The West Bengal Motor Vehicles Rules, 1989[1]

CHAPTER I PRELIMINARY

1. Short title and application.—(i) These Rules may be called the West Bengal Motor Vehicles Rules, 1989.

(ii) They shall, save as expressly provided otherwise, apply to, and in relation to, all motor vehicles in the State of West Bengal.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context—

(a) "the Act" means the Motor Vehicles Act, 1988 (59 of 1988);

(b) "[2][Kolkata]" means the town of[1] [Kolkata] as defined in section 3 of the [1] [Kolkata] Police Act, 1866 (Ben. Act IV of 1866), together with the suburbs of[1] [Kolkata] as defined under section 1 of the [1] [Kolkata] Suburban Police Act, 1986 and shall also include Police Stations of Salt Lake and Lake Town under West Bengal Police;

[3][(b1) "computer service fee" means a fee for any transaction if made through the computer service in the office of the Motor Vehicle Department in the district or sub-division or the State Transport Authority;]

(c) "Form" means a Form set forth in the Act or appended to these rules;

(d) "passenger" for the purpose of the rules in Chapter V means any person travelling in a public service vehicle other than the driver or the conductor or an employee of the permit holder while on duty;

[4][(e) "District Magistrate" means an Additional District Magistrate and includes a Regional Transport Officer or an Additional Regional Transport Officer having jurisdiction in the district or sub-division as the case may be, or if specially authorized by the District Magistrate, an Executive Magistrate or an officer having jurisdiction in the district;]

(f) "Director, Public Vehicles Department, [5][Kolkata]", includes any other officer or officers of the said office, if specially authorised by the Director in that behalf;

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[1] Introduced vide Notification No. TS-889, dated 16.12.1989, Transport Department, Government of West Bengal, published in the *Calcutta Gazette, Extraordinary,* Part I, dated 16.12.1989.

[2] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

[3] Clause (61) ins. vide cl. 2(1) (a) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

[4] Clause (e)subs.videcl.2(1)(to),ibid (w.e.f. 16.12.2003).Clause (e) subs, vide cl. 2(1)(b),ibid (w.e.f. 16.12.2003).

[5] . Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

(g) "Producer" for the purposes of the rules in Chapter VII means the whole of the generator, pipes, coolers, filters and accessories necessary for the generation of gas and its supply to the engine;

(h) "Claims Tribunal" means a Motor Accidents Claims Tribunal constituted under section 165 of the Act;

(/) "Legal Representative" shall have the meaning assigned to it under clause (11) of section (2) of the Code of Civil Procedure, 1908 (5 of 1908) as amended by Act 104 of 1976;

(j) "Regional Transport Officer" means an officer whom the State Government may appoint for any district to perform the function and to discharge the duties of a Regional Transport Officer under the provisions of the Act and these rules;

(k) "tourist motor cab" means a motor cab, with a permit relating to which an endorsement is made by the State Transport Authority of the State, in which such permit is granted, to the effect that it is a tourist motor cab;

[6][(k1) "motor cab" shall have the same meaning as in the Act and includes an auto-rickshaw;]

(l) "tourist omnibus" means an omnibus with a permit relating to which an endorsement is made by the State Transport Authority of a State, in which such permit is granted, to the effect that it is a tourist omnibus;

(m) "fee" means the amount as referred to in the Act and/or in these rules or in the Central Motor Vehicles Rules, 1989;

[7][(m1) "International Driving Permit" means a permit issued by any Licensing authority under chapter II to drive a motor vehicle or a motor vehicle of any specified class or description in the territories of all the contracting countries outside India;]

(n) "Van" means a 'goods carriage' having Gross Vehicle weight up to 5000 kgs.;

(o) "Transport Department" means the Department of Transport under the Government of West Bengal;

(p) The words "Transport Authority" shall mean either a Regional Transport Authority or a State Transport Authority as constituted under the Act;

(q) Special Stage Carriage shall also include Mini Buses;

(r) "Central Government" means the Government of India;

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[6] Clause (Jc1) ins. vide cl. 2(1)(c) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

[7] Clause (ml) ins. vide cl. 2(1 *)(d),ibid* (w.e.f. 16.12.2003).

(s) "State Government" means the Government of West Bengal;

(f) "State" means the State of West Bengal;

[u) For the purpose of rule 173(3), "authorised person" shall include the driver, conductor of the concerned stage carriage or any police officer in uniform not below the rank of Sub-Inspector/Sergeant and shall also include in the case of State Transport Undertakings or State Transport Companies, such superior officers as may be determined by such undertakings/companies;

(v) "prescribed" means as prescribed under these rules or under the Central Motor Vehicle Rules, 1989;

[8][(v1) "sub-dealer" means any person or agent or company engaged in dealing with an unregistered vehicle under the authorization of any authorized dealer of such vehicles;]

(w) "Additional Regional Transport Officer" means an officer whom the State Government may appoint for any district or subdivision to perform the functions and to discharge the whole or part of the duties of a Regional Transport Officer under the provisions of the Act and these rules;

(x) "Motor Vehicles Inspector" means an officer whom the State Government may appoint for any district or subdivision to perform the functions and to discharge the duties under the provisions of the Act and these rules;

(y) "Motor Vehicles Department" shall have the same meaning as "Transport Department";

(z) unless the context otherwise requires, words and expressions used in these rules but not defined shall have the same meaning as assigned to them under section 2 of the Act.

CHAPTER II

LICENSING OF DRIVERS OF MOTOR VEHICLES

3. Licensing Authority.—The Licensing Authority shall be—

(i) in the city of [2][Kolkata] (jurisdiction of [9][Kolkata] Police); the Director, Public Vehicles Department,

(ii) elsewhere in the State, the District Magistrate excepting that the District Magistrate, 24-Parganas (North) shall not be the licensing authority in respect of areas under Salt Lake Town Police-Stations:

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[8] Clause (vl) ins. vide cl. 2(1)(e) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

[9] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

Provided that the powers of the licensing authority under section 19 of the Act only shall also be exercised by Deputy Commissioner of Police, Traffic, within the city of[1] [Kolkata] or Superintendent of Police in the district in respect of licences to drive transport vehicles:

Provided further that the District Magistrate or the Director, Public Vehicles Department may delegate its power, by order in writing, to any officer not below the rank of Motor Vehicles Inspector having jurisdiction.

4. Enquiries to be made by the Licensing authority.—(1) Upon receipt of an application for a licence or for addition to, or renewal of, a licence the licensing authority may make such enquiries as may be reasonably necessary to establish the identity and eligibility of the applicant.

(2) Every application for grant of a Learner's Licence or Driving Licence shall be accompanied by photo copy of the ration card or the local Employment Exchange card as an evidence of the local address of the applicant. Waiver of the production of the above documents, may be made by the Licensing Authority, if he is satisfied about the address of the applicant otherwise for reasons to be recorded in writing.

5. Appellate authority.—The authority empowered under sub-section (8) of section 9, sub-section (2) of section 17 and sub-section (3) of section 19 of the Act shall be(i) where the licensing authority is the Director, Public Vehicles

Department, [10][Kolkata], the Secretary, Transport Department, Government of West Benqal;

(ii) where the licensing authority is the District Magistrate, the Commission of the [11][Division ;]

[12][(ii) where the Deputy Commissioner of Police (Traffic) exercises the power of the licensing authority under section 19 of the Act within the City of [10][Kolkata] only, the Joint Commissioner of Police (Traffic);

(iv) where the Superintendent of Police exercises the power of the licensing authority under section 19 of the Act in the district only, the Deputy Inspector-General of Police of the Range.]

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[10] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

[11] Subs, vide cl. (1) of the Notification No. 9631-WT/3M-31 /98 dated 24.8.2000 for the word "Division".

[12] Clauses *(Hi)* and *(iv)* ins vide cl. (2), *ibid*

6. Conduct and hearing of appeals.—(1) An appeal under rule 5 shall be- preferred in the form of a memorandum in duplicate, one copy of which shall bear the court fee of rupees twenty-five only setting forth concisely the grounds of objection to the order of the licensing authority and shall be accompanied by the certified copy of the order appealed against.

(2) When an appeal is preferred a notice shall issue to the authority against whose order the appeal is preferred in such form as the appellate authority may direct.

(3) The appellate authority after giving an opportunity to the parties to be heard and after such enquiry, if any, as it may deem necessary, may confirm, vary, or set aside the order from which the appeal is preferred or make any amendment consequential or incidental thereto or that may be just or proper and shall make an order accordingly.

(4) The court fee referred to in sub-rule (1) shall not be refundable in any case.

(5) The provisions of section 5 of the Limitation Act, 1963 shall apply to appeals under this rule.

7. Procedure in case of loss or destruction of licence.—(1) if at any time a licence is lost by the holder or is destroyed, the holder shall forthwith intimate such facts in writing in Form LLD to the licensing authority in whose area the holder has his place of residence at the time, or in a letter setting out the particulars required by Form LLD.

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

(3) Where a photograph is required to be affixed to a duplicate licence issued under the provisions of these rules, the holder of the licence shall furnish the licensing authority with two clear copies of a recent photograph of himself, one of which shall be affixed to the duplicate licence and the other shall be transmitted by the authority issuing the duplicate licence to the authority by whom the licence was issued.

[13][(4) The fee for a duplicate driving licence or duplicate learner's licence in non-laminated or laminated card type form shall, in the case of loss or destruction, be as specified in Schedule A.]

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[13] Sub-rule (4) subs, vide cl. (1) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

(5) When a duplicate licence has been issued upon representation that a licence has been lost and the original licence is afterwards found by the holder the original licence shall be delivered to the licensing authority.

(6) Any other person finding a learner's or driving licence shall deliver it to the holder of the licence or to the nearest police-station.

8. Defaced or torn licence.—(1) If at any time it appears to a licensing authority that a licence held by any person is so torn or defaced in any way as to cease to be reasonably legible, the licensing authority may impound the licence and issue a duplicate.

(2) If a licence impounded under sub-rule (1) is required to have a photograph of the holder affixed thereto, then—

(i) if the photograph on the impounded licence is in the opinion of the licensing authority satisfactory and conveniently transferable to the duplicate licence, the licensing authority may so transfer, affix and seal the photograph to the duplicate licence; or

(ii) if the photograph on the impounded licence under the provisions of clause (1) of sub-rule (2) is not in the opinion of the licensing authority such as can be transferred to the duplicate licence, the holder of the licence shall, on demand by the licensing authority, furnish two clear copies of a recent photograph of himself, one of which shall be affixed to the duplicate licence and sealed and the other shall be kept on the record by the licensing authority by whom the licence was issued.

[14][(3) The fee for a duplicate driving licence in non-laminated *or* laminated card type form shall, in the case of a defaced or torn licence, be as specified in Schedule A].

(4) No duplicate learner's licence shall be issued under this rule and a fresh learner's licence shall have to be obtained.

(5) A learner's licence, may be renewed for a period of six months on payment of fees as prescribed and not beyond that.

9. Issue Of duplicate licence.—(1) When the duplicate licence is issued under rule 7 or 8, it shall be clearly stamped "Duplicate" in red ink and shall be marked with the date of issue of the duplicate and with the seal of the licensing authority.

(2) If the licensing authority which issues a duplicate licence is not the authority by whom the original licence was issued, it shall intimate that fact of issuance of the duplicate licence to that authority.

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[14] Sub-rule (3) subs, vide cl. (2) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

(3) If the licensing authority which affixes a new photograph to a duplicate licence is not the authority by whom the original licence was issued, it shall forward the second copy of the photograph to that authority for record.

10. Temporary authorisation in lieu of a licence.—(1) When the holder of a licence has submitted the licence to a licensing authority for renewal and has deposited the prescribed fee, or when a police officer or any Court has taken temporary possession of a licence for any purpose other than that of sub-section (2) of section 206 of the Act and the licence has not been suspended or cancelled, the licensing or other authority or the police officer or the Court, as the case may be, shall grant him a receipt for the licence and a temporary authorisation to drive in Form L Temp.

(2) When a police officer seizes a licence under sub-section (2) of section 206 of the Act, he shall give to the person, surrendering the, licence, the temporary authorisation to drive under sub-section (3) of the said section also in Form L Temp and the production thereof, on demand, shall be deemed to be production of the licence.

(3) Until the licence has been returned to the holder, he shall not be entitled to drive a motor vehicle (without being in possession of his licence) beyond the period specified in the temporary authorisation granted under sub-rules (1) and (2):

Provided that the authority, the Court or the police officer by which *or* by whom the temporary authorisation was granted shall extend the period for which the temporary authorisation is valid until the licence is- returned, suspended or cancelled.

(4) No fee shall be payable in respect of such temporary authorisation.

11. Communication of particulars of licences.—The state Government may by order direct that particulars of cases of revocation of driving licence under section 16 of the Act and of disqualification under section 19 of the Act shall be communicated by the licensing authority ordering the revocation or disqualification to all other licensing authorities in the State.

12. Report of change of address of licence holder.—The holder of a licence entitling him to drive any class of motor vehicles shall, in the case of a temporary absence involving a change of residence for a period exceeding two months in the case of a driver of a public service vehicle and three months in the case of others and in the case of any change of permanent address, report within one month any change of his temporary or permanent address as noted on the licence to the licensing authority by whom the licence was issued and to the licensing authority by whom it was last renewed:

Provided that the holder of a licence granted by a licensing authority outside [1][Kolkata] to drive as a paid employee, shall, in case his stay in '[Kolkata] is likely to extend beyond seven days, report forthwith on his arrival in [15][Kolkata] to the licensing authority, [1] [Kolkata],

13. Issue of fresh licence in lieu of old one.—Where a licence has been fully used up, the licensing authority shall issue a fresh form of licence at the time of renewal on payment of renewal fee only.

14. Payment and refund of licence fee.—All fees for licences shall be paid in cash and not otherwise. Where the licensing authority refuses to issue or to renew a licence, the fee paid therefor shall be refunded.

15. Fee payable for medical certificate and authorisation of medical practitioners.—(1) The fee for the issue of a medical certificate under sub-section (3) of section 8 of the Act shall not exceed sixteen rupees and shall be paid by the applicant to the medical practitioner.

(2) The medical certificate shall be signed by such registered medical practitioners under sub-section (3) of section 8 of the Act, as may be notified by the State Government.

Explanation.—In the absence of such notification, specifically issued in this behalf, the medical practitioners (not being any Homeopaths or Ayurvedic practitioners) attached to State Government Hospitals, District Hospitals, Health Centres, Hospitals run by Municipalities or Corporations, Police Hospitals, Central Government Hospitals shall be entitled to sign medical certificates under sub-section (3) of section 8 of the Act.

16. Exemption from fees.—The State Government may by order, exempt from the payment of all or any portion of the fees payable under Chapter II of the Act in respect of the personnel belonging to the—

(1) Consulate General,

(2) High Commission,

(3) Trade Commission,

(4) Embassy of any country :

Provided that no fee shall be charged from the members of the Police Force or Fire Brigade for the test of competence to drive Police or Fire Brigade motor vehicles.

17. Driving test certificates by Automobile Associations. -For

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[15] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

the purpose of the second proviso to sub-section (3) of section 9 of the Act. the Automobile Association of Eastern India may be considered by the State Government to be a recognised association, if a prayer in writing is made in that behalf. The State Government may, however, grant recognition to any other association in this behalf:

Provided that the State Government shall arrange inspection every six months, if such an association is observing the stipulations made in rules 24, 25, 26 and 27 of the Central Motor Vehicles Rules, 1989 and may derecognise such an association in case of any violation of the said stipulations.

18. State Register of Driving Licences.—The state Government may, from time to time, issue instructions as to the manner in which the State Register of Driving Licences shall be maintained under section 26 of the Act, and the period for which such Register shall be maintained, subject to compliance with the provisions of section 26 of the Act and rule 23 of the Central Motor Vehicles Rules, 1989.

19. Transport vehicle driver's badge.—(1) The licensing authority may require that the driver of the transport vehicle shall display on his left breast a badge in the form illustrated in the Schedule B1 to these rules issued by and inscribed with the name of the authority by which the licence to drive a transport vehicle has been granted and the word 'Driver' together with a photograph of the driver and an identification number which may be the same as the licence number.

(2) A driver of a transport vehicle shall not hold more than one such badge issued by an authority in the State.

[16][(3) The fee for issue of such a badge, and the fee for a duplicate badge, in the case of loss or destruction, shall be as specified in Schedule A :

Provided that if the actual cost incurred by the State Government be in excess of the fee specified in Schedule A, the State Government may direct that such actual cost be charged as the fee under this sub-rule.]

(4) If at any time the driving licence is suspended or revoked by any authority or by any Court or ceases to be valid by efflux of time, the driver shall, within seven days thereof, surrender the badge to the authority by which it was issued.

(5) No driver shall lend or transfer his badge to any other person.

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[16] Sub-rule (3) subs, videcl. (3) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

(6) Any person finding driver's lost badge shall, unless he returns the same to the person who is known to be the holder forthwith, surrender it to the authority by which it was issued or to the nearest police-station.

(7) In the absence of any direction from the licensing authority, the driver of a transport vehicle shall display on his left breast the word "driver" along with the number of his licence and name of the Licensing Authority to be stitched in a visible manner on his uniform or garments.

20. Transport vehicle driver's uniform.—Subject to the provisions of sub-rule (2) of rule 24, the licensing authority may require that every driver of a transport vehicle shall compulsorily wear *Khaki* uniform while driving a motor vehicle.

21. (1) Duties of a driver of all categories of vehicles.—-(a) The driver of a motor vehicle shall drive the vehicle as close to the left hand side of the road as may be expedient and shall allow all traffic proceeding in the opposite direction to pass him on his right hand side.

(b) Except as provided in clause (c), the driver of a motor vehicle shall pass to the right of all traffic proceeding in the same direction as himself.

(c) The driver of a motor vehicle may pass to the left of a vehicle the driver of which having indicated an intention to turn to the right, has drawn to the centre of the road and may pass a tram car or other vehicle running on fixed rail, whether travelling in the same direction as himself or otherwise on other side :

Provided that in no case shall be pass a tram car at a time or in a manner likely to cause danger or inconvenience to other users of the road or pass on the left hand side of a tram car which, when in motion, would be travelling in the same direction as himself, while the tram car is at rest for the purpose of setting down or taking up passengers.

(d) The driver of a motor vehicle shall not pass a vehicle travelling in the direction as himself,—

(i) if his passing is likely to cause inconvenience or danger to other traffic proceeding in any direction, or

(ii) where a point or a corner or a hill or an obstruction of any kind venters the road ahead not clearly visible.

(e) The driver of a motor vehicle shall not, when being overtaken or being passed by another vehicle, increase the speed or do anything in any way to prevent the other vehicle from passing him.

(f) The driver of a motor vehicle shall slow down the speed when approaching a road inter-section or junction until he has become aware that he may do so without endangering the safety of a person thereon.

(g) The driver of a motor vehicle shall, on entering a road inter-section, if the road entered is a main road designated as such, give way to the vehicles proceeding along that road and in any other case give way to all traffic approaching the inter-section on his right hand.

(h) The driver of a motor vehicle shall, when passing or meeting a procession or a body of troops or police on the march or when passing workman engaged on road repair or ambulance or a vehicle belonging to the fire brigades, drive at a speed not exceeding 20 k.m. an hour.

(i) The driver of a motor vehicle shall—

(a) when turning to the left, drive as close as may be, to the left hand side of the road from which he is making the run and of the road which he is entering;

(b) when turning to the right, drive as near as may be to the centre of the road along which he is travelling and cause the vehicle to move in such a manner, that, as far as may be practicable, if passes beyond and so as to leave the drivers right hand a point framed by the centre lines of the inter-section roads and it arrives as near as may be at the left hand side of the road which the driver is entering.

(j) When about to turn to the right or to drive to the right side of the road, in order to pass another vehicle or for any other purpose, a driver shall extend his right arm in a horizontal position outside of and to the right of his vehicle with the palm of the hand turned to the front.

(k) When about to turn to the left or to drive to the left hand side of the road, a driver shall extend his right arm and rotate in an anticlockwise direction.

(/) When about to slow down the speed, a driver shall extend his right arm with the palm downward and to the right of the vehicle and shall move the arm to extend up and down several times in such a manner that the signal can be seen by the driver of any vehicle which may be behind him.

(m) When about to stop, the driver shall raise his right fore-arm vertically outside of, and to the right of the vehicle, palm to the front.

(n) When a driver wishes to indicate to the driver of a vehicle behind him that the former desires that the latter be allowed to overtake him, he shall extend his right arm and hand

horizontally outside of and to the right of the vehicle and shall swing the arm backward and forward in a semicircular motion.

(2) Conduct and duties of drivers of transport vehicles.—In addition to those prescribed in rule 21 (1), the driver of a transport vehicle—

(a) shall, at all times, exercise all reasonable care and diligence to maintain his vehicle in a fit and proper condition and shall not knowingly drive the vehicle when it or any brake, tyre or lamp thereof is in a defective condition likely to endanger any passenger or other person, or when there is not sufficient petrol or diesel in the tank of the vehicle to enable him to reach the next petrol filling station on the route;

(b) shall not desert his vehicle in any public place or in any other place, unless the vehicle has stopped on account of any accident or mechanical failure and cannot be driven, in which case, he shall report to the owner the location and the registration number of the vehicle so deserted;

(c) shall, in the event of the vehicle approaching an unmanned railway level crossing, cause the vehicle to be stopped or stop it, as the case may be, and shall get down and see the railway track on both sides to make sure that the way is clear before the vehicle crosses the railway track.

22. Conduct and duties of drivers of public service vehicles.—In addition to the duties prescribed under rule 21(1), the driver of a public service vehicle—

(a) shall not cause or allow any person, animal or thing to be placed or to be in the space reserved for the driver's seat in such a way as to
impede the driver in having a clear vision of the road or proper control of the vehicle;

(b) shall not shout in order to attract a passenger or behave in a manner likely to cause annoyance to any female passenger;

(c) shall, subject to any rules or regulations in force prohibiting the taking up or setting down of passengers at, or except at certain specified places, bring the vehicle to rest for a sufficient period of time in a safe and convenient position upon the demand or signal of the conductor or of any passenger desiring to alight from the vehicle and, unless there is no room in the vehicle, upon the demand or signal of any person desiring to become a passenger;

(d) shall not, bringing his vehicle to rest for the purpose of picking up or setting down any passenger at or near the place where another public service vehicle is at rest for the same purpose, drive the vehicle so as to endanger, inconvenience or interfere with the driver or the conductor or the other vehicle or any person boarding or preparing to board

therein or alighting therefrom, and shall bring his vehicle to rest in front of or behind the other vehicle and on the left hand side of the road or place;

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

(f) shall not smoke or be drunk or under the influence of a drug while on duty;

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

(h) shall be cleanly dressed and in the manner in which the licensing or the Regional Transport Authority may specify;

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

(j') shall not solicit customers save in a civil and quiet manner;

(k) shall not interfere with persons boarding or preparing to board upon any other vehicle;

(/) shall not allow any person or passenger to be carried in any public service vehicles in excess of the seating capacity specified in the certificate of registration of the vehicle and any additional number of passengers permitted under the terms of the permit, to be carried standing in the vehicle;

(m) shall not, save for good and sufficient reason, refuse to carry any person tending the legal fare;

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

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

(p) shall not loiter or unduly delay upon any journey, but shall proceed to his destination as nearly as may be in accordance with the timetable pertaining to the vehicle or, where there is no such time-table, with all reasonable despatch;

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

(r) shall not, in the case of a stage carriage, cause or allow anything to be placed in the vehicle in such a manner as to obstruct the entry or exit of passengers;

(s) shall not permit the public service vehicle to be used for an illegal or immoral purpose;

(t) shall not permit any petrol or diesel to be filled into the tank while the engine is in operation, and where the vehicle is licensed for the conveyance of more than six passengers on hire, while any passenger remains in the vehicle;

(u) shall not permit persons in and engaged in connection with the vehicle to smoke while the vehicle is being re-fuelled;

(v) shall not permit the carriage of any petroleum or explosives in the vehicle provided that this prohibition shall not extend to the petroleum contained in the fuel tank incorporated in the conveyance or such other quantity of petroleum, not exceeding 91 litres, as may be carried in the vehicle securely in closed tins in a specially prepared receptacle which is not accessible to the passengers and is not on the roof;

(w) shall not carry or allow any person to seat or allow any goods to be placed on the right side of the driver and when the vehicle is fitted with right hand steering control and on the left side of the driver of the vehicle with, left hand steering control;

(x) shall during the course of journey, if the conductor absents himself due to some emergency or sickness, perform the duties of the conductor;

(/) shall be responsible for proper exhibition or production or maintenance of the following documents, as the case may be :—

(i) part of the permit or temporary permit issued to the vehicle,

(ii) certificate of insurance,

(iii) certificate of registration,

(iv) certificate of fitness,

(v) tax token,

(vi) driving/conductor licence,

(vii) first aid box,

(viii) an inflated extra tyre,

(ix) tools boxes including jacks, etc.

(z) shall not allow any passenger to travel on the roof, or on the foot boards or on the steps of carriage of any public service vehicle, meant for exit or entrance of passengers, when such vehicle is in motion or in any manner whereby any parts of his body protrudes outside the body of such vehicle;

(aa) shall not smoke or indulge in smoking when the vehicle is in motion thereby creating inconvenience to the other passengers or causing risk of accident in contravention of the prohibition of Smoking in Passengers Vehicle Act, 1953 (West Ben. Act XVI of 1953);

(bb) shall know to read, speak and understand the local language;

(cc) shall have a good knowledge of topography of the State, specially that of [17][Kolkata], 24-Parganas, Howrah and Darjeeling district;

(dd) shall sign the garage register recording thereon the date and timings of taking out and returning back the vehicle from the garage.

23. Conduct and duties of drivers of metered taxis and autorickshaws.—In addition to the conditions prescribed in rule 22, wherever applicable, [18][a driver of a metered-taxi],—

(i) shall not refuse to accept a passenger for hire;

(ii) without fail or neglect shall proceed to the destination named by the hirer by the shortest and quickest route;

(iii) as soon as he is hired, and not before, without fail or neglect, shall set the fare-meter in motion, and upon the termination of the hiring, shall immediately stop the same: Provided that in the event of [19][metered taxi] whilst hired being unable to proceed for any accident, mechanical derangement or tyre failure, either temporarily or otherwise, the driver shall at once stop the mechanism of the fare-meter as against the hirer. The hirer shall be liable to pay the fare up to the time of the stoppage;

(*iv)* shall not carry any person as attendant or otherwise in the [20][metered taxi] except in rural areas where one attendant may be employed :

Provided that in the case of a [21][metered taxi] registered in [22][Kolkata] one person may be employed as an attendant between the hours of 8 p.m. and 5 a.m.

(v) shall not be rude to a passenger or shall not misbehave with a passenger.

24. Qualifications, uniform, conduct, etc. of drivers of meterless taxis engaged for carrying tourists.—(1) The minimum educational qualification of drivers of meterless

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[17] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

[18] Subs, by cl. 2(2)(a) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003) for the words "a driver of a motor cab or an auto-rickshaw fitted with a fare-meter".

[19] Subs, vide cl. 2(2)(b) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003) for the words "motor cab".

[20] Subs, vide cl. 2(2) (c) *(i)*, *ibid* (w.e.f. 16.12.2003) for the words "motor cab".

[21] Subs, vide cl. 2(2) *(c)(0), ibid* (w.e.f. 16.12.2003) for the words "motor cab".

[22] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

taxis engaged for carrying tourists shall be a pass in the School Final Examination of the Board of Secondary Education, West Bengal, or its equivalent :

Provided that relaxation in regard to this minimum educational qualification may be allowed by the State Transport Authority or a Regional Transport Authority in exceptional cases where a driver is qualified in other respects.

(2) A driver of a meterless taxi engaged for carrying tourists shall—

(a) wear special uniform consisting of a trousers and a coat which shall be of white colour in summer and of blue colour in winter;

(b) be neat and tidy and shall pay special attention to his personal cleanliness;

(c) not indulge in any touting and shall not accept any commission or favour from shops, hotels or restaurants;

(d) not act as a tourist guide; and

(e) hold such special pass as may be specified by the State Transport Authority in this behalf and issued by the licensing authority.

(3) In every meterless taxi engaged for carrying tourists there shall be maintained a Log Book in such form as the State Transport Authority may, from time to time, specify in this behalf.

(4) In the case of a complaint made by a tourist of rudeness, misbehaviour, cheating or any other dishonesty against any driver of a meterless taxi engaged for carrying tourists, the matter shall be enquired into by the licensing authority or the Regional Transport Authority, and the driver, if found guilty on enquiry, may be disqualified for appointment as a driver, of tourist cars by the licensing authority on the report of the Regional Transport Authority or otherwise :

Provided that no such order disqualification shall be passed in respect of any driver unless he has been given an opportunity of being heard.

25. Duties of a driver of goods vehicle.—(1) The driver of a goods vehicle shall carry a certificate or letter of authority from the owner of the vehicle or the agent in whose favour a licence under section 93 of the Act has been issued in which the said owner or the licensed agent shall state that he has verified the name and address of the driver engaged by him and that the driver is known to him. The driver shall, on demand by any police officer or Motor Vehicles Inspector, on duty, produce the said certificate for examination. (2) The driver shall comply with all the requirements as laid down under sub-rules (1) and (2) of rule 21 and rule 22 of these rules wherever applicable.

26. Left property.—(1) The conductor of a stage carriage or where there is no conductor, the driver, and the driver of a motor cab, shall, at the conclusion of any journey, make reasonable search in the vehicle for anything left in the vehicle by any passenger and shall take into his custody anything so found and upon the first reasonable opportunity and in any case within twenty four hours, make over the same to a police officer at the nearest police station:

Provided that in the case of vehicles owned by a Road Transport Corporation established under the Road Transport Corporation Act, 1950 (64 of 1950) for road passengers' service, the conductor shall make over the article found in the vehicle to the Officer-in-charge, Traffic, at the nearest Depot of the said Corporation, and the Corporation shall retain the same until claimed by its rightful owner, or, if not claimed within twenty-four hours in the case of an article liable to speedy and natural decay and three months in the case of all other articles, shall dispose it of either by sale or by deposit with a police officer at the nearest police station :

Provided further that in the case of deposit of arms, ammunition, explosives and contraband articles, the Corporation shall forthwith make over the same to a police officer at the nearest police station.

(2) Any property found in any vehicle by any other passenger shall be handed over forthwith to the conductor or driver, as the case may be, and disposed of by the conductor or driver in the manner provided in sub-rule (1).

27. Person suffering from infectious disease.—(1) No driver or conductor of a public service vehicle shall allow to enter into or to be placed or carried in the vehicle any person whom he knows or has reason to believe to be suffering from any infectious or contagious disease, or the corpse of any person whom he knows or has reason to believe to have suffered from any such disease.

(2) Notwithstanding the provisions of sub-rule (1), the driver and the conductor may upon certificate in writing by a registered medical practitioner or sanitary inspector allow a person suffering from an infectious or contagious disease to be carried in a public service vehicle provided that no other person save a person or persons.*n attendance of the sick person shall be carried in the vehicle at the same time.

(3) When a person suffering from an infectious or a contagious disease, or the corpse of any such person has been carried in a public service vehicle, the driver and the conductor of the vehicle shall be responsible for reporting that the fact is reported to a medical officer of health or sanitary inspection and to the owner of the vehicle, and

neither the owner nor the driver and the conductor shall cause or allow any person to use the vehicle until the driver and the conductor and the vehicle have been disinfected in such manner as the said medical officer or sanitary inspector may specify and a certificate to this effect has been obtained from the said medical officer or sanitary inspector.

28. (1) Exemption of drivers of road plant.—Nothing contained in chapter II of the rules shall apply to drivers of road rollers and mechanically propelled single seated vehicles specially designed for, and used by physically handicapped persons, including an invalid carriage as defined in the Act.

(2) Whenever it is found that the address furnished in the application for driving licence or in the driving licence is false or the licensee has changed his address recorded in the driving licence without complying with the provisions of rule 12, the licensing authority may after making an enquiry and after giving a press notice in two local dailies, proceed to revoke the licence under subsection (1) of section 19 of the Act.

[23]**[28A. International driving permit.—**(1) No person below the age of 18 years shall apply for a International Driving Permit.

(2) An application for International Driving Permit shall be made in Form IDP-1 accompanied by the following documents and application fee prescribed in Schedule 'A' to the licensing authority in whose jurisdiction he resides or he has his place of business:—

(i) Current Indian Driving Licence valid for at least next one year;

(ii) Valid International Passport;

(iii) Three copies of recent photographs; and

(iv) Documents in support of proof of age.

(3) An International Driving Permit in Form IDP-1A shall be in force for a period of one year and not renewable. Such permit shall be valid in the territories of all contracting countries for the period of one year from the date of issue of such permit. This permit in no way dismisses the obligation of the holder to conform strictly to the laws and regulations relating to residence or to the exercise of a profession which are in force in each country through which he travels.

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[23] Rule 28A ins. vide cl. 2(3) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

(4) No person, who has applied for International Driving Permit, shall appear for the test of competence to drive if he possesses Indian Driving Licence for a continuous period of ten years or above.

(5) Fees for grant of such permit as specified in Schedule 'A' shall be paid.

(6) The International Driving Permit issued by the authorized Automobile Association shall be countersigned by the International Driving Permit Issuing Authority having jurisdiction.

(7) The International Driving Permit Issuing Authority shall maintain a register for International Driving Permit for necessary record.]

CHAPTER III

LICENSING OF CONDUCTORS OF STAGE CARRIAGES

29. Licensing authority.—The licensing authority in the city of' [Kolkata] (jurisdiction of [24][Kolkata] Police), shall be the Director, Public Vehicles Department, '[Kolkata] and elsewhere in the State, the District Magistrate :

Provided that the powers of the licensing authority may be delegated to any officer not below the rank of Motor Vehicles Inspector having jurisdiction.

30. Enquiries to be made by the Licensing authority.—Upon the receipt of an application for a licence or for addition to or renewal of a licence, the licensing authority may make such enquiries as may be reasonably necessary to establish the identity and eligibility of the applicant.

31. Appellate authority.—(1) The authority empowered under sub-section (2) of section 33 and sub-section (4) of section 34 of the Act shall be—

(i) where the licensing authority is the Director, Public Vehicles Department, '[Kolkata], the Secretary, Transport Department, Government of West Bengal ;

(ii) where the licensing authority is the District Magistrate, the Commissioner of the Division.

32. Conduct and hearing Of appeals.—(1) An appeal under this rule shall be preferred in the form of a memorandum in duplicate, one copy of which shall bear the court-fee of twenty five rupees, setting forth concisely the grounds of objection to the order of the licensing authority and shall be accompanied by a certified copy of the order appealed against.

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[24] 1. Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

(2) When an appeal is lodged, a notice shall issue to the authority against whose order the appeal is preferred in such form as the appellate authority may direct.

(3) The appellate authority may after giving an opportunity to the parties to be heard and after such enquiry, if any, as it may deem necessary, confirm, vary or set aside the order against which the appeal is preferred or make any amendment consequential thereto which may be just and proper and shall make an order accordingly.

(4) The court-fee referred to in sub-rule (1) shall not be refundable in any case.

(5) The provisions of section 5 of the Limitation Act, 1963 shall apply to appeals under this rule.

33. Grant Of licence.—(1) Every application under sub-section (1) of section 30 of the Act shall be made in Form L.Con. A. and in the manner as set forth in sub-sections (2) and (3) of the said section, and shall be accompanied by the prescribed fee under sub-section (5) of the said section.

(2) The applicant shall, besides other conditions set forth in the Act, satisfy the licensing authority that he is cognizant of the provisions of the Act and/or of these rules and has adequate knowledge of the duties and powers of a conductor thereunder.

(3) The prescribed fees for conductor's licence for each renewal thereof shall be as mentioned in sub-section (5) of section 30 of the Act.

34. Medical Certificate.—(1) The Medical Certificate under sub-section (3) of section 30 of the Act shall be in Form M.C. Con.

(2) The photograph to be affixed to the medical certificate shall be firmly affixed and not merely pinned to the form and the medical practitioner shall affix his signature or seal to the photograph in addition to signing the form.

(3) The licensing authority may decline to accept a medical certificate of fitness granted more than one month before the date of application for the grant or renewal of a licence, as the case may be.

(4) Any licensing authority may require as a condition of continuing to hold a licence, the holder thereof to furnish a fresh medical certificate in the form set forth in sub-rule (1) above signed as required by sub-section (3) of section 30 of the Act if the licensing authority has reasonable grounds to believe that the holder of the licence is, by virtue of any disease or disability, unfit to act as a conductor of a stage carriage.

35. Form of licence.—Every licence shall be in Form L.Con. duly signed or thumb impressed in duplicate on the form of application for the licence and one of the

photographs referred to in sub-section (3) of section 30 of the Act shall be affixed with the application form.

36. Extent or validity Of licences.—A conductor's licence issued in any other State shall not be effective within West Bengal unless countersigned by a licensing authority in West Bengal.

37. Application for renewal Of licence.- Application for the renewal of a conductor's licence shall be in person to any licensing authority.

38. Production of licence on demand.—A conductor of a state carriage shall at all times carry his licence and produce it on demand by any police officer in uniform or Motor Vehicles Inspector for inspection.

39. Restrictions on the holding of licences.—No person shall hold more than one licence effective in the same region.

40. Report of change of address of the licence holder.—The holder of a conductor's licence shall, except in the case of a temporary absence not involving a change of residence for a period exceeding three months, report any change of his temporary or permanent address as noted on the licence to the licensing authority by whom the licence was issued and also in suitable cases to the licensing authority by whom it was last renewed.

41. Certain provisions of Chapter II of these rules to apply to conductor.—The provisions of rules 21 and 22 of these rules as applicable to drivers shall also apply to conductors of stage carriages, in addition to the provisions of rules 26 and 27 of these rules.

42. Conductors' Badge.—(1) The licensing authority may require that the conductor of a stage carriage shall display on his left breast a badge in the form illustrated in the Schedule B2 to these rules issued by and inscribed with the name of the authority by which the licence has been granted and the word "conductor" together with a photograph of the driver and an identification number which may be the same as the licence number.

(2) A conductor of a stage carriage shall not hold more than one such badge issued, by an authority in the State.

(3) The fee for issue of a badge as aforesaid shall be five rupees. If the badge is lost or destroyed a duplicate badge shall be issued by the authority by which it was issued on payment of five rupees :

Provided that where the actual cost incurred by the State Government for a badge exceeds five rupees, the State Government may direct that such actual cost shall be charged as the fee under this sub-rule.

(4) If at any time the licence is suspended or revoked by any authority or by any court or ceases to be valid by efflux of time the conductor shall within seven days surrender the badge to the authority by which it was issued.

(5) No conductor shall lend or transfer his badge to any other person.

(6) Any person finding conductor's badge shall, unless he returns the same to the person who is known to be the holder forthwith, surrender it to the authority by which it was issued or to the nearest police-station.

(7) In the absence of any direction from the licensing authority, the conductor of a stage carriage shall display on his left breast the word "Conductor" along with the number of his licence and the name of the licensing authority to be stitched in a visible manner on his uniform or garments.

43. Minimum educational qualification for conductor.—The minimum educational qualification for a conductor's licence shall be a pass in the primary school or class IV standard.

44. Communication of particulars of licences.—The state Government may by order direct that particulars of cases of revocation of licence and of disqualification under sections 31 and 35 of the Act shall be communicated by the licensing authority ordering the revocation or disqualification to all other licensing authorities in the State.

