

**പതിനാലാം കേരള നിയമസഭ**

**പത്താം സമ്മേളനം**

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നം. 1520 06.03.2018 ൽ മറുപടിയ്ക്ക്

മോട്ടോർ വാഹന നിയമ ഭേദഗതി

<u>ചോദ്യം</u> ശ്രീ.എ.പി. അനിൽ കുമാർ	<u>മറുപടി</u> എ.കെ.ശശീന്ദ്രൻ (ഗതാഗത വകുപ്പ് മന്ത്രി)
<p>(എ) കേന്ദ്ര സർക്കാരിന്റെ പുതിയ മോട്ടോർ വാഹന നിയമ ഭേദഗതി സംബന്ധമായ എപ്രകാരം ബാധിക്കുമെന്ന് വ്യക്തമാക്കുമോ;</p>	<p>(എ) 1 1988 ലെ മോട്ടോർ വാഹന നിയമത്തിലെ വകുപ്പ് 9(4) ഭേദഗതി ചെയ്യുന്നതിനായി നിർദ്ദിഷ്ട മോട്ടോർ വാഹന നിയമ ഭേദഗതിയിലെ ഉപവാക്യം 5(iii) പ്രകാരം അവതരിപ്പിച്ചിട്ടുള്ള പുതിയ ഭേദഗതി പ്രകാരം ട്രാൻസ് പോർട്ട് വാഹനം ഓടിക്കുന്നതിന് ഏറ്റവും കുറഞ്ഞ വിദ്യാഭ്യാസ യോഗ്യത നിശ്ചയിക്കുന്നതിനുള്ള കേന്ദ്ര സർക്കാരിനുമായിട്ടുള്ള അധികാരം എടുത്ത് കളഞ്ഞിട്ടുണ്ട്. റോഡ് സേഫ്റ്റിയുമായി ബന്ധപ്പെട്ട അടയാളങ്ങളും, നിയന്ത്രണങ്ങളും മനസ്സിലാക്കുവാൻ കുറഞ്ഞൊരു വിദ്യാഭ്യാസ യോഗ്യതയെങ്കിലും ആവശ്യമായതിനാൽ വിദ്യാഭ്യാസ യോഗ്യത നിഷ്കർഷിക്കുന്നതിനുള്ള അധികാരം നിലനിർത്തണമെന്ന് കേന്ദ്രസർക്കാരിനോട് ആവശ്യപ്പെട്ടിട്ടുണ്ട്.</p> <p>2 1988 ലെ മോട്ടോർ വാഹന നിയമത്തിലെ വകുപ്പ് 14(2) (ബി)</p>

		<p>             ഭേദഗതി ചെയ്യുന്നതിനായി നിർദ്ദിഷ്ട മോട്ടോർ വാഹന നിയമ ഭേദഗതിയിലെ ഉപവാക്യം (ii) പ്രകാരം അവതരിപ്പിച്ചിട്ടുള്ള പുതിയ ഭേദഗതി പ്രകാരം നോൺ ട്രാൻസ് പോർട്ട് വാഹനം ഓടിക്കുന്നതിനുള്ള ഡ്രൈവിംഗ് ലൈസൻസിന്റെ കാലാവധി നിർണ്ണയിക്കുന്നത് ലൈസൻസ് ഹോൾഡറുടെ വയസ്സിന്റെ അടിസ്ഥാനത്തിലായിരിക്കും.           </p> <p>             ഈ സമ്പ്രദായം വളരെ സങ്കീർണ്ണമായതിനാലും, വളരെയധികം ആശയ ക്ഷപ്തം സൃഷ്ടിക്കുമെന്നതിനാലും പൊതുജനങ്ങൾക്ക് ബുദ്ധിമുട്ട് സൃഷ്ടിക്കുന്നതിനുള്ള സാധ്യതയുണ്ട്. ആയതിനാൽ നിലവിലുള്ള സ്ഥിതി തന്നെ തുടരണമെന്ന് ആവശ്യപ്പെട്ടിട്ടുണ്ട്.           </p> <p>             3. നിലവിലെ മോട്ടോർ വാഹന നിയമം അനുസരിച്ച് കാലാവധി കഴിഞ്ഞ ലൈസൻസ്, കാലാവധി തീർന്ന തീയതി മുതൽ 5 വർഷത്തിനുള്ളിൽ പുതുക്കിപ്പറ്റേണ്ടതായിരുന്നു. എന്നാൽ 1988 ലെ മോട്ടോർ വാഹന നിയമത്തിലെ വകുപ്പ് 15(4) ഭേദഗതി ചെയ്യുന്നതിനായി നിർദ്ദിഷ്ട മോട്ടോർ വാഹന നിയമ ഭേദഗതിയിലെ ഉപവാക്യം 10(iii) (ബി) പ്രകാരം അവതരിപ്പിച്ചിട്ടുള്ള പുതിയ ഭേദഗതി           </p>
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പ്രകാരം 5 വർഷ കാലാവധി 6 മാസമായി കുറച്ചിരിക്കുകയാണ്. ഇത് വിദേശ രാജ്യങ്ങളിൽ ജോലി ചെയ്യുന്നവരുടെ കാര്യത്തിൽ, കാലാവധി കഴിഞ്ഞ ലൈസൻസ് പുതുക്കി എടുക്കുക എന്നത് ബുദ്ധിമുട്ടുണ്ടാക്കുന്ന കാര്യമായിരിക്കും.

