११/२००९ व्यारे देण्यात आलेल्या शेवटच्या मुदत वाहीची अंतिम तारीख २०/०१/२०१० रोजी संपली आहे.

तथापि, कार व स्कूटर्स किंवा इतर मोटर वाहनांची वाहतूक करणा-या अनेक ट्रक, ट्रेलरसंच्या मालकांनी वारंवार मुदतवाढ देण्यात येऊन देखील त्यांची वाहने नियमीत करून घेतलेली नाहीत. तसेच मोटर वाहनांवरोबरच अशा वाहनांमधून इतरही मालाची क्षमतेपेक्षा अधिक माल (ओकरलोड) वाहतूक करण्यात येते. अशी तकार इंडीयन फांडेशन ऑफ ट्रान्सपोर्ट रिसर्च अॅण्ड ट्रेनिंग या संस्थेने सर्व राज्यांच्या परिवहन सचिव/आयुक्त यांना लिहालेले दि.१९/१०/२०१० रोजीचे पत्रान्यव्ये केलेली आहे.

सबव, आपणास आदेशित करण्यात येते की, अशा वाहनांवर कठोर कारबाई करण्यात यावी.

परिवहन उप आयुक्त (अ-१),
महाराष्ट्र राज्य, मुंबई.

प्रत -सर्व नियंत्रक अधिकारी, परिवहन आयुक्त कायालय, मुंबई.

Launching of prosecution against the offender in the court of law, under the Motor Vehicles Act, 1988

Transport Commissioner's Office
New Administrative Bldg., 3rd / 4th floor,
Near Dr. Ambedkar Garden, Govt. Colony,
Bandra (E), Mumbai - 400 051.

No. MWP 0105/CR 24/D 2(3)/ON 10853 Date - 20th Aug, 2008

CIRCULAR

1) Clause (e) of Sub-Section (5) of Section 213 empowers officials of the Motor Vehicles Department to launch prosecutions in respect of any offence under this act and to obtain a bond for ensuring the attendance of the offender, before any court.

2) Section 468 of Criminal Procedure Code provides for restriction for taking cognizance after lapse of the period of limitation and the relevant part runs as below -

(1) Except as otherwise provided elsewhere in this code, no court shall take cognizance of an offence of the categories or specified in Sub-Section (2) after the expiry of the period of limitation .

(2) The period of limitation shall be -

(a) six months, if the offence is punishable with fine only;

(b) on year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with for a term exceeding one year but not exceeding three years.

3) In the Criminal Writ Petition No. 263/2005 Vinod Deepak Kamble Vs State of Maharashtra which was filed in the Nagpur bench of the Bombay High Court, The Hon'ble Justice B. D. Sinha & Justice S. T. Kharche Joint Judge on dt. 5/5/2005 observed that ;

"We are really surprised to see the attitude of these officers. In fact, no order or direction is necessary to any Authority, not to pressurise the citizen to admit the guilt or plead guilty. However, this court in the order dt. 24/2/2005 has specifically mentioned this aspect and inspite of the above referred two officers have ignored the two observations which act, contemptuous.

Since these officers have disrespected the observations made by this court and pressuring the petitioner to plead guilty, it is very serious matter."

4) On the above background following instructions are given to all personnel in this department :-

i) No compulsion shall be made for compounding of an offence committed under the various provisions of the Motor Vehicle Act and the Rules made thereunder. If a case is not compounded within seven days from the issuance of checking report, prosecution should be launched within one month from the date of issuance of the checking report, and such note should be take in the "Wanted Register" maintained by the office.

ii) Details of Offences and the launched and if the Registered Owner comes to the office for renewal of certificate of fitness or permit, noting or termination of the hypothecation, noting of change of address, transfer of ownership etc. The concerned officer should take bond equivalent to the amount of fine for ensuring the attendance of the offender before any court as laid down in the clause (e) of Sub-Section (5) of Section 213 of Motor Vehicles Act, 1988 (Copy of the Bond is enclosed).

After receipt of the Bond and Sureties the relevant application may be processed, if other legal requirements are fulfilled.