45. Duties and conduct of conductors of stage carriage. — The conductor of a stage carriage—

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

(b) shall not smoke while on duty;

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

(d) shall be cleanly dressed and shall wear *khaki* shirt or *khaki* bush shirt and *khaki* trousers of police pattern of *khaki* colour;

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

(f) shall not solicit customers save in a civil and quite manner;

(g) shall not interfere with persons boarding or preparing to board any other vehicle;

(h) shall not allow any person to be carried in any stage carriage in excess of the seating capacity specified in the certificate of registration of the vehicle and any additional number of passengers permitted under the terms of the permit to be carried standing in the vehicle;

(i) shall not, save for good and sufficient reason, refuse to carry any person tendering the legal fare;

(j) shall not, allow any passenger to be carried in any stage carriage without payment of the legal fare :

Provided that this clause shall not apply to any Government servants on duty, as the State Government may, from time to time by notification in the *Official Gazette,* specify in this behalf;

Explanation.—Where the legal fare is less than one rupee, a demand by such person for change in excess of that sum shall be a good and sufficient reason for refusing to carry such person for the purposes of this sub-rule;

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

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

(m) shall not, loiter or unduly delay upon any journey but shall proceed to his destination, as nearly as may be, in accordance with the timetable, with all reasonable despatch;

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

(o) shall not cause or allow anything to be placed in the vehicle in such a manner as to obstruct the entry or exit of passengers;

(p) shall issue a ticket immediately on payment of the legal fare or freight by the passenger except where arrangements outside the vehicle for the issue of tickets in advance to the intending passengers on payment of the legal fare has been made;

(q) shall, at the conclusion of any journey make reasonable search in the vehicle for anything left by any passenger and shall take into his custody anything so found by him or any other person in such vehicle and as soon as may be, make over the same to a police officer at the nearest police-station within twenty-four hours or to

such authority as prescribed under proviso to rule 26 of these rules; (r) shall not cause or allow to enter into or to be placed or carried in the vehicle any person whom he knows or has reason to believe to be suffering from an infectious or contagious disease, or the corpse, of any person whom he knows or has reason to believe to have suffered from any such disease;

(s) may, notwithstanding anything contained in clause (r), upon application in writing by a registered medical practitioner, allow a person, suffering from an infectious or a contagious disease to be carried in a stage carriage provided that no other person save a person or persons in attendance on the sick person shall be carried in the vehicle at the same time;

(f) shall be responsible, when a person suffering from an infectious or contagious disease, or the corpse of any such person has been carried in a stage carriage, for reporting the fact to a medical officer of health and to the owner of the vehicle and neither the owner nor the driver nor the conductor shall cause or allow any person to use the vehicle until the driver and conductor and the vehicle have been disinfected in such manner as the said medical officer, may specify and a certificate to that effect has been obtained from the said medical officer;

(u) shall assist the driver and be on the look out if other motor vehicles are approaching from behind and effectively signal their approach to the driver;

(v) shall take reasonable precautions to prevent luggage being miscarried or lost on the way;

(w) shall not, while on duty, be under the influence of drink or of a drug to an extent rendering him incapable of discharging his duties efficiently;

(x) shall, on demand by any passenger, produce the complaint book to be maintained under rule 175 hereinafter for recording such remarks as the passenger may desire to make therein;

(y) shall not, while he is on duty, permit the vehicle to be used for illegal or immoral purpose; (z) shall not permit any petrol or diesel to be poured into the fuel tank

while the engine is in operation;

(aa) shall, whenever the stage carriage approaches an unguarded railway level crossing, stop the carriage and after alighting therefrom and ensuring that no train is approaching from either direction,

cause the vehicle to follow him till the other side of the level crossing is reached;

(bb) shall, in case of an accident to the vehicle, shall make all reasonable efforts to help the injured persons and to inform the nearest police-station immediately;

(cc) shall help the infant, disabled, pregnant ladies, old and aged passengers and the ladies with child in arm, to board and alight from the vehicle;

(dd) shall, when the driver is taking the vehicle in reverse direction, get down from the vehicle and be on the look out for other motor vehicles or any other obstacle at the back of the vehicle and effectively give signal to the driver;

(ee) **shall** not allow any explosives or dangerous or inflammable substances to be carried in the vehicle either personally luggaged **or** in the cargo.

46. Prohibition against holding more than one conductor's licence.—(1) No person shall hold more than one conductor's licence.

(2) A conductor of a stage carriage shall, on demand by any police officer in uniform not below the rank of a Sub-Inspector or any officer of Motor Vehicles Department not below the rank of Motor Vehicles Inspector in uniform or any member of the State Transport Authority or a Regional Transport Authority, **within** his respective jurisdiction, produce his conductor's licence for inspection provided that, if at the time his licence is demanded, he is displaying the badge prescribed in rule 42, it shall be sufficient compliance with this sub-rule if he produces the conductor's licence within forty-eight hours at any police-station which he specifies to the person making such demand.

47. Requirement as to photographs.—(1) The copies of photographs required by sub-section (3) of section 30 of the Act shall be of **a** size not more than fifty millimeters by sixty-four millimeters. It shall be taken **from** front, and shall be in black and white colour on glazed paper.

(2) **The** photographs of the holder when affixed to a conductor's licence shall be sealed with the seal of the licensing authority in such a manner that part of the impression of the seal is upon the photograph and part on the margin.

(3) If at any time it appears to **a** licensing authority that the photograph affixed to the conductor's licence has ceased to be **a** clear likeness of the holder, the licensing authority may require the holder to surrender the conductor's licence forthwith, **and** to furnish two clear copies of a recent photograph of himself and the holder shall, within such time as the licensing

authority may specify, appear in person before the licensing authority and present the photograph accordingly.

(4) If the holder fails to comply with a requisition by the licensing authority under sub-rule (3), the conductor's licence shall cease to be valid from the expiry of the said period.

(5) Upon receipt of the copies of the photograph as provided in sub-rule (3), the licensing authority shall remove the old photograph from the conductor's licence and affix thereto one copy of the new photograph duly sealed and return the conductor's licence to the applicant and shall, if he is not the licensing authority by whom the conductor's licence was issued, forward the second copy of the photograph to the authority which issued the licence :

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

(6) Where a new photograph is affixed to a conductor's licence, a note shall be made upon the photograph of the date of affixture.

48. Conductor's licence if lost or destroyed.—(1) if at any time a conductor's licence is lost by the holder or is destroyed, the holder shall forthwith intimate the facts, in Form C.L.D. to the licensing authority in whose area he has place of residence at the time.

(2) Upon the receipt of intimation as aforesaid, the licensing authority shall, if he is not the authority by whom the conductor's licence was issued, apply to that authority for particulars of the conductor's licence and make endorsements thereon about any enquiries as he thinks fit, and if he is satisfied that a duplicate may properly be issued, issue a duplicate conductor's licence and send intimation to the authority by whom the conductor's licence was originally issued :

Provided that where subsequent to the issue of a duplicate licence it is found that there has been an endorsement by a court since the date of the grant or last renewal of the licence, it shall be lawful for the licensing authority to call **for** the duplicate conductor's licence and make the necessary endorsement thereon.

(3) Where a photograph is required to be affixed to a duplicate conductor's licence issued under the provisions of these rules, the holder of the conductor's licence shall furnish to the licensing authority two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate conductor's licence and the other shall be transmitted by the authority issuing the duplicate conductor's licence to the authority by whom the conductor's licence was issued.

[25][(4) 'Where a conductor's licence is lost of destroyed, the fee for duplicate conductor's licence issued under this rule shall be as specified in Schedule A.]

(5) Where a duplicate conductor's licence has been issued upon representation that a conductor's licence has been lost and the original conductor's licence is afterwards found or received by the holder, the holder shall immediately return the duplicate conductor's licence to the licensing authority.

(6) Any other person finding a conductor's licence shall deliver it to the nearest police-station or the nearest licensing authority. The Officer-in-charge of the police-station, on receipt of the conductor's licence, shall immediately forward it to the nearest licensing authority. The licensing authority shall restore the conductor's licence to the holder of the conductor's licence in case the duplicate conductor's licence has been issued, and shall substitute it for the duplicate in case such a duplicate has already been issued.

49. Defaced or torn conductor's licence.—(1) if at any time it appears to a licensing authority that a conductor's licence held by any person is so torn or defaced in any way as to cease to be reasonably legible, the licensing authority may impound the conductor's licence and issue a duplicate.

(2) If a conductor's licence impounded is required to have a photograph of the holder affixed thereon, then—

(i) if the photograph on the impounded conductor's licence is in the opinion of the licensing authority satisfactory and conveniently transferable to the duplicate conductor's licence, the licensing authority may so transfer, affix and seal the photograph to the duplicate conductor's licence; or

[25] Sub-rule (4) subs, vide cl. (4) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

(ii) if the photograph affixed to a conductor's licence impounded under the provisions of sub-rule (1) is not in the opinion of the licensing authority such as can be transferred to the duplicate conductor's licence, the holder of the conductor's licence shall, on demand by the licensing authority, furnish two clear copies of a recent photograph of himself one of which shall be affixed to the duplicate conductor's licence and sealed and the other shall be kept on record by the licensing authority by whom the conductor's licence was issued.

[26][(3) Where a conductor's licence is torn or defaced the fee for duplicate conductor's licence issued under this rule shall be as specified in Schedule A.]

50. **Issue** of **duplicate** of **conductor's licence.—**(1) When a duplicate conductor's licence is issued under rules 47, 48 and 49 of these rules, it shall be clearly stamped, "duplicate" in red ink and shall be marked with the date of issue of the duplicate and the seal of the licensing authority.

(2) If the licensing authority who issues a duplicate conductor's licence is not the authority by whom the conductor's licence was issued, he shall intimate the fact to that authority.

(3) If the licensing authority who affixes a new photograph to a duplicate conductor's licence is not the authority by whom the conductor's licence was issued, he shall forward the second copy of the photograph to that authority for record.

51. Exemptions.—The provisions of sub-section (1) of section 29 of the Act shall not apply to the driver of a stage carriage who has to perform the duty of a conductor when the conductor becomes for reasons of illness or otherwise unable to discharge his duties after the stage carriage has commenced its journey from the originating point.

CHAPTER IV

REGISTRATION OF MOTOR VEHICLES

52. Registering authority.—The registering authority shall be—

(i) for [27][Kolkata], the Director, Public Vehicles Department, [28][Kolkata],

(ii) elsewhere in the State, the District Magistrate, excepting that the District Magistrate, 24-Parganas (North) shall not be the registering authority in respect of areas under Salt Lake and Lake Town police stations :

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[26] Sub-rule (3) subs, vide cl. (5) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f.4.5.1998).

[27] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act. 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

[28] Subs, vide cl. 2(4)(a) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003) for the words "of a motor vehicle under section 41 of the Act".

Provided that the registering authority may delegate its power, by order in writing, to any officer not below the rank of Motor Vehicles Inspectors having jurisdiction.

53. Enquiries to be made by the registering authority.—(1) Upon the receipt of an application for registration or for any other purpose under the Act, the registering authority or the authority prescribed in sub-rule (1) of rule 57 or sub-rule (1) of rule 60 or under rule 64, shall make such enquiries as may be reasonably necessary to establish the identity, eligibility and *bona-fides* of the applicant.

(2) Every application for registration '[under section 41 of the Act. where the document required under clause (e) of sub-rule (1) of rule 47 of the Central Motor Vehicles Rules, 1989, is not furnished] shall also be accompanied by a certificate issued by the Officer-in-charge of the local police station under which the applicant resides verifying thereon the address of the applicant or a similar certificate from an officer of the Central or State Government subject to the satisfaction of the registering authority. This is in addition to the formalities to be complied with under rule 47 of the Central Motor Vehicles Rules, 1989 and other provisions of the Act.

[29][(3) Every application for transfer of ownership of a motor vehicle under section 50 of the Motor Vehicles Act, 1988 shall also be accompanied by a sale-receipt issued by the transferor in the format as may be specified by order of the State Government along with the additional fee as specified in Schedule E-15. This is in addition to the formalities/requirements as provided under the Motor Vehicles Act, 1988 and the rules framed thereunder.]

54. Appellate authority.—The authority to hear appeals against the order of the registering authority or any authority prescribed in sub-rule (1) of rule 57 or sub-rule (1) of rule 60, or under rule 64, shall be—

(i) in respect of the city of [30][Kolkata] (including suburbs) the Secretary, Transport Department, Government of West Bengal; and

(ii) in all other cases, the Commissioner of the Division.

55. Conduct and hearing of appeals.—(1) An appeal under rule 54 shall be preferred in the form of a memorandum, in duplicate, one copy of which shall bear the court-fee of rupees 25 (twenty-five only) setting forth concisely the grounds of objection to the order

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[29] Sub-rule (3) ins. vide cl. 2(4) (o), *ibid* (w.e.f. 16.12.2003).

[30] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act. 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

of the licensing authority and shall be accompanied by a certified copy of that order appealed against.

(2) When an appeal is lodged, a notice shall issue to the authority against whose order the appeal is preferred in such form as the appellate authority may direct.

(3) The appellate authority after giving an opportunity to the parties to be heard and after such enquiry, if any, as it may deem necessary, may confirm, vary or set aside the order against which the appeal is preferred or make any amendment consequential or incidental thereto or as may be just or proper and shall make an order accordingly.

(4) The court fee referred to in sub-rule (1) shall not be refundable in any case.

(5) The provisions of section 5 of the Limitation Act, 1963 shall apply to appeals under this rule

56. Exemption Of road plant.—Nothing contained in Chapter IV of the Act or in Chapter IV of these rules shall apply to road-rollers used solely for construction and repair of roads.

57. Issue and renewal of a certificate of fitness.—(1) Certificate of fitness shall be issued or renewed by the registering authority or by any officer as may be empowered by such authority not below the rank of a Motor Vehicles Inspector.

(2) An application for issue or renewal of certificate of fitness shall be made in Form C.F.A. or C.F.R.A. to these rules to the registering authority in whose jurisdiction the vehicle is normally kept.

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

(4) The registering authority by whom the certificate of fitness was last issued or renewed, may endorse thereon the date, time and place appointed for the next inspection of the vehicle and the owner shall cause the vehicle to be produced accordingly before the concerned authority.

(5) If the owner finds that the vehicle cannot be produced for the next inspection on the date endorsed in the certificate of fitness, he shall apply to the concerned authority not less than fifteen days before the appointed date for a change in the date of inspection stating the reasons thereof.

[31][(6) If no date, time and place for the next inspection is endorsed on the certificate of fitness as provided for in sub-rule (4), an application for the renewal of a certificate of

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[31] Sub-rule (6) subs, vide cl. 2(5) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

fitness shall be made in Form C.F.R.A. to these rules not less than one month before the date of expiry of the certificate and the owner of a vehicle in respect of which such application is made shall cause the vehicle to be produced for inspection on such date and at such time and place as the concerned authority may appoint. If the owner fails to make the application on or before the date aforesaid, he shall be liable to pay 150 per cent of the fee prescribed under rule 81 of the Central Motor Vehicles Rules, 1989 for renewal of certificate of fitness and on payment of such fee, a new certificate of fitness may be issued to him. If the owner fails to produce the vehicle for inspection for renewal of certificate of fitness on or before the expiry of last certificate of fitness, he shall be liable to pay 150 per cent of the fee as prescribed under rule 81 of the Central Motor Vehicles Rules, 1989 together with the amount as shown in Schedule E-14.]

(7) If, owing to mechanical break down or other cause, a motor vehicle, after the expiry date of the certificate, lies outside the jurisdiction of the officer of the Motor Vehicles Department by whom the certificate is to be renewed, and who has jurisdiction, the officer of the Motor Vehicles Department, without prejudice to any penalty to which the owner or driver may have become liable, if the vehicle is in his opinion fit for use, make and endorsement in Form C.F. (1) subject to such conditions as he may specify, and authorise its continued use for such time, as may reasonably be necessary for the vehicle to return to the area of the said officer and the vehicle may be driven to such area in accordance with such endorsement but shall not be used after return without renewal.

(8) If a vehicle is damaged at any time so as to be unfit for ordinary use and may in the opinion of any Motor Vehicle Inspector, be safely driven at a reduced speed to a place of repairs, and if such Inspector is satisfied that it is necessary that the vehicle should be so driven, he may endorse in Form C.F. (1) speed and other conditions, if any, and specify the time subject to which the vehicle may be driven to a specified destination for the purposes of repair.

(9) When a certificate of fitness has been issued by a prescribed authority, the authority for the purpose of cancellation of the certificate under sub-section (4) if section 56 of the Act shall be the same authority.

(10) The authority mentioned in sub-rule (9) of this rule cancelling the certificate of fitness shall give the owner or other person in charge of the vehicle, a notice in Form C.F.C. to these rules and shall along with a report of his action forward the certificate of fitness, certificate of registration and permit if any, to the registering authority under

whose direction and control he may be. Ader the authority has cancelled the certificate of fitness, such authority shall, after making an endorsement in Form C.F.X. to these rules, specify the time when and the conditions subject to which, the vehicle may be driven to a specified destination for the purpose of repair.

(11) Nothing in sub-rule (9) shall debar the owner or the person in charge of the vehicle, the certificate of fitness of which has been cancelled, from applying at any time for the restoration of the certificate of fitness if the vehicle has been repaired in such a manner that the provisions of Chapter VII of the Act and the rules made thereunder are complied with. If such a vehicle is inspected and passed within fourteen days of the date of the cancellation of the certificate of fitness but before the date of expiry specified in such certificate, no restoration fee shall be charged. If, however, the vehicle is brought for inspection at any later time, fresh certificate of fitness will be required :

Provided that notwithstanding anything contained in this rule, the renewal fee in such a case shall be double the usual fee chargeable for grant or renewal of a certificate of fitness as prescribed in the Central Motor Vehicles Rules, 1989.

(12) While inspecting a motor vehicle, the authority shall fill in Form M.V Ins. to these rules in duplicate, and shall, on completion of inspection deliver the original copy to the owner or his driver.

58. Loss or destruction of certificate of fitness.—[32][(1) if a certificate of fitness is lost or destroyed, the owner of the vehicle shall forthwith report the matter to the authority by whom the certificate was issued or last renewed and shall apply, in each such case, for a duplicate certificate in Form C.F.L.D. to these rules with a fee as specified in Schedule A.]

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

(3) Where a duplicate certificate of fitness has been issued upon representation that the certificate of fitness has been lost and the original certificate of fitness is afterwards found or received by the holder he shall immediately return the duplicate certificate of fitness to the registering authority.

(4) Any other person finding a certificate of fitness shall deliver it to the nearest police-station or nearest registering authority. The Officer-in-charge of the police-station on

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[32] Sub-rule (1) subs, vide cl. (6) of the Notification No. 2668-WT/3M-151 /96 dated 4.5.1998 (w.e.f. 4.5.1998).

receipt of the certificate of fitness shall immediately forward it to the nearest registering authority. The* registering authority shall restore the certificate of fitness to the holder of the certificate of fitness in case the duplicate certificate of fitness has not been issued and shall substitute it for the duplicate in case such a duplicate has already been issued.

(5) No person shall be liable to be convicted of an offence under subsection (1) of section 130 of the Act if, at the time when the certificate is demanded, he has already reported the loss or destruction thereof, in accordance with this rule and a duplicate certificate has not been delivered to him.

59. Torn or defaced certificate of fitness.—(1) if at any time it appears to the registering authority that the certificate of fitness is so torn or defaced in any way as to cease to be reasonably legible, he may impound such certificate, and direct the owner to apply in Form C.F.L.D. to these rules, for a duplicate certificate.

[33][(2) Upon receipt of an application under sub-rule (1) in Form C.F.L.D. to these rules together with the fee specified in Schedule A, the concerned authority shall issue a duplicate certificate of fitness clearly stamped "Duplicate" in red ink.]

60. Temporary registration.—(1) A temporary certificate of registration under section 43 of the Act shall be issued by the registering authority of the area in which it is applied for:

Provided that the State Government may appoint by notification in the *Official Gazette* any manufacturer or dealer of motor vehicles to be the authority competent to register motor vehicles temporarily subject to such conditions as may be stated in the notification.

(2) An application for temporary registration shall be in Form 20 of the Central Motor Vehicles Rules, 1989 and clearly marked "Temporary". It shall not be necessary to fill in items 24 to 31 of that Form notwithstanding that the vehicle may be a transport vehicle, and no sale certificate in Form 21 of the Central Motor Vehicles Rules, 1989 shall be required to be furnished.

(3) A temporary certificate of registration shall be in Form C.R. Tern, to these rules.

(4) The authority granting a temporary certificate of registration shall, in all cases, forward a copy of Form C.R. Tern, to the registering authority in whose area the vehicle is to be ordinarily kept.

(5) The authority granting a temporary certificate of registration shall assign a temporary registration mark to the vehicle and the owner shall cause the said mark to be affixed to

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[33] Sub-rule (2) subs, vide cl. (7), *ibid* (w.e.f. 4.5.1998).

the front and rear of the motor vehicle in the manner prescribed for registration marks in these rules.

[34][(6*)* The fee for temporary registration shall be as specified in Schedule A.]

[35]**[60A. Showroom inspection.**—For the purpose of registration under section 41 of the Act on temporary registration under section 43 of the Act of a non-transport vehicle or a transport vehicle fitted with complete and ready body, the vehicle shall be inspected in the showroom or premises of the dealer or sub-dealer. A fee as prescribed in Schedule 'A' shall be realized from the dealer or sub-dealer for such inspection.]

61. Exemption from registration fee.—(1) No fee shall be charged for registration of motor vehicles owned by the Anjuman Mufidul Islam, the Hindu Satkar Samity, the Jewish Burial Board or by any other similar society or organisation and used exclusively for the removal of dead bodies.

(2) No fee shall be charged for the registration of motor vehicles owned by the organisation and certified by the State Government as used solely for charitable purposes.

(3) The State Government may by order exempt from the payment of any fee for the registration or for the transfer of ownership of motor vehicles in the name of the—

(a) Consulate-General;

(b) High Commission;

(c) Trade Commission; or

(d) Embassy;

of any country which grants reciprocity in such matters or in the name of the United Nations Organisations or a mission or organisation under a foreign Government or in the name of the personnel belonging to the said officers, if used for official purposes.

(4) Assignment of Fancy Registration Mark to Motor Car.—[36][(a) (i) The fancy registration marks of first 20 numbers in each series shall be reserved in favour of the Government of West Bengal.

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[34] Sub-rule (6) subs, vide cl. (8) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998)

[35] Rule 60A ins. vide cl. 2(6) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

[36] Clause (a) subs, vide cl. (1)(a) of the Notification No. 7221-WT/3M-151/96 dated 28.9.2001.

(ii) If the [37][owner of any Motor Vehicle while applying for the new registration thereof under section 41 of the Act or for assignment of new registration mark under section 47 of the Act], applies to the registering authority for assignment of a registration mark which the owner has a fancy for, the registering authority shall assign the particular registration mark beyond the aforesaid reserved numbers in the series specified in sub-clause (i), to the motor car, if not already allotted, on payment of fee specified in Schedule A :

Provided that a registration mark fancied for a motor car, other than the fancy registration marks reserved in favour of the State Government specified in sub-clause (i), shall not be granted if the difference between the registration number applied for and the registration number which would have been ordinarily allotted *ad seriatim* be more than 3000.]

[38][(o) The fee for assignment of fancy registration mark shall be as specified in Schedule A :

Provided that the difference between the fancy registration mark and the registration mark that would have been ordinarily allotted *ad seriatim* shall be calculated after deduction of first 20 numbers in each series reserved in favour of the Government of West Bengal.]

(c) This rule shall not apply to applications from members of the armed forces who have been decorated for their valour.

62. Particulars to be printed on transport vehicle.—(1) The following particulars in respect of every transport vehicle shall be exhibited on the left hand side of the vehicle on the manner described—

(a) the name of the owner as set forth in the certificate of registration and his address in brief:

(b) the unladen weight denoted by U.L..... (kgs.);

(c) the gross vehicle weight denoted by G.V.W.....(kgs.);

(d) the number of passengers for whom accomodation is provided denoted by Pass...;

(e) the registered front axle weight denoted by F.A.W. .. (kgs.);

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[37] Subs, vide cl. 2(7) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003) for the words "owner of a new motor car, while applying for the new registration thereof under section 41 of the Act".

[38] Clause (0) subs, vide cl. (1)(o) of the Notification No. 7221-WT/3M-151/96 dated 28.9.2001, which was earlier subs, vide cl. (9) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

(f) the registered rear axle weight, each intermediate axle, if any, denoted by M.A.W. .. (kgs.);

(h) the number and size of tyres —

(i) front axle denoted by.....Nos.....X

(ii) rear axle denoted by.....Nos.....X

(iii*)* intermediate axle denoted by.....Nos.....X

(2) The weight shall be stated in Kilograms and the particulars shall be set forth in English letters and numbers, each not less than 25 centimeters high and 25 centimeters wide legibly painted on a plane surface or a plate or plates affixed to the vehicle.

(3) Vehicles registered under section 60 of the Act need not exhibit the particulars at clauses (a), (of), and *(h)* of sub-rule (1).

63. Production of certificate of registration for revision of entries.— Whenever the Central Government directs by order issued under sub-section (3) of section 58 of the Act that the provisions of that sub-section shall apply in a particular locality for vehicles of a particular type with such modifications as may be specified in that order, the registering authority may either by general or individual notice require the owners of the vehicles of the particular locality and the particular type to produce the certificate of registration within such time as may be specified in the notice for revision of the entries therein of the particulars relating to the gross vehicle weight in such a manner as may be stated in the notice on payment of difference of fees if any, subject to the provisions of sub-section (4) of section 58 of the Act.

64. Authority to suspend certificate of registration.—(1) The authority to suspend the certificate of registration of a motor vehicle under section 53 of the Act shall in addition to any registering authority also vest with any Executive Magistrate as defined in the Code of Criminal Procedure, 1973 having Jurisdiction.

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

[39][**65. Fee for failure to submit application for registration of motor vehicles within prescribed or stipulated period.—**if the owner fails to submit an application for registration of motor vehicles within the prescribed period as stipulated under rule 47 of the Central Motor Vehicles Rules, 1989, or to submit an application for renewal of certificate of registration within the prescribed period as stipulated under rule 52 of the Central Motor Vehicles Rules, 1989, or to submit an application for assignment of new registration mark within the prescribed period as stipulated under rule 54 of the Central Motor Vehicles Rules or to submit an application for recording the change of residence or place of business within the prescribed period as stipulated under sub-section (1) of section 49 of the Act or submit an application for recording the transfer of ownership within the prescribed period as stipulated under clause (a) or clause (b) of sub-section (1) of section 50 of the Act, as the case may be, he shall pay the amount as specified in the Schedule A in addition to normal fees :

Provided that the registration authority having jurisdiction shall have the power to condone the delay and to accept only a token amount of Re. 1 in very genuine and special cases having adequate *bona fide* justification on grounds to be recorded in writing.]

66. Extended validity of certificate of fitness.—When an application for renewal of a certificate of fitness has been made under rule 57 and the application has not been disposed of before the date of expiry of the certificate of fitness, the certificate of fitness shall be deemed to remain valid till consideration or disposal of the application.

67. Loss or destruction of certificate of registration.—(1) if, at any time, a certificate of registration is lost or destroyed the owner shall forthwith intimate such fact in writing to the registering authority by whom the certificate was issued or by whom the registering mark of the vehicle was assigned under section 47 of the Act and shall apply in prescribe form to that authority for the issue of a duplicate certificate.

(2) Upon receipt of an application under sub-rule (1) together with the prescribed fee as per Central Motor Vehicles Rules, 1989 the registering authority shall issue a duplicate certificate of registration in prescribed form clearly stamped "Duplicate" in red ink.

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

[39] Rule 65 subs, vide cl. (10) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

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

(4) Any other person finding a certificate of registration shall deliver it to the nearest police station or nearest registering authority. The Officer-in-charge of the police station on receipt of the certificate of registration shall immediately forward the same to the nearest registering authority. The registering authority shall restore the certificate of registration to the holder of the certificate of registration or substitute it for the duplicate in case such a duplicate has already been issued.

68. Torn or defaced certificate of registration —(1) if at any time it appears to a registering authority that a registration certificate held by any person is so torn or defaced in any way as to cease to be reasonably legible, the registering authority may impound such certificate and direct the owner thereof to apply in prescribed form to the registering authority by whom the certificate was issued or by whom the registration mark of the vehicle was assigned under section 47 of the Act or a duplicate certificate was issued.

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

(3) On receipt of the application under sub-rule (1) together with the prescribed fee as per the Central Motor Vehicles Rules, 1989 the registering authority shall issue a duplicate certificate of registration in form prescribed by the Central Government and clearly stamped "Duplicate" in red ink.

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

(2) The registering authority shall, before assigning a registration mark under section 47(1) or before entering the particulars of transfer of ownership of a motor vehicle in the certificate of registration, require the owner or, as the case may be, the transferee, to produce the motor vehicle before itself in order that the registering authority may satisfy itself that the particulars of the vehicle recorded in the certificate of registration are correct and the vehicle complies with the provisions of Chapter VII of these rules.

(3) The owner of a motor vehicle who has brought such motor vehicle from outside the State into the State or the vehicle is for the time being kept in the State shall intimate to

the registering authority in whose jurisdiction the vehicle is kept for use in Form FT, within 30 days from the date of entry of the motor vehicle in the State.

[40][(4) If the owner of the motor vehicle or the person in possession of the motor vehicle fails to apply for the assignment of new registration mark under sub-section (1) of section 47 of the Act, he shall be liable to pay the same amount specified in Schedule A as is payable under rule.]

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

[41][**70. Supply of copies of particulars of registration**. A registering authority may, in his discretion, supply copies of the particulars of any motor vehicle registered in the records maintained by him to any person who may apply for the same, on payment of a fee specified in Schedule A :

Provided that the State Government may, if it is of opinion that it is in the public interest so to do, by general or special order—

(a) exempt any Government department, local authority, association, or body of individuals from payment of the fee chargeable under this rule; or

(b) reduce the fee payable by any such department, local authority, association, or body of individuals to such extent as may be specified in the order.]

71. Notice of alteration in motor vehicle and power of registering authority to require production of certificate of registration.—(1) The notice by the owner of a motor vehicle to the registering authority in accordance with sub-section (1) of section 52 of the Act shall be in Form B.T.I, to these rules.

(2) The registering authority may on receipt of such notice, require the owner of a motor vehicle to produce the certificate of registration in respect of the vehicle before him or his nominee, within seven days from the date on which such requisition was made for the

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[40] Sub-rule (4) subs, videcl. (11) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

[41] Rule 70 subs, vide cl. (12) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

purpose of the revision of the entries therein. The owner of such a motor vehicle shall produce the certificate of registration.

72. Intimation regarding stolen/recovered motor vehicles.—(1) An Officer-in-charge of the police-station where the theft of a motor vehicle is reported by the owner or any other person in possession of the vehicle, shall, immediately after the registration of the offence, send intimation to the Transport Department, Government of West Bengal, with a copy to the registering authority where the vehicle is registered.

(2) On receipt of this intimation under sub-rule (1), the Transport Department shall inform all the registering authorities the details of the stolen vehicle.

(3) The Transport Department shall also maintain a register of stolen vehicles.

(4) The registering authorities shall maintain the register of stolen vehicles on the basis of the intimation received from the Transport Department or from the police officer, as the case may be.

(5) If the vehicle reported to be stolen is recovered, the police station which recovered the vehicle shall intimate the fact to the Transport Department and relevant registering authority.

(6) Upon receipt of intimation under sub-rule (5) the Transport Department and the registering authority shall keep a note of such recovery in the register maintained under sub-rules (3) and (4).

73. Maintenance of State register of motor vehicle.—(1) The registering authorities shall maintain a "State Register of Motor Vehicles" in such form as prescribed by the Central Government.

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

(3) As soon as the vehicle is registered the necessary entries shall be noted or entered in the State Register of motor vehicles.

(4) The State register for motor vehicles shall be maintained according to the class of the vehicle, namely, transport or non-transport, and also if the registration of all types of vehicles is in large number, according to the detailed classification of the vehicles, two wheel cars, goods carriage, tractors etc., as decided by the registering authority.

74. Communication of particulars of registration.—(1) The state Government may by order direct that particulars of cases of cancellation or suspension of certificate of registration or of certificate of fitness shall be communicated by the authority ordering such cancellation or suspension to registering authorities of the State in such manner as may be specified in that order.

(2) The State Government may be notification in the *Official Gazette* require the owners of vehicles registered outside the State but brought into the State, to furnish to the registering authority in the State in whose jurisdiction the vehicle is brought, the particulars of registration of the vehicles.

[42][(3) A certified copy of the particulars of the certificate of registration entered in the record referred to in sub-section (3) of section 41 of the Act or of the particulars of any driving licence shall be furnished to every person applying for the same, on payment of the fee specified in Schedule A. Provided that no such certified copy shall be furnished unless the person applying for the same supplies the registration number of the vehicle or the number of the licence and other particulars for reference as may be required.] **75.**

(1) Motor vehicles in the possession of dealers.—The State Government may by notification published in the *Official Gazette* exempt any or all categories of motor vehicles in the possession of any or all dealers from such provisions of Chapter IV of the Act or of the rules made thereunder as may be specified in the notification.

(2) Intimation on cancelled registration.—Every registering authority shall forward an up-to-date list of cancelled registration numbers, once in every three months, to the Commissioner of Police in [43][Kolkata] or to the Superintendents of Police in the districts. If for any reasons, such list cannot sent, the registering authority shall record such reasons in writing.

(3) Furnishing of false address.—Whenever it is found that the address furnished in the application for registration or in the certificate of registration is false or the owner of the vehicle has changed his address recorded in the certificate of registration without complying with the provisions of section 49 of the Act, the registering authority may, after making an enquiry and after giving a press notice in two local dailies for providing an opportunity to the owner for a hearing, proved to cancel the registration as per sub-section (5) of section 55 of the Act, in addition to any other penal action which may be taken.

[44][(4) (i) No authority to sell or deal with or to keep in possession any motor vehicle shall be granted to any sub-dealer in any area within the State:

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[42] Sub-rule (3) subs, vide cl. (13) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

[43] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

[44] Sub-rule (4) ins. vide cl. 2(8) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

Provided that the registering authority in whose jurisdiction the sub-dealer has his place of business, grant licence for such business on an application to be submitted by the sub-dealer :

Provided further that such licence for such business shall be given on realization of fee as specified in Schedule 'A' and also on such conditions as may be specified by the order of the State Government.

(ii) Any licence so issued shall be valid for a period of one year and shall be renewable. Any application for renewal of such licence is to be made before the registering authority having jurisdiction along with the fees as specified in Schedule 'A'.]

CHAPTER V

CONTROL OF TRANSPORT

76. (1) The State Government shall appoint an officer in the service of the State Government, to be the Chairman of the State Transport Authority subject to the provision under section 68 of the Act.

(2) The State Government shall appoint an officer in the service of the State Government to be Secretary of the State Transport Authority and he may or he may not be a member of the State Transport Authority.

(3) The State Government may, as it thinks fit, appoint any number of officers in the service of the State Government to be the Deputy Secretaries and/or the Assistant Secretaries of the State Transport Authority.

(4) The State Government may appoint any number of officials/non-officials, as it thinks necessary, to be the member of the State Transport Authority subject to the provisions under section 68 of the Act and may thus constitute the State Transport Authority for carrying out the purposes of the Act.

77. (1) In the State Transport Authority, if constituted of three members including the Chairman, presence of all the members shall be necessary to constitute a quorum.

(2) In the State Transport Authority, where there are more than three members including the Chairman, presence of three members including the Chairman or the Deputy Chairman as may be appointed in accordance with sub-rule (3) shall constitute a quorum.

(3) Where the State Transport Authority consists of more than three members, the Authority may, in its first meeting, elect one of the members to be the Deputy Chairman.

(4) At any meeting of the Authority, save as in the case of sub-rule (3) when a quorum is present, the Deputy Chairman, in the absence of the Chairman due to unavoidable circumstances, shall preside over the meeting.

(5) At any meeting of the Authority constituted of more than four members, subject to availability of quorum, one member elected from among those present may preside over the meeting in the absence of the Chairman and the Deputy Chairman.

(6) At any meeting of the Authority, the Chairman presiding over the meeting may require the presence of any official of the Authority to assist in the conduct of the business. But such official shall not take part in the deliberations at the meeting.

(7) The Secretary, with the approval of the Chairman at the meeting, may also require the presence of the Deputy Secretary next in rank to him and/or any other officer of the Authority in the absence of the Deputy Secretary to assist in the presentation of papers and records and in taking down notes etc., of the proceedings and in the preparation of the minutes of the meeting.

78. (1) The deliberation at any meeting of the State Transport Authority shall be secret and no written note of all such deliberations shall be taken but for preparing the minutes, save and except in the case of a decision by circulation in which case the procedures as laid down hereafter shall be followed.

(2) Save and except the circumstances as referred to in sub-rule (1) all the decisions arrived at the meetings of the State Transport Authority shall be in the form of minutes.

(3) As soon as the meeting is over and not in any case beyond 7 working days after the meeting, the Secretary shall prepare with the assistance of the Deputy Secretary or the Assistant Secretary present at the meeting, the minutes of the meeting and present the same before the Chairman presiding over the meeting who shall approve of the same in conformity with the decisions taken in the meeting. With such approval, the minutes of the meeting shall be final and shall, subject to confirmation at the next meeting of the Authority, be the decision arrived at the particular meeting. The minutes thereafter be circulated among the members.

[45][79. Supply of certified copy of document etc. to a person entitled to have such copy under the Bengal Records Manual.—

Any person entitled under the provisions of the Bengal Records Manual to have a certified copy of any decision of any particular meeting of any Regional Transport

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[45] Rule 79 subs, vide cl. (14) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

Authority or State Transport Authority or any other document, may apply in the form as shown in the Schedule E1, and shall be entitled to have the copy/copies applied for, unless refused, within 7 working days from the date of payment of fee specified in Schedule A.]

80. (1) All the members of the State Transport Authority shall have one vote each, save and except in the case of the circumstances under sub-rule (2).

(2) The Chairman or the Deputy Chairman or any member as elected to preside over the meeting in accordance with sub-rule (5) of rule 77 of these rules, shall have a second or casting vote in all cases of equality of votes.

(3) In the case of voting, the casting of votes shall be by ballot as may -be prescribed by the Chairman of the meeting and, as soon as the voting is over, the Chairman shall record the results "For" and Against" without, however, keeping any note as to who voted for and who voted against the particular item put to vote and after recording his casting vote, if necessary, note down over his signature at the meeting if the item put to vote has been passed or not.

(4) The State Transport Authority shall meet at least once in every four months as the Chairman may decide.

(5) Not less than 7 (seven) days' notice shall be given of any meeting of the State Transport Authority:

Provided that the Chairman may, if he thinks so necessary that the Authority should meet immediately, convene an Emergency Meeting of the Authority in which case not less than 3 (three) days' notice shall be necessary :

Provided further that the notice of any adjourned meeting of the Authority shall not be necessary.

(6) Notice for a meeting shall be signed by the Secretary or in his absence by the Deputy Secretary next in rank to the Secretary.

81. (1) The period of appointment of the State Transport Authority shall ordinarily be for 3 (three) years :

Provided that the State Government, if it considers necessary or expedient so to do, may reconstitute the Authority at any time before the expiry of the said period of three years or may extend the said period up to five years from the date of its constitution.

(2) The State Government may, at any time after giving any member of the Authority other than an official appointed by the State Government, an opportunity of being heard, remove such member from office on the ground of—

(i) misconduct in the discharge of his duties; or

(ii) any disgraceful conduct; or

(iii) persistent failure to attend meetings of the Authority; or

(iv) any other cause deemed sufficient by the State Government.

(3) Any member of the Transport Authority may at any time submit resignation from the membership of the Transport Authority and on acceptance by the State Government of such resignation, the member concerned shall cease to be member of the Transport Authority with effect from the date on which the resignation is accepted.

(4) Whenever, a vacancy arises due to death, resignation or removal, of any member, the State Government may fill in the vacancy, as it deems necessary, and appoint another member, and the member so appointed shall continue to hold office for the remaining period of the tenure of appointment of the Transport Authority.

(5) A member of the Transport Authority, other than an official member shall receive a daily fee for attending the meeting of the Transport Authority or any meeting of the Sub-Committee thereof equivalent to what a member of the West Bengal Legislative Assembly receives for attending Legislative Assembly or the meeting of any Committee of the Legislative Assembly and also actual Railway fare of the class in which he/she travels for attending the meeting.

(6) The non-official members shall however, receive travelling allowance *at par* with what the Government servants belonging to Group A (Class I) services are entitled to in connection with journeys for the purpose of the Transport Authority and also be entitled to receive advance as admissible to the Government servants, subject to adjustment :

Provided that this sub-rule shall apply in to the case of the meeting at the headquarters.

(7) The entitlements under sub-rules (5) and (6) shall be authenticated by the Secretary of the Transport Authority with the approval of the Chairman and shall be drawn in the appropriate form subject to adjustments.

(8) A member of the Transport Authority if he happens to be a member, of the West Bengal Legislative Assembly or of either house of the Parliament may, at his discretion, draw the daily fees, allowance and railway fare as prescribed for local journey under sub-rule (5) or the Travelling allowance under sub-rule (6) in lieu of the entitlements as member of the said House or of the Assembly, if, in his opinion, the fees, allowances etc. under these sub-rules are advantageous to him, but shall not draw both.

82. No person shall simultaneously hold membership of the State Transport Authority and the Regional Transport Authority or of more than one Regional Transport Authority.

83. (1) The State Government may constitute Regional Transport Authority with one or more revenue districts or with such areas of a District or Districts as it considers necessary and expedient and may, for each such region, constitute a Regional Transport Authority under section 68 of the Act.

(2) Whenever the State Government constitutes a Regional Transport Authority, it shall appoint an officer in the service of the State Government to be its Chairman subject to the provisions under section 68 of the Act and also appoint an officer in the service of the State Government to be its Secretary and such officer may or may not be a member of the Transport Authority :

Provided that in the case of a Regional Transport Authority consisting of a single official, it shall not be necessary to appoint the Chairman of the Transport Authority and any reference in these rules to the Chairman of the Transport Authority shall be deemed to be a reference to the official constituting the Transport Authority.

(3) The State Government may, subject to the provisions of section 68 of the Act, constitute for a region a Regional Transport Authority with such number of officials or non-officials as members other than the Chairman, as it thinks necessary.

(4) All the provisions of rules *11* to 82 of these rules *shall mutatis mutandis* apply in respect of the Regional Transport Authority as if the expression "State Transport Authority" wherever it occurs has been substituted by the expression "Regional Transport Authority".

84. Conduct of business of Transport Authority—(1) The state Transport Authority shall have its office at such place(s) as may be notified and have its officers and staff as may be employed by the State Government depending on the volume of work. The office of the State Transport Authority may also have different sub-offices located at different places for discharge of specific functions subject to the approval of the State Government.

(2) There shall be separate annual budgetary allocation for the State Transport Authority under appropriate "Head of Account" and all expenses and receipts shall be debited or credited as the case may be to such "Head of Account".