4. 1988 ലെ മോട്ടോർ വാഹന നിയമത്തിലെ വകുപ്പ് 44(1) ഭേദഗതി ചെയ്യുന്നതിനായി നിർദ്ദിഷ്ട മോട്ടോർ വാഹന നിയമ ഭേദഗതിയിലെ ഉപവാക്യം 18 പ്രകാരം അവതരിപ്പിച്ചിട്ടുള്ള പുതിയ ഭേദഗതി പ്രകാരം പുതുതായി രജിസ്റ്റർ ചെയ്യുന്നതിനായി വാഹനം പരിശോധനക്കായി ഹാജരാക്കേണ്ടതില്ല.

വാഹന പരിശോധന ഇല്ലാത്തതിനാൽ സാങ്കേതികമായും, സുരക്ഷാപരമായും നിലവാരമില്ലാത്ത വാഹനങ്ങൾ രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള സാധ്യത വളരെ കൂടുതലാണ്. ഇത് ആത്യന്തികമായി വാഹന ഉടമക്ക് ബുദ്ധിമുട്ടുകൾ സൃഷ്ടിക്കും. വാഹന പരിശോധനയുടെ അഭാവം ഫോം 21 ൽ രേഖപ്പെടുത്തിയിരിക്കുന്നതിൽ നിന്നും വ്യത്യസ്തമായ ചേസ്റ്റിസ് നമ്പർ/എഞ്ചിൻ നമ്പർ ഉള്ള വാഹനങ്ങളുടെ രജിസ്ട്രേഷനിലേക്ക് വഴി തെളിയിക്കുന്നതിനുള്ള സാധ്യത കൂടുതലാണ്. വാഹനം അപകടത്തിൽ പെടുകയാണെങ്കിൽ

		<p>ചേസ്സിസ് നമ്പർ/എഞ്ചിൻ നമ്പർ വ്യത്യസ്തമായതിനാൽ വാഹന ഉടമക്ക് നഷ്ടപരിഹാരം കിട്ടുന്നതിനുള്ള സാധ്യത ഇല്ലാതാവും. ആയതിനാൽ വാഹനം രജിസ്റ്റർ ചെയ്യുമ്പോഴുള്ള വാഹന പരിശോധന നിലനിർത്തണമെന്ന് കേന്ദ്ര സർക്കാരിനോട് ആവശ്യപ്പെട്ടിട്ടുണ്ട്.</p> <p>5. 1988 ലെ മോട്ടോർ വാഹന നിയമത്തിലെ വകുപ്പ് 56(1) ഭേദഗതി ചെയ്യുന്നതിനായി നിർദ്ദിഷ്ട മോട്ടോർ വാഹന നിയമ ഭേദഗതിയിലെ ഉപവാക്യം 22(i) പ്രകാരം അവതരിപ്പിച്ചിട്ടുള്ള പുതിയ ഭേദഗതി പ്രകാരം 01-10-2018 മുതൽ വാഹനം ഓട്ടോമേറ്റഡ് ടെസ്റ്റിംഗ് സ്റ്റേഷനിൽ ടെസ്റ്റ് ചെയ്തിട്ടില്ലെങ്കിൽ അത്തരം വാഹനങ്ങൾക്ക് ഫിറ്റ്നസ്സ് സർട്ടിഫിക്കറ്റ് നൽകേണ്ടതില്ല. ഇത് അപ്രായോഗികമായതിനാൽ കൂടുതൽ സമയം അനുവദിക്കണമെന്ന് സർക്കാരിനോട് ആവശ്യപ്പെട്ടിട്ടുണ്ട്.</p> <p>6. 1988 ലെ മോട്ടോർ വാഹന നിയമത്തിലെ വകുപ്പ് 56(4) ഭേദഗതി ചെയ്യുന്നതിനായി നിർദ്ദിഷ്ട മോട്ടോർ വാഹന നിയമഭേദഗതിയിലെ ഉപവാക്യം 22 (iii) (ബി) പ്രകാരം അവതരിപ്പിച്ചിട്ടുള്ള പുതിയ ഭേദഗതി പ്രകാരം വാഹനത്തിന്റെ ഫിറ്റ്നസ്സ് സർട്ടിഫിക്കറ്റ്</p>
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റദ്ദാക്കുന്നതിന് നിർദ്ദിഷ്ട അതോറിറ്റിക്ക്, വാഹന ഉടമ തെരഞ്ഞെടുത്തിട്ടുള്ള ഓതറൈസഡ് ട്രെസ്സിംഗ് സ്റ്റേഷനിൽ നിന്നുമുള്ള കൺഫർമേഷൻ ആവശ്യമാണ്.