The above information should be followed scrupulously

To,
Registering Authorities

Transport Commissioner,
Maharashtra State, Mumbai

Copy for information to -
Principal Secretary, Home (Transport) Department , Mantralaya, Mumbai - 400 032

Transport Commissioner,
Maharashtra State, Mumbai

Bond for attendance in the Court

I (name).....

(Place)

have been charged with the offence punishable under Section of
Motor Vehicles Act, 1988 / Bombay Motor Vehicles Tax Act, 1958 before the court
ofand required to give security for my attendance before such
court on the condition that I shall attend such court on date On
which trial is held with regard to such charge, and in case of my making default
herein, I bind myself to forfeit to Government the sum of Rupees
(amount equivalent to the fine for the said offence.

Dated :day of20.....

Signature

महत्वाचे

क्र.एपणी/२००९/का-२(१)/जा.क्र. ८५६८

परिवहन आयुक्त कार्यालय

उरा व ४था मजला, प्रशासकीय इमारत,

शासकीय वसाहत, घोंड (पूर्व),

मुंबई - ४०० ०५१.

दिनांक :- 28 AUG 2009

प्रति,

सर्व प्रादेशिक परिवहन अधिकारी,
सर्व उप प्रादेशिक परिवहन अधिकारी

विषय : मांडयुलर हायड्रोलिक ट्रेलरच्यावत करण्यात येणारी ओवरलोडची कारवाई.

संदर्भ : रस्ता परिवहन महामार्ग, मंत्रालय, नवी दिल्ली यांचे पत्र क्र. आरटी-११०४२/
१३/२००८ - एमकीएल दिनांक ०३/०९/२००८.

हायड्रोलिक ट्रेलर्स ऑनसै असोसिएशन या संघटनेने निवेदन सादर करून, असे निर्दर्शनास आणले आहे की, मांडयुलर हायड्रोलिक ट्रेलरच्या बाबतीत काही वायुवेग पथकातील अधिका-यांकडून क्षमतेपेक्षा अधिक भार (ओवरलोड) निश्चित करताना फक्त हँसेच्या (पुलरच्या) भार वाहून नेण्याच्या क्षमतेचाच (लोड केरिंग कॅपेसिटी) विचार केला जातो.

कृपया या बाबतीत रस्ता परिवहन महामार्ग, मंत्रालय, नवी दिल्ली यांचे उपरोक्त संदर्भिय पत्र अवलोकावे. त्यात स्पष्टपणे असे नमृद करण्यात आले आहे की, मांडयुलर हायड्रोलिक ट्रेलरच्या बाबतीत ओवरलोड निश्चित करताना ट्रेलरसाठी निश्चित करण्यात आलेल्या भारक्षमतेचा विचार करण्यात यावा व त्यानुसारच ओवरलोडची कारवाई करावी.

कृपया आपल्या कायांलयातील सर्व अधिका-यांना याप्रमाणे त्वरीत सूचना द्याव्यात.

सोबत : वरीलप्रमाणे,

परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई

प्रत माहितीसाठी ,

हायड्रोलिक ट्रेलर्स ऑनसै असोसिएशन, ४०५, प्रेस्टीज चॅबर्स, कल्याण स्ट्रीट, मुंबई - ४०० ००९.

GOVERNMENT OF INDIA
MINISTRY OF SHIPPING, ROAD TRANSPORT & HIGHWAYS
DEPARTMENT OF ROAD TRANSPORT & HIGHWAYS

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

No.RT-11042/13/2008-MVL

Dated 3rd September, 2008

To

The Principal Secretaries (Transport)/Transport Secretaries/Transport Commissioners of all States/Union Territories.

Subject: Movement of Modular Multi-axle Hydraulic Suspension Trailers in the country.

Sir,

As you are aware, a number of Modular Multi-axle Hydraulic Suspension Trailers are engaged in transportation of very heavy and oversized indivisible loads to cater to need of various infrastructure projects in the country. Such cargo can not be carried on a conventional rigid vehicle or mechanical trailers because of a number of inherent limitations such as uneven load distribution, more wear and tear of roads and bridges, limited manoeuvrability and wider turning radius, tilting of trailer bed with the load on uneven surface and being unsafe to carry delicate cargo due to jerks.