(3) There shall be a panel of Lawyers with appropriate classification for the State Transport Authority in consultation with the Legal Remembrancer of the State Government and the approval of the Transport Department. The scale of remuneration of such Lawyers may be decided by the Transport Authority subject, however, to the overall limitations as prescribed under the Legal Remembrancer's Manual or on the

basis of agreement with the Lawyers. All expenses in connection with the legal matters shall be borne from out of the budgetary allocation for the State Transport Authority. The control over the fund shall be exercised by the Chairman.

(4) All the decisions, save and except in respect of matters delegated to the Secretary, shall be taken by the State Transport Authority/Regional Transport Authority, as the case may be, at a meeting except when in respect of a matter a decision is taken by circulation. Such decision by circulation shall also be placed before the meeting of the Transport Authority for record.

85. (1) In the event of the procedure of circulation being taken recourse to in respect of any matter, the Secretary shall record the particulars of the matter as may be sufficient and relevant for arriving at a decision and prepare as many copies as there are members, and send the same to the members specifying the date by which the opinions of the members are to be received.

(2) Upon receipt of the opinions of the members, the Secretary shall lay the papers before the Chairman, who after recording his opinion and a second opinion in case of equality, convey the decision to the Secretary in the form of a resolution for implementation. The records shall be preserved by the Secretary and, while the resolution together with the particulars as circulated shall be made available on demand, the records containing the opinions of the members shall be secret documents and shall not be parted with unless the Chairman so directs.

(3) The number of votes excluding the Chairman's second or casting vote recorded on the basis of the opinion received for or against the items, shall not be less than the number necessary to constitute quorum at a meeting of the Transport Authority in accordance with the rules hereinbefore to decide the item.

(4) At the time of voting, if necessary at any meeting, none other than the members of the Transport Authority shall remain present.

(5) The Secretary or in his absence the Deputy Secretary next in rank to him or, in the absence of both, any other officer of the Transport Authority as may be authorised by the Chairman at the meeting shall lay before the State Transport Authority or the Regional Transport Authority, as the case may be, the agenda to be considered at any meeting and such officer shall function as if he were the Secretary in connection with the particular meeting, but he cannot act as a member.

(6) The Secretary may, with the approval of the Chairman or if so directed by the Chairman, lay before the meeting miscellaneous items on the agenda which could not

earlier be circulated due to exigencies of circumstances or emergent items which are of such importance that the decision of the Transport Authority shall immediately be necessary.

(7) If for any reason whatsoever, the Chairman is absent from the headquarters for any period during which a decision on any matter has to be taken by the procedure of circulation, the Deputy Chairman, if necessary, shall act as the Chairman.

86. Subject to the provisions of sub-section (3) of section 68 of the Act, the State Transport Authority shall exercise its supervision over the functions of the* Regional Transport Authorities and shall issue such directions to the Regional Transport Authorities as the State Transport Authority may think necessary for carrying out the purposes of the Act and may also take upon itself such of the function or functions of the Regional Transport Authority as it considers necessary for carrying out the purposes of the Act subject, however, to the approval of the State Government.

87. (1) Notwithstanding anything contained in the foregoing rule, the State Transport Authority shall assume to itself the jurisdiction to grant or refuse to grant Stage Carriage permit under section 72 of the Act or under clauses *(b)* or (c) or *(d)* of sub-section (1) of section 87 of the Act in respect of such route (s) as cover(s) more than two regions or in respect of the route(s) falling within two or more regions but covered by an appropriate scheme under section 100 of the Act.

(2) The State Transport Authority may assume the responsibility by a resolution to decide the question of renewal of permanent permits on any route as specified under sub-rule (1).

(3) No Authority other than the State Transport Authority shall deal with the issue of or counter-signature of permits on any inter-State route introduced pursuant to an inter-State Reciprocal Transport Agreement entered into by the Government under sub-section (6) of section 88 of the Act.

88. (1) The State Transport Authority shall frame policies to control and coordinate the matter of road transport subject to such directions as the State Government may issue and the Regional Transport Authorities shall execute them and regulate their functions and activities in a manner as to conform to the policies framed by the State Transport Authority and the directions issued by the State Government.

(2) Every application for grant of permit of any kind, except a temporary permit, shall be accompanied by a certificate issued by the Officer-in-charge of the local police-station under which the applicant resides verifying thereon the address of the applicant or a

similar certificate from an officer of the Central or State Government subject to the satisfaction of the Secretary, Transport Authority. This is in addition to the formalities to be complied with under the provisions of the Act and the Central Motor Vehicles Rules, 1989.

(3) Every application for a permit and every application for renewal of a permit shall be accompanied by a receipt of Professional Tax paid by the owner of the vehicle or vehicles for the preceding year under any law for the time being in force.

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90. All applications for State Carriage permit for inter-State routes as introduced under sub-section (6) of section 88 of the Act shall be made before the State Transport Authority.

[47], * * * I

92. An application for permit of a Tourist vehicle under sub-section (9) of section 88 of the Act shall be made before the State Transport Authority:

Provided that the State Transport Authority may restrict the number of permit for such vehicles and may also reserve all or certain percentages of permits for the self-employed driver or the educated unemployed:

Provided further that no such permit shall be issued unless the vehicle to be entered in the permit is painted in white or cream colour for a tourist motor cab or the same conforms to the specification laid down under these rules and the Central Motor Vehicles Rules, 1989.

93. Application for Stage Carriage permit in respect of any route covering two regions but already covered under a proposal under section 99 of the Act or a scheme published under sub-section (3) of section 100 of the Act shall be made by the State Transport Undertaking concerned before the State Transport Authority.

94. All applications for a special permit under sub-section (8) of section 88 of the Act shall be made before the State Transport Authority or the Regional Transport Authority at least 7 (seven) days before the date on which the journey is proposed to commence.

95. Application under rule 94 of these rules for grant of permits under subsection (8) of section 88 of the Act must accompany a list showing the number of passengers, their full names, addresses and other particulars of identity together with the details of the place(s) and the route to be covered and these must be authenticated by the owner of

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[46] Rule 89 omitted vide Notification No. 1684-WT/3M-51/2000 dated 20.2.2001 (w.e.f. 1.4.2001).

[47] Rule 91 deleted vide Notification No. 2557-WT/3M-63/91 dated 5.3.1991 (w.e.f. 5.3.1991).

the vehicle under his distinct signature. The State Transport Authority may before taking up consideration of the application call for any further information or may make any enquiry, it considers necessary:

Provided that an application under rule 94 of these rules must accompany a "No Objection" certificate from the Regional Transport Authority which issued the permit, in respect of the vehicle(s) under section 72 of the Act.

Provided further that issue of all permits under rules 94 and 85 shall be subject to the rules prescribed by the Central Government and the rules, if any, framed by the State Government :

Provided also that the grant of such permits shall be subject to display of special distinguishing marks as may be specified by the State Transport Authority.

96. In the case of endorsement for any contract carriage for operation within the State, the application shall be made before the State Transport Authority and the said Authority may, for the purpose of regulation and control, fix the maximum number on its assessment of the needs :

Provided that no such endorsement shall be allowed unless the vehicle conforms to the standard and specifications as laid down by the Central Government under rules 82 to 85 of the Central Motor Vehicles Rules, 1989, in respect of a bus or an omnibus. In all other cases, however, the vehicle must be of the type as the State Transport Authority may prescribe from time to time.

97. Application for Contract Carriage permit for Motor Cab or for Omnibus or Bus shall be made before the Regional Transport Authority in whose jurisdiction the applicant wants to operate his vehicle.

[48][**97A**. (1) Application for private service vehicle permit in respect of a motor vehicle under section 76 of the Motor Vehicles Act, 1988 shall be made before the Regional Transport Authority of the region in whose jurisdiction the vehicle has been registered.

(2) The Regional Transport Authority may grant such private service vehicle permit for the more than one region or for whole of the State, as applied for, subject to compliance of the provision of section 76 of the Motor Vehicles Act, 1988.]

98. In all the cases where an application is made before the State Transport Authority, the applicant must be normally a resident in the State or must have his principal place of

[48] Rule 97A ins. vide cl. 2(9) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

business in this State and the rule shall equally apply to an application under sub-section (2) of section 49 of the Act.

99. An application for a Goods Carriage permit shall be made before the Regional Transport Authority in whose Jurisdiction the applicant intends to operate his vehicle or in whose region he resides or has his principal place of business or has his garage to keep the vehicle.

[49][**99A**. In respect of stage carriage permit, if the permit holder intends to ply two vehicles for two single trips under one stage permit, holder shall pay double the amount of permit fee :

Provided that in no case two round trips or four single trips for the two vehicles shall be allowed.]

100. For every permit there shall be one application and this shall be applicable to all applications for Stage Carriage permit, Contract Carriage permit, Tourist permit, Goods Carriage permit, or Private Service Vehicle permit or for permit of any other kind.

101. An application for renewal of a permit, save and except the State Carriage permit granted under section 87 of the Act, shall be made before the Transport Authority which granted the permits unless otherwise directed by the State Transport Authority if the Transport Authority granting the permit is not the State Transport Authority.

102. An application for counter-signature of a permit shall be made before the Transport Authority which granted the permit and the said Authority shall forward the same to the Transport Authority within whose jurisdiction the Countersignature is prayed for subject to the provisions of these rules and the permit shall be effective from the date on which such counter-signature is made :

Provided that before renewal of a Stage Carriage permit on any inter regional route or any route proposed to be covered by a scheme under section 99 or a scheme published under section 100 of the Act, prior concurrence of the State Transport Authority shall be necessary.

Provided further that renewal of a Stage Carriage permit shall be subject to the provisions of sub-section (4) of section 71 of the Act.

103. Before deciding to grant permit on any route or in any area which falls within the jurisdiction of two regions, the Regional Transport Authorities concerned shall meet at a joint conference and decide the issue. In case there is no unanimity, the matter shall be

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[49] Rule 99A ins. vide cl. 2(10) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

referred to the Commissioner of the Division if they fall within the same Division and in all such cases, the decision of the Commissioner shall be final. In all other cases, the matter shall be referred to the State Transport Authority and the decision of the State Transport Authority shall be final.

104. The question of extension of any route or variation up to the prescribed maximum under the provision of clause (xxii) of sub-section (2) of section 72 of the Act in the region of any Regional Transport Authority granting the original permit, the Regional Transport Authority granting the original permit, the Regional Transport Authority within whose region the extension/variation is proposed must be referred for concurrence :

Provided that in the case of extension up to a limit of 5 kilometers in the region of a Transport Authority which did not grant the permit, to cover important Railway junction, places of commercial or administrative or historical importance the region where such places fall shall not claim reciprocity :

Provided further that such extension/variation, if any, proposed by any of the State Transport Corporations operating services on the original route, concurrence of the Regional Transport Authority of the other region shall not be necessary.

105. Having regard to the need of the commuting public and to provide an efficient means of service, the State Transport Authority or the Regional Transport Authority within their respective regions may, from time to time, introduce routes for Stage Carriage Services or may augment Stage Carriage Services on any existing route provided that a notice is issued containing the proposal for general information and specially for the information of those providing services on such proposed route or routes calling for representations/ objections within a period of 15 days from the date of notice and the authority issuing the notice shall, at a meeting consider representations/objections, if any, received after giving to those, who have submitted representations/ objections, if any, an opportunity of being heard and shall decide the issue :

Provided that such decision shall be taken within 16 weeks from the date which is fixed as the last date for receipt of representations/objections:

Provided further that such decision shall be subject to any direction from the State Transport Authority or the State Government:

Provided also that no such notice shall be issued when the proposed route falls within the area of operation of any of the State Transport Corporations without first obtaining an opinion from the State Transport Corporations concerned:

Provided still further that the State Government may also, from time to time, issue directions introducing routes in which case the provisions of this rule shall not apply.

106. Garage Register.—(1) Every owner of a registered transport vehicle or every person, who owns or keeps in his possession or control any transport vehicle, shall maintain a Garage Register, which should indicate, amongst others, the vehicle number, daily development of drivers in such vehicles, the names and addresses and signature/thumb impression of such drivers, etc.

(2) Such Garage Register shall be maintained in the form as prescribed in Schedule E5.

(3) Separate Garage Registers shall be maintained for each vehicle.

(4) Such Garage Registers shall be periodically checked by Motor Vehicles Inspector or any Police Officer not below the rank of a sub-Inspector or Sergeant.

(5) Such Garage Registers shall be produced and verified at the time of grant or renewal of certificate of fitness.

107. Power of refusal to accept application for permits.—Where, on the direction to the Transport Authorities by the State Government by notification in the *Official Gazette* to limit the number of Stage Carriages or Contract Carriage generally or of any specified type under sub-section (3) of section 71 and sub-section (3) of section 74 of the Act, such Transport Authorities have limited the number of vehicle of any class in such area or as the case may be, on such route, the regional Transport Authority shall notify this fact on the notice board of its office and may decline to receive any further applications for permits in respect of class of vehicle in such area or on such route.

108. Reservation of permits granted under section 71 of the Act.—It shall be lawful for any Regional Transport Authority or State Transport Authority, competent to grant the permits, for which a reservation is made under clause (b) of sub-section (3) of section 71 of the Act to direct any applicant for grant of such permit to produce such documentary evidence as may be deemed necessary to ascertain his eligibility for a permit from amongst the reserved vacancies.

109. Preference in granting Stage Carriage permit.—Under sub clause (iii) of clause (d) of sub-section (3) of section 71 of the Act, and financial stability and satisfactory performance including payment of tax, a preference shall be given to the educated unemployed, project affected persons, applicant having a Diploma in Automobile Engineering and/or a Diploma in Tourism or Transport Management from recognised Institute, or a Travel Agent recognized by India Tourism Development Corporation or the West Bengal Tourism Development Corporation.

110. Inspection of Brakes of transport vehicles.—Any officer of the Transport Department not below the rank of a Motor Vehicle Inspector may, at any time, when a transport vehicle is in public place, call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary, to enable the officer to inspect the brakes of the vehicle so as to satisfy himself that the provisions of sub-rule (3) of rule 257 of these rules are complied with.

111. Extension of area of validity permit.—(1) Subject to the provisions of section 88 of the Act, a Regional Transport Authority which issues a permit (hereinafter referred to as the original Transport Authority), other than a permit in Form V, VA & VI may extend the effect of the permit to any other region within the State and may attach conditions to the permit in respect of its effect to such other region and may vary the conditions of the permit in different regions:

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

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

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

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

(5) Nothing in this rule shall affect the right of the holder of any permit to apply to any Regional Transport Authority for counter-signatures of a permit.

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

(7) A special permit granted by a Regional Transport Authority of another State in accordance with the sub-section (8) of section 88 of the Act shall, unless the reciprocal

arrangement between the two States provides otherwise, be valid without counter-signatures subject to the following conditions, namely—

(i) the tax payable to the State according to the West Bengal Motor Vehicles Tax Act, 1979 and any other relevant Act is paid in advance;

(ii) the period of validity of a special permit in the State shall not exceed a period of one month :

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

(8) A permit granted in another State shall be valid in this State without counter-signature, if—

(a) the vehicle in respect of which such permit may have been granted is used on a route the terminal points of which are situated in such other State and which passes over a distance of not more than 16 kilometers in this State, and

(b) such other State also extends similar facility to the holders of permits granted in this State.

(9) Every application for the grant of permit under sub-section (9) of section 88 of the Act in respect of a tourist vehicle shall be made to the State Transport Authority in such form and shall be accompanied by such fees as prescribed under the Central Motor Vehicles Rules, 1989.

(10) On receipt of an application under sub-rule (9), the State Transport Authority shall follow the same procedure in considering the application as is prescribed for considering an application for the grant of a contract carriage permit under the Act and these rules, and may grant the permit in Form as prescribed under the Central Motor Vehicles Rules, 1989.

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

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

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

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

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

112. Power of the State Government to issue orders to Regional Transport Authority.—(1) The State Government may, from time to time, issue orders, empowering the District Magistrates as Chairman of the Regional Transport Authorities in the districts or the Regional Transport Officers in the districts or the Director, Public Vehicles Department in [50][Kolkata] to exercise any of the powers mentioned in rule 213 of these rules where such powers have not already been delegated by the concerned Regional Transport Authorities on such officers.

(2) The State Government may also issue similar orders empowering the Deputy Commissioner of Police, Traffic Department, in [1] [Kolkata] area, Superintendents of Police in the districts to exercise powers under section 86 of the Act to suspend the permit or to recover from the holder thereof the sum of money agreed upon in accordance with sub-section (5) of the said section.

113. Apart from the consideration as referred to under clause (d) of subsection (3) of section 71 of the Act and under sub-sections (4) and (5) of section 71 or sub-section (2) of section 103 of the Act, the authority concerned shall refuse to grant a permit if it is revealed that the applicant has furnished false or incorrect or incomplete information in regard to his normal residence or principal place of business or as regards his holding permits for Stage Carriage granted by the Transport Authority concerned or any other authority/ authorities or other information which, on enquiry, reveals to have been intended to suppress his identity or "material in information.

114. The authority shall summarily reject an application for permit if the applicant fails to furnish the papers and documents which the applicant has been asked to furnish along with the application or fails to deposit the prescribed fee and the prescribed security as required under these rules or fails to submit the application in the prescribed Form.

115. Contract Carriage permit/Goods Carriage permit—Upon receipt of an application for a Contract Carriage permit or Goods Carriage permit, the Secretary of the Transport Authority shall, if it is in order, place the same before the authority concerned. He may, if so authorised in this regard, grant the permit. In all such cases, the grant of the permit shall be subject to the considerations as laid down under the rules 113 and 114.

116. In granting or renewing a Contract Carriage permit the Transport Authority concerned shall attach to it a condition that the permit holder shall in addition to the

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[50] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

provisions of the Act and the rules, be responsible for due observance of the provisions as regards conduct and duties of drivers and conductors of public service vehicles and as regards payment of fare for hire of Contract Carriage as laid down under these rules :

Provided that holder of the permit shall be responsible to inform the Transport Authority concerned of his change of address from time to time and also the place the vehicle at the disposal of the Government at the appointed time and place when asked so to do by any officer in the Transport Department, Government of West Bengal authorised in this behalf. Such officer, shall, however, be specified by the State Government under an order.

117. The Transport Authority granting the permit may at any time attach to Contract Carriage permit a condition to the effect that the Contract Carriage shall ply on such route or routes within the area for which the permit has been granted or renewed and during such period or periods as may be specified by the said Authority.

118. Limitation of time of plying of Stage Carriage.—in granting or renewing a permit, the Transport Authority concerned subject to the provisions of sub-section (3) of section 80 of the Act may attach a condition to the permit at any time during the validity of the permit that the Stage Carriage or Stage Carriages shall ply on a portion of the route for which the permit has been granted in accordance with the time-table approved by the Transport Authority and on the other portion only during such period as may be specified and according to such time-table as may be approved by the Transport Authority for such portion :

Provided that the Transport Authority may also attach to the permit a condition that the time-table as originally approved may be subject if such amendments/changes as may seem to the Transport Authority to be reasonable. In case of such amendment, if any, the interest of the State Transport Undertaking operating services on the route or in the area should be given priority.

119. In all cases of disputes in respect of the time table for Stage Carriage on a route or area, the decision of the Transport Authority granting the permit or of the officer authorised under the rule shall be final:

Provided that irrespective of the date of grant of permit, preference shall be given to a State Transport Undertaking, the Transport Co-operative Society, Ex-Servicemen and an owner of a vehicle under Additional Employment Programme, regarding fixation of time-table.

120. (1) Special condition of permit in respect of [51][metered taxis].—In addition to the conditions prescribed under the Act and the Central Motor Vehicles Rules, 1989 and these rules, and following shall be treated as special conditions in all contract permits for [52][metered taxis] :

(a) The driver shall not misbehave or be rude to the hirer or passenger. In the event of any complaint of this nature, the permit will be liable to be cancelled/suspended under section 86 of the Act.

(b) The driver will only charge the approved fare at the rate as per meter attached and any complaint of over-charging of the fare shall render the permit to be suspended/ cancelled.

(c) The driver shall not refuse to carry any passenger, whenever the [53][metered taxis] is empty and in a public place irrespective of whether meter is down or in "for hire" condition. It shall be the burden of the owner or driver to prove that without adequate reasons he did not accept passenger.

(d) The driver shall not run the vehicle as a "Shuttle Service" and thus violate the very principle of a Contract Carriage.

Explanation.—"Shuttle Service" means plying of a vehicle in violation of principle of Contract Carriage, by carrying more than one individual under more than one contract written or implied, in a single journey by charging special fare from such individual at the same rate or at different rates.

(2) Special condition of permit for motor cab or a metered taxi —(a) No Contract Carriage permit for a motor cab or a metered taxi, whether issued by Regional Transport Authorities or by the State Transport Authority shall be granted in respect of a motor vehicle which is more than 5 years' only on the date of initial grant of permit.

(b) Where a vehicle covered by such a permit, is proposed to be replaced by another, the latter vehicle shall also not be more than five years only on the date of such replacement.

(c) Such permit shall be deemed to be invalid from the date on which the vehicle covered by the permit completes 15 years, unless the vehicle is replaced:

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[51] Subs, vide cl. 2(11)(a)(/) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003) for the words "taxis and auto-rickshaw".

[52] Subs, vide cl. 2(11) (a) (/•) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003) for the words "taxis and auto-rickshaw".

[53] Subs, vide cl. 2(11)(a)(/7),/b/d (w.e.f. 16.12.2003) for the words "taxi or auto-rickshaw".

Provided that the State Government may, by order constitute Board for [54][Kolkata] and for the Districts separately, consisting of experts and such other persons as it may deem fit, and all such motor vehicles completing 15 years shall have to obtain approval from such Boards so constituted for their respective areas, for being used as motor cab or metered taxi. The Board so constituted shall accord approval for such period as it may deem fit not exceeding two years at a time and the total period of extension by such Board shall, in no case, exceed five years beyond the period of 15 years :

Provided further that the State Government may, review this sub-rule from time to time and may, by order vary the time period as stipulated in the proviso to sub-rule (c). The existing motor vehicles, used as motor cabs or metered taxis, which are more than 15 years old and which are covered by such Contract Carriage permits, shall also be governed by the clauses (a), (o) and (c) of this sub-rule.

Explanation.—For the purposes of clause (a), (b) and (c) of this sub-rule, the period of 5 years, or 15 years, shall be computed from the date of initial registration of the vehicle.

(3) Etching of registration mark in cases of **metered taxis.—** [55][(i)] In respect of every metered taxi or motor cab, the registration mark shall be distinctly and legibly etched on the top left hand corner of the front windscreen glass, on each of the window glasses and on the back windscreen glass. Such etching of registration mark in respect of metered taxis or motor cabs shall be a condition of the permit.

[56][(ii) Registration mark of metered taxi or motor cab shall also be etched on the back of the driver's seat.]

[57][(4) Special condition of permit in respect of auto-rickshaw—

(i) A contract carriage permit to be granted in respect of an auto-rickshaw on a specified or fixed route approved by the respective Regional Transport Authority subject to compliance of the provisions under the Motor Vehicles Act, 1988 and the rules framed thereunder.

(ii) No auto-rickshaw shall be allowed to ply in any route other than the specified or fixed route, allotted to it by the respective Regional Transport Authority, violation of which is punishable under the Motor Vehicles Act, 1988.

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[54] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

[55] Sub-rule (3) renumbered as clause (/) of that sub-rule vide Notification No. 4755-WT/3M-60/93 dated 28.05.1993.

[56] Clause (ii) ins. by *ibid.*

[57] Sub-rule (4) ins. vide cl. 2(11) (fa) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

(iii) Fare for auto-rickshaw shall be fixed or determined by the State Government. Any compliant of overcharging of fare shall render the permit to be suspended/ cancelled.

(iv) The driver of auto-rickshaw shall not misbehave or be rude to the passengers. In the event of any compliant of this nature, the permit will be liable to be cancelled/suspended under section 86 of the Motor Vehicles Act, 1988.

(v) There shall be no meeting system in the auto-rickshaw.]

121. Prohibition of plying of heavy transport vehicle.—(1) No authority to use a heavy vehicle having gross vehicle weight exceeding 16,200 kilograms shall be granted in any area or on any route within the State.

(2) No authority to use an articulated vehicle or Tractor trailer combination having gross vehicle weight exceeding 22,542 kilograms shall be granted in any area or on any route within the State:

Provided that the Director, Public Vehicles Department, 1[Kolkata] or District Magistrate in district may, in the public interest, on sufficient cause being shown for the relaxation of this rule, by order, on realisation of such fees/taxes, exempt, on such condition as may be specified in the order, any transport vehicle or class of transport vehicles from the operation of sub-rules (1) and (2) of this sub-rule.

(3) In the case of vehicles of the description under sub-rules (1) and (2) of this rule, if they happen to be used for transport of goods, the Commissioner of Police in [58][Kolkata] in consultation with the Secretary, Transport Department, Government of West Bengal, and the District Magistrate in the districts in consultation with the local Authority and the Executive Engineer, Public Works Department, shall prescribe the hours within which they may ply and the route or routes they may follow and the extent in any area up to which they may operate.

122. Entry of registration mark on permit.—(1) Where the registration mark of the vehicle is to be entered on the permit and the applicant is not, on the date of application, the registered owner of the vehicle, then, the applicant shall, within one month of the sanction of the application by the Regional Transport Authority, or by such longer period as such Transport Authority may specify, produce before that Authority the certificate of registration of the vehicle registered in his name in order that particulars of the registration mark may be entered in the permit.

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[58] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

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

123. Form Of application for permit.—(1) Every application for a permit in respect of a transport vehicle shall be in any one of the following forms—

(a) in respect of a particular Stage Carriage or a service of Stage Carriage in Forms I and IA respectively,

(b) in respect of a particular Contract Carriage/Casual Contract Carriage in Forms II and IIA respectively,

(c) in respect of a Goods carriages Permit in Form III,

(d) in respect of a Temporary Permit in Form IX,

(e) in respect of a Special Permit in relation to a Public Service Vehicle in Form XI,

(/) in respect of a Private Service Vehicle Permit in Form XIII,

(g) in respect of Contract Carriage for Private hire in Form VII, and shall be addressed to the Secretary to the Transport Authority as may be notified from time to time.

(h) in respect of checking of motor Vehicle's and Seizure list in Form VIII.

(2) Every application form shall be saleable and priced as specified in the Schedule E2 and shall be deposited in the manner as prescribed therein.

124. (1) Security deposit for application for grant of permits in respect of all kinds of permits namely, Stage Carriage permit (Express, Ordinary and Special Stage Carriage), Goods Carriage permit, Private Service Vehicles permit and Contract Carriage permit shall be as prescribed in the Schedule E4 and shall be deposited in the manner as prescribed therein.

[59][Provided that no security money is to be deposited in respect of a vehicle belonging to a State Transport undertaking or to the State Government.]

(2) The security deposit so made shall be refundable in case the permit as prayed for, is not granted and in all other cases shall remain in deposit as security for due observance of the terms and conditions of the permit granted.

(3) Application for refund of the security deposit shall be made within three months from the date of receipt of the intimation of refusal.

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[59] Proviso added vide Notification No. 14602-WT/7E-72/91, dated 19.12.1991.

(4) The entire security or such portion thereof, as may be decided by the Transport Authority, shall be liable to forfeiture in addition to any other penalty as may be imposed under the provisions of the Act and the rules, if in the opinion of that authority, the permit holder commits breach of all or any of the conditions and in the event the permit is not cancelled, the permit holder shall have to deposit the entire prescribed security or the balance, if any, within seven days from the date of issue of the intimation falling which the permit shall be liable to be cancelled.

125. Forms Of Permit.—Every permit shall be granted or received one of the following forms as may be appropriate—

(i) in respect of a particular Stage Carriage/service of Stage Carriage in Form V and VA respectively,

(ii) in respect of a particular Contract Carriage permit in Form IV,

(iii) in respect of a Casual Contract Carriage in Form VI,

(iv) in respect of Contract Carriage for private hire in Form XV,

(v) in respect of a Goods Carriage permit in Form X,

(vi) in respect of a Temporary permit in Form XII,

(vii) in respect of a Special permit in Form XIV,

(viii) in respect of a Private Service Vehicle permit in Form XVI.

[60]**[126. Application fees for permits.—**(1) The fee in respect of an application for grant or renewal of a permit or countersignature on a permit shall be as specified in Schedule A.

(2) The fee in respect of an application for a permit or renewal of a permit for a tourist vehicle or a special permit shall be as specified in Schedule A.

(3) The fee in respect of an application for a national permit or renewal of a national permit shall be as specified in Schedule A.

(4) The fee in respect of an application for a temporary permit or countersignature on a Temporary permit shall be as specified in Schedule A.

(5) The fee in respect of an application for replacement of a vehicle covered by a stage carriage permit or goods carriage or contract carriage permit, shall be as specified in Schedule A.]

[61]**[127. Permit fees.**—The fees in respect of grant or renewal of permits, other than temporary and special permits, shall be specified in Schedule A].

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[60] Rule 126 subs, vide cl. (15) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

128. [62][(1) (a) The fees for grant of temporary permits in respect of the vehicles, other than goods carriages, shall be as specified in Schedule A.

(b) Fees for grant of temporary permits in respect of the goods carriages shall be as specified in Schedule A.]

[63][(2) The fees for the grant of special permits under sub-section (8) of section 88 of the Act shall be as specified in Schedule A.]

(3) The permit fees for grant of National Permit and Tourist Vehicle permit shall be as per Schedule E4.

[64][(4) The composite fee in respect of goods carriage which has, for the purpose of plying in the State of West Bengal, National Permit granted by any other State, shall be the same as the composite fee fixed by such State in respect of goods carriage which has, for the purpose of plying in such State National Permit granted by the State of West Bengal.]

[65][(5) (a) The composite fees in respect of the motor cabs, maxi-cabs and omnibuses, which have, for the purpose of plying in the State of West Bengal, National Permits (All India Permits) granted by the States, other than the State of West Bengal or Union Territories, shall be as follows :—

(i) Motor Cabs upto 6 seats — Rs. 300/- per quarter,

(ii) Motor Cabs of 7 to 13 seats — Rs. 3000/- per quarter,

*(*iii*)* Omnibuses of 14 to 35 seats — Rs. 12000/- per quarter.

(b) The Composite fees as aforesaid shall be collected by such States or Union Territories, as the case may be, on behalf of the State of West Bengal.

(c) The Composite fees in respect of the Motor cabs, maxi cabs and omnibuses having respectively not less than the minimum and not more than maximum seats laid down in clause (a) and having National Permits (All-India Permits) granted by the State Transport Authority, West Bengal, for the purpose of plying in any State, other than the State of West Bengal, or Union Territory, shall be collected by the State Transport Authority, West Bengal, as such rates as may be fixed by the respective States or Union Territories

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[61] Rule 127 subs, vide cl. (16), *ibid* (w.e.f. 4.5.1998).

[62] Sub-rule (1) subs, vide cl. (2) of the Notification No. 7221-WT/3M-151/96 dated 28.9.2001, which was earlier subs, vide cl. (17)(a) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

[63] Sub-rule (2) subs, vide cl. (17) (b) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

[64] Sub-rule (4) subs, vide Notification No. 2465-WT, dated 17.03.1994.

[65] Sub-rule (5) ins. vide Notification No. 1274-WT, dated 9.2.1994

concerned for the respective areas. The Composite fees under this sub-rule shall be in lieu of all taxes.

Explanation :—For the purpose of this sub-rule "quarter" shall mean a quarter reckoned according to the British Calendar and composite fees shall be charged for the full quarter, irrespective of the date on which the National Permit is granted.]

[66][**129. Fee for counter-signature of permits**.—The fees for the counter-signature of permits shall be as specified in Schedule A.]

130. Permit fees payable for the period.—The fees in respect of all classes of a permit for the whole period for which permit is granted or renewed and at the time of its grant or renewal shall be payable in cash and not otherwise :

Provided that in the case of a permit in respect of a service of Stage Carriage issued to any State Transport Undertaking, such fees shall, subject to the provisions of section 83 of the Act, be payable annually in respect of each vehicle covered by the permit and actually put on service as and when such vehicle is registered and so put on service :

Provided further that the State Government may, by order, exempt from the payment of fees for the counter-signature of permits of any motor vehicle registered in any State outside West Bengal or in any country contiguous to India and operating between West Bengal and that other State or country if such exemption is granted by such State or country, as the case may be, in respect of the vehicles registered in West Bengal.

131. The Director, Public Vehicles Department, [Kolkata], may, in the case of a metered taxi, on application for issue of a Contract Carriage permit for such operation within the [67][Kolkata] region only as described in the explanation to this rule, endorse on that application that the said permit shall remain valid for journeys up to Howrah Railway Station only without any counter-signature by the Regional Transport Authority, Howrah or without payment of any additional fee therefore.

Explanation.—The [67][Kolkata] region for the purpose of this rule means the portion of[67] [Kolkata] region excluding those portion falling within the [67] [Kolkata] Metropolitan District area.

132. Stage Carriage to ply other than those specified in permit under certain Circumstances.—Holder of a permit granted in respect of a Stage Carriage shall, if directed by the authority granting the permit, in the interest of public order, public safety

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[66] Rule 129 subs, vide cl. (18) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

[67] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta"

or in any emergency, use a Stage Carriage on such route or in such area in the region other than that specified in such permit and during such period and at such timings as may be specified in the direction.

133. Additional conditions in respect of certain permits.—(1) A permit in respect of a Stage Carriage may be subject to one or more of the following conditions :—

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

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

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

(i) when prevented by accident, unmotorability of the route or any unavoidable cause, or

(ii) which otherwise authorised in writing by [68][the Regional Transport Authority;]

[69][(d) that no advertising device, figure or writing shall be exhibited on the vehicle without the permission of the registering authority concerned. In case such permission for painted display of advertising matter on a stage carriage or a special stage carriage is given, there shall be no violation of the conditions of such permission and that permit holder shall be responsible for due observance of the conditions so imposed :

Provided that the stage carriage owned by the State Transport Undertakings shall be exempted from obtaining such permission from the registering authority in the display of painted advertisement.]

(2) A permit in respect of a Contract Carriage may be subject to one or more of the following conditions :

(a) that the vehicle shall not be driven in a public place except by a driver holding a valid licence for the particular category of vehicle who shall be, unless he is himself the permit holder, duly authorised by the permit holder in writing and which writing shall be carried by the driver when driving and produced on demand by Police Officer or Officers of the Motor Vehicle Department;

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

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[68] Subs, vide cl. (3) (a) of the Notification No. 7221-WT/3M-151/96 dated 28.9.2001 for the words "the Regional Transport Authority."

[69] Clause (d) ins. vide cl. (3) (b) of the Notification No. 7221A/VT/3M-151/96 dated 28.9.2001.

(c) no advertising device, figure or writing shall be exhibited [70][on the vehicle without the permission of the Registering Authority concerned. In case such permission for display of advertising matter on a motorcab is given, these shall be no violation of the conditions of such permission and the permit holder shall be responsible for due observance of the conditions so imposed].

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

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

(5) Permit holder in respect of a transport vehicle shall ensure that a garage register as prescribed under these rules is maintained properly and the non-maintenance of such register shall, in addition to any other penal action which may be taken under the Act and the rules, render cancellation of the permit.

(6) (a) The compliance with provisions of rule 24 of these rules shall be a condition of permit for meterless taxi.

(b) The compliance with the provisions of sub-rules (1) and (2) of rule 21 and rule 22 of these rules shall be a condition of permit for any transport vehicle.

(7) In respect of a transport vehicle, maintenance of garage as provided in rule 193 shall be a condition of the permit.

134. The State Government may, by order exempt any vehicle from the payment of permit fees or fee for renewal or counter-signature thereof belonging to—

(a) the Consulate General,

(b) the Trade Commissioner,

(c) the High Commissioner,

(d) the Embassy of any country provided such country allows exemptions in that country to the vehicles belonging to the Government of India.

(e) vehicle belonging to any Charitable Institution used solely for the purpose of charity.

135. Every permit shall be in two parts, namely Part A and Part B in the form as prescribed. One copy of Part B shall be issued in respect of every vehicle authorised by the permit and where the permit relates to more than one vehicle, each such copy shall

[70] Subs, vide Notification No. 1978-WT dated 2.3.1994, for the words "on the vehicle".

contain, in addition to the number of the permits, a separate serial number contained in brackets after the number of permit. Each such copy shall be sealed and signed by the Authority by which the permit is issued and by the Authority by which the same is countersigned.

136. The holder of a permit shall cause the relevant copy of the Part B of permit or the temporary permit, as the case may be, to be exhibited in the vehicle in a Glazed Frame or other suitable container in a clear and legible condition readily available for inspection at any time by any authorised person :

Provided that this rule shall not apply to the case of the vehicles belonging to the State Transport Undertaking of this Government while plying within this State.

137. The holder of a Special permit shall cause to be displayed prominently on the wind screen of the vehicle the special distinguishing mark in the form "Special" issued by the Authority by which the Special permit has been granted or validity thereof extended.

138. Temporary authorisation in lieu of permits.—(1) Whenever the holder of the permit has to part with either Part A or B or both of the permits, he shall be allowed by the Authority taking possession of the same a temporary authorisation in Form TEM PA enabling the holder of the permit to ply the vehicle in accordance with the condition of the permit or in the manner as may be specified in the temporary authorisation, and during the said period the production of the temporary authorisation, on demand shall be deemed to be the production of the permit. The Authority taking possession of the permit may, however, extend the period of the authorisation if circumstances called for such extension being allowed. The authorisation shall specifically state the reason for which the Part A or Part B or both has/have been taken possession of :

Provided that no such temporary authorisation shall be allowed beyond the period of validity of the permit or if the permit is suspended or cancelled or if the vehicles are seized under any of the provisions of law and rules. In the case of seizure, seizure list shall be issued in the form as prescribed in the Form VIII.

(2) The Authority in this rule means and includes any State Transport Authority or any Regional Transport Authority or any officer thereof or any Executive Magistrate or any competent Court of Law or any Motor Vehicles Inspector or any Police Officer not below the rank of Sub-Inspector of Police.

139. Until a permit referred to in sub-rule (1) of rule 138 has been returned to the holder thereof, the vehicle(s) concerned shall not be allowed to ply beyond the period specified

in the temporary authorisation or save and except in the manner as specified therein or, as the case may be, extended in the manner as referred to in sub-rule (1) of rule 138.

140. No fee shall be payable for issue of such temporary authorisation.

141. Every permit must contain the Registration Mark(s) of the vehicle(s) which shall ply by virtue of the permit granted and during the period prescribed by the Transport Authority granting the permit in the Offer Letter which shall not normally exceed one month from the date on which the Offer Letter is issued, the grantee must produce the documents in respect of the vehicle(s) showing that he is in possession of the vehicle(s) as owner thereof and that the change of address of vehicle(s) concerned has been effected within this State, if previously registered outside this State and that the vehicle(s) is/are not covered by any kind of permit(s) :

Provided that the Transport Authority granting the permit may allow time up to a limit of four months in respect of a grantee under the Additional Employment Programme or an Ex-serviceman :

Provided further that the Transport Authority granting the permit may for reasons to be recorded in writing relax the condition as to possession by ownership for such period as it might consider reasonable but in any case not beyond six months from the date on which the permit is granted. In such contingency, also, the condition as regards transfer or change of address shall not be relaxable.

142. During the period for which a permanent permit is valid there may be temporary replacement in the event of mechanical failure of the vehicle(s) in question due to accident or otherwise as when the vehicle(s) in question is/ are not considered suitable for operation on the route, by the vehicle(s) of similar nature provided, however, full particulars as to how the vehicle(s) proposed to be replaced is/are garaged are furnished subject to the satisfaction of the Transport Authority granting the permit to ensure that vehicle(s) is/are not put to use in any manner otherwise than provided under the Act and the rules. The vehicles by which replacement is proposed must, however, be subject to the foregoing rules. Such replacement shall, however, be granted up to a period of three months at a time and in any case, the total period of such replacement during the period of validity of the permit must not exceed six months except in the case of accidents rendering the replaced vehicle (s) or the original vehicle(s) mechanically unsuitable for plying on road in which case the garage address(es) of such unsuitable vehicle(s) must be furnished and verified by the Authority to whom the application for replacement is made before allowing replacement subject to fulfilment of the conditions under rule 141

also. Such replacement shall be considered on receipt of payment of the fees as prescribed in rule 126 :

Provided that save and except the provisions for entry of Registration Mark of the vehicle(s) in the permit no other requirement of the rules shall be applicable to the case of permits granted to any of the State Transport Undertakings: Provided further that nothing in this rule shall apply to temporary permits.

143. Temporary permit.—No temporary permit shall be granted unless the applicant is in possession of a vehicle registered in this State or is brought to this State on change of address and also when the vehicle is covered by a •Permit of any description on the date on which the application is made.

144. (1) No replacement of the vehicle(s) shall be allowed in respect of a vehicle plying on a temporary permit and the permit shall be liable to cancellation should the vehicle(s) entered in the permit cease(s) to be in operation for any reason whatsoever notwithstanding anything as contained in rule 142.

(2) The provision of this rule shall not, however, be applicable in respect of permits granted in favour of an undertaking of the State Government.

145. Before granting a Special permit under sub-section (8) of section 88 of the Act the Transport Authority shall satisfy itself that such grant of Special

permit shall not materially affect the purpose for which the original permit has been granted. If, however, such special permit is granted by any Transport Authority other than the one granting the original permit the Transport Authority which considers granting of the Special permit may obtain a "No Objection Certificate" from the original permit granting Authority.

146. Entry of the particular vehicle(s) in a permit shall not authorise the vehicle(s) to ply on road unless the vehicle(s) conform to the provisions of the Act and/or the rules made thereunder at all points of time.