ഫിറ്റ്നസ്സ് സർട്ടിഫിക്കറ്റ് റദ്ദാക്കുന്ന അതോറിറ്റി, മറ്റൊരു ട്രെസ്സിംഗ് സെന്ററിന്റെ അനുമതിക്ക് കാത്തു നിൽക്കുകയാണെങ്കിൽ കബളിപ്പിക്കപ്പെടുന്നതിനുള്ള സാധ്യത വളരെ കൂടുതലാണ്. കൂടാതെ ഫിറ്റ്നസ്സ് റദ്ദാക്കുന്ന അതോറിറ്റി ഒരു വാഹനത്തിന്റെ കാര്യക്ഷമത വിലയിരുത്തുവാൻ പ്രാപ്തമാണ്. ആയതിനാൽ ഒരു കൺഫർമേഷൻ അതോറിറ്റിക്ക് പകരം വാഹന ഉടമയുടെ പരാതിക്ക് പരിഹാരം കാണുന്നതിനായി ഒരു അപ്പലേറ്റ് അതോറിറ്റിയെ നിയമിക്കുവാൻ സർക്കാരിനോട് ആവശ്യപ്പെട്ടിട്ടുണ്ട്.

7. 1988-ലെ മോട്ടോർ വാഹന നിയമത്തിലെ 164(1) ഭേദഗതി ചെയ്യുന്നതിനായി നിർദ്ദിഷ്ട മോട്ടോർ വാഹന നിയമ ഭേദഗതിയിലെ ഉപവാക്യം 49 പ്രകാരം അവതരിപ്പിച്ചിട്ടുള്ള പുതിയ ഭേദഗതി പ്രകാരം വാഹനാപകടത്തിൽ മാരകമായി പരിക്കേറ്റ ഒരു വ്യക്തിക്ക് നൽകേണ്ട ഏറ്റവും കുറഞ്ഞ നഷ്ട പരിഹാരത്തുക 5 ലക്ഷം രൂപയും, വാഹനാപകടത്തിൽ മരണപ്പെട്ട ഒരു വ്യക്തിയ്ക്ക് നൽകേണ്ട ഏറ്റവും കുറഞ്ഞ നഷ്ട പരിഹാരത്തുക 10 ലക്ഷം

രൂപയുമാണ്.

എന്നാൽ നിർദ്ദിഷ്ട വകുപ്പ് 164(3). ഇൻഷുറൻസ് കമ്പനിയിൽ നിന്നും ലഭിക്കുന്ന തുകയ്ക്ക് പുറമേ ലഭിക്കുന്ന തുകയിൽ കുറവ് വരുത്താവുന്നതാണെന്ന് വിഭാവന ചെയ്യുന്നു. ഇത് ഇൻഷുറൻസ് തുകയ്ക്ക് പുറമേ ലഭിക്കുന്ന മറ്റ് ആനുകൂല്യങ്ങളെ ബാധിക്കുന്നതാണ്. മാത്രമല്ല അപകടത്തിൽപ്പെട്ട വ്യക്തിയുടെ അവകാശങ്ങളേയും ഇത് ഹനിക്കും.

8. 1988-ലെ മോട്ടോർ വാഹന നിയമത്തിലെ വകുപ്പ് 215 എ(1) ഭേദഗതി ചെയ്യുന്നതിനായി നിർദ്ദിഷ്ട മോട്ടോർ വാഹന നിയമ ഭേദഗതിയിലെ ഉപവാക്യം 89 പ്രകാരം അവതരിപ്പിച്ചിട്ടുള്ള പുതിയ ഭേദഗതി പ്രകാരം കേന്ദ്ര സർക്കാരിലും, സംസ്ഥാന സർക്കാരിലും നിർദ്ദിഷ്ട നിയമപ്രകാരം നിക്ഷിപ്തമായിരിക്കുന്ന ഏത് അധികാരവും സർക്കാർ നിശ്ചയിക്കുന്ന ഏതൊരു വ്യക്തിയേയോ, വ്യക്തി സമൂഹത്തിനെയോ ഭാരമേല്ക്കാവുന്നതാണ്.

ഇത് റോഡ് സുരക്ഷാ മാനദണ്ഡങ്ങൾ നടപ്പു വരുത്തുന്നതിനെ സാരമായി ബാധിക്കും. ആയതിനാൽ നിർദ്ദിഷ്ട ഭേദഗതിയിൽനിന്നും മോട്ടോർ വാഹന നിയമത്തിലെ അധ്യായങ്ങൾ V, VI, VIII, XIII, XIV എന്നിവയെ ഒഴിവാക്കണമെന്ന് കേന്ദ്ര സർക്കാരിനോട് ആവശ്യപ്പെട്ടിട്ടുണ്ട്.

