

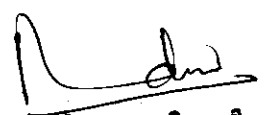
**പതിനാലാം കേരള നിയമസഭ
രണ്ടാം സമ്മേളനം**

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നം.5178

28.10.2016 ൽ മറുപടിയ്ക്ക്

മോട്ടോർ വാഹന നിയമം

<p align="center"><u>ചോദ്യം</u></p> <p align="center">ശ്രീ.ജോൺ ഫെർണാണ്ടസ്</p>		<p align="center"><u>ഉത്തരം</u></p> <p align="center">ശ്രീ. എ.കെ. ശശീന്ദ്രൻ (ഗതാഗത വകുപ്പുമന്ത്രി)</p>	
(എ)	<p>കേന്ദ്ര സർക്കാർ പുതുതായി പാർലമെന്റിൽ അവതരിപ്പിച്ചിട്ടുള്ള മോട്ടോർ വാഹന നിയമം കേരളത്തെ ഏതെല്ലാം വിധത്തിൽ ബാധിക്കുമെന്ന് സർക്കാർ പഠിച്ചിട്ടുണ്ടോ; വിശദമാക്കുമോ ;</p>	<p>(എ) & (ബി)</p>	<p>ഉണ്ട്. സംസ്ഥാനത്തിനും, പൊതുജനങ്ങൾക്കും ബുദ്ധിമുട്ട് സൃഷ്ടിക്കുന്ന രീതിയിലുള്ള പ്രൊവിഷനുകൾക്കെതിരെ ഒബ്ജക്ഷൻ ഫയൽ ചെയ്യുകയും ചെയ്തിട്ടുണ്ട്. ആയതിന്റെ പകർപ്പ് അനുബന്ധമായി ചേർക്കുന്നു.</p>
(ബി)	<p>കേരളത്തിന് ദ്രോഹകരമായ വകുപ്പുകൾ കേന്ദ്ര നിയമത്തിൽ ഉൾപ്പെട്ടിട്ടുള്ളതായി ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ?</p>		


സെക്ഷൻ ഓഫീസർ


Objections and comments of State Govt. in Motor Vehicle (Amendment) Bill, 2016

Clauses in the Bill	Sections in the Act	Gist of the proposed amendment	Objections/Comments of State Government forwarded to the Central Government
1	2	3	4
5	9(4)	The Words "Such minimum educational qualification as may be prescribed by the Central Governemnt and" shall be omitted	In the Original Act under section 9(4) there is a provision for minimum education qualification for grant of driving license. It can be retained in the Bill
8	12(6) (Insertion of new sub section 6)	The curriculum of the training module referred to in sub section (5) shall be such as may be prescribed by the Central Government and the Central Government may make rules for the regulation of such schools or establishments	Regulation and administration of driving schools and establishments shall be vested with the State Government. The provision may be modified accordingly.
9(ii)	14(2)	The currency of the license for driving the non-transport vehicle for the different periods is according to the age of the applicant	The proposed structure is very complicated and will create confusion in issuing the period of validity and thereby causes unnecessary hassles to the license holders and delay in the office work. The insertion may be avoided and the present provision may be retained
10(iii)(b)	15(4)	The maximum period permitted for renewal of the Driving License after it has expired is reduced to 'six months' from 'five years'	The proposed period of 'six months' may be enhanced to at least 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 license. But as per the proposed amendment they will get only six months to renew their license after its expiry which is inadequate

12	25A (Insertion of new section)	National Register of Driving Licenses	Unique Driving License number through computerization of all RIOs for the purpose shall be ensured and adequate time may be given for the same
16	41(1)	In sub-section (1), after the proviso, the following proviso shall be inserted, namely:- "Provided further that in the case of a new motor vehicle, the application for registration in the State shall be made by the dealer of such motor vehicle if the new motor vehicle is being registered in the same State in which the dealer is situated."	Both temporary and permanent registration can be made by the dealer of the vehicle. As per the amendment, vehicles sold by authorised dealer does not require production before a registering authority. But, without inspecting the vehicle, it is not possible to check the specifications of the vehicle as provided in the law. Inspection should be by Motor Vehicles Inspector.
17	43	For section 43 of the principal Act, the following section shall be substituted, namely:- The owner of a vehicle shall apply for temporary registration	
18	44(1)	For section 44, the following shall be substituted namely:- 44(1) Subject to such terms and conditions as may be prescribed by the Central Government in this behalf, a motor vehicle sold by an authorized dealer shall not require production before a registering authority for the purpose of registration for the first time.	

22	56 (proviso inserted)	Provided further that no certificate of fitness shall be granted to a vehicle, after the 1st day of October, 2018, unless such vehicle has been tested at an automated testing station.	As per the amendment, no certificate of fitness shall be issued after 01.10.2018 unless such vehicle has been tested at an automated testing station. Practical side of implementation within the said date is to be examined. 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 which may be delegated to the State Government. Provision 56 (2)(b) may be deleted.
32	88A(1) 88A(2) Proviso	<p>"Notwithstanding anything contained in this Act, the Central Government may, by notification in the Official Gazette, modify any permit issued under this Act or make schemes for national, multimodal and inter-State transportation of goods or passengers, and issue or modify licenses under such scheme for the following purposes, namely:-</p> <p>(a) last mile connectivity;</p> <p>(b) rural transport;</p> <p>(c) *****"</p> <p>Provided that in the event of any repugnancy between the schemes made by the Central Government under sub-section (I) and schemes made by two or more States under this sub-section, the schemes made under sub-section (I) shall prevail</p>	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 Government under the new section 67(3) proposed to be inserted by clause 29. This may be modified by including a provision for concurrence of the State Governments concerned that too only in the case of national interest.
38	110B(3)	The Central Government shall make rules for the accreditation, registration and regulation of testing agencies	Concurrence of State Government may be sought before issuing the Rules
42	129	Every person above four years of age, driving or riding or being carried on a motor cycle shall wear protective head gear	Requirement of helmet/protective head gear to children may be examined with respect to physical and health aspects of children

49	147(2) Proviso	Provided that the payment to a person by an insurer, under the third party insurance policy shall be a sum of not exceeding ten lakh rupees in case of death and not exceeding five lakhs in case of grievous hurt.	Payment under the third party insurance is seen limit 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 163A and 140 in the existing Act should be retained
49	150(5)	If the amount under which an insurer becomes liable under this section to pay in respect of a liability incurred by a person insured by a policy exceeds the amount for which the insurer would apart from the provisions of this section be liable under the policy in respect of that liability, the insurer shall be entitled to recover the excess amount from that person.	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 avoided
89	215A(1)	The Central Government shall have the power to delegate to any person or group of persons the power to discharge any of its powers, functions and duties under this Act.	Such an 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.


 സെക്രട്ടറി