147. Cancellation Of redundant permit.—When a permit has been granted on first application by one Regional Transport Authority in respect of a particular vehicle or in respect of a service of vehicle and it appears that a permit has also been granted by another Regional Transport Authority in respect of the same vehicle, or in respect of a service of vehicles requiring the use of a greater number of vehicles than the holder of the permits possessed at the time of application, the Regional Transport Authority by which one of the permits was issued may in consultation with the other authority forthwith cancel or modify the permit in such a manner as it may deemed fit.

148. (1) Application for renewal of a permit shall be made in writing within the period of time specified in section 81 of the Act, to the Regional Transport Authority or the State Transport Authority by which the permit was issued and shall be accompanied by Part A of the permit and shall accompany the prescribed application fee.

(2) The application shall state the period for which the renewal is desired.

(3) The Regional Transport Authority or the State Transport Authority renewing a permit shall call upon the holder to produce Part B or Parts A and B thereof, as the case may be and shall endorse Parts A and B accordingly and shall return them to the holder provided the renewal is granted.

(4) The renewal, if allowed, shall be subject to the scale of fee as prescribed.

149. Renewal of counter-signature of permit.—(1) Subject to the provisions of the Act, application for the renewal of a counter-signature on a permit shall be made in writing together with the prescribed fee to the Regional Transport Authority or the State Transport Authority which granted the permit of which is authorised under the rules to renew counter-signature within the period prescribed in rule 148 and shall be accompanied by Part A of the permit. The application shall set forth the period for which the renewal of the counter-signature is required.

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

(3) The Regional Transport Authority or State Transport Authority granting the renewal of a counter-signature shall call upon the holder to produce Part A of the permit, if it has not been produced, and Part B or Parts A and B of the permit and shall endorse the Parts A and B accordingly and return them to the holder, provided such renewal is allowed.

(4) The renewal of counter-signature, if allowed, shall be subject to payment of fees in the scale as prescribed.

150. Validation of **the renewal in respect of counter-signature of permit.**—(1) The Transport Authority by which a permit is renewed may, unless any Transport Authority, by which the permit has been countersigned (having the effect of not been terminating before the date of expiry of the permit), by general or special order or under the rules otherwise directed, likewise renew any counter-signature of the permit (by endorsement

on the permit in the manner set forth in the appropriate form) and shall in such case, intimate the renewal to such Transport Authority.

(2) Unless Parts A and B of a permit have been endorsed as provided in sub-rule (1) or unless the period of validity of the counter-signature has been endorsed by the Transport Authority making the counter-signature the counter-signature shall be of no effect beyond the date of expiry stated therein.

151. Application for renewal of permit or of renewal of counter-signature of permit may be received after the date of expiry thereof provided a fee in the scale as prescribed in Schedule E3, for condonation of delay is paid in the manner as prescribed.

152. Permits granted by the Regional Transport Authority, [71][Kolkata], in respect of a stage carriage or a contract carriage shall not require counter-signature by the Regional Transport Authority, Howrah for operation of such vehicle within the limits of the Howrah Municipal Corporation and Bally Municipality.

153. Replacement of particular vehicle authorised by permits.—(1) If the holder of a permit to a particular vehicle by specification of the registration mark desires at any time to replace the vehicle with another, he shall forward Part A of the permit and apply in writing to the Transport Authority by which the permit was issued stating the reason why the replacement is required and shall—

(i) if the new vehicle is in his possession, forward the certificate of registration thereof; or

(ii) if the new vehicle is not in his possession, state any material particulars in respect of which the new vehicle will differ from the old.

(2) Upon receipt of an application under sub-rule (1) the Regional Transport Authority may, in its discretion, reject the application—

(i) if it has, previous to the application, given reasonable notice of its intention to reduce the number of transport vehicles of that class generally or in respect of the route or area to which the permit applies; or

(ii) if the new vehicle differs in material respects from the old one; or

(iii) if the holder of the permit has contravened any of the provisions thereof; or

*(*iv*)* if the Government notifies its intention to nationalise the route or area.

(3) If the Regional Transport Authority grants an application for the replacement of a vehicle under this rule, it shall call upon the holder of the permit to produce the

[71] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVII! of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

appropriate Part B of the permit and shall correct Parts A and B of the permit accordingly under its seal and signature and return them to the holder.

154. Exemption from the provision of section 66.—The provisions of sub-section (1) of section 66 of the Act shall not apply to any transport vehicle used as relief vehicle for carrying passengers and their luggage from a disabled Stage Carriage to the place of destination.

156. Permit for replacement of vehicle authorised by a Service.—(1) If the holder of a permit relating to service of stage carriages or of contract carriages desires, at any time, to replace any vehicle covered by the permit by a vehicle of a different type or of a different capacity, he shall forward Part A of the permit and apply in writing to the Regional Transport Authority by which the permit was issued, stating the reasons why the replacement is desired and shall indicate the particulars of the vehicle to be replaced and of the new vehicle.

(2) Upon receipt of an application under sub-rule (1), the Regional Transport Authority may, in its discretion, reject the application—

(i) if it has, previous to the application, given reasonable notice of its intention to reduce the number of transport vehicle of that class generally or in respect of the route or area to which the permit applies; or

(ii) if the new vehicle differs in material respects from the old one; or (iii) if the holder of the permit has contravened any of the provisions thereof. (3) If the Regional Transport Authority grants an application for the replacement of a vehicle under this rule, it shall call upon the holder of the permit to produce the appropriate Part B of the permit and shall correct Parts A and B of the permit accordingly under its seal and signature and return them to the holder.

157. Validation of replacement order in respect of countersignature on permit.—(1) The Transport Authority granting permission for the replacement of a vehicle under rules 153 and 156 shall, unless the Transport Authority by which the permit was countersigned has by general or special resolution otherwise directed, endorse on the correction made to Parts A and B of permit the words 'Valid also for....' inserting the name of the Transport Authority concerned and shall intimate the fact and the particulars of the replacement to such Authority.

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

158. Procedure on cancellation, suspension or expiry of permit.—(1) The holder of a permit may at any time surrender the permit to the Regional Transport Authority or the State Transport Authority by which it was granted and the Regional Transport Authority or the State Transport Authority concerned shall forthwith cancel the permit so surrendered.

(2) When a Regional Transport Authority or the State Transport Authority, suspends or cancels any permit,—

(i) the holder shall surrender Parts A and B of the permit within seven days of receipt of a demand in writing by the Regional Transport Authority or the State Transport Authority, and

(ii) the Authority suspending or cancelling the permit shall send intimation to any Transport Authority by which the permit has been countersigned and to the Transport Authority in whose area the permit has been extended with effect from the time of suspension or cancellation.

(3) Within fourteen days of the expiry of any permit by the efflux of time, the holder shall deliver Part A and Part B to the Regional Transport Authority or the State Transport Authority receiving any such permit shall intimate the fact to the Transport Authority or Authorities by which it was countersigned to the Transport Authority to whose area the permit has been extended with effect from the date of expiry provided the Authority concerned refused to entertain the application submitted later in accordance with the rules.

159. Transfer Of permit.—(1) When the holder of a permit desires to transfer the permit to some other person under sub-section (1) of section 82 of the Act, he shall, together with the person to whom he desires to make the transfer, make joint application in writing to the Regional Transport Authority or the State Transport Authority, by which the permit was issued, setting forth the reasons for the proposed transfer.

(2) On receipt of an application under sub-rule (1), the Transport Authority may require the holder and the other party to state in writing whether any premium payment or other consideration arising out of the transfer is to pass or has passed between them and nature and amount of any such premium payment or other consideration.

(3) Without prejudice to any other penalty to which the parties may be liable, any transfer of a permit ordered upon an application, which the Regional Transport Authority or the State Transport Authority, is subsequently satisfied after having given the parties an

opportunity of submitting an explanation, to be false in respect of the matter specified in sub-rule (2) or in respect of any other material particulars shall be void.

(4) The Regional Transport Authority or the State Transport Authority may summon both the parties to the application to appear before it and it may, if it deems fit, deal with the application as if it were an application for a permit.

[72][(5) The fee for the transfer of permit on the death of the holder thereof shall be as specified in Schedule A.]

(6) Upon receipt of Parts A and B of the permit and of the prescribed fee, [2][as specified in Schedule 'A',] the Regional Transport Authority or State Transport Authority, shall cancel the particulars of the holder thereon and endorse particulars of the transferee and shall return the permit to the transferee.

(7) The Transport Authority making such a transfer of permit as may, unless any other, Transport Authority, by which the permit has been countersigned, has by general or special order otherwise required, endorse Parts A and B of the permit with the words "transfer of permit valid for....." inserting the name of the authority by which the permit had been countersigned with effect from the date of transfer.

(8) Unless Parts A and B of the permit have been endorsed as provided in sub-rule (6) or (7) or unless the Transport Authority which countersigned the permit has endorsed the same, the counter-signature shall be of no effect after the date of transfer:

Provided that in the case of the death of the holder of the permit, the Transport Authority which granted the permit may transfer the permit as provided under sub-section (2) of section 82 of the Act after making such enquiry as it thinks fit subject to the provisions as laid down therein on receipt of the prescribed fee.

(9) Any use of the permit, except by its holder, in any manner whatsoever, either through power of attorney or by any other deed or agreement shall render the permit to be cancelled. The onus of proving that the permit was not being used in contravention of this rule shall be on the holder of the permit.

160. Issue of duplicate permits in place of those lost or destroyed.—(1) When Part A or Part B of any permit or a temporary permit has been lost or destroyed, the holder shall forthwith intimate such fact to the Regional Transport Authority or the State Transport Authority by which the permit was issued and shall deposit the prescribed fee

[72] [(5) The fee for the transfer of permit on the death of the holder thereof shall be as specified in Schedule A.]

for the issue of duplicate permit and in the case of loss or destruction of Part B, he shall forward also Part A of the permit.

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

(3) A duplicate permit or duplicate part of a permit issued under this rule shall be clearly stamped 'Duplicate' in red ink and the certified copy of any counter-signature by any other Regional Transport Authority on a permit or a part of a permit made under this rule shall be valid in the region of that other authority as if it were a counter-signature.

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

[73][(5) The fee for the issue of a duplicate permit or for the issue of a duplicate Part A or Part B permit shall be as specified in Schedule A.]

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

161. Variation Of permit.—(1) Upon application made in writing by the holder of any permit or by any person or of its own motion, the Regional Transport Authority or the State Transport Authority may at any time after giving notice of not less than one month, vary the permit or any of the conditions thereof subject to the provisions of sub-rule (2).

(2) Where a representation has been made by any person in connection with the grant of a Stage Carriage permit or a Goods Carriage permit, the Transport Authority shall not, subsequent to the issue of the permit, vary the permit or any condition thereof in a manner prejudicial to any person against whom such representation has been made

[73] Sub-rule (5) subs, vide cl. (20) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

unless the said Authority afforded such person a reasonable opportunity of making a representation in respect of the proposed variation of the permit or any condition thereof.

(3) Notwithstanding the provisions in sub-rule (2), a Regional Transport Authority or the State Transport Authority, may vary any Stage Carriage permit or any Goods Carriage permit without affording any person an opportunity of making a representation, if in the opinion of the Regional Transport Authority or the State Transport Authority the representation made by such person in respect of the issue or of the renewal of the permit was frivolous or vexatious or if the variation of the permit or any condition thereof if not in accordance with any particular or general direction issued by the State Transport Authority under sub-section (4) of section 68 of the Act, or involves a question of principle which has already been decided by a ruling of the Regional Transport Authority or of the State Transport Authority which has not been modified in appeal.

162. Production Of permit.—(1) Part A of a permit shall be produced on demand made at any reasonable time by an officer of the Transport Department, Government of West Bengal, of and above the rank of Motor Vehicles Inspector or by any Police Officer in uniform not below the rank of a Sub-Inspector or Sergeant.

(2) Any Police Officer in uniform not below the rank of Sub-Inspector or Sergeant or any Officer of the Transport Department of and above the rank of Motor Vehicles Inspector may board any transport vehicle for the purpose of inspecting Part B of the permit:

Provided that the State Government may by order, exempt, on such condition as may be specified in the order, any transport vehicle or class of transport vehicles belonging to the Transport Undertakings from the operation of this sub-rule.

[74]r * * * 1

164. Fares to be charged in Stage Carriages.—in granting or renewing a permit, the Regional Transport Authority shall attach to it the condition that the fares to be charged shall be in conformity with the table of fares which may, from time to time, be prescribed by the Regional Transport Authority in accordance with the direction issued by the State Government.

165. Carriage of goods in Stage and Contract Carriage.—(1) No goods shall be carried on the top deck of a double decked stage carriage.

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[74] Rule 163 omitted vide Notification No. 6375-WT/3-M-49/2001 dated 28.8.2001 (w.e.f. 28.8.2001).

(2) No goods liable to foul the interior of the vehicle or to render it insanitary shall be carried at any time in any Stage Carriage or Contract Carriage whatever be the nature of the permit by which they are covered unless provided for in the permit.

(3) The Regional Transport Authority may specify in any permit the goods which shall not be carried in Stage Carriage or a Contract Carriage or the conditions subject to which certain classes of goods may be so carried.

(4) The Regional Transport Authority may attach to a Stage Carriage permit the condition that the carriage of service of carriage in respect of which the permit is granted shall carry mails at such routes as the Authority may, in consultation with the Postal Authorities, fix in that behalf from time to time.

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

(6) If the holder of a Stage Carriage permit uses a vehicle authorised by the permit for the carriage of goods to the detriment of the public convenience by failing thereby to meet the demand for passengers' transport, the Regional Transport Authority may, after giving the holder an opportunity of being heard, declare that a breach of the conditions of the permit has occurred and may, thereafter, proceed under the provisions of section 86 of the Act.

(7) The Regional Transport Authority shall not authorise the use of a Contract Carriage (motor cab) for the carriage of goods exceeding 76 kilograms, save for special reasons, on particular occasions and subject to conditions and restrictions as may be specified on the permit.

Explanation.—A Contract Carriage permit shall authorise the use of the vehicle for the carriage of the personal or household effects of hirer but not the carriage of general merchandise exceeding 76 kilograms.

(8) When goods are carried in a Stage Carriage in addition to the passengers, the goods shall be of such a nature and shall be so packed and secured on the vehicle that no danger, inconvenience or discomfort is caused to any passenger. Such number of seats as may be specified in the permit

shall be kept free and unimpeded for the use of passengers and the access to the entrance to and exit from the vehicle required under these rules shall be unobstructed.

(9) The weight in kilograms of goods, exclusive of the luggage and personal effects of passengers carried on a Stage Carriage shall not exceed (A/-X) x 150 where in relation to a single-decked Stage Carriage or to the lower deck of a double-decked Stage Carriage.

Explanation.— *N* is the registered passenger seating capacity of the vehicle and X is the number of passengers carried on the vehicle or the number of passenger for whom seats are kept free and unimpeded by goods whichever is greater.

166. Carriage of goods in a Stage Carriage or Goods Carriage.—(1) The Transport Authority shall attach to a Stage Carriage permit or a Goods Carriage permit the condition that no goods, the sale, trade, movement or transport of which is prohibited under any Act or rules in force except in accordance with a licence, permit or other authority under any Act, rule, regulation, order or notification, shall be carried in any such vehicle without such licence, permit or authority.

(2) In granting or renewing a Goods Carriage permit to the clearing and forwarding agents recognised by the Customs and the Port Authorities as well as the Central Government and the State Government, the Transport Authority may attach to it the condition that a challan showing the description of and total weight of the goods carried in the vehicle, shall be kept with the driver or the person in charge of the vehicle, who has been travelling in the vehicle.

(3) In granting or renewing a Goods Carriage permit for more than one region, the Regional Transport Authority or the State Transport Authority granting the permit shall attach to it the condition that a challan showing the description and quantity of goods carried in the vehicle as well as the names and addresses of the consignor and the consignee in each case shall be given by the owner of the vehicle or the agent, if any, in whose favour a licence under rule 199 has been issued. These challans shall be in triplicate and shall be carried by the driver of the vehicle who shall, on demand by any police officer or any Motor Vehicles Inspectors on duty, or any officer of the State or Regional Transport Authority or any Magistrate, produce the said challan for examination.

167. Conveyance of long distance goods traffic by Goods Carriages.—Subject to the provisions of sub-clause (ii) of clause *(d)* of sub-section (1) of section 67 of the Act, the State Government may restrict throughout the State or in any area or on any route within the State, the conveyance of all or any of the following classes of goods, by Goods Carriages, namely,—

(i) Tea and tea garden stores;

(ii) Cardamom;

(iii) Salt;

(iv) Oil of any kind or variety whatsoever;

(v) Seed potatoes;

(vi) Other goods as may be deemed necessary.

168. Carriage of personal luggage in Stage or Contract Carriage.—(1) Not more than ten kilograms of luggage or personal effects per passenger shall be carried free of charge in any Stage Carriage or Contract Carriage.

(2) Subject to the provisions of rule 166, any luggage or personal effects of any passenger, in excess of the weight that may be carried free of charge under sub-rule (1) may be carried in a Stage Carriage on payment of charges for such excess weight at the rates specified in the permit provided that the total number of passengers are kept limited to an extent that the weight of goods/luggage carried does not exceed the gross vehicle weight of the vehicle.

(3) The State Transport Authority or the Regional Transport Authority shall have power to make regulations regulating the weight of luggage and goods which may be carried in any Contract Carriage generally or in any specified area.

169. Provisions for hours of work and exceptions therefrom.—Subject to the provisions of sub-section (2) of section 91 of the Act, subsection (1) of that section shall not apply to the case of—

(i) any transport vehicle used by or on behalf of any military or police authority in connection with military maneuvers or exercises or in the quelling of riots or civil disturbances;

(ii) any fire brigade vehicle or ambulance when being used as such, and any vehicle owned by a local authority and used for municipal purposes to meet cases of emergency or of delay by reasons of circumstances which could not be foreseen;

Explanation.—'Local Authority' means Municipal Corporation or Notified Area Authority;

(iii) any vehicle being used for the carriage of passengers or goods, in an emergency arising out of fire, earthquake, flood, pestilence or other calamity, riots or civil disturbance;

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

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

170. Fixation of working hours in advance.—The Authority specified in the Schedule E 6 to these rules may require any employer or driver of transport vehicles for the purposes set forth in the corresponding entry in the Schedule to make to the satisfaction of the Authority such time-table, schedule or regulation, as may be necessary, to fix in advance, the hours of work of a person employed by him and, upon approval by such Authority of any timetable schedule or regulation, it shall be the record of the hours of work fixed for the person concerned for the purposes of sub-sections (1) and (4) of section 91 of the Act.

171. Definition Of period Of rest.—Any time spent by the driver of a vehicle on work, other than driving in connection with the vehicle or with the load carried or to be carried on the vehicle including any time spent on the vehicle during a journey save as a passenger in a public service vehicle shall not be deemed to be an interval of rest and any time spent by the driver of a vehicle on or near the vehicle when it is at rest, when he is at liberty to leave the vehicle for rest and refreshment although required to remain within sight of the vehicle shall be deemed to be an interval of rest for the purposes of clause (a) of sub-section (1) of section 91 of the Act.

172. Conduct of passengers in Stage Carriage and Contract Carriage.—(1) No passenger, in addition to the provisions contained in rules 173,174, 176 and 177 in a Stage Carriage and Contract Carriage—

(i) behave in a disorderly manner, or

(ii) behave in a manner likely to cause annoyance to any female passenger, or

(iii) use abusive language, or

(iv) spit or eject betel-nut juice inside the carriage, or

(v) obstruct the conductor or the driver in the execution of his duties, or

(vi) interfere without due cause with the driving of the vehicle, or

(vii) refuse to alight from the vehicle on being asked to do so obey the driver, conductor or any other person authorised by the State Government in this behalf if he is reasonably suspected to be suffering from any contagious or infectious disease, or

(viii) commit or abet any offence under the Act.

(2) A passenger shall—

(i) declare the journey he intends to take or has already taken in the vehicle and pay the fare for the whole of such journey and accept any ticket provided therefore, and

(ii) leave the vehicle on the completion of the journey the fare for which he has paid.

(3) A passenger shall—

(i) produce during the journey any ticket issued to him; (ii) surrender the ticket on the completion of the journey for which it is issued to him;

(iii) not take any seat at the back of the driver in the driver's cabin nor distract the driver's attention in any way when the driver is driving the vehicle.

(4) A passenger who contravenes any of these provisions shall be guilty of an offence punishable under Chapter XIII of the Act.

(5) A passenger or the driver or the conductor or helper in a Stage Carriage or a Special Stage Carriage including a minibus or in a Contract Carriage bus excluding a motor cab or a tourist taxi or a tourist vehicle or an auto-rickshaw shall not smoke inside the motor vehicle, whether the motor vehicle is at rest or in motion in a public place.

(6) A passenger or the driver or the conductor or helper shall not drink alcohol or consume any kind of drug, narcotics, in any class of motor vehicle while in motion or at rest, in a public place.

(7) Any violation of the sub-rules (5) and (6) of this rule shall be punishable under Chapter XIII of the Act.

(8) Without prejudice to the provisions of sub-rule (4), any passenger who contravenes any of the provisions of sub-rules (1), (2) and (3) shall on being required by the driver, conductor or any other person authorised by the State Government in this behalf alight from the vehicle forthwith and if such passenger fails to comply with such a requirement the driver, conductor or the person authorised may call for a police officer and the police officer may arrest such person without warrant, if when asked by the police officer or give his name and address, such passenger refuses to give his name and address or gives a name or address, which the police officer suspects to be false and such person refuses to accompany the police officer to a police-station, on being required to do so, by the police officer.

173. Conduct of persons using Stage Carriage and Contract Carriage.—(1) If at anytime, a passenger or a person using or intending to use a Stage Carriage and Contract Carriage—

(i) obstructs any authorised employee of the permit holder in the execution of his duties or has bulky luggage of a form or description which creates annoyance or inconvenience to another passenger or is likely do so, or

(ii) carries any animal, bird, flesh or fish other than food in its original packings, any instrument, implement, substance or any other article which is offensive and is likely to cause annoyance or inconvenience to any other passenger, or

(iii) without lawful excuse occupies any seat exclusively reserved for female passengers, or

(iv) sings or plays upon any musical instruments or operates a transistor radio, or

(v) rings the signal without lawful excuse, or otherwise interferes with the signal of the Stage Carriage, or

(vi) is reasonably suspected to suffer from any contagious or infectious disease, or

(vii) knowingly or intentionally enters such a carriage which is carrying the maximum number of passengers according to the seating capacity specified in the certificate of registration of the vehicle and any additional number permitted under terms of the permit to be carried in excess of the seating capacity in the vehicle, or

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

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

(2) No passenger, or person using of intending to use such a carriage shall—

(i) refuse to pay the legal fare, or

(ii) refuse to Show any ticket on demand by the authorised person,or

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

(iv) behave in a disorderly manner, or

(v) behave in a manner likely to cause alarm or annoyance to any female passenger, or

(vi) use abusive language, or

(*vii)* interfere with the driving of the vehicle, or

(viii) smoke in any vehicle on which a notice prohibiting smoking is exhibited, or

(i*x)* enter or leave or attempt to enter or leave any such carriage while it is in motion, or

(x) enter or attempt to enter into or alight from or attempt to alight from a stage carriage except through the entrance or exit provided for the purpose, or

(xi) continue to remain in the vehicle when it is being filled with fuel, or

(xii) interfere with the driving of the vehicle, or

(*xiii)* use or attempt to use a ticket other than the ticket valid for a particular journey or use or attempt to use a ticket which has already been used by another passenger or for another journey, or

(xiv) willfully damage or soil or remove any fittings in or on such carriage or interfere with any light or any part of such carriage or its equipment, or

(xv) board such a carriage unless he is an employee of the permit holder or a *bona fide* passenger or an intending passenger, or hang on to any exterior part of such carriage, or

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

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

(3) If at any time a passenger or person using such a carriage is unable or fails to produce or surrender his ticket on demand, during the journey or at the end of the

journey, by any authorised person, he shall be liable to pay the legal fare from the place whence the carriage originally started or such portion thereof as required by the authorised person.

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

Explanation.—In this rule the expression "ticket" includes an identity card, season ticket, pass or any authorisation issued by the permit holder authorising a person to travel on such carriage.

174. Additional provisions relating to conduct of passenger and other persons in buses operating within the limits of a Municipal Corporation or Municipality in the State of West Bengal.—(1) In this rule, unless there is anything repugnant in the subject or context,—

(a) "bus" means a Stage Carriage for the conveyance of passengers within the limit of a Municipal Corporation or a Municipality;

(b) "ticket" includes an identify card issued by the undertaking;

(c) "undertaking" means any Transport Undertaking duly authorised to ply buses within the limits of a Municipal Corporation or a Municipality.

(2) No person or passenger shall enter or leave or attempt to enter or leave any bus whilst it is in motion.

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

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

(5) No passenger or person shall board the driver's platform or talk or interfere with or otherwise district the attention of the driver of a bus while he is on duty.

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

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

(8) If any time a passenger in a bus occupies more than one seat *or* reserves or attempts to reserve another seat either for self or for another passenger, the driver or the conductor, if any as the case may be, shall request such passenger to desist from doing so and, on the passenger not complying with, may require him to alight from the bus forthwith and may stop the bus and keep it standing until the passenger has alighted. Such passenger shall not be entitled to any refund of fare which he may have paid and,

any person failing to comply forthwith with such a requirement, may be forcibly removed by the driver or the conductor on the request of the driver or the conductor or any passenger, or by any police officer and shall also be guilty of an offence punishable under Chapter XIII of the Act.

(9) The provisions of this rule shall apply in respect of buses, operating within the limits of a Municipal Corporation or a Municipality, in addition to those contained in rule 173 of these rules.

(10) A copy of rule 173 and of this rule in English and such other language as the Regional Transport authority may direct shall be exhibited in a prominent place in every bus.

175. Maintenance of complaint books in Stage Carriage.—(1) A bound complaint books duly ruled, pages signed and stamped with the seal of the manager of the Stage Carriage service, and where there is no manager, of the Stage Carriage permit holder, approved and countersigned by the Regional Transport Authority concerned, shall be maintained by such manager or the permit holder, as the case may be, at such stands as may be directed by the Regional Transport Authority and also in every Stage Carriage to enable passengers to record any legitimate complaint in connection with the Stage Carriage service.

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

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

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

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

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

176. Conduct of passengers in motor cabs.—(1) No passenger in motor cab shall—

(i) wilfully or negligently damage the cab or any of its fittings, or

(ii) on termination of the hiring, refuse or omit to pay the legal fare.

(2) In the case of a dispute between the driver of a motor cab and the passenger, either party may require the other to proceed to the nearest police-station where the Officer-in-charge shall if the dispute is not settled amicably, record the names and addresses of both parties along with the substance of the respective contentions and shall proceed in accordance with the provisions of Chapter XIII of the Act.

177. Prohibition against traveling on footboard or roof of a Stage Carriage, Contract Carriage and Special Stage Carriage. —(1) No person shall stand on the footboard or on steps of a Stage Carriage, Contract Carriage and Special Stage Carriage meant for entrance or exit of passenger when such vehicle is in motion.

(2) No person shall travel on the roof of such carriage or in any manner whereby any part of his body protrudes outside the body of such vehicle.

(3) When any such carriage contains the full number of passengers as specified in its certificate of registration no additional person, excepting operational staff on duty, shall enter or remain on such carriage when warned by the conductor not to do so.

(4) Any contravention of the provisions of this rule shall amount to an offence punishable under the provisions of Chapter XIII of the Act.

178. Carriage of children or infants in a public service vehicle.—In relation to the number of persons that may be carried in a public service vehicle other than a motor cab a child of not more than three years of age shall not be reckoned.

179. Conductors in Stage carriages.—No Stage Carriage shall be used in a public place unless it carried in addition to the driver at least one conductor, holding an effective Conductor's Licence authorizing him to act as such conductor.

180. Carriage of persons in goods vehicles.—(1) Save in the case of vehicle which is being used for the carriage of troops or police or displaced persons under the authority

of the Refugee Rehabilitation Department of the State Government or being used on requisition under the West Bengal Requisition of Vehicles Act or being used in connection with Relief Operation under the authority of the Department of Relief, Government of West Bengal or being used in connection with conduct of Election or a Stage Carriage in which goods are being carried in addition to passengers, no person shall be carried in a goods vehicle other than a *bona fide* employee of the owner or the hirer of the vehicles, and except in accordance with this rule.

(2) The owner or the hirer or a *bona fide* employee of the owner or the hirer of the vehicle may be carried free of charge in a goods vehicle. The total number of persons so carried—

(i) in a light goods vehicle having gross vehicle weight of less than 1000 kg, not exceeding one;

(ii) in any other light goods vehicle, not exceeding three; and

(iii)in any goods vehicle other than a light goods vehicle, not exceeding seven.

Explanation.—In this sub-rule the expression 'light goods vehicle' means a goods vehicle which is a light motor vehicle.

(3) No person shall be carried in any goods vehicle—

(a) in addition to goods loaded therein, either on the top of the goods so loaded or unless an area of not less than 3712.12 square centimeters of the floor of the vehicle is kept open for each person so carried, or (o) in such manner that—

(i) any person so carried is in danger of falling from the vehicle, or

(ii) any part of the body of any such person, when he is in a sitting position, is at a height exceeding 305 centimeters from the surface upon which the vehicles rest.

(4) Notwithstanding anything contained in sub-rule (1) but subject to the provisions of sub-rules (3) and (6), the Regional Transport Authority may, by an order in writing, permit the carriage of a larger number of persons in a goods vehicle on condition that no goods at all are carried in addition to such persons and that such persons are carried free of charge in connection with the work for which the vehicle is to be used, and that such other conditions as may be specified by the Transport Authority are observed. When one vehicle is covered by a permit, the conditions of such permission aforesaid shall be deemed to be the conditions of the permit.

(5) Subject to the provisions of sub-rule (3), but notwithstanding any other provisions hereinbefore contained in this rule,—

(i) the Secretary of the State Transport Authority or the Regional Transport Authority concerned, may for the purpose of celebrations in connection with the Republic Day, or Independence Day or Image Immersion Days, or the purpose of enabling any Co-operative Society or class of Co-operative Societies owning or hiring a goods vehicle for the purpose of carrying goods of the Society in the ordinary course of its business, permit any goods vehicle to be used for the carriage of persons *or* members of such Societies, as the case may be, and

(ii) the State Government may, where it considers expedient in the public interest in respect of vehicle owned or hired by it, or by organisations or companies discharging public utility services and in respect of other vehicles to which provisions of sub-section (3) of section 66 of the Act applies, on grounds of urgent nature to be specified in the order, by general or special order, permit goods vehicles to be used for the carriage of persons for the aforesaid purposes subject to such conditions as may be specified in the order.

(6) The application for the grant of a Temporary Permit for the purposes under sub-rule (4) or clause (i) of sub-rule (5), has to be made in the form of application for Temporary Permit for Stage Carriage at least 7 (seven) days before the date on which such journey is to commence and shall be subject to all the provisions applicable in respect of grant of a Temporary Permit.

(7) The provisions of this rule shall not apply to motor vehicles registered under section 60 of the Act.

181. Carriage of animals by transport vehicles.—No cattle shall be carried in a vehicle in a public place, unless,—

(a) in the case of goat, sheep, deer or pig, a minimum floor space of 0.19 square meter for each of such cattle is provided in the vehicle;

(b) in the case of any other cattle,—

(i) a minimum floor space of 2 metres x 1 metre per head of a cattle and half the said floor space for a young one of a cattle is provided in the vehicle,

(ii) the load body of the vehicle is constructed of strong wooden planks or iron sheets with a minimum height of 1.5 metre measured from the floor of the vehicle on all sides and the back,

(iii) floor battens are provided to prevent slipping of hoofs,

(iv) every projection likely in cause suffering to an animal is removed.

(v) the cattle are properly secured by ropes, tied to the sides of the vehicles.

182. Stands and halting places.—(1) The District Magistrate or the Commissioner of Police, [75][Kolkata], as the case may be, by notification in the *Official Gazette* or by the erection of traffic signs which are permitted for the purpose under sub-section (1) of section 16 of the Act, or both, may, in respect of the taking up or setting down of passengers or both by public service vehicles or by any specified class of public service vehicles,—

(i) conditionally or unconditionally prohibit the use of any specified place or any place of a specified nature or class, or

(ii) required that within the limits of any municipality, notified area or cantonment or within such other limits as may be specified in the notification certain specified stands or halting places only shall be so used : Provided that no place which is privately owned shall be so notified except with the previous consent in writing of the owner thereof.

(2) When a place has been notified or has been demarcated by traffic signs, or both as being a stand or halting place for the purpose of this rule, notwithstanding that the land is in possession of any person, the place shall subject to the provisions of these rules, be deemed to be a public place within the meaning of the Act and the District Magistrate or the Secretary to the Government of West Bengal or any other officer authorised by him or the Commissioner of Police, [75][Kolkata] may enter into an agreement with, or grant a licence to any person for the maintenance of such place including the provision for maintenance of the building or works necessary thereto, subject to the termination of the agreement or licence forthwith upon the breach of any condition thereof and may otherwise give directions for the conduct of such place including directions—

(i) specifying the realisation of fees referred to in rule 183 of these rules from the owners of public service vehicles using the place;

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

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

(iv) requiring the owner of the land, or the local authority, as the case may be, to erect such shelters, lavatories and latrines and to execute such other works as

[75] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

may be specified in the rules or in the direction and to maintain the same in a serviceable, clean and sanitary condition;

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

(3) Nothing in sub-rule (2) shall require any person owning the land which has been specified as a stand or halting place, to undertake any work or incur any expenditure in connection therewith without his consent and, in the event of any such person declining to carry out such work or to incur such expenditure or failing to comply with any rule or direction made or given to him under this rule, the authority as mentioned in sub-rules (1) and (2) above may prohibit the use of such a place for the purposes of this sub-rule.

183. Fees for bus Stand.—The District Magistrate or the Commissioner of Police, '[Kolkata], as the case may be, shall charge such fee as he deems fair and reasonable, from the owners of the Public Service Vehicles for using a bus stand notified as such by the District Magistrate or the Commissioner of Police, '[Kolkata], as the case may be, under rule 182.

(2) The State Government may constitute committees consisting of other representatives of the bus owners, bus employees, other representatives, from different sections of people, *Panchayat* and such other Government official including police officers, as State Government may consider necessary, for conduct of management and maintenance of the bus stands in different areas throughout the State. Such committees shall hold periodical meeting and shall take all steps for the proper upkeep and maintenance of bus stands and shall levy such fees from the bus owners as may be determined under rule 183 of these rules. In the absence of such committees, the responsibilities for the upkeep, maintenance and management of bus stands shall be with the District Magistrates in the districts and in [76][Kolkata] with the Director, Public Vehicles Department.

184. Records to be maintained.—(1) The owner of every transport vehicle shall maintain records and submit returns, as may be enjoined in the permit in respect of the vehicle to the Regional Transport Authority by which the permit was issued to such vehicle, in such form as the Authority may specify. Such records and returns may include particulars of the daily use of the vehicle in respect of—

[76] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

(i) the name and licence number of the driver and conductor and other attendant, if any;

(ii) the route upon which or the area within which the vehicle was used;

(iii) the distance in kilometer traveled;

(iv) the times of commencement and termination of a journey and of any halts on a journey when the driver obtained rest;

(v) the number of passengers and the weight of goods carried between specified places and the nature of the goods;

(vi) in the case of goods carried in a stage carriage; the number of trips and the mileage when goods were carried solely and when goods were carried in addition to passengers and, in that case, the number of seats available for passengers.

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

185. Change of address of permit holders.—(1) if the holder of a permit ceases to reside or to have his place of business, as the case may be, at the address set forth in the permit he shall within fourteen days of such cessation send Part A of the permit to the Transport Authority by which the permit was issued intimating the new address.

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

186. Intimation of damage or failure of public service vehicle.— (1) The holder of any Stage Carriage permit or any Contract Carriage permit in respect of a particular vehicle by reference to the registration mark shall, within seven days of the occurrence, report in writing to the Regional Transport Authority or the State Transport Authority by which the permit was issued and to the Registering Authority and failure of, or damage to, such vehicle or to any part thereof of such a nature as to render the vehicle unfit for use in accordance with conditions of the permit for a period exceeding three days.

(2) Upon receipt of a report under the preceding sub-rule the Transport Authority by which the permit was issued may—

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

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

(3) The Transport Authority giving a direction, or suspending, cancelling or varying a permit under sub-rule (2) shall send intimation of such fact to the Transport Authority of any other region in which the permit is valid by reason of countersignature or otherwise.

187. Alteration in motor vehicle.—(1) In addition to the requirements of the provisions of section 52 of the Act, the owner of a transport vehicle, or if the owner is not the holder of the permit, the holder of the permit shall, at the same time as the report required by that section is made to the registering authority, forward a copy thereof to the Transport Authority by which the permit relating to the vehicle was granted, or, in the case of a permit relating to a service of Stage Carriages, to the Transport Authority by which the permit was granted under which the vehicle is being used.

(2) Upon receipt of a report under sub-rule (I), the Transport Authority by which the permit was issued may, if the alteration is such as to contravene any of the provisions or conditions of the permit—

(i) vary the permit accordingly, or

(ii) require the permit holder to provide a substitute vehicle within such period as the authority may specify and if the holder fails to comply with such requirement, cancel or suspend the permit.

(3) A Transport Authority varying, suspending or cancelling a permit or causing another vehicle to be substituted for a vehicle covered by a permit, shall intimate particulars to the Transport Authority of any other region in which the permit is valid by reason of the countersignature or otherwise.

188. Provision as to trailers.—(1) No trailer other than the trailing half of the articulated vehicle shall be attached to a public service vehicle.

(2) Save in the case of a trailer being used for the carriage of troops or police no person other than the attendant required by rule 310 of these rules shall be carried on a trailer.

(3) Subject to the provisions of sub-rule (4), all the provisions of these rules relating to a goods carriage permit shall apply to any trailer used for the purpose of carrying goods.

(4) A State Transport Authority or a Regional Transport Authority granting or countersigning a goods carriage permit may require as a condition of the permit or of the countersignature, as the case may be, that no trailer or that not more than one trailer or that no trailer of a specified description shall be attached to any transport vehicle covered by the permit.

189. Inspection of transport vehicles and their contents.—(1) Any police officer in uniform not below the rank of a Sergeant or a Sub-Inspector or any Motor Vehicles Inspector may, at any time, when the vehicle is in a public place, call upon the driver of a goods vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the police officer or the Motor Vehicles Inspector, as the case may be, to make reasonable examination of the contents of the vehicle.

(2) Notwithstanding the provisions of sub-rule (1) the police officer or the Motor Vehicles Inspector, as the case may be, shall not be entitled to examine the contents of any goods vehicles unless,—

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

(ii) the police officer or any Motor Vehicle Inspector has reason to believe that the vehicle is being used in contravention of the provisions of the Act or made thereunder rules.

(3) Any police officer in uniform or any Motor Vehicles Inspector may, at any time when the vehicle is in a public place call upon the driver of a public service vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the police officer or the Motor Vehicles Inspector as the case may be, to make reasonable examination of the number of passengers and other contents of the vehicle so as to satisfy himself that the provisions of the Act and rules made thereunder and the provisions and conditions of the permit in respect of the vehicle are being complied with.

(4) Any District Magistrate or Additional District Magistrate or Sub-divisional Magistrate or Executive Magistrate or Regional Transport Officer or Additional Regional

Transport Officer or any Police Officer of or above the rank of Sub-Inspector or any Motor Vehicles Inspector shall have the authority at any reasonable time to inspect any public service vehicle in a public place.

190. Information of endorsement to be sent to other State Transport Authorities.-

(1) Where an endorsement is made by the State Transport Authority under rule 111 that authority shall forward to each of the State Transport Authorities in the other States information relating to the endorsement and to the vehicles to which the endorsement relates as per Schedule E11.

(2) Where an endorsement is suspended or cancelled by the State Transport Authority under rule 111 that authority shall forward to each of the State Transport Authorities in other States—

(i) information relating to the suspension or cancellation as per Schedule E 12 and;

(ii) where an appeal has been preferred against such suspension or cancellation, a copy of the decision in such appeal.

(3) The State Transport Authority shall also forward at intervals of three months, a statement as per Schedule E 13 giving classified information in regard to the endorsement made by that authority to all concerned State Transport Authorities under rule 111 which are valid on the date of the statement.

191. Special rules for drivers and conductors of tourist vehicles.—(1) The driver of a tourist vehicle shall—

(i) wear a *khaki* or a white uniform consisting of long trousers and a bush shirt or coat having two pockets, with the letter T sewn on the left hand pocket of the bush shirt or coat;

(ii) possess at least an elementary knowledge of the mechanism and maintenance of the vehicles he drives;

(iii*)* have a working knowledge of Hindi and English :

Provided that where the driver is accompanied by a conductor having a working knowledge of either or both the languages, it shall not be necessary for the driver to possess a working knowledge of that language or as the case may be, of those languages.

(2) The conductor, if any, of a tourist vehicle shall wear the same uniform as a driver is required to wear under clause (i) of sub-rule (1).

192. Exemption from counter-signature.—Subject to the provisions of the rules, permit granted in respect to any tourist motor cab or a tourist omnibus in any other State shall be valid in the State of West Bengal without counter-signature if they are in force in that other State rules similar to these rules.