(ബി)	<p>റീജിയണൽ ട്രാൻസ്പോർട്ട് ഓഫീസുകൾ ഇല്ലാതാക്കുന്നതിനും ഫിറ്റ്നസ്സ് ടെസ്റ്റ് ഉൾപ്പെടെയുള്ള സേവനങ്ങൾ വൻകിട ഡീലർമാരുടെ കൈകളിൽ എത്തുന്നതിനും ഈ നിയമഭേദഗതി കാരണമാകുമോ;</p>	(ബി)	കാരണമാകും
(സി)	<p>എങ്കിൽ ഇക്കാര്യത്തിലുള്ള എതിർപ്പ് കേന്ദ്രത്തെ അറിയിച്ചിട്ടുണ്ടോ; ഇതിൻമേലുള്ള കേന്ദ്രപ്രതികരണം എന്തായിരുന്നുവെന്ന് വ്യക്തമാക്കുമോ</p>	(സി)	<p>അറിയിച്ചിട്ടുണ്ട്. കേന്ദ്ര പ്രതികരണം ലഭ്യമായിട്ടുണ്ട്. പകർപ്പ് അനുബന്ധമായി ചേർക്കുന്നു.</p>

  
 സെക്ഷൻ ഓഫീസർ

*16/02/2017*

**Remarks on Comments of the Ministry of the Road Transport and Highways on the Objections raised by Hon'ble Members of Rajya Sabha, Hon'ble Chief Minister of Tamilnadu, Government of Kerala and Transport Ministers of Southern States on the Motor Vehicles (Amendment) Bill, 2017.**

Sl. No.	Raised by	Issue in Brief	Suggestions made	Ministry's Comments	Remarks from TCO
1.	Kerala Transport Ministers of Southern States	Section 9 In the existing Act under Section 9 (4) there is a provision for minimum educational qualification for grant of Driving License. This provision has been omitted. It will result in issue of license without insisting on minimum qualification for the grant of license.	Road safety awareness requires a driver to be aware of various traffic related laws and rules and to be able to read and understand instructions and directions regarding traffic related matters. One time certification is not sufficient since laws and rules change over time. Hence, minimum Educational qualification should be made mandatory.	By estimated average there is severe shortage of drivers(close to 22 Lakh) in the country. This hindering the growth of the transport logistics sector. Keeping in view the shortage of drivers and to create jobs for rural, uneducated youths, the minimum educational qualification is proposed to be removed. However, the applicant has to hold a certificate from a Driver Training School or Establishment. Efforts are to provide him requisite skills. Further, he will have to pass a stringent driving test to obtain the license. It may also be noted here that the employers can always stipulate the requirement of minimum educational qualifications, while hiring the drivers. This will have no impact on the revenue or Authority of the State.	Pass in 8 <sup>th</sup> standard is prescribed for drivers of transport vehicles. Driving license being an authorisation having pan India validity, it's essential for drivers of transport vehicles to communicate in languages other than mother tongue. Without education qualification criteria, these objectives cannot be achieved. Hence we oppose the move to delete provision to prescribe education qualification



	<p>Tamilnadu Kerala Transport Ministers of Southern States Shri Tiruchi Siva</p>	<p>Section 12 The powers of establishing Driving Schools were conferred only on State Government. The proposed introduction of the new Sub Sections(5) &amp; (6) under Section 12 will enable the Central Government also to establish new Driving Schools. Its is not clear what the purpose of the new provision is and it merely abridges the powers which have been conferred on State Governments.</p>	<p>Regulation and Administration of Driving Schools and establishments shall be vested with the State Governments.</p>	<p>The Driving Schools shall not be established by the Central Government. They will have to take license from State Government only. Even existing Driving Schools may upgrade their infrastructure according to the specified standard. States can also accredit such schools.</p> <p>This Provision is to cover the institutions of excellence created under skill Development Program to improve quality.</p> <p>Central Government proposes a scheme to provide financial assistance to establish 2000 Motor Driving Schools with the States to improve the driving training standard in the Country and particularly in rural areas. This scheme shall be launched shortly.</p>	<p>No objection to the proposal</p>
<p>3.</p>	<p>Kerala Transport Ministers of Southern States</p>	<p>Section 14 The currency of the license for driving the non- transport vehicle for the different periods is according to the age of the applicant.</p>	<p>The insertion may be avoided and the present provision may be retained as the proposed structure is very complicated and will create confusion in issuing the period of validity and thereby causes unnecessary hassles to the license</p>	<p>This provision will facilitate longer duration (10 Years) license upto the age of 60 years as against the present provision of 50 Years.</p> <p>The life expectancy and physical well-being of the individuals has increased. This is a beneficial provision for citizens above 50 Years</p>	<p>No comments</p>