2. Modular Multi-axle Hydraulic Suspension Trailers are a platform module trailer having two or more axle lines with two axles in each row fitted with eight tyres. Such modules are so designed that these can be coupled back to back lengthwise. Such modular trailer platform have pendulum axles with hydraulic suspension and are so designed that all wheels of the trailer are steered hydraulically and the height of such platform trailer could also be raised or lowered hydraulically. The Modular Multi-axle Hydraulic Suspension Trailers can achieve uniform load distribution, thereby preventing damages to roads and bridges and also ensures stability of the cargo through hydraulic suspension. To pull such trailers, Prime Movers with goods loaded on it in the form of ballast are also required. Both the Prime Movers and the trailers are registered individually and the GVW of the trailer and the prime mover are considered separately.

3. The dimension and gross vehicle weight of such trailers exceeds the limit prescribed by this Department under Rule 93 of CMVR, 1989 and the Notification no. S.O. 728 (E) dated 18-10-1996 and S.O. 517 (E) dated 26-5-2000, issued by the Government. Keeping in view the essentiality of movement of such trailers, this Ministry grants exemption to such trailers in respect of GVW and dimension, on a case to case basis and with various terms and conditions, in exercise of powers conferred under Section 58(3) and Section 110 (3) of the Motor Vehicles Act, 1988 through Extraordinary

-2-

Gazette of India. Further, under the Overall Dimensions of Motor Vehicles (Prescription of Conditions for Exemption) Rules, 1991 (copy enclosed), State Governments are also empowered to exempt any motor vehicle from the provisions of Rule 93 of the CMVR, 1989. Exemption granted by the Central Government or State Governments would remain valid throughout the country.

4. It has been brought to the notice of this Department that in some States the enforcement agencies do not honour the notifications being issued by the Central Government and they are penalizing such Modular Multi-axle Hydraulic Suspension Trailers on the ground of being over weight and over dimensional. It would not be in the fitness of things if the notifications issued by the Central Government/State Government are dishonored in any part of the country.

5. It is therefore, requested that whenever GVW is assigned to such trailers by the Government through notification, the same may be mentioned in the registration certificate at the time of registration and grant of National Permit to them. The sum total of all axle line as per axle load granted in the notification issued by this Department be honoured when the trailers are coupled longitudinally. Similarly, relaxation granted by the Central/State Government in respect of dimension would also need to be honoured by all the States/UTs. Necessary instructions may be issued to the field officers to ensure smooth operation of such trailers. It is needless to mention that the operation of such trailers should strictly be subject to fulfillment of various other terms and conditions prescribed by the Central Government as well as other operational conditions set by State PWD/Highway Authorities or National Highway Authority of India (NHAI).

Yours faithfully,



(Anand Prakash)

Director (Road Transport)

Tel: 23719097

Copy to Secretary, Hydraulic Trailer Owners Association, 405, Prestige Chambers,
Kalyan Street, Mumbai-400009.

मोटार वाहनांच्या कर्कश हॉनेमुळे
होणारे घ्यनीप्रदुषण

परिवहन आयुक्त यांचे कार्यालय,
प्रशासकीय इमारत, ३ रा व ४ था मजला,
सरकारी वसाहत, चांदे (पूर्व), मुंबई - ४०० ०५८.

परिपत्रक

21 JAN 2008
दि.

क्र. पआ/कोट केस/पीआयएल ८५/२००७/संकिर्ण १७/का.२(ब)/जा.क्र. ३२

- वाढ्या : १) या कार्यालयाचे पत्र क्र. एमकीएम ५४९६/का.२अ/जा.क्र.३९४०, दि. १५/०३/१९९६.
२) या कार्यालयाचे पत्र क्र. एमकीएम ५४९९/पआ/का.२अ/शा ५९/९९/जा.क्र.९८२, दि.
२०/०३/२०००.
३) या कार्यालयाचे पत्र क्र. एमकीएम ५४/२०००/पआ/का.२अ/२(६)/जा.क्र.१०७५०, दि.
१८/०८/२०००.
४) १) या कार्यालयाचे पत्र क्र. पआका/पीयुसी/का.२(ब)/जी-१/२००२/जाक-१२१२१,
दि. १३/८/२००२.