193. Garage for transport vehicles.—(1) The owners of every transport vehicle shall maintain suitable garages for accommodating their vehicles and shall not allow the vehicle to be left standing on the road. Particulars of such garages shall be mentioned in the application for permit of a transport vehicle.

In respect of transport vehicles already covered by permit such particulars shall be furnished to the Transport Authority which granted the permits within thirty days from the coming into effect of these rules.

(2) The owner or the person in possession of every motor vehicle other than transport vehicle shall maintain suitable garage for accommodating such vehicles and shall not allow them to be garaged on any public thoroughfare or any public place.

194. Free Zone.—The area from the junction of Station Feeder Road and Burdwan Road to New Jalpaiguri shall be a free zone within which any transport vehicle may ply without any countersignature of permit by Regional Transport Authority, Jalpaiguri or without payment of any additional fee therefore subject to modifications issued by State Government by order from time to time.

195. Disposal of articles found in vehicles operated by State Transport Undertakings.—(1) If any article is left behind in any transport vehicle operated by a State Transport Undertaking the owner of such articles shall submit a claim with sufficient proof of ownership in writing in this regard within a period of one month to the Chief Executive Officer of the State Transport Undertaking. The Chief Executive Officer after being satisfied that the ownership of the claim has been established, shall return the left articles and shall keep a record thereof.

(2) In case of specially valuable articles, the returning officer may at his discretion call upon the claimant for the execution of a suitable Bond of Indemnity which shall remain in force for three months after execution and if no fresh claim is received within that period, the bond shall be discharged.

(3) If no such claim is preferred within a month the State Transport Undertaking may sell the articles in an auction, after publishing a notice of the auction in two important daily newspapers including one published in the Regional Language stating therein the date, time and place of auction along with a list of articles to be sold. The

articles will be sold to the highest bidder and the sale-proceeds thereof shall in accordance with the provisions of section 106 of the Act, be paid to the owner if his claim is established on demand, after deducting the costs incidental to sale.

(4) If no demand is made within three months of the auction sale, the sale proceeds shall be forfeited to the State Transport Undertaking.

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

(2) No person shall act as an agent employed by the owner unless such person has obtained an agents licence in Form L. Ag. I to these rules from the Regional Transport Authority concerned.

Explanation.—For the purposes of this sub-rule, persuading any person, soliciting or attempting to persuade any person to travel in a vehicle shall be deemed to be acting as an agent for the sale of tickets for travel by such vehicle.

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

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

(5) Application for an agent's licence shall be made in writing in Form L.Ag. A1 to these rules to the Regional Transport Authority of the region wherein the applicant resides, and shall be accompanied by two clear copies of a recent photograph of the applicant and by the prescribed fee.

[77][(6) The fee for an agent's licence and the fee for renewal of such licence or for the issue of a duplicate of such licence shall be specified in Schedule A.]

[78][(7) The fee for the renewal of an agent licence which is not renewed in due time, shall be as specified in Schedule A.]

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

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[77] Sub-rule (6) subs, vide cl. (21)(a) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

[78] Sub-rule (7) subs, vide cl. (21 *)(b),ibid* (w.e.f. 4.5.1998).

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

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

(11) An agent shall, on demand by any Motor Vehicles Officer in uniform not below the rank of Motor Vehicles Inspector, produce his agent's licence for inspection.

(12) No person shall hold more than one agents' licence effective in the same region.

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

[79][(14) The fee for a metal badge or duplicate metal badge issued by the Regional Transport Authority, shall be as specified in Schedule A.]

(15) The provisions of this rule shall apply to such districts, areas or routes and from such dates as the State Government may, by notification in the *Official Gazette* specify in this behalf.

197. Licensing of agents engaged in the business of collecting or forwarding or distributing goods carried by goods carriage on hire.—In rules 198 to 207, unless the context otherwise requires,—

(a) "agent" means any person who engages in the business of collecting or forwarding and distributing goods carried by road by goods vehicles plying for hire,

(b) "agent's licence" means a licence granted to an agent under rule 199 for the principal establishment, and includes a supplementary licence granted to such agent for any additional establishment, such as branch offices specified in such supplementary licence,

(c) "licensing authority" shall be as below :

(i) where the applicant intends to carry on business or has his principal place of business in any district, "licensing authority" shall be the District Magistrate of the district,

(ii) where the applicant intends to carry on the business or has his principal place of business in [80][Kolkata], "licensing authority" shall be

[79] Sub-rule (14) subs, vide cl. (21)(c),/old (w.e.f. 4.5.1998).

[80] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

[81][an officer of Transport Deptt. Government of West Bengal, not below the ranks of Joint-Secretary, appointed as such by the State Government.]

198. Prohibition against acting as an agent except under a licence.—No person shall act as an agent, unless he holds a valid licence authorising the carrying on his business of an agent at the place or places specified in the licence.

199. Agent's licence.—(1) Any person desiring to obtain an agent's licence shall make an application to the licensing authority of the area in which he has his place of business or, as the case may be, his principal place of business. Such application shall be made in Form L.Ag. All.

(2) The application shall be accompanied by the fee prescribed- in rule 203.

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

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

(b) the suitability or accommodation at the disposal of the applicant for the storage of goods at every operating place;

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

(d) adequate garage facilities in respect of such goods vehicles owned or under the control of the applicant;

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

(4) Before granting a new Licence or renew an existing licence, the licensing authority shall obtain a report from the Superintendent of Police in districts or from the Commissioner of Police in [82][Kolkata] with specific views on the grant or renewal of the licence. The licensing authority shall also cause an enquiry in order to verify additional particulars furnished in the application for licence and such other additional particulars as are considered necessary. Such verification may also be made by the Superintendent of Police in the districts or by the Commissioner of Police in [82][Kolkata].

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[81] Subs, vide Notification No. 1275-WT, dated 9.2.1994, for the words "the Special Secretary, Transport Department'.

[82] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

(5) The licensing authority shall either grant or renew the licence including a supplementary licence, for a branch office, if any on Form L. Ag. II specifying the place or places where the business may be carried on, or refuse to grant or renew the licence : Provided that the licensing authority shall not refuse to grant or renew a licence or, a supplementary licence for a branch office applied for, unless the applicant is given an opportunity of being heard and the reasons for refusal are recorded and communicated to him in writing.

(6) The licensing authority shall, while granting or renewing a licence, including any supplementary licence, or at any time during the validity of licence, by order require a licensee to furnish a security in cash not exceeding rupees fifty thousand, as may be determined by Government by order in this behalf and when a licensee has earlier furnished any security in pursuance of an order passed under this sub-rule, an additional security of such amount as may be determined by the Government by order so that the security and the additional security deposit together do not exceed rupees fifty thousand. The security and additional security deposit will be credited under the appropriate Head of Receipts.

(7) The licence shall be in two parts, namely, the principal part (hereinafter referred to as the principal licence) in which supplementary licence issued for every separate establishment or branch office for carrying on the loading, unloading or receipt or delivery of consignments shall be mentioned, and the supplementary part (hereinafter referred to as the supplementary licence). The details of the establishment or branch office such as, municipal house number, the nearest road, byelane, the postal delivery district and other landmarks in the vicinity to enable the identification of the place of licence duly attested by the licensing authority shall be mentioned in the licence.

(8) The principal licence shall be kept and displayed prominently at the head office, and the supplementary licence shall be kept and displayed prominently at each branch office to which it refers, except when the principal licence or supplementary licence, as the case may be, is forwarded to the licensing authority for effecting renewal thereof. Such licence shall be produced for, inspection on demand by any officer of the Motor Vehicles Department not below the rank of a Motor Vehicles Inspector.

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

(10) An agent's licence shall be valid for a period of one year from the date of grant of its renewal. The date of expiry of the supplementary licence shall be co-terminus

with the date of expiry of the principal licence irrespective of the date on which the supplementary licence is granted.

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

(12) *Refund of security deposit.*—Where an agent has obtained a licence or renewed a licence under rule 199 and has also furnished the security deposit or additional security deposit under sub-rule (6) of rule 199 and is not willing to carry on the business under the said licence for any reason whatsoever, he shall inform the licensing authority of his such intention in this regard and may pray for cancellation of the said licence and also for refund of his security deposit and/or additional security deposit, if any. He shall also deposit the original copy of the licence, supplementary licence and all other documents in this regard before the licensing authority along with such letter of information. On being satisfied, the licensing authority, after giving the licensee an opportunity of being heard, may cancel such licence and may also pass necessary orders for refund of security deposit and the additional security deposit, if any, either in full or in part thereof after realising the amounts in full, if so, found due against him under rule 201.

200. Renewal Of agent's licence.—(1) Agent's licence may be renewed on an application made to the licensing authority not less than thirty days before the date of its expiry and shall be accompanied by the principal and all supplementary licences, if any, and the fee specified in rule 203.

(2) The renewal of a licence shall be made by endorsement of renewal thereof by the licensing authority on the principal and supplementary licences, if any.

201. Cancellation and forfeiture of agent's licence.—(1) Without prejudice to any other action which may be taken against a licensee, the licensing authority may, by order in writing, cancel an agent's licence or suspend it for such period as it thinks fit, if, in its opinion, there has been any contravention of any of the conditions under which the premises have been approved or under which the licence has been granted.

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

(3) Where a licence is liable to be cancelled or suspended under sub-rule (1), except in the case of a contravention of condition (c) of sub-rule (2) of rule 205 and the licensing authority is of the opinion that having regard to the circumstances of the case, it would be unnecessary or inexpedient so to cancel or suspend the licence, if the

licensees agrees to pay a certain sum of money, then, notwithstanding anything contained in sub-rule (1) the licensing authority, may, instead of cancelling or suspending the licence, as the case may be, recover from the licensee the sum of money agreed upon, not exceeding rupees five thousand at a time.

(4) Where an appeal has been preferred the power exercisable by the licensing authority under sub-rule (1) may be exercised also by the appellate authority.

(5) The licensing authority may order the forfeiture in whole or in part, of the security furnished by the licensee under sub-rule (4) of rule 199 for contravention of any provision of this rule or of rules 198, 199, 204 to 209 by the licensee :

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

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

202. Issue Of duplicate licence.—If at any time an agent's licence is lost, destroyed, torn or otherwise defaced so as to be illegible, the agent shall forthwith apply to the licensing authority for the grant of a duplicate licence. The application shall be accompanied by the fee mentioned in rule 203. Upon receipt of such an application, that authority shall issue a duplicate agent's licence clearly stamped "Duplicate" in red ink. If the duplicate agent's licence is issued on a representation that the licence originally granted has been lost or destroyed and the original licence has been subsequently found, the original licence shall be surrendered to the licensing authority.

[83]**[203. Fees for licence, etc.**—The fee for the grant or renewal of licence or supplementary licence or for duplicate thereof shall be as specified in Schedule A.]

204. Conditions Of agent's licence.—(1) An agents licence shall be subject to the following conditions, namely,—

(a) the licensee shall, subject to the provisions of rule 207 provide adequate space for the parking of vehicles for the purpose of loading and unloading of goods;

(b) the licensee shall be responsible for proper arrangement for storage of goods collected for despatch or delivery or both;

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[83] Rule 203 subs, vide cl. (22) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

(c) the licensee shall—

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

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

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

(iv) not deliver the goods to the consignee without actually receiving the consignee's note or any such note issued by the office which received the goods for despatch or if such note is lost or misplaced, an indemnity bond covering the value of the goods;

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

(vi) maintain in proper form, proper record of collection, despatch or delivery of goods, the registration mark of the vehicle in which goods are carried for transport and make the same available for inspection by the licensing authority, or by any person duly authorised by it in this behalf;

(vii) not charge commission exceeding that which may be fixed by the licensing authority subject to orders of the State Government, if any;

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

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

(x) not refuse to accept goods for transport without valid reasons;

(xi) comply with the provisions of this rule and of rules 198, 199, 204 and 207; and

(xii) any other condition as may be imposed by Government from time to time, by order in writing.

(2) Particulars to be mentioned in contract of agency.—All contracts entered into or way bills issued by a licensee for the purpose of collecting, forwarding or distributing goods shall be in writing, and shall contain the following particulars, namely,—

(i) names and addresses of consignors and consignees; (ii) description and weight of consignment;

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

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

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

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

205. Places to be used for loading and unloading of goods etc.—(1) The Regional Transport Authority may, in consultation with the local municipal authority or police authority having jurisdiction over the local area concerned, or both, approve any premises owned or to be used by an applicant for an agent's licence for loading, unloading and for parking goods vehicles or for the storage of goods, while in the custody of the licensee having regard to the suitability of the site, traffic conditions obtaining in the locality, sanitary conditions, storage facilities, space for parking vehicles for the purpose of loading or unloading from transporting truck provided at such premises at the place.

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

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

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

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

(d) that the licensee shall take suitable precautions to ensure that no breach of any provisions of the Act or of these rules, in so far as these provisions relate to the following matters, is committed in respect of any vehicle engaged by him and which is entering or leaving or standing at such premises, namely,—

(i) Requirement —A goods vehicle shall be covered by—

(aa) valid and effective permit/counter-signature for the route/ area of travel;

(ba) valid certificate of fitness;

(cc) valid certificate of insurance; and

(dd) payment of tax under the West Bengal Motor Vehicles Tax Act, 1979.

(ii) Observance of the regulations of conditions as to,—

(aa) construction, equipment and maintenance of motor vehicles to the extent the defects are easily noticeable from the exterior appearance of a motor vehicle;

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

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

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

(ee) parking or abandonment of motor vehicle on road in such a way as not to cause obstruction to traffic or danger to any person or other users of roads;

(ff) leaving vehicles in dangerous position; and

(gg) driving of motor vehicles by person holding valid and effective driving licence.

(3) Where the Regional Transport Authority refuse to approve any premises for the purposes mentioned in sub-rule (1), it shall communicate in writing the reasons for such refusal to the applicant.

206. Powers of entry and inspection.—Any officer of the Motor Vehicles Department not below the rank of a Motor Vehicles Inspector in uniform or any other person authorised in this behalf by the State Government, may enter upon the premises at all reasonable times for inspection of the premises used by the licence holder for the purpose of his business.

207. Appeal.—Any person aggrieved by an order made under sub-rules (5) and (6) of rule 199, sub-rules (1) and (5) of rule 201, or under rules 204 and 205, may within 30 days from the date of receipt of such order appeal before the Appellate Authority as below :

(i) Appellate Authority shall be the Commissioner of the Division, where the licensing authority is a District Magistrate;

(ii) Appellate Authority shall be the Secretary, Transport Department, Government of West Bengal, where the licensing authority is [84][an officer of Transport Deptt. Govt, of West Bengal, no below the rank of Joint Secy, appointed as such by the State Government];

[85][(iii) the fee for a memorandum of appeal before the appellate authority shall be as specified in Schedule A.]

(iv*)* Authority which passes the order against which appeal has been preferred, shall, on application by appellant, give a certified copy of the order or any other relevant documents on payment of fee as prescribed in rules 212 and 79.

208. Appeals against the orders of the State Transport Authority.—(1) The Authority to decide an appeal against an order of the State Transport Authority in respect of any of the matters referred to, and including an order passed on a reference made to the State Transport Authority, shall be the State Transport Appellate Tribunal to be constituted by the State Government under sub-section (2) of section 89 of the Act, and any person intending to prefer an appeal against an order of the State Transport Authority in respect of any such matter shall, within thirty days of the receipt of the order, do so in writing in the form of a Memorandum in duplicate setting forth concisely the ground of objection to the order appealed against, accompanied by a certified copy of the order, to the State Transport Appellate Tribunal.

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[84] Subs, vide Notification No. 1275-WT dated 9.2.1994, for the words "the Joint Secretary, Transport Department, Government of West Bengal".

[85] Sub-rule (3) subs, videcl. *(24)(b),ibid* (w.e.f. 4.5.1998).

(2) Upon receipt of a memorandum of appeal in accordance with sub-rule (1), the State Transport Appellate Tribunal shall appoint the time and place for hearing of the appeal giving the appellant and the State Transport Authority not less than fifteen day's notice in writing.

209. Appeal against the orders of a Regional Transport Authority.—(1) The Authority to decide an appeal against the orders of a Regional Transport in respect of any of the matters referred to in clauses (a) to (f) of section 89 of the Act, including an order passed on a resolution of the joint conference between the Regional Transport Authorities duly recorded in respect of any of the matters referred to in clauses (a), (d) and *(f)* of the said section, shall be the State Transport Appellate Tribunal to be constituted by the State Government under sub-section (2) of section 89 of the Act.

(2) Any person aggrieved by any such order may within thirty days of receipt of such order, in the form of a Memorandum, in duplicate prefer an appeal before the State Transport Appellate Tribunal as constituted, setting forth concisely the grounds of appeal together with a certified copy of the order appealed against.

(3) Upon receipt of a memorandum of appeal in accordance with sub-rule (2), the State Transport Appellate Tribunal shall appoint a time and place for the hearing of the appeal giving the appellant and the Regional Transport Authority concerned not less than fifteen days' notice in writing.

(4) The State Transport Appellate Tribunal after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, may confirm, vary or set aside the order against which the appeal is preferred.

(5) The provisions of sections 5 and 12 of the Limitation Act, 1963 shall apply to appeals preferred under sub-rule (2) of rule 208 and of this rule.

210. Hearing of applications for revision against orders of the State Transport Authority or a Regional Transport Authority.-(1) Any person intending to make an application for revision shall, within the time specified under the first proviso to section 90 of the Act, do so in writing to the State Transport Appellate Tribunal setting forth concisely the grounds of objection against the order passed by the State Transport Authority or the Regional Transport Authority as the case may be accompanied by a certified copy of the order sought to be revised.

(2) Upon receipt of an application in accordance with sub-rule (1) the State Transport Appellate Tribunal shall appoint a time and place for hearing of the application and the applicant may upon the appointed date and subsequent hearings appear and

conduct his case either in person or by any person authorised by him in writing in this behalf.

211. (1) Procedure for appeal.—In the event of the appellate or revisional authority appointing a time and place for a hearing under rules 208 to 210 of these rules as the case may be, the applicant shall, within fourteen days of the receipt of intimation of hearing, forward to the State Transport Appellate Tribunal a list of documents on which he proposes to rely together with copies of such documents in duplicate, and may, on the appointed date and at subsequent hearings appear either in person or through an agent *or* a representative authorised by him in writing in this behalf.

(2) [The fees for appeals, when preferred to the State Transport Appellate Tribunal, shall be as specified in Schedule A.]

Explanation.—These rules shall have no effect in respect of appeals pending at the commencement of the Motor Vehicles Act, 1988 (59 of 1988) and such appeals shall be proceeded with and disposed of, as if the said Act had not been in existence.

[2][(3) The fees for certified copies shall be as specified in Schedule A.]

212. Office Procedure in the matter of record.—(1) The minutes of the meeting of the State Transport Authority or Regional Transport Authority shall be a permanent record and prepared in triplicate. Every copy of the minutes shall contain the agenda of the meeting in one part and, on the other, there shall be the decisions and shall be prepared in such a manner that the decision of a meeting on a particular agenda can be easily found out. The minutes when approved and signed by the Chairman presiding over the meeting, shall be the official minutes. The decision taken on any item by the procedure of circulation shall be laid in the Minutes Book chronologically. The minutes shall be kept in volumes with index showing the dates of the meetings. One copy of the minutes shall be preserved in the custody of the Chairman, one with the Secretary of the Authority and the third copy with the Section Officer or any other official as may be specially entrusted.

(2) Certified copy of the minutes shall be issued normally within seven working days from the date on which the requisitions are furnished on receipt of the fees as prescribed. In urgent cases for which urgent fees at double the prescribed rate will have to be paid, certified copies shall be issued within 3 (three) working days from the date on which the requisitions are furnished.

(3) In the office there shall be a separate Receipt Register to make entries of all letters and applications received. Every application/letter and communication received, either by post or by delivery in person, shall be entered in the Receipt Register and the

serial number in the Receipt Register against which the entry is made shall be endorsed on the particular letter/ application, etc.

(4) For every receipt, an acknowledgment shall be issued in the form as prescribed.

(5) There shall be a roster indicating the name(s) of the Assistants who shall be responsible for receipt of letters/applications, etc., and authorised to grant receipt. In the absence of the regular Assistant(s) on a particular day, the name of the Assistant entrusted with the work shall be recorded in the roster under the signature of the Officer-in-charge.

(6) Acceptance of any letter/application by any Assistant, other than the one entrusted as per sub-rule (5) to accept shall be unauthorised and any acknowledgment granted by any one other than the Assistant as entrusted as per sub-rule (5), shall be unauthorised and the Authority shall not be responsible for any receipt or for any acknowledgment granted by any one other than the Assistant entrusted.

(7) The Authority shall prescribe the hours during which all communications shall be received.

(8) At the end of the hours prescribed, the Assistant shall place all receipts before the Officer-in-charge who shall on perusal of the same, initial the day's entries at the bottom and mark the letters/applications to the particular branch of the office with special instructions if any.

(9) For the purpose of convenience, however, a particular Authority may introduce different Registers for different subjects and in such cases, the serial number shall bear, in addition, the number of the Register in bracket.

(10) All matters containing the directions of the Court and intimation from the Court or from the Lawyers shall be entered in a Subsidiary Register indicating the serial number in the main Register and shall be laid immediately on receipt before the Officer-in-charge for such action as deemed necessary.

(11) Inter-sectional movement of files shall be through Movement Registers.

(12) While issue of letters shall be through Issue Register, the Officer-in-charge may mark particular communication to be issued under Registered Post with "acknowledgment due" or Under Certificate of Posting or by Express Telegram or by West Bengal Police Radiogram or by Teleprinter.

Explanation.—"The Officer-in-charge" shall include any Officer-in-charge of the particular section and shall also include any Secretary, Assistant Secretary of the Transport Authority.

(13) All files shall have an Index and the correspondence shall be serially and chronologically entered in the file with appropriate notes on the Index.

(14) There shall be a Register for routes in the Form as prescribed in the Schedule E7.

(15) There shall be an individual permit Register for each kind of permit in the form and in the manner as prescribed in the Schedule E 8. The permit Register shall contain an index which will indicate the routes against which permits have been granted or against which permits have to be granted.

(16) Every entry in the Permit Register shall be countersigned by the officer signing the permit.

(17) There shall be a Guard File containing all the details as to the introduction of the route, particulars of notifications, etc.

(18) There shall be a separate Guard File containing the notification made under section 100 of the Act, nationalizing the routes.

(19) There shall be a Guard File containing all the orders either from the State Government or the Central Government or from any other superior authority.

(20) All matters where there are orders from the Court shall be entered in a separate Register to be maintained in the manner as prescribed and gist of all communications/orders received shall be recorded against each individual case over the signature of the Officer-in-charge and all actions taken and/or proposed to be taken shall similarly be recorded. It shall be the specific responsibility of the Officer-in-charge to make a review of the Register as frequently as necessary so as to ensure that there is no occasion for inaction or non-action.

(21) There shall be a Challan Receipt which will show the Challans/Drafts, etc. received. It shall be ensured that there is cross-verification at least once a month with the Treasury Register. Any discrepancy detected shall at once be brought to the notice of the Officer-in-charge for such action as considered necessary. The Demand Draft Registers be also maintained to make entry of the Drafts received and to show the despatch thereof to the Bank(s) for encashment or to the Authority to whom they relate.

(22) There shall be a Special Permit Register in the form as prescribed in Schedule E 9.

(23) The list of passengers shall be preserved serially in separate files and shall be maintained for two years.

(24) There shall be a Complaint Register in two volumes in the form as prescribed in the Schedule E 10. Volume A shall contain all the complaints received either from the different Authorities outside the State or those from within this State as regards violations of the conditions attached to the permit, and Volume B shall contain the complaints received from the general public.

213. Delegation of powers by the Regional Transport Authority.—(1) A Regional Transport Authority may, by general or special resolution recorded in its proceedings and subject to the restrictions, limitation and conditions herein specified, delegate—

(a) to the Regional Transport Officer, Additional Regional Transport Officer or to any Motor Vehicles Inspector in the districts or Director or Secretary, Deputy Secretary, Assistant Secretary of the Regional Transport Authority, [86][Kolkata] or any of the Assistant Directors or any Additional Regional Transport Officer or any Motor Vehicles Inspector in the Public Vehicles Department in [86][Kolkata] all or any of its following powers, namely,—

(i) powers under sub-section (1) of section 76 of the Act to grant, refuse or renew a Private Service Vehicle permit;

(ii) powers under sections 66 and 74 of the Act to refuse a contract carriage permit, to grant with or without modification such an application and attach conditions to the permit;

(iii) powers under sections 66 and 79 of the Act to grant with or without modification or refuse Goods Carriage permit and power to impose conditions under sub-section (2) of section 79 of the Act or vary the conditions thereof;

(iv) powers to attach to a Stage Carriage permit conditions under sub-section (2) of section 72 of the Act or to vary the conditions thereof;

(v) powers to renew Goods Carriage permit and Contract Carriage permit under section 81 of the Act and to renew countersignatures of any such permits;

(vi) powers under sub-section (8) of section 82 of the Act to transfer permit;

(vii) powers under section 88 of the Act to permit the replacement of one vehicle by another;

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[86] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

(viii) powers under section 86 of the Act to suspend a permit or to recover from the holder thereof the sum of money agreed upon in accordance with sub-section (5) of the said section (other than power to cancel the permit);

(ix) powers under section 87 and under sub-sections (7) and (8) of section 88 of the Act to grant or refuse to grant, a temporary or, as the case may be, a special permit;

(x) powers under sub-sections (1) and (3) of section 88 of the Act to countersign a permit or to attach or vary conditions thereof;

(xi) power to approve the time-table *or* changes therein in respect of plying of Stage Carriages or service of such carriages under permits issued or countersigned by the Transport Authority. In the fixation of time-table, however, the Regional Transport Authority/Authorities through whose region/regions the service shall operate must be consulted in the cases where the permit covers two *or* more regions. Pending such consultation, however, provisional time-table may be issued but such provisional time-table unless finally approved in the manner as aforesaid shall cease to be valid, unless otherwise directed;

(xii) powers to allow condonation of delay in the submission of an application for renewal of a permit subject to payment of delay fees as prescribed in Schedule E 3 :

Provided that the Regional Transport Officer, shall—

(a) keep the Regional Transport Authority informed, from time to time, of the action taken by him in pursuance of the power delegated; and

(b) arrange to paste on a notice-board on the premises of the office of the Regional Transport Authority, a copy of every resolution of that Transport Authority delegating its power to him :

Provided further that the delegation of powers referred to in subclause (ii) of clause (a) of this sub-rule shall also be subject to the condition that the Regional Transport Authority shall ensure that the Regional Transport Officer in exercising the said powers in relation to an application for Contract Carriage permits shall have due regard to the views of such committee as may be appointed by the State Government, from time to time, and where in any case the Regional Transport Officer differs from such views, he shall record his reasons therefore.

(2) Notwithstanding anything contained in this rule, a Regional Transport Authority may, from time to time, issue instructions to the Regional Transport Officer as to the manner in which he shall exercise the powers delegated to him.

(3) Every Regional Transport Authority shall hold a special meeting within thirty days, whenever any complaint is received from the Deputy Commissioner of Police, Traffic Department, [1][Kolkata], or from the Superintendent of Police in any district regarding violation of any permit conditions or of any provisions of section 84 or sub-section (1) of section 86 of the Act by any motor vehicle. In such special meetings, the complaints made shall be taken for consideration as per the provisions of section 86 of the Act.

(4) The Regional Transport Authority may, by general or special resolution, delegate the power under section 86 of the Act to suspend a permit or to recover from the holder thereof the sum of money agreed upon in accordance with sub-section (5) of the said section to the Deputy Commissioner of Police (Traffic) in [87][Kolkata] or to the Superintendents of Police in the districts.

214. Delegation of powers by the State Transport Authority.—(1) The State Transport Authority may, by a general or a special resolution recorded in its proceedings, delegate any of its powers, as mentioned below to the Secretary Department or to the Secretary, State Transport Authority :—

(a) its powers under section 88 of the Act to countersign permits granted in any other State as a result of any reciprocal agreement arrived at with that State and its powers under section 86 of the Act to cancel or suspend such permits;

(b) its powers under section 87 and under sub-sections (7) and (8) of section 88 of the Act to grant or to refuse to grant a Temporary, or as the case may be, a special permit;

(c) its powers under section 214 of the Act to direct a stay order passed by the original Authority against which appeal has been preferred or application for revision has been made to it;

(d) the exercise of powers of the Regional Transport Authority in the circumstances mentioned in sub-section (3) of section 68 of the Act which may be delegated under rule 213 of these rules to the Regional Transport Officer, subject to the conditions specified in the proviso to that rule;

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[87] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

(e) its powers under sub-section (2) of section 69 of the Act to grant a permit other than Stage Carriage permit, where the vehicle is proposed to be used in two or more regions lying in different States;

(f) its powers under sub-section (9) and sub-section (12) of section 88 of the Act to grant permits in respect of tourist vehicles or National permits in respect of Goods Carriages, as the case may be;

(g) to attach to a Stage Carriage permit conditions under sub-section (2) of section 72 of the Act or to vary the conditions thereof;

(h) to attach to a permit other than a Stage Carriage permit referred to in this clause and in clause (c) conditions including those under sub-section (11) of section 88 of the Act read with sub-section (2) of section 74 of the Act to vary the conditions thereof.

(i) to renew a permit and to renew the countersignature of such permit;

(j) to permit replacement of one vehicle by another under section 83 of the Act;

(k) to grant Stage Carriage permits to the State Transport Undertakings on inter-State routes agreed upon between two States in accordance with reciprocal agreements under section 88 of the Act;

(/) its power under sub-section (3) of section 82 of the Act to transfer permit;

(m) to suspend a permit under sub-section (1) of section 86 of the Act or to recover from the holder thereof the sum of money agreed upon in accordance with sub-section (5) of the said section of the Act.

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

(3) Notwithstanding anything contained in sub-rules (1), (2), (4) and (5), the State Transport Authority may, give general instructions as to the manners in which the delegates shall exercise the powers delegated to them.

(4) All orders of delegations made by the State Transport Authority under sub-rules (1), (2) or (3), shall be pasted on a notice board at the office of that Authority.

(5) The officers to whom the powers are delegated shall intimate to the State Transport Authority from time to time the action taken by them in pursuance of the powers delegated to them.

CHAPTER VI

215. (1) The scheme as referred to under section 99 of the Act shall be published in the form as may be prescribed by the State Government.

(2) The objections, if any, under sub-section (1) of section 100 of the Act to the scheme as published in the manner as prescribed under sub-rule (1) in accordance with the provisions of section 99 of the Act shall be filed before the Authority in the manner as specified in the notifications.

(3) Upon receipt of the objection(s) if any, either the Secretary to the Government in the Department of Transport or an officer subordinate to him as may be appointed by the Government and not connected with either the State Transport Authority or any of the State Transport Undertakings, shall call for the object or and the Chief Executive Officer of the undertaking concerned at a meeting on a date as may be fixed within sixty days from the last date of the receipt of the objection(s).

(4) The officer under sub-rule (3) shall hear the respective view points and record his opinion and place the report with all relevant details before the Secretary who, on consideration of all the aspects, either approve of the scheme with such modification as he might consider necessary or reject the same.

(5) Once the scheme is approved with modification, if any, it shall be published in the *Official Gazette* in the form as may be prescribed by the State Government in the manner as laid down under sub-section (3) of section 100 of the Act and the scheme shall thereupon become final on the date of its publication in *Official Gazette* within a period of six months from the date of approval, if not earlier:

Provided that the period in this rule shall be exclusive of the period, if any, during which no action could be taken due to stay order, if any, from any Court, restraining proceedings under these rules.

(6) The State Transport Undertaking shall submit application for permit in respect of the route(s) as notified under sub-rule (4) in the form as prescribed, notwithstanding anything as may be contained in any other rule(s) of these rules.

(7) Whenever any article is found left in any transport vehicle of a State Transport Undertaking, the conductor or the driver shall deposit the same with the Traffic Officer-in-charge at the nearest Traffic Post of the Undertaking or with the Depot-in-charge of the depot whichever is attainable earlier. The Traffic Officer at the Traffic Post shall, if it is not a depot, send the article to the nearest Depot-in-charge.

(8) The Officer-in-charge as stated under sub-rule (7) shall upon receipt of the article, enter the same in the register to be maintained for the purpose and issue a notice

on the following day, if it is not a Sunday or a holiday, on the Notice Board of the Depot giving out the name of the article.

(9) The notice shall specify the date, not in any case beyond thirty days from the date on which the article is found, for lodging the claim. If such specified date is a holiday, then, on the day immediately following the holiday.

(10) In case the article found left is a valuable one, namely, jewellery, watch etc. or it is a key or a bunch of keys, such article shall be deposited with the officer as specified either in sub-rule (7) or in sub-rule (8) whereupon the officer shall place the same in a cloth bound cover, seal the same under his official seal in presence of the conductor or the driver or the officer depositing the article and such officer, or driver or the conductor also affix his/their signature(s) on the cover and the name of the article shall be recorded in the register.

(11) In the case of articles as referred to in sub-rules (7) and (8), the officer issuing the notice shall, whenever a claim is established, refund the article to the owner thereof on proper receipt in the register.

(12) In case no claim is lodged in respect of the article mentioned in the sub-rule (7) within the date specified, the same shall be forwarded to the Chief Executive Officer of the Undertaking for further custody of the article with a report.

(13) In the case of an article as referred to in sub-rule (10), the officer receiving the article shall send a report to the Chief Executive Officer of the undertaking and, if not otherwise directed by the Chief Executive Officer of the Undertaking, shall forward the same in appropriate custody to the Chief Executive Officer of the undertaking who shall issue appropriate notice specifying a date, not less than thirty days from the date of receipt of the article, for lodging claim, on the office Notice Board and shall also arrange for an insertion at least in one newspaper preferably having circulation in the area where the article was found. Provided the value of the article found is at least double the cost of insertion of the notice in the newspaper.

(14) Upon receipt of claim, in all cases, the Officer issuing the notice shall make such enquiry as he considers necessary and upon satisfaction as to the identity of the owner shall return the same after deduction of 10 percent of the estimated value of the article towards incidental cost in the case of an article under sub-rule (13) and a further sum equivalent to the cost of issuing notice in the newspaper and return the article to the owner thereof after obtaining an Indemnity Bond.

(15) In all cases where the ownership of the article(s) is not established, the Chief Executive Officer shall dispose of the same by public auction save and except in the case of keys and the sale proceeds at the auction shall be forfeited to the Undertaking. In the case of keys, however, the Chief Executive Officer shall destroy the same beyond redemption.

(16) In case of any contraband goods or arms and ammunition found left in the vehicle, the same be handed over, to the officer-in-charge of the nearest police station with a report therefore.

(17) In case of any goods perishable in nature and subject to easy decay, the same be handed over to the Depot-in-charge of the nearest Depot, who shall sell the same at the local market and deposit the sale proceeds thereof to the Chief Executive Officer of the Undertaking along with a report therefore and take recourse to find out the owner thereof in the manner as provided hereto before.

CHAPTER VII

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES

216. General.—(1) No person shall use or cause or allow to be used in any public place any motor vehicle which does not comply with the rules contained in this Chapter, or with any order passed thereunder by the authority empowered under these rules.

(2) Nothing in this rule shall apply to a motor vehicle which has been damaged in an accident while at the place of the accident or to a vehicle, so damaged or otherwise defective, while being removed to the nearest reasonable place for repair or disposal. Unless otherwise stated in this rule, other rules of this Chapter shall be in addition to those prescribed by the Government of India in Chapter V of the Central Motor Vehicles Rules, 1989.

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

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

218. Prohibition of playing of radio etc., in a motor vehicle —(1) No radio set, gramophone or microphone, tape recorder/cassette recorder with or without loud speaker, video set or portable television shall be installed or operated in any motor vehicle other than a motor car, save and except in the case as provided for under sub-rule (6) of this rule.

(2) No person shall wear earphones while driving any motor vehicle.

(3) No radio set/video set/gramophone/microphone/cassette recorder or any other apparatus to display and object on the screen with or without provision for amplification of any sound, voice etc., shall be operated while the motor vehicle is moving within the limits of the city of [88][Kolkata] (including suburbs) and Howrah Municipal Corporation and any municipality.

(4) No radio set or video set, gramophone or microphone or cassette recorder or any other apparatus to display and object on the screen with or without provision for amplification of any sound or voice etc. in a motor vehicle shall be operated in such a way as to be a nuisance to the public.

(5) No television set or video shall be fitted or kept on or near the dashboard of a motor car on other vehicle as provided under sub-rule (6), within the view of the driver.

(6) A radio set, gramophone or microphone, tape recorder/cassette recorder, video set or any other apparatus to display any object on the screen with provision for amplification of human voice may be provided and operated in tourist coach or deluxe buses covered under a Contract Carriage permit in a tourist vehicle, tourist motor cab or in any omnibus including a Private Service Vehicle or an educational institution bus or long distance inter-regional stage carriages subject to the approval of the Transport Authority granting the permit and shall be securely placed facing the passengers, on the partition in between the driver's cabin and passengers' compartment and shall be so arranged that the display on the screen or the sound or both are not visible or audible to the driver.

(7) Permission to provide for the apparatus in accordance with sub-rule (1) or (6) of this rule shall be subject to the payment of the fee in the scale as prescribed in the Schedule F and on an inspection being made by the Authority granting the permit in the manner as it considers necessary.

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[88] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

Explanation.—If a radio set, gramophone or microphone, tape, recorder/ cassette recorder, with or without loud speaker, a video set or any apparatus to display on the screen is operated in such a way as to be clearly audible at a distance of more than 305 centimetres from the centre, it shall be deemed to-be a nuisance to the public.

(8) The State Government may grant a special permit for the use of radio, gramophone or microphone, tape/cassette recorder with or without loud speaker in specially equipped motor vehicle used for publicity, educational or traffic purposes and for such other purpose as may be deemed necessary on payment of fees prescribed in Schedule F.

219. Dangerous projection.—(1) No mascot or other similar fitting or device shall be carried by any motor vehicle in any position, where it is likely to strike any person with whom the vehicle may collide, unless the mascot is unlikely to cause injury to any person by reason of any projection thereon.

(2) No motor vehicle shall be permitted to be used which is so constructed that any axle hub or hub cap projects laterally more than ten centimeters beyond the rim or the wheel to which it is attached, unless the hub or hub cap does not project laterally beyond the body or wings of the vehicle and is provided with an adequate guard.

220. Noise.—No motor vehicle shall use horn, if the traffic sign so indicates at any place while passing through the particular portion of portions of the road.

221. **Spring.—**Subject to the provisions of the Central Motor Vehicles Rules, 1989, every motor vehicle and every trailer drawn thereby shall be equipped with suitable and sufficient means of spring adequately maintained in good and sound condition between the road wheels and the frame of the vehicle:

Provided that this rule shall not apply to— (i) any tractor not exceeding 4531 kilograms in weight unladen if all the wheels not equipped with spring of the tractor are fitted with pneumatic tyres; (ii) any land locomotive, land tractor, land implement, agricultural trailer or any trailer used solely for the haulage of felled trees; (iii) motor cycles; (iv) vehicles designed for use in works or in private premises and used on a road, only in passing from one part of the works or premises to another or to works or premises within a distance of 3 kilometres.

222. Wings and mudguard.—(1) Every motor vehicle except a tractor or a trailer shall, unless adequate protection is afforded by the body of the motor vehicle, be provided with wings or other similar fittings to catch, so far as practicable, mud or water thrown up by the rotation of the wheels.

(2) The rear wheels of every trailer shall be provided with wings as mentioned in sub-rule (1)

223. Side-car Wheel.—Every side-car attached to a motor cycle shall be so attached, at left hand side or the motor cycle, that the wheel thereof is not wholly outside perpendicular planes at right angles to the longitudinal axis of the motor cycle passing through the extreme projecting points in front and in the rear of the motor cycle.

224. Communication With driver.—Every motor vehicle for the use of passengers in which the driver's seat is separated from the passengers' compartment by a fixed partition which is not capable of being readily opened, shall be provided with sufficient means to enable the passengers in such compartment and conductor, if any, to give signal to the driver to stop the vehicle.

225. Prohibition of use of military colours and registration marks.—(1) No motor vehicle other than a military motor vehicle, shall be used, in any public place, unless it is painted in colours scheme different from that usually employed for military motor vehicles.

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

226. Use Of red lights.—(1) Use of "red light" as provided under rule 108 of the Central Motor Vehicles Rules, 1989, shall include all kinds of red light with or without flasher fitted in the front either at the top or near the bumper.

(2) It is clarified that the use of "red light" as provided under rule 108 of the Central Motor Vehicles Rules, 1989, shall also include any combination of such light, like red and green or any other similar combination with red colour and the restrictions imposed under that ruke shall continue in all such cases. There shall be no other kind of light except indicator lights and two fog lights and head lights in the front portion of any motor vehicle aqd such fog lights may be used only in adverse weather conditions.

(3) In respect of motor vehicles carrying officials and dignitaries, who are entitled to use red lights in front of their motor vehicles under the provisions of rule 108 of the Central Motor Vehicles Rules, 1989, such red lignts shall be fitted only near the front bumper of the said vehicles. No such red light shall be fitted at the top of the front side of the vehicle except in the case of ambulance, police pilot vans and fire brigade vehicles, such red lights fitted in the motor vehicles carrying high officials or dignitaries shall not be used unless the officials or the dignitaries who are entitled to use the red light are present in the vehicle.