			holders and delay in the office work.	of age. The idea of these provisions is bring ease of business to common users and bring transparency and reduce corruption.	
4.	Kerala Transport Ministers of Southern States	Section 15 The maximum period permitted for renewal of the driving license after it has expired is reduced to '6 months' from '5 years'.	The proposed period of '6 months' may be enhanced to atleast for 'two years'. The situation of Kerala is different from other states in this regard. In our state, a large number of people are working abroad. They usually visit their parent state only once in 'two' or Three Years'. Hence it will be difficult for them to renew their license in time. At present, they have got 'Five Years' to renew their licence. But as per the proposed amendment they will get only 'Six Months' to renew their license after its expiry which is inadequate. The existing period may be retained.	Under existing provisions, the license renewal was permitted only thirty days prior to the expiry. Frequent visits to RTO Offices for renewal leads to harassment of people and NRIs in particular as suggested by Kerala Government. Hence a two-year window has been prescribed for renewal, which may be an online process, if provided by the State. The driving license renewal can there fore be carried one year before the expiry or up to one year after the expiry. This shall also bring in transparency and shall reduce corruption.	We support current proposal
5	Smt.K.Kanimozhi Shri.T.K.Elango van	Section 19-New Insertion Amendment in Section 19 provides the procedure to deal	This Section is newly inserted. The procedure will cause undue delay in obtaining new licenses. Hence this	The provision for the licenses that are impounded by the traffic police and sent to the Registration Authority for suspension and any other action that may be required.	

		with the impounded licenses of the traffic offenders.	may be Deleted.	The provision is therefore only for deal with specific traffic offenders and not new license applicants.	
6	Kerala Smt.K.Kanikozhi Shri.T.K.Elango van Transport Ministers of Southern States.	Section 25 Creation of National Register of Driving Licenses.	Adequate time to implement provision may be given in consultation with the State Governments.	Already, most of the States are using the National Register. Adequate time will be given to the State Government for implementation. The National register shall be formulated in consultations with the States. This would help in avoiding multiple licenses obtained by drivers from different registration authorities. The issue of new licenses or renewal would be captured in the database on real time basis. It will be ensured that States do not have to face any inconvenience. There large number of bogus licenses in this country, all political parties shall agree that we need to address this, as bogus license is direct threat to security and safety.	NIC may be directed to consult States while finalizing Vehicle Class in National Register for Driving Licenses
7	Tiruchi Siva Smt.K.Kanimozhi Shri.T.K.Elango van	Section 40, Permitting the registration of vehicles anywhere in the State.	Proposal may be deleted.	Presently the registration can be done only with the local Registering Authority. The proposed provision would make the process of registration simpler for citizens to apply anywhere in the State.	In order to eliminate possibility of bogus address submission by applicants, digitally verifiable documents as address proof may be insisted

				This will not lead to any loss of revenue for the State nor the power of State Government has been taken away. This is only with a objective to provide ease of citizen services.	
8	Tamilnadu	Section 41 (7) Under the new proviso proposed to be inserted to sub-section (7) of Section 41, the need for grant of Certificate of Fitness after testing in the Automated Testing Stations is to be extended to non-transport vehicles as well. This would cause considerable hardship to ordinary owners of personal vehicles which are not intended for hire .		The proposed provision would help permit non-transport vehicles, a longer registration period which may be more than the present period of 15 years. Hence this is a beneficial provision for private vehicle owners.	No comments
9	Tamilnadu Kerala Smt.K.Kanimozhi Shri.T.K.Elango van Shri.Tiruchi Siva Transport Ministers of Southern States.	Sections 41, 43 and 44 Both temporary and permanent registration can be made by the dealer registering of the vehicle. As per the amendment. vehicles sold by authorized dealer	As no further inspection is done by registering authorities, the dealer may be made responsible for any defects and proceeded against. The amendment should be replaced with following clause. "The owner of a	The registration Authority remains with the State Government. The Dealers have been entrusted with additional responsibilities to ensure immediate registration before the delivery and to provide better service to the citizens. The allotment of Registration number shall still be done by	We support this proposal

		<p>do not require production before a registering authority. The dealer may be made responsible for any defects. "The owner of a vehicle shall apply for temporary registration" and proceeded against. The vehicle with Temporary registration cannot ply outside the State.</p> <p>The requirement of production of new vehicle before the registration authority has been done away.</p>	<p>vehicle shall apply for temporary registration".</p>	<p>State RTO.</p> <p>In proposed new Section 192B, the Registering authorities of the States have been empowered to levy stringent penalties on defaulting dealers. This amendments is to strengthen the requirement of registration mark for all motor vehicles at the time of delivery. This will facilitate citizens buying the new vehicles as they would get hassle free services.</p> <p>In case of new vehicles, there is a standardized testing and approval system as well as a string IT network regulating the vehicles. Hence, the physical inspection of vehicles does not serve any purpose. This proposal is only for factory built vehicles. In case of vehicles built by body builders, the inspection by the registering authorities would continue.</p>	
10	Tamilnadu Kerala Transport Ministers of Southern States	<p>Section 56 The Mandatory testing by an automated testing station for transport vehicles w.e.f.10-2019. Provision for Cancellation of Fitness certificates</p>	<p>There may be a provision to extend the period for implementation of the provision for a period of two years from the date of enactment. Non-transport vehicles may not be brought</p>	<p>The provision has been incorporated as per the recommendations of Group of Transport Ministers. Further, on the recommendations of the Standing Committee, the period has been extended to 1-10-2019.</p>	<p>Validation of CF cancellation by a statutory authority may be done at State owned facility only. Also provision to collect test fee from Enforcement officer is to deleted</p>