१. संदर्भाक्षित पत्रांद्वारे या कार्यालयाने मोटार वाहनांच्या कर्कश हॉनेमुळे होणारे घ्यनीप्रदुषण टाळण्याकरिता कारवाई करण्याचे निर्देश दिले होते.

२. आवाज फांडेशन यांनी मुंबई उच्च न्यायालय येथे सार्वजनिक जनहितार्थ याचिका क्र. ८५/२००७ दाखल केली असून कर्कश हॉनेद्वारे घ्यनीप्रदुषण करणाऱ्या वाहनाविरुद्ध कडक कारवाईची मागणी केली आहे.

३. कर्कश हॉने संदर्भात कॅट्रिय मोटार वाहन नियम, १९८९ च्या नियम ११९(२) मध्ये तरतुद असून तो खालीलप्रमाणे आहे -

"**119. Horns.** - (2) No motor vehicle including agricultural tractor shall be fitted with any multi-toned horn giving a succession of different notes or with any other sound-producing device giving an unduly harsh, shrill, loud or alarming noise."

एखाद्या वाहन चालकाने रिवर्स पिअरला जर मल्टी टोन्ड हॉने लावला असेल तरीही अशा वाहन चालक / मालकाविरुद्ध ही तरतुद लागू होईल.

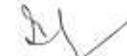
४. त्याचप्रमाणे काही नवयुक्त हॉर्सिंगिंग (thrill) वाहनाचा सायलोसर काढून टाकताते ज्यामुळे वाहनांपासून कंकेश आवाज निघतो. त्यासंदर्भात कैदिय मोटार वाहन नियम, १९८९ च्या नियम १२०(३) मध्ये तरतुद करण्यात आली असून तो खालीलप्रमाणे आहे-

"120. Silencers. - (1) Every motor vehicle including agricultural tractor shall be fitted with a device (hereinafter referred to as a silencer) which by means of an expansion chamber or otherwise reduces as far as practicable, the noise that would otherwise be made by the escape of exhaust gases from the engine."

५. एखादा वाहन चालक व मालक यांनी नियम ११९(२) व नियम १२०(१) चा भंग केल्यास त्या वाहन चालक व मालकाविरुद्ध मोटार वाहन अधिनियम, १९८८ च्या कलम ११०(२) अन्वये कडक कारबाई करण्यात यावी. कलम ११०(२) खालीलप्रमाणे आहे-

"190. Using vehicle in unsafe condition. - (2) Any person who drives or causes or allows to be driven, in any public place a motor vehicle, which violates the standards prescribed in relation to road safety, control to noise and air-pollution, shall be punishable for the first offence with a fine of one thousand rupees and for any second or subsequent offence with a fine of two thousand rupees."

६. आपल्या कार्यालयातील वायुवेग पद्धकामार्कत या संदर्भात कडक तपासणी मोहिम राबवृत्त केलेल्या कार्यवाहीचा अहवाल दर १५ दिवसांनी उप परिवहन आयुक्त (अमल-२) यांना सादर करावा.


परिवहन आयुक्त
महाराष्ट्र राज्य, मुंबई.

प्रति,
सर्व प्रादेशिक / उप प्रादेशिक परिवहन अधिकारी, महाराष्ट्र, १९८९.

प्रत माहितीसाठी सादर,
प्रधान सचिव, गृह (पर्यावरण) विभाग, मंत्रालय, मंबई - ४०० ०३२.
प्रधान सचिव, वर्यावरण विभाग, मंत्रालय, मंबई - २०० ०३२.

प्रत माहितीसाठी,
परिवहन आयुक्त कार्यालयातील सर्व नियंत्रक अधिकारी.


परिवहन आयुक्त
महाराष्ट्र राज्य, मुंबई.