227. Public service vehicles to be in good service condition.—Every public service vehicle and all parts thereof including paint work or varnish shall be maintained in a clean and sound condition, and the engine mechanism and all working parts shall also be in reliable working order.

228. Stability.—(1) The stability of a double-decked public service vehicle shall be such that when loaded with weights of 59 kilograms per person in the correct relative positions to represent the driver and conductor, if carried and a full compartment of passengers on the upper deck only, if the surface on which the vehicle stands were titled to either side to an angle of 28 degree from the horizontal point at which overturning occurs would not be reached.

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

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

229. Side Overhang.—In the case of a vehicle used as a stage carriage, no part of the vehicle other than a direction indicator, when in operation, or a driving mirror, shall project laterally more than 36 centimetres beyond the centre line of the rear wheels in the case of single rear wheel or more than 15 centimeters beyond the extreme outer edge of the outer tyre in the case of dual rear wheels.

[89]**[230. Seating room.—**(1) In every public service vehicle having more than ten seats and other than a motor cab, there shall be provided for each passenger a reasonably comfortable seating space of not less than 38 sq.cm., measured on straight lines along and right angle to the front of each seat—

(i) the seats shall be fixed transversely and facing the front of the motor vehicle and there shall be clear space of 66 cm. between the backs of the seat,

(ii) the backs of all seat shall be closed to a height of 41 cm. above the seat level.]

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[89] Rule 230 subs, vide cl. 2(13) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

[90][231. **Gangway.—**In the seating room of every public service vehicle the entrance to which is from the front or rear, there shall be gangway along the vehicle with a clear space of not less than 31 cm. between any part of the adjoining seats or their supports.]

[91][232. **Fixation Of Seating Capacity.—**The seating capacity of any passenger transport vehicle shall be determined as the maximum seating capacity specified by the original equipment manufacturer, hereinafter termed as OEM, in respect of the said model of vehicle in its technical specification, subject to the seating arrangement made in accordance with the foregoing rules:

Provided that for the vehicles registered before the amendment of this rule, the seating capacity is to be refixed in the manner as above from any date as may be specified by the State Government by order.]

233. Limit of seats reserved for female passengers etc. in a Stage Carriage.—(1) The number of seats that may be kept reserved for female passengers in a Stage Carriage shall not exceed twenty-five per cent of the maximum number of passengers' seats allowed in respect of the vehicle under the terms of the permit.

(2) There shall be two seats specially reserved for the blind and/or for the orthopaedically or congenially handicapped persons.

234. Head-room.—Every public service vehicle, other than a motor cab, shall have the following internal height or head-room measured along the centre of the vehicle from the top of the floor boards or battens to the under side of the roof supports—

(i) in the case of a single-decked vehicle with a permanent top, not less than 137 centimetres and not more than 183 centimetres ; or

(ii) in the case of a single-decked vehicle with a movable hood, not less than 137 centimetres ; or

(iii) in the case of a double-decked vehicle, not less than 178 centimetres for the lower deck and not more than 173 centimetres for the upper deck :

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

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[90] Rule 231 subs, vide cl. 2(14), *ibid* (w.e.f. 16.12.2003).

[91] Rule 232 subs, vide cl. 2(15) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

235. Driver's seat.—(1) Every motor vehicle, having seating capacity of not more than five persons inclusive of the driver used for the carriage of passengers, other than a motor car, shall have the steering control on the right hand side of the vehicle.

(2) The State Government may by order exempt, on such condition as may be specified in the order, any motor vehicle or class of motor vehicle used for the carriage of passengers (otherwise than as a Stage Carriage or a Contract Carriage not being a meterless taxi engaged for the use of the tourists) from the operation of sub-rule (1).

(3) In every public service vehicle such space shall be reserved for the driver's seat so as to allow him to have full and unimpeded control of the vehicle and, in particular,—

(i) the part of the seat against which the driver's back rests, shall not be less than 28 centimetres from the nearest point on the steering wheel;

(ii) the width across the vehicle shall be not less than 69 centimetres and shall extend to the left of the centre of the steering column in no case less than 25 centimetres so that a line drawn parallel to the axis of the vehicle through the centre of any gear lever, brake lever or other device to which the driver has to have frequent access lies not less than 5 centimetres inside the width reserved for the driver's seat; and

(iii) in the case of a public service vehicle other than a motor cab, the space reserved in accordance with clause (ii) shall at the left hand end be enclosed with a rigid wooden or other suitable partition to a height not less than 31 centimetres above the seat, and forward of the seat, above the floor of the vehicle.

(4) Arm rests for the driver not more than 10 centimetres wide may be provided within the space specified in clause (ii) of sub-rule (3).

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

(6) Every public service vehicle shall be so constructed that save for the front pillar of the body, the driver shall have a clear vision both to the front and through an angle of 90 degrees to his right hand side. The front pillar of the body shall be so constructed as not to obstruct the vision of the driver to the least possible extent.

236. Width of doors.—Every entrance and exit of a public service vehicle other than a motor cab shall be at least 53 centimetres in width and of sufficient height.

237.(1) Grab rail.—A grab rail shall be fitted to every entrance or exit, other than an emergency exit, or a public service vehicle other than a motor cab to assist passengers in boarding or alighting from the vehicle.

(2) Steps.—(a) In every public service vehicle other than a motor cab, the top of the tread of the lowest step for any entrance or exit, other than an emergency exit, shall not be more than 43 centimetres or less than 25 centimetres above the ground when the vehicle is empty. All steps shall be fitted with non-slip treads. Fixed steps shall not be less than 23 centimetres wide and shall in no case project laterally beyond the body of the vehicle unless they are so protected by the front wings or otherwise that they are not liable to injure pedestrians.

(b) In the case of a double-decked vehicle—

(i) the risers of all steps leading from the lower to the upper deck shall be closed, and no unguarded aperture shall be left at the top landing board;

(ii) all steps leading from the lower to the upper deck shall be fitted with non-slip treads;

(iii) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase, excluding any grab rail which does not project more than 8 centimetres from the back of the seat, shall not be less than 66 centimetres;

(iv) the outer stringer of an outside staircase shall be so constructed on a band shall be so placed as to act as a screen to persons ascending or descending, and the height of the outer guard rail shall not be less than 99 centimetres above the front of the tread of each step.

238. Cushions.—Where the seats of a public service vehicle are provided with fixed or movable cushions, the cushions shall be covered with leather, cloth of good quality or other suitable material so that they are capable of being kept in a clean and sanitary condition.

239. Body dimensions and guard rails.—(1) Every public service vehicle other than a motor cab shall be so constructed that—

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

(a) the height of the body sides from the floor or the height to the stills of the windows, as the case may be, shall not be less than 71 centimetres;

(b) if the height of the sides of the body or of the sills of the windows, as the case may be, above the highest part of any seat is less than 46 centimetres, provision shall be made by means of guard rails or otherwise, to prevent the arms of seated passengers being thrust through and being injured by passing vehicle, or the extent to which the side windows or Venetians can be lowered in

such a manner that when lowered their top-edge is not less than 46 centimetres above the highest part of any seat;

(ii) in the case of a single-decked vehicle with open sides, guard rails shall be provided along the right hand side of the vehicle to prevent any person other than the driver from mounting or alighting from the vehicle on that side;

(iii) in the case of single-decked vehicle, the rear windows shall be covered from outside with close-spaced strong wire nets and the rear shall be fixed with slanted planks rigidly to ensure blocking of foot-hold on the rear outer body of the vehicle;

(iv) in the case of a double-decked vehicle with an uncovered top-deck, the top-deck shall be provided with side and end rails, the top of which shall be at least 91 centimetres above the deck boards or battens at the sides and 46 centimetres above the highest part of any seat, and that top of the front and back rails shall be at least 99 centimetres above the deck boards or battens and shall follow the camber of the deck.

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

240. Protection of passengers from weather.—(1) Every public service vehicle shall be either constructed with a fixed and watertight roof or equipped with a water tight hood that may be raised or lowered as required. The top deck of a double-decked vehicle may, however, remain uncovered.

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

(3) Where glass windows or Venetians are used, they must be provided with effective means to prevent their rattling.

241. **Internal lighting.**—Every public service vehicle, other than a motor cab, having a permanent roof, shall be provided with one or more electric lights adequate to give reasonable illumination throughout the passengers' compartment or compartments but of such power or so screened as not to impair the forward vision of the driver.

242. Body Construction.—The body of every public service vehicle shall be soundly constructed to the satisfaction of the Registering Authority and shall be securely fastened to the frame of the vehicle.

243. Compulsory electric lighting.—No light other than an electric light shall be fitted to any public service vehicle:

[92][Provided that an additional light shall be affixed on the hood top of the taxi for being used as signed in the event of hijacking or snatching of the taxi by any miscreant.]

244. Fuel tank and carburetors.—(1) No fuel tank shall be placed in any public service vehicle under any part of any gangway which is within 61 centimetres of any entrance or exit of a single-decked vehicle or the lower deck of a double-decked vehicle.

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

(3) In every public service vehicle any carburetor and apparatus associated therewith shall be securely placed.

245. Exhaust pipe.—The exhaust pipe of every public service vehicle shall be so fitted or shielded that no inflammable material can be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle and the outlet thereof be placed on the right hand side of the vehicle and far enough to the rear to prevent, so far as practicable, fumes from entering the vehicle.

246. Electric Wires.—All electric wires or leads shall be adequately insulated.

247. Fire extinguishers.—The Regional Transport Authority may, as a condition to the grant of any permit, require any public service vehicle to be equipped with a fire extinguisher of a type specified by the said Authority and such Authority may require that such fire extinguisher shall be inspected at such periods and by such persons as the Authority may specify.

248. Locking of nuts.—All moving parts of every public service vehicle and all parts subject to severe vibration connected by bolts or studs and nuts shall be fastened by lock nuts or by nuts with efficient spring or lock nut washers or by castellated nuts and split tins or by some other efficient device so as to prevent them working or coming loose.

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[92] Proviso added vide Notification No.4755-WT/3M-60/93 dated 28.5.1993.

249. Floor boards.—(1) The floor boards of every public service vehicle shall be strong and closely fitted so as to exclude, as far as possible, draughts and dust.

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

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250. Spare wheel and tools.—(1) Save as otherwise specified by the Regional Transport Authority in respect of municipal or cantonment areas, every public service vehicle shall at all times be equipped with not less than one spare wheel or rim fitted with a pneumatic tyre in good and sound condition readily inflated, and mounted in such a way that it can be readily dismounted and fitted to the vehicle in the place of any one of the road wheels.

(2) Sub-rule (1) shall not apply to public service vehicle during the completion of any journey during which it has been necessary to bring the spare wheel or rim and tyre into use.

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

251. [93][(1) Prohibition of painting or marking in certain manner.—] [94][(1) The fee for permission for display of advertising matter on a motor cab shall be specified in Schedule A.]

[95][Provided that the permission of the registering authority may be granted on annual basis upon—

(a) realisation of the fee as specified in Schedule A from the registered owner of the vehicle for every year for which permission is granted;

(b) the stage carriage or the special stage carriage, as the case may be, displaying a token to be issued by the registering authority which will indicate that the vehicle with advertisement operates under the permission given by the registering authority;

(c) the submission of a copy of the text of the advertisement along with the application;

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[93] Subs, videcl. (25)(a) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

[94] Sub-rule (1) subs, vide cl. 25(b), *ibid* (w.e.f. 4.5.1998).

[95] Proviso added videcl. (4) of the Notification No. 7221-WT/3M-151/96 dated 28.9.2001.

(d) the condition that no advertisement, which is communal, political or scurrilous in nature or is likely to offend public sentiment, shall be allowed.]

(2) A public service when regularly used for carrying Government Mail, by or under a contract, with the Indian Posts and Telegraphs Department, may exhibit in a conspicuous place upon a plate or a plane surface of the motor vehicle, the words "Mail" in red colour on a white ground, each letter being not less than 15 centimeters in height and of a uniform thickness of three-quarters or 2.5 centimeters.

(3) Save as contained in sub-rules (1) and (2), no motor vehicle owned by any person not being a person holding a contract with the Indian Posts and Telegraphs Department for carrying Government Mail shall be pained in red or similar other colour nor shall any such vehicle display any sign or inscription which includes the word "Mail" : Provided that the prohibition under this sub-rule relating to painting motor vehicles in red or similar other colour shall not apply to motor vehicles belonging to the Fire Brigade or the Government of West Bengal or to any vehicle belonging to the State Transport Undertaking or to petrol tank lorries or such other motor vehicles as the State Government may, by order, exempt.

[96][(4) No motor vehicle other than an educational institutional bus shall be painted in mustard yellow with a navy blue band of width 23 cm. along the centre of the body of the vehicle. The name of the educational institution shall be inscribed on the band in white.]

252. First-aid box.—Every public service vehicle shall carry a First Aid Box No. 3 containing the following articles:—

(a) A copy of the first-aid leaflet.

(b) Twenty-four sterilized finger dressings.

(c) Twelve sterilized hand or foot dressings.

(d) Twelve sterilized large or body dressings.

(e) One extra large, two large and three small sterilized burn dressings.

(f) Two 14 grams packets of sterilized cotton wool.

(g) A bottle of 2 per cent Tincture of Iodine.

(h) A bottle of Sal Volatile.

(i) Empty bottle fitted with cork and camel hair brush for eye drops.

(j) Fifty-seven grams medicine glass :

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[96] Sub-rule (4) ins. vide cl. 2(16) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

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

253. Certain rules to be applicable to private service vehicles and certain transport vehicles.—The provisions of these rules shall apply to private service vehicles and transport vehicles registered in the name of educational institutions which are recognised by the State Government or which are managed by societies registered under the Societies Registration Act, 1961, as the provision of these rules apply in relation to public service vehicles :

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

254. Special rules applicable to goods vehicles.—(1) Every goods vehicle including a trailer shall be equipped with a strong platform or body so constructed as to be capable of carrying the load for which it is used without danger to other road users and that the load can be securely packed within or fastened to the body or platform.

(2) Rule 235 of these rules relating to the driver's seat shall apply to the goods vehicle not being a light motor vehicle :

Provided that the State Government may, by order, exempt, subject to such conditions as may be specified in the order, any goods vehicle or class of goods vehicle from the provision of sub-rule (1) of rule 235.

(3) Every goods carriage shall carry in a prominent place on the front of the vehicle a board bearing a distinguishing mark with the letters "Goods Carriage".

(4) The distinguishing mark referred to in sub-rule (3) shall be in English letters and painted in black on a white background. The height and the width of each letter shall be less than 13 centimetres respectively.

(5) Sub-rules (3) and (4) shall not apply in the case of goods vehicles which are exempted from holding any permit under sub-section (3) of section 66 of the Act.

255. Special rules applicable to trailers.—(1) in order to prevent a goods vehicle from running backward on slopes, or otherwise to render it immobile, every such vehicle, not being a light motor vehicle, shall be equipped with two wedge-shaped rigid chocks, each measuring 30 centimeters in length, 30 centimeters in breadth and 254 millimeters in height, with one of its sides having a slope making an angle of 45 degree at the end. The

plane surface of the sloped side of each chock shall be rendered concave so as to fit the outer circumference of the tyres normally fitted to the rear wheels of the vehicle.

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

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

(a) in a bracket fitted on the outer skirt of the tail-board of the vehicle; or

(b) where the vehicle has no tail-board, in a metal carrier fitted between the frame side members, underneath the body nearest to the rear wheel on either side. The tail-board of the vehicle and where the vehicle has no tail-board, the wooden planks above the frame side members shall also have a hook in the centre.

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

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

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

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

257. Overall length.—(1) The overall length of a trailer (excluding any draw-bar) shall not exceed 671 centimetres.

(2) This rule shall not apply to—

(i) a trailer constructed and normally used for the conveyance of indivisible loads of abnormal length;

(ii) any agricultural or road making implement;

(iii) the trailing part of an articulated vehicle;

(iv) any incompletely assembled or otherwise disabled motor vehicle which is being drawn by a motor vehicle in consequence of the disablement.

(3) *Brakes.* -Subject to the provisions of rule 97 of the Central Motor Vehicles Rules, 1989, and save as provided in sub-rule (2), every trailer exceeding 499 kilograms in weight laden shall have an efficient braking system, the brakes being capable of application instantly when it is drawn,—

(i) in the case of a trailer having not more than two axles, to at least all the wheels of one axle; or

(ii) in the case of a trailer having more than two axles, to at least all the wheels of two axles.

(4) Sub-rule (1) hereof shall not apply to—

(i) any land implement drawn by a motor vehicle;

(ii) any trailer designed for use and used by a local authority for street cleansing which does not carry any load other than its necessary gear and equipment; and

(iii) any disabled vehicles which is being drawn by a motor vehicle in consequence of the disablement.

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259. Exemption of military vehicles.—(1) The provisions of the rules 221,239, 257 and 258 shall not apply to, or in relation to, any military motor vehicle registered under section 60 of the Act.

(2) Notwithstanding anything contained in these rules, the Commissioner of Police, [98][Kolkata], in the city of [98][Kolkata] including suburbs, and elsewhere, the District Magistrate may, by order, in writing, and subject to any conditions, authorise the driving at night without lights of motor vehicles registered under section 60 of the Act during the hour and on the route or routes, or in the area, within his jurisdiction specified in the order.

260. Exemption of road plant.—Nothing in rules 217, 219, 220, 221, 222, 229, 239, 257 and 258 of these rules shall apply to road rollers and other machines specially

[97] Rule 258 omitted vide cl. 2(17) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

[98] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act. 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

constructed or adapted for the construction or maintenance of roads which are the property of the Central or the State Government or of any local authority.

261. Exemption Of Other vehicles.—Notwithstanding anything contained in these rules, the State Government if it is satisfied that it is necessary so to do in the public interest, may, by order, exempt, on such conditions as may be specified therein, a motor vehicle or a class of motor vehicles from the operation of all or any of the provisions of these rules.

262. Taxi-meters.—(1) No motor car shall be used as a motor cab in the [98][Kolkata] Metropolitan District or within the limits of the Municipal Corporation of Howrah and Bally Municipality in the district of Howrah or within the erstwhile limits of the Garden Reach and South Suburban Municipalities in the district of 24-Parganas (South) now within the [98][Kolkata] Municipal Corporation or within the Asansol Sub-division in the district of Burdwan or within the municipal limits in the district of Hooghly except Arambagh, unless it is fitted with an approved taxi-meter or other mechanical device for automatically and visibly registering on each occasion the fare to be charged according to the rates for distance or time or a combination of distance and time. The taxi-meter shall be fitted to and operated from a propelling shaft or gear box as may be approved by the Registering Authority. Every taxi-meter when in use shall be locked and sealed, so that it may not be tampered with :

Provided that the State Government if it is satisfied that it is necessary so to do in the public interest, may, by order exempt, on such condition as may be specified therein, any motor cab from the operation of sub-rule (1) on a specified occasion or specified occasions or for a specified period.

(2) Every such taxi-meter shall be equipped with—

(i) an indicator or handle in the form of a flag fitted to the taxi meter and on which shall be printed the words "for hire"; or

(ii) an indicator connected with the taxi-meter by any device, electrical or otherwise, which when operated, shall display the words "for hire" or "hired".

(3) The taxi-meter shall be so constructed that when the indicator is vertical or displays the words "for hire", as the case may be, the taxi-meter shall be out of action. Such taxi-meter shall be so placed as to be clearly visible to any person outside or in front of the vehicle and to the hirer inside. The vertical position of the indicator flag or the indicator showing the words "for hire" shall indicate that the vehicle is available for hire.

(4) Any owner, driver, attendant or other person who shall break or in any way tamper with the seal placed on the taxi-meter or the driving mechanism thereof, or who shall with intent to deceive, tamper with the taxi-meter or the driving mechanism thereof, shall be deemed to have committed a breach of this rule.

263. Taxi-meters to be approved by the Registering Authority.—(1) No taxi-meter which has not been approved by the Registering Authority shall be affixed to a motor cab referred to in sub-rule (1) of rule 262 of these rules.

(2) Taxi-meters are only to be fitted in such position and in such manner as may be approved by the Registering Authority, the position and the manner to be determined with reference to the construction of the motor cab.

(3) A taxi-meter shall under no circumstances be used upon a motor cab in connection with a wheel the circumferences of which are different from, those for which the meter has been designed, geared and tested.

(4) No taxi-meter which is in any way defective shall be used upon a motor cab.

(5) No flexible or driving gears, except such as are approved by the Registering Authority, shall be used and they shall be so affixed that no part of the cable etc., can be readily reached by an unauthorised person. All connections shall be so made as to be capable of being sealed in an approved manner to prevent improper removal.

(6) The owner of a motor cab of which the registration has been cancelled shall forthwith detach the taxi-meter, notifying the Registering Authority in writing to that effect.

265. Periodical test Of taxi-meters.—Every taxi-meter shall, at the end of each period of six months (the first of such periods commencing from the date of the test referred to in rule 264 of these rules) be submitted to a test similar to that prescribed by that rule :

Provided that every taxi-meter shall at any time, if so required by the Registering Authority, be submitted to it for the purpose of undergoing such test or any portion thereof.

266. Maintenance of register showing results of test.—The owner of every motor cab referred to in sub-rule (1) of rule 262 of these rules, shall cause to be kept in the cab for the inspection of the public, register in which the testing officer referred to in rule 264 of these rule shall, after each of the tests prescribed in that rule and in rule 265 of these rules enter the date and result of such test.

267. Registration of persons entitled to undertake the work of repairs and adjustment of taxi-meters.—(1) Persons desirous of undertaking the work of repair or

adjustment of taxi-meters shall received the approval of the Registering Authority and be duly registered with that Authority.

(2) It shall be necessary for the person or company applying for registration to satisfy the Registering Authority—

(i) that the applicant is of good character and of business repute;

(ii) that the applicant's financial position is sound;

(iii) that the applicant maintains an efficient staff and suitable equipment at his premises and a sufficient supply of spare parts for the repair of taxi-meter;

(iv) that the applicant is generally a fit and proper person to undertake the repair or adjustment of taxi-meters.

(3) The address of the premises where the work of repair or adjustment will be carried out and any alteration of such address, shall be notified to the Registering Authority.

(4) The premises where the work of repair or adjustment is carried out will be open at all reasonable times for inspection by the Registering Authority.

(5) The Registering Authority may, in its discretion, withdraw its approval, if it is objectively satisfied that the firm or individual concerned is unable to comply with the requirements set out herein, of if the business is not carried on to its satisfaction.

[99][**267A. Issue of licence to persons registered under rule 267 for repair or adjustment Of taxi-meters.—(**1) Every person registered under rule 267 shall obtain a licence for undertaking the work of repair or adjustment of taxi-meters from the Licensing Authority specified in sub-rule (2) who shall issue such licence to him on application and on payment of the fee specified in sub-rule (3).

(2) For the purposes of sub-rule (1), the Licensing Authority shall be,—

(a) in the city of [100][Kolkata] (Jurisdiction of [100][Kolkata] Police), The Director, Public Vehicles Department, [100][Kolkata], and,

(b) elsewhere in the State, the District Magistrate.

(3) The fee for every licence shall be five hundred rupees.

(4) Every licence issued under this rule shall be valid for a period of three years from the date of issue of the licence and shall be renewed every three years on application and

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[99] Rule 267A ins. vide Notification No. 2303-WT/3M-90/93 dated 20.03.1995.

[100] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act. 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

on payment of fee of two hundred rupees within fifteen days from the date of expiry of the period of validity of the licence.

(5) Any person failing to get the licence renewed within the period mentioned in sub-rule (4) shall be required to pay a fine of fifty rupees per week (irrespective of the number of days in a week during which the licence is not renewed) commencing from the date immediately after the date of expiry of the validity of the licence, subject to maximum of five hundred rupees.

(6) Notwithstanding anything contained in the foregoing provisions of this rule, no taxi-meter shall be repaired without the prior permission of the Licensing Authority. In the case of any contravention of this sub-rule, the owner of the repairing shop shall be liable to pay a fine of five hundred rupees.]

268. List Of rates.—In every motor cab, other than those referred to in sub-rule (1) of rule 262 of these rules, there shall be available for the inspection of hirer a list of rates as fixed by the Transport Authority under clause (v) of sub-section (2) of section 74 of the Act.

269. Display of photograph together with the name and the licence number of the person engaged in driving a motor cab.—Every motor cab within the Authority for any other region, also within such other region, shall carry a copy of the photograph, together with the name and the address and the licence number of the person engaged in driving it. Such photograph, name and licence number shall be so placed as to be clearly visible to the hirer when inside the motor cab.

270. Painting and marking of motor cabs.—(1) Save as otherwise provided hereafter in this rule a motor cab shall, to the exclusion of all other kinds of motor vehicles, be painted and marked in the following manner—

(a) the hood, or where the hood is collapsible or removable, a band of three inches in which along the uppermost contour of the body next below the hood, shall be painted in cream yellow, and the rest of the body shall be painted in black :

Provided that in respect of motor cabs specially authorised to ply in the '[Kolkata] Metropolitan District, the body including the hood shall be painted in yellow.

(b) the registration mark and number of the motor cab shall be painted prominently on the inner side of the windscreen at the upper left-hand corner.

(2) Nothing in sub-rule (1) apply to motor cabs specially directed by the Regional Transport Authority, [102][Kolkata] Region, or the State Transport Authority, West Bengal,

to bear the registration mark 'WBY' or such new registration mark in which case, however, the painting of the vehicle shall be in white or cream colour:

[101][Provided that the State Government may, by order, allow any motor cab rendering limousine service to be painted in such colour as may be specified in the order.]

Explanation.—For the purpose of this rule, [102][Kolkata] Metropolitan District" means the area described as such in the Schedule to the [102][Kolkata] Metropolitan Planning Area (Use and Development of Land) Control Act, 1965 (West Ben. Act XIV of 1965).

271. Checking of designs of locally manufactured trailers: (1) An application for the approval of a new design of trailer manufactured in

India and intended to be used as a transport vehicle shall be sent to the Secretary, Transport Department in triplicate by the manufacturer or his authorised assembler in Form TLDA. Such application shall be accompanied by three copies of each of the following, in addition to other documents mentioned in the form of application :—

(i) Full specifications.

(ii) Drawings giving all the dimension and details.

(iii) Set of design calculations of—

(a) Axles;

(b) Spring;

(c) Long bearers;

(d) Cross bearers;

(e) Platform tank or anything that may be carried on the cross bearers;

(f) Tow bar;

(g) Turn table of two axle trailers;

(h) Braking arrangements;

(i) Any other items such as shock absorbers, if included.

(2) (a) The Transport Secretary shall forward the application and the copies of the documents to the Deputy Transport Commissioner (Technical) at Pool Car, or to any other organisation approved by the State Government (hereinafter referred to as "the organisation") having competence and technical capacity to check the design and the trailer, for verification and recommendation of the greatest laden and axle weights in respect of the trailers which are compatible with reasonable safety.

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[101] Proviso added vide Notification No. 11555 -WT/TE 140/92 dated 12.12.1994.

[102] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII Of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

(b) The organisation shall then go through the design and calculation, and if the design is found satisfactory, may certify, the greatest laden and axle weights of the trailer which are compatible with reasonable safety, as per rules framed by the State Government or the Central Government as per sections 110 and 111 of the Act.

(c) In case, the design is not found satisfactory, the organisation shall advise the applicant to that effect, and recommend such changes in the design as may be required, to make the trailers suitable for the desired load.

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

(e) When a design is found satisfactory, the organisation shall return two copies of the approved design, specification and calculations with its recommendations as to the maximum laden and axle weights compatible with reasonable safety to the Transport Secretary. The Transport Secretary, may then approve the design and call for as many extra copies of the approved types of the design, specifications and calculations as may be required by him for sending them to different registering authorities for their record.

(3) The maximum fee which may be charged by the State Government for such checking or design should be notified from time to time. Such fee shall be decided by the State Government in consultation with the Deputy Transport Commissioner (Technical) or with such approved organisation. [103][The fees shall be paid by the applicant in cash in T.R. Form 7 to be deposited with the Reserve Bank of India, under the appropriate head of accounts and shall not be refundable.]

(4) Notwithstanding anything contained in sub-rules (1), (2) and (3) of this rule the approval of the design of the trailer manufactured in India by an authority competent in his behalf in any other States in India shall be deemed to be an approval accorded under these rules subject to the conditions that similar provisions exist in that State as contained in this rule.

272. Approval of gas producers fitted to motor vehicles.—(1) On or after a date to be notified in this behalf in the *Calcutta Gazette* by the State Government no producer shall be fitted to a motor vehicle unless the producer—

[103] Subs, vide cl. (6) of the Notification No. 7221-WT/3M-151/96 dated 28.9.2001 for the words "The fees shall be paid by the applicant by Demand Draft or Postal Order and shall not be refundable."

(a) has been made by a manufacturer approved in this behalf by the State Transport Authority;

(b) is of a type or model approved by, and in accordance with specification approved by that Authority for use on the type of vehicle concerned;

(c) has, affixed to the generator in such a manner as to be clearly visible, a metal plate having legibly displayed upon it the name of the manufacturer, the description, name, mark or number assigned to it by the State Transport Authority under sub-rule (1) of rule 274 of these rules and the manufacturer's serial number.

(2) Any producer approved by a competent authority elsewhere in India as specified in the Schedule G1 to these rules and any modification thereof approved by the said competent authority may be deemed to be approved for the purposes of sub-rule (1):

Provided that a plant approved by a competent authority elsewhere in India shall have a gas-filtering certificate granted to it either in the original State or elsewhere.

273. Application for approval Of **producer.**—(1) Any person seeking the approval of the State Transport Authority under rule 272 of these rules, shall make application in writing to the said authority accompanied by duplicate copies of the specifications, of clear drawings or prints of the producer and of the instructions for working it, and shall state the type or model of motor vehicle and the horse power of engine for which the producer is intended.

(2) The instructions for the working and maintenance of the producer shall be subject to the approval of the State Transport Authority which shall cease to be endorsed thereon a statement of the materials and parts declared by the applicant not to be calculated to withstand two years' wear and tear. A copy of the above instructions so approved and endorsed, and bearing upon it the particulars specified in the clause (c) of sub-rule (1) of rule 272, shall be attached to, or tendered with, every producer offered for sale. The instructions referred to in sub-rule (1) and in this sub-rule shall include the manufacturer's recommendations as to lubrication generally and in particular upper cylinder lubrication.

(3) If so required by the State Transport Authority, a person who has made an application under sub-rule (1) shall—

(a) submit the producer to such laboratory or workshop for test in such laboratory or workshop and by such person or to such other test by such person as the State Transport Authority may specify ; and

(b) produce at his own expense, the vehicle fitted with the producer for a 161 kilometers road test including a road journey solely on producer gas of not less than 80.5 kilometers over a specified test track.

274. Approval Of producer.—(1) The State Transport Authority on approving any type or model or producer shall inform the applicant in writing accordingly, and shall also intimate the description, name, mark *or* number under which it may be offered for sale.

(2) No person shall sell or offer for sale any producer which does not conform in every material respect to the specification approved by the State Transport Authority in relation to the name, mark or number displayed on the generator in accordance with clause (a) of sub-rule (1) of rule 272 of these rules.

(3) A manufacturer who proposes to modify or alter, in any way, the design or specification of an approved type or model of producer shall, before offering the modified type of model for sale, make application to the State Transport Authority with particulars of the modifications or alterations proposed, and shall obtain the approval of the State Transport Authority thereto.

(4) Upon receipt of an application under sub-rule (3), the State Transport Authority may, if it thinks fit, require the modified type of model to be subjected to the test specified in sub-rule (3) of rule 273 of these rules.

275. Approval of the designs and construction of producer. —(1) Before according approval to any type or design of producer, the State Transport Authority shall satisfy itself that the design and construction proposed are in accordance with the provisions of these rules and the general specification contained in the Schedule G2 to these rules.

(2) If any person wishes to manufacture a producer the design of which contemplates departure from ordinary practice, the employment of any new or unusual methods of construction, or the use of methods of construction and processes not in conformity with these rules and specifications, he shall apply to the State Transport Authority stating in what respect the design departs from ordinary practice and the modification or relaxation of the rules and specification which he desires to be made, with the reasons thereof.

276. Design and construction of producer.—(1) Every producer shall be installed and maintained in accordance with the specifications with all reasonable care necessary to prevent danger from fire, gas poisoning and burns, and in particular, all pipes, joints, valves, and all covers to hoppers, generators, collers, filters and any other accessories

shall be free from gas or air leaks, and all exposed hot surface shall be effectively screened from accidental contacts.

(2) If an escape funnel be fitted to any generator for using during the blowing of air through the generator, the mouth of the funnel shall be above the roof level of the vehicle measured externally. A suitable valve or flame trap shall be fitted to the air inlet of all types of generator to prevent danger from blowback.

(3) The fitting of a producer plant to any motor vehicle shall be reported to the registering authority as an alteration as required by section 52 of the Act, and the vehicle shall thereupon be produced for inspection by such authority and at such time and place as the registering authority may specify.

(4) Motor vehicles fitted with producer gas plants shall also be produced periodically for inspection before the authority so specified once every three calendar months on such date as may be specified by the said authority.

(5) The inspection referred to in sub-rules (3) and (4) may, if the inspecting authority considers it necessary, include a road test covering a distance not exceeding 40.23 kilometres.

(6) The inspecting authority so specified shall be entitled to inspect any motor vehicle fitted with a producer has plant at any public place or any garage or to require by notice, in writing, the owner of any such vehicle to produce it for inspection whenever necessary.

(7) No producer shall be fitted to a motor vehicle in such a way that the vehicle thereby contravenes the provision of rule in respect of width and overall height prescribed by the Central Government.

277. Placing of producer in a motor vehicle.—(1) No part of any producer shall be placed so as to reduce the field of vision of the driver by means of the mirror prescribed in sub-rule (2) of rule 217 of these rules or otherwise or as to impede the driver in the control of his vehicle. (2) In a public service vehicle-(a) no part of the producer shall be placed within the passengers' compartment;

(b) the generator shall be placed in rear of the passengers' compartment, either completely outside it or recessed in the rear panel, and shall be insulated and have the clearance prescribed in rule 278 of these rules;

(c) in the case of any generator fitted in the rear of a vehicle and to one side of the vehicle, suitable means shall be taken to compensate for the additional weight by inserting one or more leaves in the real springs of the vehicle at the side ;

Provided that notwithstanding the provisions of these rules, the generator and a reserve of fuel not exceeding 69 kilograms in weight may be carried on a trailer attached to a public service vehicle.

(3) No public service vehicle towing a producer fitted in the rear shall have any opening or door in the rear end facing to the rear of the vehicle.

(4) In a transport vehicle other than a public service vehicle the generator shall not be placed forward of the rear of the driver's cabin, and shall be insulated and have the clearance prescribed in rule 278 of these rules :

Provided that in the case of any special purpose vehicle, the State Transport Authority may, subject to the provisions of adequate means of egress for the driver, such as a hinged canvas tilt, or overhead flap or opening, specify that the generator may be placed at a level with the driver's seat.

278. Generator Of producer.—(1) On any motor vehicle if any part of generator is so placed as to be within a distance of 15 centimetres in a horizontal plane from any part of the vehicle, the vehicle shall be insulated from the generator by a sheet of asbestos one-quarter of 2.5 centimetres thick or by such other insulating material, and of such thickness as the State Transport Authority may by general or special order in writing specify in that behalf but not less than the height of the generator including the hopper and of such a width as—

(a) where the generator is recessed, completely to line the recess;

(b) where the generator is not recessed, to project for distance of not less than 15 centimetres on either side of the generator.

(2) No part of a generator shall have a clearance between it and the insulating material prescribed in that behalf.

(3) The joints in any insulating materials as aforesaid shall be either—

(a) overlapped by not less than 8 centimetres; or

(b) butted with a covering butt-strap of the same material and thickness not less than 13 centimeters wide, and overlapping the butt-joint equally by not less than 6 centimetres.

(4) The clearance between the ground and the lowest part of any producer plant shall not less than 31 centimetres.

279. Placing Of generator.—(1) Generators shall be so mounted that any air inlets shall point away from the main petrol tank filter cap.

(2) No generator and no pipe between the generator and the gas filters shall be so placed that any part of the generator of such pipe is within a distance of less than—

(a) 61 centimeters from any part of the petrol tank;

(b) 122 centimeters from the filling point or office or of the petrol tank:

Provided that in the case of a transport vehicle other than a public service vehicle, the generator may be at a distance of less than 61 centimeters from any part of the petrol tank, but there shall be a distance of less than 20 centimeters between any part of the generator or of any pipe connecting the generator or the gas filter and any part of the petrol tank:

Provided further that when any part of the generator or pipe as aforesaid is at a distance of less than 61 centimeters from any part of the petrol tank, that part of the generator and pipe shall be insulated from that part of the petrol tank by the interposition of the insulating material and the clearance specified in rule 278 of these rules.

(3) The filler cap and any other opening in the main petrol tank shall, where the generator is mounted on the side of the vehicle, be located on the opposite side of the vehicle to the generator, and shall be not less than 122 centimetres away from the generator and from the pipe leading from the generator to the gas filters.

(4) Any auxiliary petrol tank with gravity feed shall be located in front as far from the generator as practicable.

280. Generator in a transport vehicle.—On any transport vehicle the filters and gas coolers shall be so placed as to be readily accessible for clearing at any time.

281. Pipes, valves and other parts of producer.—Every part of the producer shall be firmly and securely fixed in place, and all pipes valves, joints and hopper lids or covers shall, at all times, be maintained in a gas-light condition.

282. Instruction to be followed by the drivers or persons in Charge Of motor vehicle.—No driver or other person in charge of a motor vehicle to which a producer is fitted shall—

(a) at any time when there is fire in the generator, cause or allow the vehicle to stop or remain stationary at a distance of less than 1829 centimeters from any petrol pump or place where petrol is supplied in tins;

(b) at any time when there is fire in the generators, pour petrol or cause or allow petrol to be poured into the petrol tank;

(c) carry, or cause or allow to be carried in the vehicle (save in the regular petrol tank thereof) any petrol or other inflammable or explosive substance;

(d) at any time when there is fire in the generator, clean or take out the generator at any appointed bus stand or stopping place, or within a distance of less than 1829 centimeters from any other motor vehicle or on any road surface or cause or allow the same to be done by any person;

(e) where a park, bus stand or halting place or a part of a park, bus stand or halting place is set apart for vehicles fitted with producers, allow the vehicle to stop or remain stationary in any other park, bus stand or halting place or other part thereof, as the case may be;

(f) place the vehicle or cause or allow it to be placed in any garage or shed unless the garage or shed is provided with a permanent opening or opening for sufficient ventilation other than door or windows that may be closed.

283. Projection Of producer.—(1) The projection of any part of producer beyond the rear of the vehicle shall be deemed not to be a part of the vehicle for the purposes of rules, in respect of overall length and overhang, as framed by the Central Government.

(2) No producer shall be fitted to any motor vehicle in such a way that the vehicle thereby contravenes the provisions of any rule in respect of width and overall height prescribed by the Central Government.

284. (1) Filters and coolers.—On any transport vehicle the filters and gas coolers of a producer shall be so placed as to be readily accessible for cleaning at any time.

(2) Every part of a producer fitted to a motor vehicle shall be firmly and securely fixed in place, and all pipes, valves, joints and hopper lids or covers shall at all times be maintained in gas-tight condition.

(3) Before a transport vehicle fitted with a producer is used, it shall be submitted for a test to an officer authorised by the Director of Industries or the Secretary, Transport Department, West Bengal in this behalf who shall submit it to a road test of 40 kilometres run and for inspection immediately afterwards for any defects.

(4) If after test and inspection, the fitting is found to be suitable, the said authority, shall issue a certificate of inspection in that behalf.

(5) In the event of any defect being found, the owner of the motor vehicle shall be informed in writing of the defect by the authority testing the vehicle.

(6) The vehicle shall not be used until the defect is remedied to the satisfaction of the said authority and a certificate is issued under sub-rule (4).

(7) Every motor vehicle other than a motor car fitted with a producer shall be submitted for a test once in six months to an officer authorised by the State Transport Authority in

this behalf who shall submit it to a road test of 40 kilometres run and for inspection immediately afterwards for any defect.

(8) If after test and inspection the fitting is found to be suitable, the said authority shall be informed in writing of the results by the authority testing the vehicle.

(9) The certificate of inspection granted under sub-rules (4) and (8) shall be displayed on a prominent place a motor vehicle in respect of which it is issued.

[104][(10) The fee for inspection and test of a model or modification of, or on, a model under rule 273 shall be as specified in Schedule A.]

[105][(11) The fee for inspection and test of motor vehicle fitted with a producer under rule 276 shall be specified in Schedule A.]

[106][(12) The fee for inspection and test of a motor vehicle referred to in sub-rule *(7)* shall be specified in Schedule A.]

[107][(13) The fee for duplicate copy of a certificate shall be as specified in Schedule A.]

(14) All fees payable under this rule, shall be payable in advance and shall not be refunded.

(15) If the inspection and test are carried out at the premises of manufacturer or dealer in producers, or at the request of the owner of a motor vehicle at a place other than the headquarters of the officer carrying out the inspection and test, there shall be charged in respect thereof, in addition to the fee prescribed, an extra fee equal to the actual expenses incurred by the officer for such inspection and test, including the travelling allowance admissible to him.

CHAPTER VIII

285. Signaling devices.—The signaling device required by section 121 of the Act shall be a direction indicator as prescribed in rule 103 of the Central Motor Vehicles Rules, 1989.