		on objective evaluation on automated testing station. Provision for fitness for non-transport vehicle.	under the ambit of fitness.	Therefore, adequate time is available for implementation of the provision. So recommendation of providing additional time is already included.  The provision for cancellation will provide an objective mechanism for vehicle fitness testing and save the drivers/owners of the transport vehicles from harassment and loss of time.  Non-transport vehicles are not brought under ambit of fitness. This is merely an enabling provision.	
11	Transport Minister of Southern States	Section 64(ea) Powers to make rule regarding currency of the registration for different types of vehicles.		This would be enabling power to the Central Government for rule making and is a requirement of the law.	No further comments
12	Transport Minister of Southern States	Section 66 Allowing the vehicle owner to use at his own discretion.	The provision may be deleted.	This is merely to avoid duplication and to give the choice to a motor vehicle owner to use either the license or the permit, if both are granted.	Multiple permit and license system to vehicles may cause misuse by operators and serious inconvenience to commuters.
13	Tamilnadu Smt K Kanimozhi Shri T K Elangovan	Section 66A A new section 66A is proposed to be introduced to empower the Central Government to	Since there are a number of pre-existing powers with the State Government, specifically under the Act, hence amendment in this section has	Any policy for National Transportation shall be framed only after thorough consultations with the States. The Policy will help facilitate Inter State Transport.	No further comments.

		develop a National Transportation Policy. Such a Policy is to be developed in consultation with State Governments and other agencies.	been suggested.  The new insertion gives undue privilege to the owners which will affect State Transport undertaking in the country. Hence new insertion be deleted.	Ministry would constitute a Committee of Transport Ministers of State to recommend such a Policy to Central government.  Further, the protection given to the State Road Transportation Undertakings is fully retained in Chapter VI of the Motor Vehicles (Amendment) Bill, 2017	
14	Kerala Smt K Kanimozhi Shri T K Elangovan	Section 67 In the event of any repugnancy between the schemes made by the Central Government under sub-section (1) and the schemes made by two or more State under this sub-section, the schemes made under sub-section (1) shall prevail.	The Central Government gets excessive powers to give overriding effect over all the provisions of the Act and the powers that may be given to the State governments under the new section 67 (3) proposed to be inserted by clause 29. This may be modified by including a provision for the concurrence of the State Governments concerned, that too only in the case of national interest.  This may be modified by including a provision for concurrence of the State Governments concerned, that too	Any such scheme shall be made only after thorough consultations with the States. The scheme can be made only for facilitating Inter State Transport.  Under the proposed provision, two or more state can also frame a similar scheme.  Ministry would constitute a Committee of Transport Ministers of the State to recommend such a scheme to Central government.  The protection given to the State Transportation Undertakings is fully retained in chapter VI of the Motor Vehicles (Amendment) Bill, 2017.	No comments

			only in the case of national interest.  The new insertion gives undue privilege to the owners. Which will affect State Transport Undertaking in the country. Hence new insertion be deleted.		
15	Smt K Kanimozhi Shri T K Elangovan	Section 72 & Section 74  Powers of the State to waive the requirement for Stage carriage to promote rural and last mile connectivity.	The new insertion gives undue privilege to the owners. Which will affect State Transport undertaking in the country.  Hence new insertion be deleted.	The protection given to the State Road Transportation Undertakings is fully retained in Chapter VI of the Motor Vehicles (Amendment) Bill, 2017.  All the powers to relax or grant permits and Licenses for transport have been given to the State only. The State are expected to act in the public interest.  The proposed provision has been introduced help State strengthen rural transportation. The provisions would also help employment for poor sections of the Society.	No comments
16	Tamilnadu Kerala Transport Ministers of Southern States. Smt K Kanimozhi Shri T K	Section 88 A Power of the Central Government to frame scheme for multi modal and inter-state transportation of	The new section 88(A) gives widespread powers to the Central Government to make schemes for National Multi Modal and Inter State Transport of passengers and goods.	The protection given to State Road Transportation Undertaking is fully retained in Chapter VI of the Motor Vehicles (Amendment) Bill, 2017.  Any such scheme shall be	No comments



Elangovan	passenger and goods.	Some of the proposals for such schemes include last mile connectivity, rural transport, increase in the accessibility and mobility of people, enhancement of the integration and connectivity to the transportation system across and between the modes of transport etc. This implies that the powers under this section can be exercised by the Central Government not just in the context of Inter-State transportation, but also in the context of transportation within a state. Hence, this section as it is presently drafted substantially diminishes the powers accorded to State Governments under Chapter VI of the Motor Vehicles Act, 1988, "Special provisions relating to State Transport undertaking".	made only after thorough consultations with the States. The scheme can be made only for facilitating Inter State Transport.  Under the proposed provision, two or more states can also frame a similar scheme.  Ministry would constitute a committee of Transport Ministers of the State to recommend such a scheme to Central government.	
17. Smt K Kanimozhi Shri T K	Section 92 In section 92 of the principal Act, for the words "stage	The new substitution be deleted. Existing may continue.	This provision is proposed on account editorial requirement.	No comments.