286. Vehicles abandoned on the road.—(1) if any motor vehicle is allowed to stand in any place other than a duly appointed parking place in such a way as to cause undue obstruction to traffic or danger to any person, any police officer or any Motor Vehicles Inspector may—

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[104] Sub-rule (10) subs, vide cl. (26)(a) of the Notification No. 2668-WT/3M-151/96 dated 4.5.1998 (w.e.f. 4.5.1998).

[105] Sub-rule (11) subs, vide cl. (26) (6) of the Notification No. 2668-WT/3M-151 /96 dated 4.5.1998 (w.e.f. 4.5.1998).

[106] Sub-rule (12) subs, vide cl. (26)(c),/o/d (w.e.f. 4.5.1998).

[107] Sub-rule (13) subs, vide cl. (26) (d),/b/d (w.e.f. 4.5.1998).

(i) forthwith cause the vehicle to be moved under its own power or otherwise to the nearest place where the vehicle will not cause undue obstruction or danger;

(ii) unless it is moved to a position where it will not cause obstruction or danger, take all reasonable precautions to indicate the presence of the vehicle; and

(iii) if the vehicle has been stationary in one place for a continuous period of twelve hours within municipal areas and twenty-four hours elsewhere and adequate steps have not been taken for its repair or removal by the owner or his representative, remove the vehicle and its contents to the nearest place of safe custody.

(2) If a motor vehicle has been stationary in a duly appointed parking place for a period exceeding that specified by competent authority in respect of the said place, or, if on such period has been specified, for a period exceeding six hours, any police officer may remove the vehicle to the nearest place of safe custody.

(3) Notwithstanding any fine or penalty which may be imposed upon any person upon conviction for the contravention of the provisions of section 127 of the Act or of any regulations made by a competent authority in relation to the use of duly appointed parking places, the owner of the motor vehicle or his heirs or assigns shall be liable to make good any expense incurred by any police officer in connection with the moving, lighting, watching or removal of a vehicle or its contents in accordance with sub-rules (1) and (2) and any police officer, or any person into whose custody the vehicle has been entrusted by any police officer, shall be entitled to detain the vehicle until he has received payment accordingly and shall upon receiving such payment, give a receipt to the person making the payment.

(4) The owner of the motor vehicle or his heirs or assigns may, within 14 days from the date of the payment referred to in sub-rule (3), challenge the correctness or otherwise of the amount realised as expenses incurred by the police officer under that sub-rule by a statement in writing delivered to the Commissioner of Police, '[Kolkata], or to the District Magistrate, according as such payment is made in the City of '[Kolkata] (including suburbs) or elsewhere.

(5) Upon receipt of such statement, the Commissioner of Police,' [Kolkata], or the District Magistrate, as the case may be, shall cause such enquiries to be made as appear to be necessary to satisfy himself as to the correctness or otherwise of the amount realised as expenses by the police officer under sub-rule (3) and shall pass such orders thereon as he deems fit.

(6) If the Commissioner of Police, [108][Kolkata], or the District Magistrate, as the case may be, is satisfied that the amount so realised is excessive, he shall order a refund to be made to the persons submitting the statement of the amount which he considers to be in excess of the amount which such person is liable to make good under sub-rule (3).

287. Installation and use of weighing devices.—[109][(1) **A** weighing device for the purpose of section 114 of the Act may be—

(i) a weigh-bridge installed at any place by the State Government or a local authority;

(ii) a weigh-bridge installed and maintained by any person or agent, selected in any manner by the Government or the Government Undertaking may decide, under a contract with the State Government or any Undertaking of the State Government in terms of the conditions as may be specified by the State Government by order, at any place or any checkpost commissioned by the State Government for enforcement of the provisions of the Act and rules made thereunder;

(iii) a weigh-bridge installed and maintained by any person or agent and certified by the registering authority under whose jurisdiction it is installed to be proper for the use and the purpose of this Act and these rules;

(iv) a portable wheel-weigher or any kind approved by the State Government and used by the competent authority under section 114 of the Act.

Explanation: "Weigh-bridge" means a mechanical or otherwise device used for weighing the load of any vehicle or its any part or axle and duly certified by the appropriate authority to be proper for such use.]

[110][(2) (a) The driver of any goods vehicle loaded with goods, partly or fully, and passing through the place or check-posts as specified under clause (ii) of sub-rule (1) of this rule, shall get his vehicle weighed by the weigh-bridge installed thereon on payment of such fees as may be specified by the State Government by order:

Provided that any goods vehicle owned by the Central/State Government or any Government Undertaking or any person/organization, as may be specified by the State Government by order, shall be exempted from the operation of this clause.

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[108] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

[109] Sub-rule (1) subs, videcl. 2(19)(a) ofthe Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

[110] Sub-rule (2) subs, vide cl. 2(19) (b) of the Notification No. 5305-WT/6M-21 /2002 dated 12.12.2003 (w.e.f. 16.12.2003).

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

(3) If the driver of a motor vehicle not being engaged in driving or attending to any other vehicle at the time, fails within a reasonable time to comply with a requisition under sub-rule (2), a person authorised under section 114 of the Act may cause any person, being the holder of a licence authorising him to driver the vehicle, to so drive and manipulate the vehicle.

(4) When the weight or axle weight of a motor vehicle is determined by separate and independent determination of the weight transmitted by any wheel or wheels of the vehicle, the axle weight and the laden weight of the vehicle shall be deemed to be the sum of the weights transmitted by the wheels of any axle or by all the wheels of the vehicle as the case may be.

(5) Upon the weighment of a vehicle in accordance with the said section and this rule, the person who has required the weighment or the person in charge of the weighing device shall deliver to the driver or other person in charge of the vehicle a statement in writing of the weight of the vehicle and of any axle, the weight of which is separately determined.

(6) The driver or other person in-charge of, or the owner of a vehicle which has been so weighed, may challenge the accuracy of the weighing device by a statement in writing accompanied by a deposit of rupees fifty—

(i) within one hour of the receipt of the statement referred to in sub-rule (5), to the person by whom the statement was delivered to him; or

(ii) within fourteen days of the service on him of notice of proceedings against him under section 113 of the Act, to the Court issuing such notice.

(7) Upon receipt of a statement challenging the accuracy of a weighing device under sub-rule (6), of the person or the court by whom the statement is received shall apply to or ask, as the case may be, the Registering Authority for the weighing device to be tested by such person as the Registering Authority may appoint and the certificate of such person as may be so appointed regarding the accuracy of the weighing device shall be final.

(8) If, upon the testing of a weighing device under sub-rule (7), the weighing device is certified to be accurate or to be inaccurate to an extent less than any weight by which the laden weight or unladen weight or any axle weight of the vehicle is shown in the statement referred to in sub-rule (5) to have exceeded the gross vehicle weight or the unladed weight or the registered axle weight, as the case may be, a contravention of sub-section (3) of section 113 of the Act shall be deemed to have been proved.

(9) If, upon such testing of a weighing device, the weighing device is certified to be in accurate to an extent greater than any weight by which the laden weight or unladen weight or any axle weight of the vehicle is shown in the statement referred to in sub-rule (5) to have exceeded the gross vehicle weight or the unladen weight or the registered axle weight, as the case may be, no further proceedings shall be taken in respect of any such laden weight or unladen weight or axle weight and if, the device is certified to be inaccurate to the said extent in respect of every such laden weight, unladen weight or axle weight actually weighed, the deposit prescribed in sub-rule (6) shall be refunded.

(10) No person shall, by reason of having challenged the accuracy of any weighing device under sub-rule (6) be entitled to refuse to comply with any order in writing under section 114 of the Act.

(11) A weighing device for the purpose of section 114 of the Act shall be tested as to its accuracy every six months by such person as may be appointed in this behalf by the Registering Authority. In the case where such device is installed and maintained by the State Government, the date of the last test held under this sub-rule shall be exhibited on the device.

(12) The State Government may, by notification from time to time, issue guidelines regarding installation and use of weighing devices. Such guidelines may provide for restrictions on places for installation of weighing devices, permission for such installation, payment of fees, if any, and other allied matters.

288. Restriction on driving with gear disengaged.—Within the limits of the district of Darjeeling except the Siliguri sub-division and elsewhere on any hill marked by traffic sign No. 10 of Part B of the Schedule to the Act, no person shall drive a transport vehicle with the engine free, that is to say, with the gear lever in neutral, the clutch lever depressed or with any free wheel or other device in operation which frees the engine from the driving wheel and prevents the engine from acting as a brake when the vehicle is travelling down an incline.

289. Prohibition of mounting or taking hold of vehicle in motion.—(1) No person shall mount or attempt to mount on, or dismount from any motor vehicle, when the motor vehicle is in motion.

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

290. Towing.—(1) No vehicle other than a mechanically disabled or incompletely assembled motor vehicle, a registered trailer or a side-car shall be drawn or towed by any motor vehicle.

(2) No motor vehicle shall be drawn or towed by any other motor vehicle unless there is in the driver's seat of the motor vehicle being drawn'or towed, a person holding a licence authorising him to drive the vehicle or unless the steering wheels of the motor vehicle being towed are firmly and securely supported clear of the road surface by some crane or other device on the vehicle which is drawing or towing it.

(3) When a motor vehicle is being towed by another motor vehicle, the clear distance between the rear of the front vehicle and the front of the rear vehicle shall at no time exceed 457 centimeters. Steps shall be taken to render the two ropes or chains easily distinguishable by other users of the road, and there shall be clearly displayed on the rear of the vehicle being towed in black letters not less than 8 centimeters high and on a white ground the words "On Tow" :

Provided that no person shall be liable to be convicted for the contravention of this sub-rule for failure to display the words "On Tow", if the motor vehicle towing the other is not a motor vehicle adapted and ordinarily used for the purpose and so long as the vehicle is being towed between the place of the breakdown and the nearest place on the route at which the necessary materials can be obtained.

(4) No motor vehicle when towing another motor vehicle, other than a trailer or side-car, shall be driven at a speed exceeding 24 kilometers per hour.

291. Footpaths, cycle-tracks and traffic segregation.—(1) Where any road or street is provided with footpaths, or tracks reserved for cycle or specified classes of other traffic, no person shall, save with the consent of a Police Officer in uniform, driver any motor vehicle or cause or allow any motor vehicle to be driven on any such footpath or track.

(2) Commissioner of Police in [111][Kolkata] or the District Magistrates in the districts may declare, by order in that behalf, that certain portions of public thoroughfares, roads or any public place including State highways, shall be used exclusively by motor vehicles or by certain categories of motor vehicles and not by any other kind of traffic like cycles, rickshaws etc., during specific hours as may be mentioned in such order. After issue of such an order, the restrictions imposed in respect of the categories of the motor vehicles or on any other kind of traffic like cycles, rickshaws etc., shall be complied with.

292. Projection Of loads.—(1) Nothing shall be placed or carried upon the outer side of the roof of a double-decked public service vehicle.

(2) No person shall drive, and no person shall cause or allow to be driven, in any public place any motor vehicle which is loaded in a manner likely to cause danger to any person or in such a manner that the load or any part thereof or anything extends—

(i) laterally beyond the side of the body or beyond a vertical place in prolongation of the side of the body;

(ii) to the front beyond the foremost part of the vehicle;

(iii) to the rear to a distance exceeding 122 centimeters beyond the rear most part of the vehicle excluding any luggage carrier; and

(iv) in height by a distance which exceeds 335 centimeters from the surface upon which the motor vehicle rests :

Provided that in the case of a three-wheeler goods vehicle which is a light motor vehicle, the measurements referred to in clauses (/'//') and (/V) shall not exceed 45 centimetres and 180 centimetres respectively.

(3) Clause *(iii)* of sub-rule (2) shall not apply to a goods motor vehicle (other than the one which is a light motor vehicle) when loaded with any pole or other projecting thing so long as—

(i) the projecting load falls within the limits of the body of a trader being drawn by the goods vehicle; or

(ii) the distance by which the pole or other thing projects beyond the rear most point of the motor vehicle does not exceed 183 centimetres; and

(iii) there is attached to the rear of such pole or other thing in such a way as to be clearly visible from the rear at all times a white circular disc of not less than 38

[111] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

centimetres in diameter and, at night, a lamp in addition to the prescribed lamps on the vehicle so arranged as to show a red light to the rear.

(4) The State Government may, by order in writing, exempt for such purposes and for such period and subject to such conditions as may be specified in the order, any motor vehicle from any or all of the provisions of this rule.

293. Restriction as to carriage of dangerous substance.—if, in the opinion of a police officer not below the rank of a Sub-Inspector or a Motor Vehicles Inspector, any public service vehicle is at any time loaded in contravention of the rules 129 to 135 of the Central Motor Vehicles Rules, 1989, he may order the driver or other person in charge of the motor vehicles to remove or repack the inflammable or dangerous substance.

294. Restrictions on use of siren and sound signals.—(1) No driver of a motor vehicle shall sound the horn or other run device for giving audible warning with which the motor vehicle is equipped, or shall cause or allow any other person to do so, needlessly or continuously or to an extent beyond that which is reasonably necessary to ensure safety.

(2) The Commissioner or Police in the city of' [112][Kolkata] including suburbs, and elsewhere, the District Magistrate may, by Notification published in the *Official Gazette* or in one or more newspapers in the said city or district, as the case may be, and by the erection in suitable places of traffic sign No.7 as set forth in Part A of the Schedule to the Act, prohibit the use by drivers of motor vehicles of any horn, gong or other device for giving audible warning in any area within the city or district and during such hours as may be specified in the notification:

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

(3) No motor vehicle, except those of Police Department being used as pilot vehicles for escorting vehicles of high dignitaries like Governor, Chief Minister, and such other vehicles as may be specified by the State Government from time to time, shall be fitted with a siren or a hooter or shall use such siren or hooter in any public place.

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[112] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

295. Prohibition Of the use Of Cut-Outs.—No driver of a motor vehicle shall, in any public place, make use of any cut-out or other device by means of which the exhaust gas of the engine is released, save through the silencer.

296. Restrictions on travelling backwards.—No driver of a motor vehicle shall cause the vehicle to travel backwards without first satisfying himself that he will not thereby cause danger or undue inconvenience to any person or in any circumstance, for any greater distance or period of time than may be reasonably necessary in order to turn the vehicle round.

297. Restriction on driving a motor cycle or scooters.—Save as provided hereunder any person, other than a Sikh wearing a turban, shall not drive a motor cycle or a scooter or a moped in public place unless he wears a crash helmet of such description as conforms to the Indian Standard Specification No. IS-4151 -1976 as modified from time to time or bearing ISI Certification marks and such a driver equipped as such shall not allow any one to ride on the pillion or in the side car unless such additional person is also equipped with a similar crash helmet with above description if not a Sikh wearing a turban.

Explanation.—The expressions "Indian Standard Specification No. IS-4151 -1976" and I.S.I. "Certification Mark" shall mean a "Standard Mark" within the meaning of the Indian Standard Institution (Certification Marks) Act, 1952 (Act 36 of 1952).

298. Use of lamps when a vehicle is at rest.—(1) if, within the limits of any municipality or cantonment, a motor vehicle is at rest within the hours during which lights are required, at the left-hand side of any road or street or elsewhere in any duly appointed parking place, it shall not be necessary for the motor vehicle to exhibit any light save as may be required generally or specifically by the Commissioner of Police, [113][Kolkata], in the city of [113][Kolkata] (including suburbs) and elsewhere by the District Magistrate.

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

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[113] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

299. Restriction Of dazzling light.—(1) The driver of a motor vehicle shall, at all times when the lights of the motor vehicle are in use, so manipulate them that danger or undue inconvenience is not caused to any person by the dazzle.

(2) The Commissioner of Police in the city of [114][Kolkata] (including suburbs) by Notification in the Official Gazette and by erection of suitable notices in English and in the local script, and elsewhere the District Magistrate, by Notification in a local newspaper of standing and also by the erection of such notices, may prohibit the use, within such areas or in such places as may be specified in the Notification or local newspapers, as the case may be, of lamps giving a powerful or intense light.

300. Visibility of lamps and registration marks.—(1) No load or other thing shall be placed on any motor vehicle so as at any time to mark or otherwise interrupt vision of any lamp, registration mark or other mark required to be carried by or exhibited on any motor vehicle by or under the provisions of the Act, unless a duplicate of the lamp or mark so masked or otherwise obscured is exhibited in the manner required by or under the Act for the exhibition of the masked or obscured lamp or mark.

(2) All registration and other marks, required to be exhibited on a motor vehicle, by or under the provisions of the Act, shall, at all times, be maintained, as far as may be reasonably possible, in a clear and legible condition.

301. Stop Sign or road surface.—(1) When any line is painted on the surface of any road at the approach to a road junction or to a pedestrian crossing or otherwise, no driver shall drive a motor vehicle so that any part thereof projects beyond that line at any time when a signal to stop is being given by a police officer or by means of traffic control lights or by the temporary display of sign No. 3 of Part A of the Schedule to the Act.

(2) A line for the purpose of this rule shall be not less than 5 centimeters in which at any part and shall be either in white, black or yellow.

302. Traffic Signs to be Observed.—Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by a traffic sign, the erection of which as permitted under sub-section (1) of section 116 of the Act.

303. Use of motor vehicle not fitted with pneumatic tyres.—Under sub-section (2) of section 113 of the Act, Registering Authority may permit the use of a motor vehicle not fitted with pneumatic tyres, for the purpose of conveying any particular indivisible load which cannot, in the opinion of the said authority be otherwise carried.

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[114] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

304. Duty to comply with traffic control signals.—(1) Every driver of a motor vehicle shall, when driving the vehicle in a public place comply with any traffic control signal given to him by any police officer in uniform, for the time being engaged in the regulation of traffic in such public place.

(2) In this rule "Traffic Control Signal" means traffic control signal as illustrated in the Schedule to the Central Motor Vehicle Rules, 1989.

305. Traffic signs at unguarded railway level crossings.—Every driver of a motor vehicle shall observe the mandatory sign of the size, colour and type set forth below at each of the approaches of every unguarded railway level crossing.

MANDATORY SIGN .
60 centimetres
HALT AND PROCEED .
60 centimetres
Border_____Red
Background_____White
Letters_____Retro-reflecting red

306. Prohibition of erection or placing of signs or advertisements on roads.—No person shall place or erect or cause or allow to be placed or erected, on any road any sign or advertisement, which in the opinion of the Commissioner of Police or the District Magistrate or Superintendent of Police of the district or the Secretary, Transport Department, Government of West Bengal, is so placed or erected as to obscure any traffic sign from view or is so similar in appearance to a traffic sign as to be misleading.

307. Special rules applicable to air raid precautions, civil defence and Central Public Works Department vehicles.—The provisions of sub-section (1) of section 119 of the Act shall not apply to vehicles owned either by the State Government and used solely for air raid precautions work and civil defence purposes or by the Central Government and used by the Public Works Department of that Government:

Provided that the drivers of such vehicles shall carry with them and shall, on demand by any police officer in uniform, produce their warrant of appointment or identification slip upon which the number of their driving licence shall be endorsed and signed by the Licensing Authority together with such other particulars as that Authority may think fit.

308. Prohibition of use trailers with motor cycles and invalid Carriages.—(1) A motor cycle with not more than two wheels with or without a side car shall not draw a trailer.

(2) No motor cycle shall draw a trailer exceeding 227 kilograms in weight unladen or 152 centimeters in overall width.

(3) No invalid carriage shall draw a trailer.

309. Prohibition of attachment of trailer to certain other vehicles.—No motor vehicles exceeding 793 centimetres in length shall draw a trailer:

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

310. Attendants on trailers.—(1) When a trailer or trailers is/are being drawn by a motor vehicle, there shall be carried in the trailer or trailers of the drawing motor vehicle as the case may be, the following person, not being less than twenty years of age and competent to discharge their duties,—

(a) if the brakes of the trailer or trailers cannot be operated by the driver of the drawing motor vehicle or by some other person carried on that vehicle;

(b) one person on every trailer competent to apply the brakes; and

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

(2) If the brakes of the trailer can be operated by the driver of the drawing motor vehicle or by some other person carried on that vehicle such other person, in addition to the driver, shall be carried on that vehicle and one person on the last trailer in train in accordance with the provisions of clause (c) of sub-section (1).

(3) If the trailer or trailers is/are being drawn by a locomotive, notwithstanding that the brakes of the trailer or trailers can be operated by the driver or some other person on the locomotive, there shall be not less than one person on each trailer and not less than two persons on the last trailer in train, one of whom shall be the person required by the provision of clause (c) of sub-section (1).

(4) This rule shall not apply—

(a) to any trailer having not more than two wheels and not exceeding 771 kilograms in weight laden when used singly and not in a train with other trailers;

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

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

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

(e) to any trailer specially constructed or adapted for any purpose upon which an attendant cannot safely be carried; or

(f) to any closed trailer specially constructed for any purpose and specifically exempted from any or all of the provisions of this rule by an order in writing made by the registering authority, to the extent so exempted.

311. Restriction on length of train of vehicle and trailers. —The sum total of the length of any vehicle and its attached trailer or trailers shall not exceed 23 meters.

312. Distinguishing mark for trailers.—(1) No person shall drive, or suffer or cause to be driven, in any public place any motor vehicle to which a trailer is or trailers are attached unless there is exhibited on the back of the trailer or of the last of the trailers in the Form as may be prescribed in this behalf in retro-reflective red colour and white background.

(2) The mark shall be kept clean and unobscured and shall be so fixed to the trailer that—

(i) the letter on the mark is vertical and easily distinguishable from the rear of the trailer;

(ii) the mark is either on the centre or to the right hand side of the back of the trailer; and

(iii) no part thereof is at a height exceeding one hundred and twenty centimeters from the ground.

(3) This rule shall not apply to the case referred to the clauses (a), (c) and (d) of sub-rule (4) of rule 310 of these rules.

313. Certificate showing particulars of dimensions of trailers. —A trailer required to exhibit its registration mark under rule 51 of the Central Motor Vehicles Rules, 1989 shall carry with it a certificate issued by the Registering Authority, either by endorsement in the Certificate of Registration or otherwise, showing the particulars of over-all width, over-all length and over-all height of the trailer.

314. Attendant for locomotive.—Every locomotive shall carry not less than one attendant being a competent person of over twenty years of age, in addition to the driver, to assist the driver in the management of the locomotive.

315. Motor cab Stands.—The drivers at motor cab stands shall observe the following rules, namely,—

(a) the driver of the first two motor cabs on the stand shall stay besides their cabs, and shall be ready to be hired at once by any person and all motor cabs on the stand shall move up as soon there occurs a vacant space in front;

(b) every motor cab on the stand shall be kept as near as possible to the kerb or near side of the stand. No motor cab shall be kept at the stand at a greater distance than 31 centimeters from the motor cab next in front or remain with its front wheels of the straight or at an angle to the sides of the stand;

(c) no motor cab engaged for some future time shall remain at the stand, unless the driver is willing to accept any intermediate hiring that may be offered;

(d) no disabled motor cab shall remain on the stand.

316. Rule Of the road.—(1) In ' [Kolkata] (including suburbs), in addition to complying with the provisions of the Schedule to the Act and any rule made under sections 62 and 62A of the [115][Kolkata] Police Act, 1866, and section 37 of the [115][Kolkata] Suburban Police Act, 1886, drivers shall keep as much to the left of the road as is consistent with the safety and convenience of the other users of the same.

(2) Drivers of motor vehicles of which the speed is controlled and of another slow moving vehicles, shall keep to the extreme left of the road except when about to turn to the right, pass another vehicle or are standing at street intersections in obedience to traffic signals. Vehicles stopping at the road shall draw in to the side and taxis shall not loiter with the object of picking up passengers.

(3) Where the road is sufficiently broad for two lines of traffic, drivers shall not cross the centre line of the road unless for the purpose of passing other traffic and shall, in such cases, ascertain that they will not in doing so cause inconvenience to traffic coming from the opposite direction.

(4) All motor vehicles shall give right of way to police vehicle attending urgent calls in connection with quelling of riots, affrays *or* other disturbances of the public tranquility or pursuit of criminals.

(5) Special type of horns shall be used by police vehicles on occasions referred to in sub-rule (4) to give reasonable and audible warning to other users of the road.

317. Special rules for heavy goods vehicles and heavy passenger motor vehicles attendant.—The driver of a heavy goods vehicle and a heavy passenger motor vehicle shall be accompanied by an attendant who shall be in a position to give warning of any

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[115] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

traffic approaching from the rear and shall assist the driver by giving signal when the motor vehicle is being taken in reverse.

318. Special rules applicable to Fire Brigade Vehicles belonging to the West Bengal Fire Service.—(1) Nothing contained in Chapter VIII of the Act except the provisions of sections 123, 125,.134 and 136 shall apply to the Fire Brigade Vehicles belonging to the West Bengal Fire Service :

Provided that—

(i) special type of horns preferably special mechanically or electrically operated 'F' clarion bells not used by other motor vehicles, shall be used to give audible warning, and the same shall be rung continuously when the vehicle is proceeding to fire or other emergency, to ensure safety of other users of the road; (ii) the vehicles shall be well equipped with signalling devices. In making the signals specified in the Schedule to the Act, the driver shall give reasonable warning of his intentions to other users of the road before actually putting them into effect;

(iii) the driver of the vehicle shall keep as much as to the left of the road as is consistent with the safety of the pedestrians and the vehicle shall not be driven on the footpath reserved for pedestrians. When the road is sufficiently broad, the vehicle shall not cross the centre line unless circumstances demand so or the vehicle is intended to run to other sides;

(iv) the driver of the vehicle shall obey traffic signals but policemen controlling traffic shall give such vehicles top priority for movement; and

(v) the vehicle shall not be driven at a speed in excess of the speed allowable for other motor vehicles except when proceeding to a fire, in which case the driver shall take adequate steps to ensure the safety of other users of the road.

(2) Special rules in respect of vehicles carrying high dignitaries.—The motor vehicles which are fitted with red lights in the front as prescribed in clause *(iii)* of the proviso to rule 108 of the Central Motor Vehicles Rules, 1989, shall have the following overriding priorities in respect of the traffic signals—

(a) all other motor vehicles shall give right of way to such vehicles;

(b) such vehicles shall not be driven on the footpath reserved for pedestrians;

(c) when the road is sufficiently wide, vehicle shall not cross the centre line of the road;

(d) where there is separate carriage way for up and down traffic, such vehicle shall not be driven on the wrong side in a direction against the normal traffic in any of the carriage ways;

(e) the driver of such vehicle shall obey the traffic signals but policemen controlling traffic signal may give priority to such vehicles for their movement. The driver of such vehicle shall not violate the rules made for no parking and other restrictions issued by competent authority or shall not commit any traffic offence.

319. Inspection of vehicle involved in an accident.—Any officer of the Motor Vehicles Department not below the rank of a Motor Vehicles Inspector shall inspect the motor vehicle involved in an accident and for the purpose may enter at any reasonable time any premises where the vehicle may be and may remove the vehicle for inspection [116][subject to realization of a fee, as specified in Schedule 'A', from the owner of such motor vehicle involved in such an accident, for the purpose of inspection].

CHAPTER IX

320. Rules applicable to the district of Darjeeling.—unless provided with pneumatic tyres and except as provided in this part of the rules, no motor vehicle shall be driven on any road in the district of Darjeeling.

321. Transport vehicles used solely for conservancy purposes may ply between 4 a.m. and 7 a.m. and transport vehicles used for road cleaning and road watering may ply between 2 p.m. and 3 p.m. on the roads round the Observatory Hill and on Auckland Road (from the Chowrasta to Tonga Road). Transport vehicles used solely for conservancy purposes may ply on the Roberston Road and Mount Pleasant Road.

322. Except in the Siliguri sub-division of the district of Darjeeling no motor vehicle shall be driven in that district with the engine free, *i.e.,* with the gear level in neutral, the clutch depressed or with any other device put into operation which frees the engine from the driving wheels, so that the engine does not act as a brake when the motor vehicle is going down hill.

323. The registered owner of a heavy or a medium motor vehicle kept in the district of Darjeeling or of a motor vehicle which ordinarily plies for hire for the conveyance of passengers in that district, shall cause such vehicle to be produced before the District Magistrate or an officer designated by him in that behalf, at intervals of not more than three months :

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[116] Added vide cl. 2(20) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

Provided that this rule shall not apply to transport vehicles used solely within the limits of Siliguri sub-division in the district of Darjeeling.

324. (1) When two motor vehicles meet on a hill road, the driver of the vehicle proceeding down road shall bring it to a stand-still on the left-hand side of the road as soon as he observes the approach of the other vehicle and shall not proceed on his journey until the vehicle proceeding uproad has passed, provided that this rule shall not apply to motor cycles without side-cars.

(2) In the hill portion of the district of Darjeeling and the Teesta Valley, motor cabs shall not carry luggage in excess of the following scale :—

No. of persons travelling	Maximum amount of luggage (in kg.)
7	54-43
6	72-57
5	91
4	109
3	127
2 or less	145-15

Note.— These restrictions are additional to the restrictions imposed as regards maximum laden weight.

325. Notwithstanding the provision of rules on the subject, Regional Transport Authority may specify the amount of goods and amount of luggage and personal effect per passenger that may be carried in a Stage Carriage in the District of Darjeeling.

326. (1) Motor cabs plying in the hill portion of the district of Darjeeling shall not carry more than six persons excluding the driver, provided that this rule shall not effect those motor cabs duly registered and in use in the district at the commencement of these rules.

(2) Notwithstanding the provisions of sub-rules (1) and (2) of rule 235, the Regional Transport Authority may authorise the use of a jeep as a Contract Carriage in the district of Darjeeling subject to such conditions as may be specified by such Authority.

(3) Notwithstanding the provisions of rule on limitation of seating capacity in Stage Carriages, Stage Carriages plying in the hill section of the district of Darjeeling shall not carry more than 20 persons excluding the driver and conductor, provided that this rule shall not affect those Stage Carriages duly registered and in use in the district at the commencement of these rules :

Provided also that Stage Carriages plying on the portion of the Gangtok-Siliguri route falling in the Kalimpong sub-division may carry up to 35 passengers excluding the driver and conductor.

327. Every motor vehicle plying within the district of Darjeeling shall be fitted with a fog light of one of the makes approved by the Registering Authority :

Provided that this rule shall not apply to motor vehicles used solely within the limits of Kalimpong and Siliguri sub-divisions in the district of Darjeeling.

328. The driver of motor vehicle shall give sufficient and suitable sound warning by the blowing of horn or by using other approved mechanical device when approaching a road bend or a road corner in the hill portion of the district of Darjeeling.

CHAPTER X

CLAIMS TRIBUNAL

329. Application for compensation.—(1) An application for compensation arising out of accident of the nature specified in sub-section (1) of section 165 of the Act, shall be made by a person specified in subsection (1) of section 166 of the Act to the Claims Tribunal having jurisdiction over the area in which the accident occurred and such application shall be in Form COMP A to these rules and shall contain the particulars specified in that Form.

(2) Every such application shall be sent to the Claims Tribunal or to the Chairman in case the Tribunal consists of more than one member, by registered post or may be presented to such member of the staff of the Tribunal as the Tribunal or, the Chairman, as the case may be, may authorise for the purpose and if so sent or presented, shall, unless the Tribunal or Chairman otherwise directs be made in duplicate and shall be signed by the applicant.

(3) There shall be appended to every such application the following documents, namely,

(i) Medical certificate in Form COMP B or Post-mortem Report, or Death Certificate; and (ii) First Information Report in respect of the accident.

(4) Officer-in-charge of the police station shall, on demand by a person, who wishes to make an application for compensation and who is involved in an accident arising out of the use of a motor vehicle or the legal successor of the deceased shall furnish to him within such period as specified by the Central Government under section 160 of the Act, particulars of the vehicle involved in accident.

330. Notwithstanding anything contained in rule 329 of these rules every application for a claim under section 140 of the Act, shall be filed before the Claims Tribunal in triplicate

and shall be signed by the applicant and the following documents be appended to every such application—

(i) a report containing description of the accident;

(ii) First Information Report;

(iii) Injury Certificate or in case of death, Post-mortem Report or Death Certificate; and

(iv) a certificate regarding ownership and Insurance particulars of vehicle involved in the accident from the Regional Transport Officer in Form (COMP C), issued free of charge.

331. Fees.—(1) An application for compensation under rule 329 of these rules shall be accompanied by fees in the form of Court-fee stamps in accordance with the following scale—

	Amount of claim	Fee
(i)	Not exceeding Rs. 5000	Rs. 10
(ii)	Exceeding Rs. 5000 but not exceeding Rs.50,000	1 /4th per cent of the amount of claim.
(iii)	Exceeding Rs. 50,000 but not exceeding Rs. 1 lakh	1 /2 per cent of the amount of claim.
(iv)	Exceeding Rs. 1 lakh	1 per cent of the amount of claim.

Provided that an application under rule 329 of these rules for a claim under section 140 of the Act shall be accompanied by a fee of Rs. 10 in the form of Court-fee stamp.

(2) The Claims Tribunal may exempt a party from the payment of fee prescribed under sub-rule (1) provided that where a claim of the party has been accepted by the Claims Tribunal, the party shall have to pay the prescribed fee, exemption in respect of which has been granted initially before a copy of Judgment is obtained.

332. Examination Of applicant.—On receipt of an application under rule 329 of these rules the Claims Tribunal may examine the applicant on oath, and the substance of such examination, if any, shall be reduced to writing and shall be signed by the member constituting the Tribunal or as the case may be, the Chairman.

333. Summary disposal Of application.—The Claims Tribunal may, after considering the application and the Statement, if any, of the applicant recorded under rule 332 of these rules, dismiss the application summarily, if for reasons to be recorded, the Tribunal is of an opinion that there are no sufficient grounds for proceeding therewith :

Provided that the Claims Tribunal shall not reject the application, made for compensation under section 140 of the Act, on the grounds of any technical defects, but shall give notice to the applicant and get the defects rectified.

334. Notice to the parties involved.—(1) if trie application is not dismissed under rule 333 of these rules, the Claims Tribunal shall, on an application made to it by the applicant, send to the owner or the driver of the vehicle or from whom the applicant claims relief and to the Insurer a copy of the application, together with the notice of the date on which it will dispose of the application and may call upon the parties to produce on that date any evidence which they wish to tender.

(2) Where the applicant makes a claim for compensation under section 140 of the Act, the Claims Tribunal shall give notice to the owner and Insurer if any, of the vehicle involved in the accident directing them to appear on the date not later than 10 (ten) days from the date of issue of such notice. The date so fixed for such appearance shall also be not later than fifteen days from the receipt of the claim application filed by the claimant. The Claims Tribunal shall state in such notice that in case they fail to appear on such appointed date, the Tribunal shall proceed ex *parte* on the presumption that they have no contention to make against the award of compensation.

335. Appearance and examination of parties.—(1) The opposite party may, and if so required by the Claims Tribunal, shall, at or before the first hearing or within such time as the Claims Tribunal may permit, file a written statement dealing with the claim raised in the application and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Claims Tribunal may, and if no written statement has been filed, shall, proceed to examine him upon the claim and shall reduce the result of examination into writing.

336. Summons to Witness.—If an application is presented by any party to the proceeding for citation of witnesses, the Claims Tribunal shall, on payment of the expenses involved, if any, issue summons for the appearance of such witnesses, unless it considers that their appearance is not necessary for a just decision of the case.

337. (1) Fees for process.—The fees to be taken for any process issued by the Claims Tribunal shall be in the scale as may be determined by the Tribunal from time to time, but shall not exceed those taken for a similar process by the City Civil Court in [117][Kolkata] and by the District Courts elsewhere.

(2) Appearance of legal practitioner.—The Claims Tribunal may, in its discretion, allows any party to appear before it through a legal practitioner.

(3) Local inspection.—

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[117] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

(a) The Claims Tribunal may, at any time during the course of an enquiry before it visit the site at which the accident occurred for the purpose of making a local inspection or examining any persons likely to be able to give information relevant to the proceeding.

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

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

(d) The memorandum shall be made available to any party who desires to see the same, and shall supply any party with a copy thereof, if applied for and the fees therefor are paid.

(4) Power of summary examination.—(a) The Claims Tribunal, during a local inspection or at any other time, save at a formal hearing of a case pending before it, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or it is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(b) No oath shall be administered to a person examined under clause (a).

(5) Method of recording evidence.—The Claims Tribunal shall, as examination of witnesses proceeds, make a brief memorandum of the substance of the evidence of each witness and such memorandum shall be written and signed by the members of the Claims Tribunal and shall form part of the record :

Provided that if any member or the Chairman is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same and such memorandum shall form part of the record :

Provided further that the evidence of any medical witness shall be taken down, as nearly as may be, word for word.

(6) Adjournment of hearing.—Normally the hearing of an application shall continue from day to day. If the Claims Tribunal finds that an application

cannot be disposed of at one hearing, it shall record the reasons which necessitate the adjournment and also inform the parties present of the date of adjournment of hearing.

(7) Expert.—(a) The Claims Tribunal may, for the purpose of adjudicating upon any claim for compensation (other than claims under section 140 of the Act), choose not

more than two persons having technical or special knowledge with respect to any matter before the Tribunal for the purpose of assisting the Tribunal in the holding of the enquiry.

(b) The expert shall perform such functions as the Tribunal may specify.

(c) The remuneration, if any, to be paid to the expert shall, in every case, be determined by the Tribunal.

(8) Framing of issues.—After considering any written statement, the evidence of the witnesses examined and the result of any local inspection, the Claims Tribunal shall proceed to frame issues upon which the right decision of the case appears to depend.

(9) Determination of issues.—After framing the issues the Claims Tribunal shall proceed to record evidence thereon which each party may desire to produce.

(10) Diary.—The Claims Tribunal shall maintain a brief diary of the proceedings.

(11)Obtaining of information and documents necessary for awarding compensation under section 140 of the Act.—The Claims Tribunal shall obtain whatever supplementary information and documents, which may be found necessary, from the police, medical and other authorities and proceed to award the claim whether the parties who were given notice, appear or not on the appointed date.

338. Judgment and award of compensation.—(1) The Claims Tribunal in passing orders, shall record concisely in a judgment the findings on each of the issues framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the insurers and also the person or persons to whom compensation shall be paid.

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

(3) Where any lump sum deposited with the Tribunal is payable to a woman or a person under legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman or such person during his or her disability in such a manner as the Tribunal may direct, and where a quarterly payment is payable to any person under legal disability, the Tribunal, may of its own motion or on any application made

to it in this behalf, order that the payment be made during the disability of the person concerned, to any dependent of the injured or heir of the deceased or to any other person whom the Tribunal thinks best fitted to be provided for the welfare of the injured or the heir of the deceased.

(4) Where an application made to the Tribunal in this behalf or otherwise, the Tribunal is satisfied that on account of the negligence of the parents towards the children or on

account of the variation of the circumstances of any dependent or for any other sufficient cause, an order passed by the Tribunal as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependent as to be invested, applied or otherwise dealt with, ought to be varied, the Tribunal may also pass such orders for the variation of the former order as it thinks just in the circumstance of the case.

339. Judgment and award of compensation under section 140 Of the Act.—(1) The Claims Tribunal shall proceed to award the claim of compensation under section 140 of the Act on the basis of—

(i) registration certificate of motor vehicle involved in the accident;

(ii) insurance certificate or policy relating to the insurance of the vehicle against third party risk;

(iii) *Punchanama* and First Information Report;

(iv) Post Mortem Report or Death Certificate or Certificate of injury from the Medical Officer; and

(v) the nature of the treatment given by the Medical Officer who has examined the victim.

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

(3) The Claims Tribunal in passing an order for compensation shall direct the owner or insurer of the vehicle involved in the accident to pay the amount of compensation to the claimant within two weeks from the date of such order.

(4) The Claims Tribunal shall, as far as possible dispose of the application, for compensation within forty-five days from the date of receipt of such application.

340. Procedure of disbursement of compensation under section 140 of the Act to the legal heirs in case of death.—

Where the Claims Tribunal feels that the actual payment to the claimant is likely to take time because of the identification and the determination of the legal heirship of the deceased, the Claims Tribunal may direct deposit of the

amount of compensation awarded, with the Tribunal and then proceed with the identification of the legal heirs for deciding the payment of compensation to each of the legal heirs.

341. Receipt Of compensation.—Upon payment of compensation, a receipt shall be obtained by the Claims Tribunal and such receipt shall be forwarded to the insurer concerned or the owner of the vehicle, as the case may be, for purpose of record.

342. Power vested in Civil Court which may be exercised by Claims Tribunal.—(1) Without prejudice to the provisions of sub-section (1) of section 169 of the Act every Claims Tribunal may exercise all or any of the powers vested in a Civil Court under the following provisions of the Code of Civil Procedure, 1908 (5 of 1908) as subsequently amended, in so far as they may be applicable, namely, sections 30, 32, 34, 35, 35A, 75 (a) and (e), 76, *77,* 94, 95, 132, 133, 144, 145, 147, 148, 149, 151, 152, 153A and 153B and subject to the provisions of the section 174 of the Act.

(2) Any Claims Tribunal constituted for '[Kolkata] where the amount of compensation awarded by it does not exceed Rs. 25,000 shall have all the powers of the City Civil Court, and where such amount exceeds Rs. 25,000 shall have all the power of the High Court, for the purpose of execution of the award, as if the award is a decree for the payment of money made in suit by the City Civil Court or the High Court, as the case may be.

(3) Any Claims Tribunal constituted for West Bengal (outside [118][Kolkata]) shall have all the powers of the principal Civil Court of a district for the purpose of execution of any award for compensation made by it, as if the award is a decree for the payment of money made in a suit by such court.