	Elangovan	carriage or contract carriage, in respect of which a permit", the words "transport vehicles, in respect of which a permit or license" shall be substituted.			
18	Smt K Kanimozhi Shri T K Elangovan	Section 94 In section 94 of the principal Act, after the word "permit" words "or licence issued under any scheme".	The new insertion be deleted.	This provision is as per editorial requirement.	No comments
19	Smt K Kanimozhi Shri T K Elangovan	Section 96 In section 96 of the principal Act <u>Power of State Government to make rules as to stage carriages and contract carriages</u>	The new insertion be deleted.	This is rule making power of the State and is the legal requirement.	No comments
20	Kerala Transport Ministry of Southern States	Section 110B The Central Government shall make rules for the accreditation, registration and regulation of testing agencies.	Consultation with State Government may be sought before issuing the Rules.	Rules shall be framed only after Consultation with States.	No comments
21	Smt.K: Kanimozhi Shri.T.K. Elangovan	Section 114 In Section 114 of the Principal Act, in Sub	The new substitution be deleted. Existing may continue.	Power is given to the State Government only to permit any other authority to tackle the menace of overloading	No comments

		section(1), for the words "authorized in this behalf by the State Government", or any other person authorized in this behalf by the State Government".			
22	Kerala Transport Minister of Southern States	Section 150 Third party Insurance Provisions Prescribing Base Premium	Prescribing base premium and liability of an insurer by Central Government would create difficulty to the victims.	The amendment has been proposed in consultation with Ministry of Finance. The provision is to protect the vehicle owners from arbitrary increase in third party insurance premium. As proposed, the policy would be made in consultation with the Insurance Regulatory and Development Authority(IRDA)	This provision caps the liability of insurer as well. Central government may prescribe premium with unlimited liability to insurer. Current proposal would make poor vehicle owners insolvent and victim will be at disadvantage to claim a sum proportionate to his loss.
23	Kerala Transport Minister of Southern States	Section 150 and Section 164 Amount of compensation and Liability of Insurance companies.	Payment under the third party insurance is seen limited upto 10 lakhs in the case of death and not exceeding 5 lakhs in the case of grievous hurt. The limit may be dispensed with. Section 163 A and 140 in the existing Act should be retained.  The limit may be dispensed with Section 163 A and 140 in the existing Act should be retained.  The provision for unlimited liability of the insurance company may be retained towards third party claim and the possible liability of the owner of vehicle may be	This is a beneficial provision. The provision has been welcomed by the public at large. No limit on the compensation awarded by the court has been proposed.  According to the provisions for third party insurance, the minimum compensation would be Rs. Five Lakhs in case of death and Rs. 2.5 Lakhs in case of grievous hurt. This amount of compensation is more than the compensation awarded by Court in about 75 % of the cases. The common man would immensely benefit with the proposal. The victim can always claim higher compensation by pursuing the matter in the Motor Accident Claims Tribunal.  Victim has the choice not to	164(1) says that "Notwithstanding anything contained in this Act or any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle or the authorized insurer shall be liable to pay in the case of death or grievous hurt due to any accident arising out of the use of motor vehicle, a compensation, of a sum of five lakh rupees in case of death or two and a half lakh rupees in case of grievous hurt to the legal heir or the victim, as the case may be" This clearly gives no scope to either increase or decrease compensation. Provision for base compensation is a welcome move. But compensation without considering the earning

				pursue the matter in the Motor Accident Claims Tribunal. There is no limit on the award of compensation by the Tribunal and the provision for unlimited liability of insurers has been retained in the Bill.	justifiable.
24	Smt.K. Kanimozhi Shri.T.K. Elangovan	Section 177A onwards prescribing higher penalties for traffic offenses.	The Existing penalties for offences has been increased manifold. This may be moderated. Some new offences has been brought under this Section. The penalties for these be reduced.	The penalties under the Motor Vehicles Act were last fixed in the year 1988. The penalties lost their deterrence power over the period. Therefore, the penalties have been increased to act as deterrence for committing offences. It would ensure road safety and would help in reducing the fatalities.	No comments
25	Shri. Balasubramonium Shri. Navneethakrishnan Shri. Tiruchi Siva Transport Ministers of Southern States	Section 211A Insertion of New Section 211 - A in the Principal Act to provide for electronic filing of documents and forms	The new Section 211- A shall be deleted. The objects and reasons may be accommodated under Section 211 itself. Any agency either owned by or controlled by the Central Government are authorized to collect the fees.	The new section is to provide electronic filing of all documents. This will help in citizen's facilitation. Central Government may provide for payment mechanism, however, it will not retain any fee and the same will be remitted to the States on real time basis.	No comments
26	Kerala Transport Ministers of Southern States Shri. Balasubramonium Shri. Navneethakrishnan Shri. Tiruchi Siva	Section 215A Insertion of New Section 215 - A in the Principal Act to provide for delegation of powers to a public servant or public authority.	Such excessive delegation without any restriction may defeat the purposes of the Act and public interest. Therefore, it may be recommended that the power of the Central or State Government in this regard may be delegated to the Government Agencies alone. The power of the Central or State Government in this regard may be delegated to the Government	Any such delegation would be permissible only in respect of powers conferred upon the Central Government in the Motor Vehicles Act.  The powers can be delegated only to the Public Servant or Public Authority.  The Public Servant is defined in Section 21 of the Indian Penal Code. Following are included in the definition of the Public Servants in India.	No comments