(4) For purpose other than those specified in sub-rule (1), the Claims Tribunal may exercise all or any of the powers of Civil Court as may be necessary in any case for discharging its functions under the Act and these rules.

343. Procedure to be followed by Claims Tribunal in holding enquiries.—The following provisions of the Code of Civil Procedure, 1908 (5 of 1908) as subsequently amended, shall, so far as may be, apply to the proceedings before every Claims Tribunal, namely :—

(a) sections 28, 79 and 82;

(b) in the First Schedule Order V, rules 9 to 13 (both inclusive) and 15 to 30 (both inclusive); Order VI, rules 4,5,7,10,11,16,17 and 18 and Order VII, rule 10; Order VIII, rules 2 to 5 (both inclusive), 9 and 10; Order IX; Order XI, rules 12 to 15 (both inclusive) 17 to 21 (both inclusive) and 23; Order XII, rules

[118] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

1,2,3A,4,7 and 9; Order XIII, rules 3 to 10; (both inclusive); Order XIV rules 2 and 5; Order XVI; Order XVII; Order XVIII, rules 1 to 3 (both inclusive); 10 to 12 (both inclusive) and 15 to 18 (both inclusive); Order XX, rules 1 to 3 (both inclusive), 8, 11 and 20; Order XXIII, rules 1 to 3 (both inclusive); Order XXIV; Order XXVI, rules 1 to 8 (both inclusive) and 15 to 18 (both inclusive); Order XXVIII; Order XXIX; Order XXX, rules 1 to 3 (both inclusive); Order XXXII, rules 1 to 15 (both inclusive); Order XXXVII, rules 1 to 7 (both inclusive);

(c) in so far as the Act and these rules make no provisions, those of the Code of Civil Procedure, 1908 (5 of 1908), as subsequently amended, shall, so far as may be, apply to the proceedings before the Claims Tribunal.

344. Savings.—Notwithstanding anything contained in these rules, in the case of minor accidents and in the case of a claim under section 140 of the Act, the Claims Tribunal may follow such summary procedure as it thinks fit.

345. Registrar.—The State Government may appoint a Registrar of the Claims Tribunal, who shall be the Chief Ministerial Officer of the Tribunal and shall exercise such powers and discharge such duties of a ministerial nature, as a member of the Tribunal or, where the Tribunal consists of more than one member, the Chairman of the Tribunal, may, from time to time by order direct.

346. Form of appeal and contents of memorandum.—(1) Every appeal against the award of the Claims Tribunal shall be preferred in the Form of a memorandum signed by the appellant or an advocate or attorney of the High Court duly authorised in that behalf by the appellant and presented to the High Court or to such officer as it appoints in this behalf. The memorandum shall be accompanied by a certified copy of the award.

(2) The memorandum shall set forth concisely the distinct grounds of objection to the award appealed from without any argument or narrative, and such grounds shall be numbered consecutively.

(3) Save as provided in sub-rules (1) and (2), the provisions of Order XLI and Order XLIII in the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) as subsequently amended, shall *mutatis mutandis* apply to appeals preferred to High Court under section 173 of the Act.

347. Record.—The record of claims cases disposed of by the Claims Tribunal shall be preserved for a period of five years.

CHAPTER XI

348. Production of certificate of insurance at the time of paying tax on motor vehicle etc.—The owner of a motor vehicle, applying for transfer of ownership of the vehicle, or to pay tax on the vehicle, or in the case of a vehicle which is exempted from payment of tax applying for exemption token, shall forward with the application, a certificate of insurance, issued in pursuance of sub-section (4) of section 147 of the Act relating to the vehicle and comply with the requirements of Chapter XI of the Act and such application shall be valid—

(a) if the application is made before the commencement of the period for which tax is tendered, on the first day of that period, or

(b) if the application is made during the period for which the tax is tendered, on the date on which the application is made :

Provided that the owner of the vehicle exempted under sub-section (2) of section 147 of the Act shall forward, in place of the Certificate of Insurance the certificate prescribed in rule 12 of the Motor Vehicle (Third Party Insurance) Rules, 1946.

CHAPTER XII

349. Compounding Of Offences.—(1) Subject to the provisions made under sub-sections (1) and (2) of section 200 of the Act, the officers vested with the powers of Compounding Offences shall prepare notice is three copies as nearly as in Form "Comp. Penal" before or after the prosecution, as the case may be.

(2) The offending driver or owner of the motor vehicle shall apply to the compounding officer affixing seventy-five paise Court-fee stamp thereon to the effect that he or they, as the case may be, is/are agreeable to the compounding of the offence and to the payment of agreed sum of money.

(3) The original copy of the notice as referred to under sub-rule (1) shall be handed over to the offending owner of the vehicle with a direction to deposit the compounding sum in the Motor Vehicles Department, Traffic Office of' [119][Kolkata] Police/Office of the Director, Public Vehicles Department, [119][Kolkata] as the case may be, within seven days from the date of issue of such notice on proper acknowledgment on the duplicate copy of the notice and the duplicate copy of the notice shall be forwarded to the concerned officer of the Motor Vehicles Department so that the latter may maintain records of cases compounded and/or take action in cases where the

[119] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word "Calcutta".

offending driver/owner fails to deposit the agreed amount within the specified period of seven days, and the triplicate copy of the notice be retained with the notice book.

(4) The Compounding Officer shall seize the required document or vehicle, as the case may be, which will be necessary for prosecution, on proper seizure list.

(5) On depositing the compounding amount as agreed by the driver or the owner, the officer who receives such agreed amount shall send a report to the compounding officer furnishing particulars of deposit and the compounding officer upon receipt of such report shall comply with the provisions under sub-section (2) of section 200 of the Act.

(6) If the driver or the owner fails to deposit the agreed amount as mentioned under sub-rule (2), the officer shall arrange for submission of the prosecution against the offending driver or owner in the Court of law in details.

(7) The Court while taking cognizance of the offence or awarding a punishment shall take into consideration of the agreed amount as prayed for by the driver or the owner as envisaged under sub-rule (2).

350. Authority to recover penalty for causing obstruction to free flow of traffic etc.—(1) Officers of Motor Vehicles Department not below the rank of Motor Vehicle Inspector and officer not below the rank of Sub-Inspector of Police shall recover the penalty laid down under sub-section (1) of section 201 of the Act. The procedure prescribed in sub-rule (2) to sub-rule (7) of rule 349 shall be followed in such cases.

(2) The authority to impound document under section 206 of the Act shall be any police officer not below the rank of Sub-Inspector or Sergeant or any officer of the Transport Department not below the rank of Motor Vehicles Inspector.

(3) The authority to detain vehicle under section 207 of the Act shall be any police officer not below the rank of Sub-Inspector or Sergeant or any officer of the Transport Department not below the rank of Motor Vehicles Inspector.

351. Power to record Violations, etc.—Whenever an offence has been compounded under sub-section (1) of section 200 of the Act or whenever a penalty has been imposed under any of the provisions of Chapter XIII of the Act, any Registering Authority, Licensing Authority, any officer of the Motor Vehicles Department not below the rank of Motor Vehicles Inspector or any police officer not below the rank of Sub-Inspector, or Sergeant in whose jurisdiction such offence has been committed, shall be authorised to make an entry or record in the certificate of registration, or in the driving licence or in the permit in the case of a transport vehicle, as the case may be, to that effect.

CHAPTER XIII

352. Miscellaneous.—(1) Notwithstanding anything contained in these rules, any superior officer of Transport Department, not below the rank of Assistant Secretary, District Magistrates/Additional District Magistrates/ Executives Magistrates in the districts or Director, Public Vehicles Department, Assistant Directors of Public Vehicles Department. [120][Kolkata]. or such other officer, as may be empowered by the State Government by order, may at any time, perform any of the functions of a Regional Transport Officer or Motor Vehicles Inspector under any of these rules.

(2) The Regional Transport Officer or Additional Regional Transport Officer may at any time perform any of the functions of Motor Vehicles Inspector under any of these rules.

(3) Any officer of the Transport Department of and above the rank of Motor Vehicles Inspector shall exercise the powers under the provisions of sections 114, 130, 132, 134, 136, 158, 200, 201, 203, 204, 206 and 207 of the Act :

Provided that powers shall not be exercised by any officer of and below the rank of Additional Regional Transport Officer unless he is in uniform.

353. Uniform.—The uniform of the Additional Regional Transport Officer and Motor Vehicles Inspector shall be as follows :

(1) *Khaki* forage cap or *khaki* peeked cap or *khaki* turban or barat in navy blue colour. Each of these head dresses shall have a monogram as illustrated in the Schedule X of these rules.

(2) *Khaki* shirt, *Khaki* bush-shirt, or *Khaki* tunic with *khaki* tie.

(3) *Khaki* drill or trousers of Police pattern.

(4) Whistle cord of *Khaki* colour.

(5) Whistle and brown buttons.

(6) Shoes (brown).

(7) *Khaki* stockings or socks.

(8) A set of apauletters and shoulder badges and cap badge as illustrated in Schedule X appended to these rules.

(9) Raincoat in rainy season and *khaki* woolen pullover or great coat in winter.

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[120] Subs, vide s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001) (w.r.e.f. 1.1.2001) for the word •Calcutta".

(10) The Additional Regional Transport Officers shall wear one silver colour National emblem. Shoulder badges with letters as illustrated in Schedule X to these rules shall be of white metal.

(11) Motor Vehicles Inspectors shall wear two stars on both shoulders. The stars shall be pointed stars (star of India pattern, 25.4 mm. broad). The stars should be slightly frosted but without any design in the centre. Shoulder badges with letters as illustrated in Schedule X to these rules shall be worn at the base of the shoulder strap. The stars and the letters shall be of white metal.

(12) Motor Vehicles Inspectors with more than ten years of service shall wear three stars.

354. The officers for whom the uniform has been prescribed under these rules shall also wear on the pocket of left side of the shin! the plastic name plate of the size of 9 cm. x 2 cm. with their name with initials carved in English. The colour of the name plate shall be black with white letters.

355. The officers who shall wear the uniform as provided under these rules shall always be in uniform while on duty.

356. *(a)* A State Road Safety Council or a District Road Safety Committee constituted under sub-section (2) or sub-section (3) of section 215 of the Act shall be a non-commercial, non-profit making voluntary organisation, [and shall be constituted as envisaged under sub-sections (2) and (3) of section 215 of the Act.]

(2) The functions [objects and purposes] of the Council or District Committee, as the case may be, within their respective jurisdictions shall be--

(a) to collect, analyse and interpret statistics of road accidents in the State or district or area as the case may be;

(b) to undertake special studies of accidents and their causes, accident-prone areas including rail-road crossings, promote and/ or conduct research on ali aspects of road safety and suggest and publicise measures to reduce accidents;

(c) to carry out national safety check ups or surveys of motor vehicles independently or in conjunctions with other institutions or organisations;

(d) to assist in the development of vehicle testing stations with a view to eliminate the use of defective vehicles;

(e) to suggest amendment to the existing law or promotion of new legislation for the purpose of road safety:

(f) to develop methods for achieving time or space segregation between mechanically propelled vehicles and manual or animal-drawn vehicles;

(g) to suggest traffic signals, road markings and signboards for display on roads for the guidance of drivers and other road users and other measures for the effective enforcement of the traffic regulations;

(h) to educate road users and drivers of all classes of vehicles in road safety through press, journals, pamphlets, handouts, posters, etc. and other methods, e.g., broadcasts, films, slides and other audiovisual device;

(i) to collect, publish, distribute and disseminate educational and informative data or literature regarding safety methods and procedures;

(j) to publish a newspaper, journal or other literature for the furtherance of the objects of the Council;

(k) to organise lectures, and arrange conferences and seminars on road safety for the exchange of ideas, experience and information on road safety and prevention of accident;

(/) to stimulate greater public interest, support for and active participation in the prevention of road accidents;

(m) to set up libraries, museums, road side shelters, exhibitions, etc., with models, maps, posters, charts and other illustrated and descriptive publications on road traffic and safe driving;

(n) to draw up specific programmes and lay down syllabus for the education of school children in road safety;

(o) to draw up specific programmes for the safety of pedestrians such as provision for special facilities such as subways, special signals, etc.;

(p) to draw up specific programmes for the safety or cyclists, such as cycleways, special signals, driving tests, etc.;

(q) to prepare schemes for the training of drivers of motor vehicles in safe driving;

(r) to prepare schemes and syllabus for the training of the instructors and officers responsible for the control of traffic on road;

(s) to recommend the measures necessary to bring motor training schools up to a desired standard and to prepare the syllabus for training;

(t) to organise safety driving competitions and "Road Safety Weeks" and provide incentives for safe driving;

(u) to co-operate with, enlist, and develop the co-operation of and between all persons and other organisations and agencies, both public and private, engaged or interested in or in any way connected with, any or all of the foregoing purposes (e.g., organise exhibitions on road safety, run institutions for imparting training);

(v) to administer any special funds which are entrusted to it for any specific purpose; *(w)* to do all other acts which are conducive to one or more of the foregoing objects of this rule.

357. [While constituting.] The Road Safety Council or the District Road Safety Committee in addition to the Chairman and other members also including the representatives or nominees of the (1) Life Insurance, (2) State Transport Undertaking, (3) Road Transport Undertaking, (4) Private Road Transport Organisations or Unions or Associations, (5) Manufacturers or dealers of automobiles, (6) Persons of Firms engaged in manufacturing or selling tyres, (7) Workers' Union and (8) Drivers's Union.

358. (1) The Council or District Committee may appoint the following Sub-Committees for the efficient conduct of its business and achievement of its objects and purposes :—

(a) Accident Research Sub-Committee.

(b) Traffic Control and Enforcement Sub-Committee.

(c) Traffic Engineering Sub-Committee.

(d) Statistical Sub-Committee.

(e) Third Party Insurance Sub-Committee.

(f) Finance Sub-Committee.

(g) Publicity and Safety Literature Sub-Committee.

(h) Safety Driving Competition Sub-Committee.

(i) Education Sub-Committee.

(j) Any other Committee that may be necessary.

(2) The convener of each of the Sub-Committees shall be one of the members of the Executive Committee, nominated by the Chairman of the Executive Committee. Individuals, who are specialists in the relevant fields, may be included in the sub-committees even if they are not members of the Council.

[121]**[358A. Computer service to be charged.—**A computer service fee, as specified in Schedule 'A', shall be charged for any transaction made through the computer system of any Motor Vehicles Office or the State Transport Authority.

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[121] Rule 358A ins. vide cl. 2(21) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

359. Repeal and savings.—On the commencement of the provisions of these rules, the Bengal Motor Vehicles Rules, 1940, shall stand repealed provided that anything done or any action taken under any of the said rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules so long such thing or action is inconsistent with any of the provisions of these rules.

[122][SCHEDULE A

FEES

[See rules 7(4), 8(3), 19(3), 48(4), 49(3), 58(1), 59(2), 60(6), 61 (6)(b), 65. 69(4), 70, 74(3), 79, 126, 127, 128(1), 128(2), 129, 159(5), 160(5), 196(6), 196(7), 196(14), 203, 208(/77), 211(2), 211(3), 251(1), 284(10), 284(11), 284(12) and 284(13).]

Sl. No.	*Rule*	*Purpose*	*Fee (Rs.)*
1	2	3	4
1.	7(4)	Duplicate driving licence/learner's licence in Non-laminated	100/-
2.	8(3)	Card type form duplicate driving licence in laminated Card type form	200/-
3.	19(3)	Transport vehicle driver's badge	25/-
		Duplicate transport vehicle driver's badge	75/-
4.	29(2)	International driving permit Application fee for—	
		(i) two-wheeler	500/-
		(ii) four wheeler	1000/-
5.	29(5)	Issue fee for—	
		(i) two-wheeler	2000/-
		(ii) four wheeler	3000/-
6.	33	Conductor's badge	50/-
		Duplicate conductor's badge	50/-
7.	48(4)	Duplicate conductor's licence when lost or destroyed	50/-
8	49(3)	Duplicate conductor's licence when torn or defaced	50/-
9.	58(1)	Duplicate certificate of fitness when lost or destroyed	50/-
10.	59(2)	Duplicate certificate of fitness when torn or defaced	200/-
11.	60(6)	Temporary registration :	
		(i) Motor cycle	100/-
		(ii) Light motor vehicle	200/-
		(iii) Medium vehicle	400/-
		(iv) Heavy vehicle	500/-
12	60A	Showroom inspection per vehicle for (a) Non-transport vehicle—	
		(i) two-wheeler	50/-
		(ii) motor car/omnibus	100/-
		(iii) vehicles other than above	200/-

[122] 1. Schedule A subs, vide cl. 2(29) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003 (w.e.f. 16.12.2003).

Sl. No.	Rule	*Purpose*	Fee (Rs.)
1	2	*3*	4
		(b) Transport vehicle— (i) light motor vehicle	200/-
		(ii) medium motor vehicle	300/-
		(iii) heavy motor vehicle	400/-
13	61(4)(b)	Assignment of fancy registration mark	
		(i) where the difference between fancy registration mark and registration mark that would have been ordinarily allotted *ad seriatim* is less than 100	1000/-
		(ii) other cases	Ten times the difference.
14	65 and 69(4)	Application for renewal of certificate of registra-tion/assignment of new registration/change of address/transfer of ownership if not made before due period (late fine) (late fine is in addition to the normal fee as payable)	(i) Rs. 100, if made within 30 days of expiry of prescribed period, (ii) Rs. 200, if made between 31st day and 60th day of expiry of prescribed period, (iii) Rs. 300, if made after 60th day of expiry of prescribed period.
15.	70	Copy of particulars of motor vehicle	200/- for each motor vehicle
16.	74(3)	Supply of certified copy of particulars of registration.	200/- for each motor vehicle
		Supply of certified copy of particulars of driving licence	30/- for each licence.
17.	75(4)	Licence fee for sub-dealer—	
		(i) licence fee	10,000/-
		(ii) renewal of licence fee	5,000/-
		(iii) late renewal of licence fee, if application is made after expiry	7,500/-
18.	79	Certified copy of any decision of the meeting of Regional Transport Authority or State Transport Authority or any other document	Rs. 200/- for the first page and Rs. 25/- for each additional page per copy of each document.
19.	126(1)	Application fee for—	
		(i) grant of permit or counter-signature on permit	500/-
		(ii) renewal of permit or counter-signature on permit for renewal *Note :* No fee shall be charged in respect of an application for counter-signature where the State has entered into a reciprocal agreement with any other State for exemption from payment of such fee.	500/-
20.	126(2)	Application for—	
		(i) permit for a tourist vehicle	500/-
		(ii) renewal of any such permit	500/-
		(iii) Special permit	300/-
21.	126(3)	Application for —	
		(i) national permit	500/-

Sl. No.	Rule	*Purpose*	Fee (Rs.)
1	2	*3*	4
		(ii) renewal of any such permit	500/-
22.	126(4)	Application for—	
		(i) temporary permit	300/-
		(ii) counter-signature on a temporary permit	500/-
23.	126(5)	Application for replacement of vehicle (covered by a stage carriage/goods carriage/ contract carriage permit).	1,000/- for every replacement of the vehicle
24.	127	Grant or renewal of permit other than temporary and special permits—	
		a) in respect of stage carriage/special stage carriage— per region per vehicle per annum	500/-
		b) in respect of contract carriage/contract carriage commonly known as luxury taxi/ tourist vehicle plying as contract carriage within the State of West Bengal excluding only the taxi for Kolkata region and for Kolkata Metropolitan region per region per vehicle per annum subject to a maximum of Rs. 10,000 for 5 years in case of the vehicle with seating capacity 10 (ten) excluding driver and Rs. 17,500/- for 5 years in case of vehicle with seating capacity beyond 10 (ten) excluding driver.	500/-
		c) auto-rickshaw plying as contract carriage per region per vehicle per annum within the State of West Bengal	200/-
		d) in respect of goods carriages,—	
		(i) per vehicle per region per annum	500/-
		(ii) per vehicle per annum for more than one region	1,000/-
		e) in respect of private service vehicle,—	
		(i) per vehicle per annum per region within the State of West Bengal	200/-
		(ii) per vehicle per annum for the whole of State of West Bengal in respect of metered taxi of Kolkata region and Kolkata Metropolitan District area region—	2,500/-
		(i) for taxi limited to only Kolkata region for a period of 5 years	500/-
		(ii) for plying in the entire Kolkata Metropolitan District area, for taxi for 5 years.	2,500/-
25	128(1)	*(a)* Grant of temporary permit in respect of vehicles other than goods carriages—	
		(i) per vehicle per region per week or part thereof within the State of West Bengal	100/-
		(ii) for any other State(s) per vehicle per State per week	100/-

Sl. No.	Rule	Purpose	Fee (Rs.)
1	2	3	4
		(iii) vehicle like stage carriage and special stage carriage plying in different earlier approved routes on the strength of temporary permits issued by different Regional Transport Authorities or State Transport Authority for a period upto 17 weeks within the State in West Bengal per vehicle per region per week or part thereof at the time of reissue of such permit	50/-
		(b) Grant of temporary permits in respect of the goods carriages—	
		(i) per vehicle per region per week or part thereof within the State of West Bengal	100/-
		(ii) for any other State(s) per vehicle per State per week	200/-
26.	128(2)	Grant of special permit —	
		(i) within the State	600/-
		(ii) outside the State	1,200/-
27.	129	Fees for counter-signature of permits — *(a)* stage carriage—	
		(iv) per annum or part thereof for more than one region in respect of a vehicle coming from any other State	700/-
		(d) private service vehicles—	
		(i) per annum or part thereof per region per vehicle registered in the State of West Bengal	300/-
		(ii) per annum of part thereof per vehicle, registered in the State of West Bengal, for the whole of the State	350/-
		(iii) per annum or part thereof for one region in respect of a vehicle coming from any other State	325/-
		(iv) per annum or part thereof for more than one region in respect of a vehicle coming from any other State	650/-
28.	159	For transfer of permit—— (i) transfer of permit on the death of the holder of the permit under sub-rule (5) (ii) transfer of permit other than the death of the holder of the permit under sub-rule (4)	500/-
		(a) bus/minibus	6,000/-
		(b) other than bus/minibus (except metered taxi and auto rickshaw)	4,000/-
		(c) metered taxi	3,000/-
		(d) autorickshaw	2,000/-
29.	160(5)	Issue of duplicate permit	1,000/- for each part of the permit
30.	196(6)	(i) Application fee for agent licence	200/-
		(ii) Grant or renewal of agent licence	500/-
		(iii) Duplicate of agent licence	500/-
31.	196(7)	Renewal of agent licence not made in due time	300/-
32.	196(14)	Metal badge issued by Regional Transport Authority	100/-
		Issue of duplicate metal badge	150/-

Sl. No.	Rule	Purpose	Fee (Rs.)
1	2	3	4
33.	203	Grant or renewal of agent licence, supplementary licence or duplicate licence—	
		(a) application for grant of licence	500/-
		(b) grant of licence	1000/-
		(c) renewal of licence	500/-
		(d) grant of supplementary licence for each additional establishment (e) renewal of supplementary licence	500/-500/-
		(f) issue of duplicate copy of	
		(i) principal licence	1000/-
		(ii) supplementary licence	500/-
34.	207	Memorandum of appeal before the Appellate Authority	500/-
35.	211(2)	Appeal when preferred to the State Transport Appellate Tribunal—	
		(a) under rule 209	300/-
		(b) under rule 208	300/-
		(c) application for revision under section 90 of the Act	300/-
36.	211(3)	Certified copy	
		(i) for the first page	100/-
		(ii) for each additional page (per copy of each document)	50/-
37.	251(1)	Permission for display of advertising matter on a motor cab	500/-
38.	284(10)	Inspection and test of a model or modification or on a model under rule 273	200/-
39.	284(11)	Inspection and test of motor vehicle fitted with a producer under rule 276	50/-
40.	284(12)	Inspection and test of motor vehicle under rule 284(7)	50/-
41.	284(13)	Duplicate copy of certificate issued under rule 284	25/-
42.	319	Inspection of motor vehicle involved in an accident—fee for inspection	200/-
43.	358A	Computer service charge for any transaction	20/-

SCHEDULE B 1

Driver's Badge

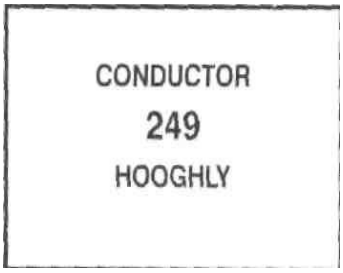
[See rule 19 of the West Bengal Motor Vehicles Rules, 1989]

Diameter of badge : 6 centimetres Number to be in large figures.

SCHEDULE B 2

Conductor's Badge

[See rule 42 of the West Bengal Motor Vehicles Rules, 1989]



Badge to be rectangular in shape, measuring 6 centimetres by 3.7 centimetres.

SCHEDULE E 1

[See rule 79 of the West Bengal Motor Vehicles Rules, 1989]

To

The Secretary,

Regional Transport Authority/

The Secretary,

State Transport Authority/

Taxing Officer/

Licensing Authority/

Registering Authority.

Dear Sir,

I beg to apply for the issue of copy/certified copies of the following documents as described below :

I am enclosing the requisite fees for urgent issue of the above documents. The documents may kindly be issued as admissible under the Bengal Records Manual to me within the prescribed period.

Yours faithfully,

Date... ..... (Signature of applicant).

[123] [SCHEDULE E2

(See rule 123 of the West Bengal Motor Vehicles Rules, 1989)

The following shall be the rate of various Forms from different offices of the State Transport Authority and the Regional Transport Authority :

All kinds of forms as prescribed under the Central Motor Vehicles Rules, 1989 and the West Bengal Motor Vehicles	@ Rupees five per page (including both sides of each Form.)]

[124] [SCHEDULE E 3

(See rule 151 of the West Bengal Motor Vehicles Rules, 1989)

The following shall be the late fees in case an application for renewal of permit or counter-signature in respect of all classes of transport vehicles, or renewal of agent license is not made within the period as stipulated under sections 81, 93 of the Motor Vehicles Act, 1988, and rules 148, 149, 200 and 203 of the West Bengal Motor Vehicles Rules, 1988.

Sl. No.	Duration	Amount of late fee
(i)	Less than 15 days before, but within the last date of expiry	Rs. 100/-
(ii)	After the last date of expiry, but within 30 days	Rs. 300/-
(iii)	After 30 days of the date of expiry, but within 60 days of the date of expiry	Rs. 1000/-
(iv)	After 60 days, but within 90 days subject to specific approval of the Regional Transport Authority or the State Transport Authority.	Rs. 3000/-
(v)	Beyond 90 days, but subject to specific approval of the Regional Transport Authority or the State Transport Authority	Rs. 3000/- for ninety days plus Rs. 500/-per month or part thereof beyond ninety days.]

[123] Schedule E2 subs, vide cl. 2(30) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003(w.e.f. 16.12.2003).

[124] Schedule E3 subs, vide cl. 2(31), *ibid (w.e.f* 16.12.2003).

[125][SCHEDULE E 4

(See rules 124 and 128 of the West Bengal Motor Vehicles Rules, 1989)

(1) The following shall be the amount of security deposits to be paid in cash for application for grant of different kinds of permits:

Nature of Permit	**Amount of Security Deposit Rs.**
Stage Carriage Service of a Stage Carriage	1,000/-
Contract Carriage	1,000/-
Goods Carriage	1,000/-
Private Service Vehicle	500/-
National. Permit	2,500/-
Tourist Motor Car (All India)	1,000/-
Tourist Bus	2,500/-

(2) The permit fees for Grant of National Permit and Tourist Vehicle Permit shall be as specified below :—

(a) National Permit	5,000/-
(b) Tourist Vehicle permit— (i) Tourist buses (All India)	5,000/-per annum for tourist permit of more than one State.
(ii) Tourist motor cab (All India)	1,500/-per annum for tourist permit of more than one State]

SCHEDULE E 5

[*See* rule 196 of the West Bengal Motor Vehicles Rules, 1989]

Prescribed Form of Garage Register

A garage register shall be maintained date-wise in the Form, the specimen of which is furnished below:

1. Date:
2. Registration Number of the vehicle:
3. Name of the owner as per certificate of registration:
4. Name of the persons in whose control the vehicle is operating:
5. Name of the Driver/(s) who has/have been engaged for duty in respect of the vehicle on the relevant date:
6. Address of such driver/(s) :
7. Signature/thumb-impression of such driver:
8. Remarks made by Inspecting Officers.

N.B. Separate garage register shall be maintained for each transport vehicle date-wise.

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[125] Schedule E4 subs, vide cl. 2(32) of the Notification No. 5305-WT/6M-21/2002 dated 12.12.2003(w.e.f. 16.12.2003).

SCHEDULE E 6

[*See* rule 170 of the West Bengal Motor Vehicles Rules, 1989]

In relation to fixation of bears of work in advance

Authority	Employers or drivers of transport vehicles used for the purposes of/or in connection with—
(1)	(2)
1. A. Regional Transport Authority or the Commissioner of Police	1. (1) A service of not less than five Stage Carriages.
	(2) The business of Goods Carriages operated by one permit-holder under one or more permits solely within the region or the jurisdiction of the Regional Transport Authority or the Commissioner of Police, as the case may be.
2. The State Transport Authority	2. Any Stage Carriage and Goods Carriage permit or permits, authorising the use by the same permit-holder of not less than five Stage Carriages or Goods Carriages, as the case may be.

SCHEDULE E 7

[*See* sub-rule (14) of rule 212 of the West Bengal Motor Vehicles Rules, 1989]

Register of Routes

Name of the Route	Detailed Alignment	Length (in Km)	How introduced (Resolution of the RTA/STA etc.)	No. of Vacancies	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Notification No. or Agenda No. with date of the meeting of the S.TA.....

SCHEDULE E 8

[*See* sub-rule (15) of rule 212 of the West Bengal Motor Vehicles Rules, 1989]

Route with alignment
If approved (Particulars of reference to be noted).....

Folio No.
If unapproved mention to be made of the manner how the route was introduced.

Notification No. or Agenda No. with date of the meeting of the S.T.A.....

Sl. No.	Name of the Permit-holder with full particulars of identity.	No. of Permits IP PR	Permit No. with date of issue and date of validity from..... to..... If counter-signed particulars of the issuing Authority to be recorded.	Particulars of vehicles	Particulars of payment of fees, taxes etc.	How granted. Reference to Agenda No. & date of the meeting of S.T.A. to be indicated. Particulars to be noted in all cases.	In case of court order, gist of the orders of the court to be noted.	Remarks, if any
1	2	3	4	5	6	7	8	9

SCHEDULE E 9

[*See* sub-rule (22) of rule 212 of the West Bengal Motor Vehicles Rules, 1989]

Special Permit Register

1. Sl. No. and date :
2. Name of the permit holder with full particulars of identity :
3. Permit number with date of issue and date of validity from.....to .....If countersigned, particulars of the Issuing Authority to be recorded :
4. Particulars of vehicle :
5. Particulars of payment of fees, taxes etc. :
6. How granted-reference to State Transport Authority meeting/ Regional Transport Authority meeting/orders of any superior officer/ Chairman R.TA./S.TA. :
7. In case of Court orders, gist of the orders :
8. Remarks :

SCHEDULEE 10

[*See* sub-rule (24) of rule 212 of the West Bengal Motor Vehicles Rules, 1989]

Complaint Register

1. Date of receipt of the complaint:
2. Name and address of the complainant:
3. The subject matter of the complaint and file number:
4. Any orders passed by superior authority on the subject of the complaint:
5. Action taken thereon :
6. If any communication made to the complainant:
7. Remarks :

(whether received from high official-Chief Minister, M.I.C., Transport, Govt, of India, etc.).

N.B. Separate pages may be allotted to each complaint.

SCHEDULE E11

[*See* rule 190 of the West Bengal Motor Vehicles Rules, 1989]

Intimation to the State Transport Authorities in other States regarding grant of endorsement on the permit of a vehicle authorising the vehicle to operate as All India Tourist Vehicles

To
The State Transport Authority,

The permit relating to the following transport vehicles has been endorsed for operation as tourist vehicle(s) under rule 190 of the West Bengal Motor Vehicle Rules 1989 :—

Number	Serial number allotted to the vehicle	Type of the vehicle	Year of manu-facture	Year of regis-tration and registration mark and number	Year of body	Number of cylinders
1	2	3	4	5	6	7

Horse Power	Chassis number	Engine number	Seating capacity	Gross Vehicle weight	Unladen weight	Colour of body
8	9	10	11	12	13	14

Secretary,

State Transport Authority, West Bengal.

SCHEDULEE 12

[See rule 190 of the West Bengal Motor Vehicles Rules, 1989]

Intimation to the State Transport Authorities in other States regarding suspension and cancellation of endorsement on the permit of a tourist vehicle authorised to operate as All India Tourist Vehicle

To

The State Transport Authority,

The endorsement granted on permit No.....in respect of tourist vehicle relating serial number.....registered in the name of.....dated.....has been suspended/cancelled with effect from.....day of.....20... .....under rule 190 of the West Bengal Motor Vehicles Rules, 1989.

Secretary,
State Transport Authority, West Bengal.

SCHEDULE E 13

[*See* rule 190 of the West Bengal Motor Vehicles Rules, 1989]

Intimation to the State Transport Authorities in other States regarding grant of endorsement on the permits relating to the tourist vehicles during the quarter ending.....20.....

To
The State Transport Authority,
The permits relating to the Motor Vehicles particulars of which are given below bear valid endorsement for operation as Tourist Vehicles on...

Number	Serial number allotted to the vehicle(s)	Class of vehicles (Motorcab)	Make and year of manu-facture	Registration mark and number	Permit number	Date of expiry of permit

Secretary,
State Transport Authority, West Bengal.

[126] [SCHEDULE E 14

[See rule 57(6) of the West Bengal Motor Vehicles Rules, 1989]

Amount payable for delay in production of vehicle for inspection for renewal of Certificate of Fitness beyond the date of its expiry

Sl. No	Category of Vehicle	15 days	One month	Two months	More than two months
1	2	3	4	5	6
		(Rs.)	(Rs.)	(Rs.)	(Rs.)
1	Truck (HMV)	200/-	500/-	1000/-	1500/-
2	Bus	200/-	500/-	1000/-	1500/-
3	Minibus	200/-	500/-	1000/-	1500/-
4	Mini truck	150/-	450/-	750/-	1000/-
5	Taxi	100/-	200/-	500/-	750/-
6	Van (LMV)	100/-	200/-	500/-	750/-
7	Autorickshaw	75/-	100/-	300/-	500/-
8	Trailer	75/-	100/-	300/-	500/-]

[127] [SCHEDULEE15

[See rule 52(3) of the West Bengal Motor Vehicles Rules, 1989]

Additional fee payble for transfer of ownership of motor vehicles under section 50 of the Motor Vehicles Act, 1988

Sl. No.	Category of vehicle	Additional fee for transfer of owner-ship within five years	Additional fee for transfer of ownership beyond five years
		(Rs.)	(Rs.)
1	Non-transport vehicle —		
(i)	Two-wheeler	570/-	270/-
(ii)	Motor car/omnibus	1,900/-	1.400/-
(iii)	Vehicles other than above	2,400/-	1,900/-
2	Transport vehicle—		
(i)	Autorickshaw	600/-	300/-
(ii)	Light motor vehicle	1,900/-	1,400/-
(iii)	Medium motor vehicle	2,300/-	1,800/-
iv)	Heavy motor vehicle	3.700/-	2,700/-

[128][SCHEDULE F

[See rules 218(7) of the West Bengal Motor Vehicles Rules, 1989]

1. The following shall be the fees for installation of radio set, gramophone, tape recorder, cassette recorder, with or without loud speaker or any kind of apparatus producing sound effect or voice:—

(a) For motor cars Rs. 300/- per annum.

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[126] Schedule E14 subs, vide cl. 2(33) of the Notification No. 5305-WT/6M-21 /2002 dated 12.12.2003 (w.e.f. 16.12.2003).

[127] Schedule E15 ins. vide cl. 2(34), *ibid* (w.e.f. 16.12.2003).

[128] Schedule F subs, vide cl. 2(35) of the Notification No. 5305-WT/6M-21 /2002 dated 12.12 2003 (w.e.f. 16.12.2003).

(b) For any other motor vehicle Rs. 500/- per annum.

2. The following shall be the fees for installation of video set, television set, or any other apparatus, to display any object on the screen with or without amplification of any sound or voice:-

(a) For motor car or tourist motor cab.....Rs. 500/- per annum.

(b) For any other motor vehicles.....Rs. 2000/- per annum.]

SCHEDULE G1

[See sub-rule (2) of rule 272 of the West Bengal Motor Vehicles Rules, 1989]

List of competent authorities in India whose approval is accepted

All State Governments in respect of the respective States and the Central Government in respect of the Union Territories or Authorities authorised by State Government or the Central Government, as the case may be, in this behalf.

SCHEDULE G2

[See sub-rule (1) of rule 275 of the West Bengal Motor Vehicles Rules, 1989] Producer Gas Plants for mechanically propelled Vehicles

General Specification

1. **Design.**—The General Design shall be reasonably simple, and suitable to the type of vehicle for which it is intended, it shall be such that it can be fitted to the vehicle in such a way that the driver's vision and control of his vehicle are not impeded, that the convenience and safety of the passengers are not endangered, and that the coolers, filters, pipes and any other parts requiring frequent cleaning and attention can be installed in readily accessible places.
2. **Performance.**—The producer shall be capable of providing gas sufficient to propel the vehicle under gas alone along a level road with its full lawful loading at a sustained speed of not less than—

   (a) in the case of a goods vehicle not being a heavy vehicle, 32 kilometres per hour,

   (b) in the case of a goods vehicle, being a heavy transport vehicle, 24 kilometres per hour,

   (c) in any other case, 40.23 kilometres per hour.
3. **Fuel capacity.**—The effective fuel capacity of the generator and hopper shall be sufficient to provide fuel to propel the vehicle under producer gas for a distance of not less than 80.5 kilometres along a level road without recharging.

4. **Filtering system capacity.—**This shall be such as to ensure that in normal circumstances the system shall not require cleaning at intervals of less than 80.5 kilometres.
5. **Construction.**—The plant shall be constructed, put together, and installed, in a sound and workman like manner. The materials and method of construction specified by the manufacturer-applicant shall, save as otherwise declared by him, be calculated to withstand fair wear and tear for a period of not less than two years under the normal conditions of working and maintenance of the type of vehicle for which the plant is intended. The plant shall not form an inflexible or rigid unit but shall be connected with flexible coupling at appropriate points to relieve any stresses within itself or due to travel on the road. No rubber hose shall ordinarily be used as a flexible connection between the generator and the cooler.
6. **Generators.—**Generators are divided into three main types, namely, updraft, downdraft and crossdraft. The materials for the construction of the generators including the hoppers and outer shells, if any, shall be of mild steel sheet, not less than the following gauge thickness :—

All outer shells where fitted, not thinner than No. 16 B.W.G., 16 centimetres thick.

Updraft generators.—The lower end of shell from the bottom to a point 31 centimetres above the grate or to the top of the gas outlet, whichever is the less, not thinner than No. 11 B.W.G. 30 centimetres thick, remainder of shell not thinner than No. 16 B.W.G. 16 centimetres thick.

Downdraft generators.—The lower end of shell from the bottom to a point 31 centimetres above the fire grate, not thinner than No. 14 B.W.G. 21 centimetres thick, remainder of shell not thinner than No. 16 B.W.G. 16 centimetres thick.

Crossdraft generators.—The lower end of shell from the bottom to a point 31 centimetres above the centre line of tyre, not thinner than No. 14 B.W.G. 21 centimetres thick, remainder of shell not thinner than No. 16 B.W.G. 16 centimetres thick.

All generator cover and generator flange joints shall be made of heat-resisting material. If an escape funnel be fitted to any generator, for use during the blowing of air through such generator, the mouth of the funnel shall be above the roof level of the vehicle measured externally. A suitable valve or suitable

flame trap shall be fitted to the air inlet of all types of generators to prevent danger from blowback.

7. **Coolers.**—The material from which coolers are made shall be mild steel, cooper or brass sheets not less than No. 18 B.W.G. 12 centimetres thick. All coolers must be made so that they can be readily cleaned.
8. **Filtering.—**The gas filtering system shall be in not less than three stages, of which the last stage shall be felt or other approved fabric, provided that the State Government may by notification approve any filtering system. The test mentioned in clause (a) of sub-rule(3) of rule 273 of these rules, gas filtering test with the object of determining the purity of the gas in this respect. The materials from which filter casing and all gas piping up to the mixing chamber or carburetor are made shall not be less than No. 18 B.W.G. 12 centimetres thick.
9. **Flanges and flange joints.**—Flanges fitted to piping shall be made of material not less than 6 centimetres thick.
10. **Use of water.—**Where water is used, either for injection or for cooling tuyeres, it shall be provided from a source other than the engine cooling system, and shall not be in circuit therewith.
11. **Water tanks.**—Water tanks shall be made of mild steel sheet or copper sheet material of a thickness not thinner than No. 20 B.W.G. 09 centimetres thick and shall be provided with strainers for inlets and outlets and a suitable arrangement for determining the water level.

SCHEDULE X

[*See* rule 353 of the West Bengal Motor Vehicles Rules, 1989]

Monogram for head cap of Additional Regional Transport Officers and Motor Vehicles Inspectors shall be

Shoulder badges for Additional Regional Transport Officers and Motor Vehicles Inspectors shall be.

WBT