			Agencies alone.	<ol style="list-style-type: none"><li>1. Every Commissioned Officer in the Military, Naval, or Air Force of India.</li><li>2. Every Judge including any person empowered by law to discharge, whether, by himself or as a member of any body of persons, any adjudicatory functions.</li><li>3. Every Officer of a Court of justice (including a liquidator, receiver or commissioner) whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of justice to perform any of such duties.</li><li>4. Every juryman, assessor, or member of a panchayath consisting of a youth or a child, or public servant.</li><li>5. Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of justice, or by any other competent public authority.</li><li>6. Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement.</li></ol>	
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7. Every officer of ( the Government) whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience.

8. Every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of ( the Government), or to make any survey, assessment or contract on behalf of (the Government), or to executive any revenue process, or to investigate, or to report, on any matter affecting the pecuniary interests of ( the Government), or to make , authenticate or keep any document relating to the pecuniary interest of Government). or to prevent the infraction of any law for the protection of the pecuniary interests of ( the Government).

9. Every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment or to levy any rate or tax for any regular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district.

10. Every person who holds any office in virtue of which he

is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election.

11. Every person in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government.

12. University, Board of Education or other Body, either established by or under a Central or State Act or under the provisions of the Constitution of India Or constituted by the government and a local authority.

Public Authority has been defined by Section 2 (h) of the Right to Information Act, 2005 as follows:

" public authority means any authority or body or institution established or constituted :

- (a) by or under the Constitution;
- (b) by any law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by Notification issued or order made by the appropriate Government and

				<p>(i) includes any-body owned, controlled or substantially financed;</p> <p>(ii) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government;</p> <p>It can be seen that no private person or agency can be delegated any powers of the Government.</p>	
27	<p>Shri.Balasubramonium</p> <p>Shri.Navneethakrishnan</p> <p>Shri.Tiruchi Siva</p> <p>Transport ministers of Southern States</p>	<p>Section 215B</p> <p>Section 215C</p> <p>Rule-making powers of Central and State Government</p>	<p>The contents of this provision pertain to administration of motor vehicle law which is already governed by section 213 of the Principal Act. So the new section 215A shall be deleted and the existing section 213 alone should remain in force.</p>	<p>Section 215B and Section 215C only provide for the rule making powers to the Central government and the State Government, which were not available earlier. This will only help in effective implementation of the Section 213 of the Act in addition to the existing electronic filing of forms and documents.</p>	No comments
28	<p>Government of Kerala</p>	<p>Multiple issues of Government of Kerala.</p> <p>i. Motor vehicle accident fund which would provide</p>	<p>As the enforcement of the Motor Vehicle Act, Kerala, whether or not Central Act or State Rules thereon formulated, are the primary function of the State Governments concerned, it is proper</p>	<p>Most of these issues have been discussed above. These would help in strengthening road safety and help in providing efficient services to the Public. The states would be consulted while framing the rules.</p>	No comments





	<p>compulsory insurance cover to all road users in India for certain types of accidents.</p> <p>ii. Improving delivery of services to the stakeholders using e-Governance is one of the major focuses of this Bill. This include enabling online learning licenses, increasing validity period for driving licenses, doing away with the requirements of educational qualifications for transport licenses are some of the features.</p> <p>iii. The Bill proposes offences committed by juveniles. Under this the</p>	<p>to move official amendments in the Rajya Sabha after considering the Views, comments, suggestions of the State Governments, for proper implementation of the provisions in the Act. Similarly, a detailed discussion is needed with the State Governments before formulating the rules based on this Act.</p>		
	<p>to be guilty in cases of offences by the juveniles and juvenile to be tried under JJ Act. Also, registration of Motor Vehicle</p>			

	<p>to be cancelled.</p> <p>iv. The bill proposes that the state Government can specify a multiplier, not less than one Government can specify a multiplier, not less than one and not greater than ten, to be applied to each fine under this Act and such modified fine.</p> <p>v. To facilitate transport solutions for Divyang, the bottlenecks have been removed in respect of grant of driving licenses as well as alterations in the vehicle to make it fit for use of Divyang.</p> <p>vii. The process of testing and automobiles is proposed to be regulated more effectively. The testing agencies issuing automobile</p>			
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approvals have been brought under the ambit of the Act.

viii. To bring harmony of the registration and licensing process, it is proposed to create National Register for Driving licence and National Register for Vehicle registration through "Vahan" and "Sarathi" platforms.

ix. Hike in the penalties for various offences etc.

N. D. S.  
Section Officer