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12. OFFENCES, PENALTIES AND PROCEDURE

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

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

12.2 Penalty for travelling without pass or ticket and for dereliction of duty on the part of conductor and refusal to ply contract carriage, etc. (MVA S 178) —

(1) A persons traveling in a stage carriage without having a proper pass or ticket with him or being in or having alighted from a stage carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on a requisition being made therefore, should is punishable with fine which extends to five hundred rupees.

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

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

- (i) fails or refuses to accept the fare when tendered, or
- (ii) fails or refuses to supply a ticket, or
- (iii) supplies an invalid ticket, or
- (iv) supplies a ticket of a lesser value, or

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

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

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

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

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

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

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

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

(2) A person who,

(i) Wilfully withholds any information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12.19 Punishment of agents and canvassers without proper authority.

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

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

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

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

गोपनीय

क. एमटीडी/२००९/सीआर-१२/का.२(१)/जा.क्र. १०९
परिवहन आयुक्त यांचे कार्यालय,
प्रशासकीय इमारत, ३रा व ४था मजला,
डॉ. आंबेडकर उद्यानाजवळ,
सरकारी वसाहत, वांद्रे (पूर्व),
मुंबई - ४०० ०७१.
दिनांक :- ११ DEC 2009

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

विषय :- मोड्युलर हायड्रोलिक ट्रेलर वाहनांच्याबाबतीत ओव्हरलोड निश्चित करताना अनुसरावयाची कार्यपध्दती.

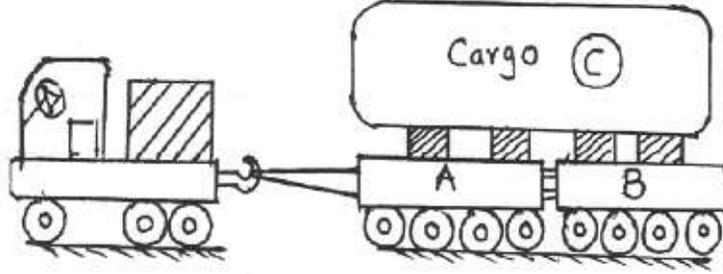
- संदर्भ :- १) केंद्र शासनाचे पत्र क्र.आरटी-११०४२/१३/२००८-एमव्हीएल,
दि.३/०९/२००८.
२) या कार्यालयाचे पत्र क्र.एमएपी/२००९/का.२(१)/जा.क्र.९७८९,
दि.२६/०८/२००९.
३) ओडीसी मालवाहतूक कार्यपध्दती शासन निर्णय क्र.
एमव्हीआर ०९०९/२४२९/ सीआर-३६७/परि-२, दि. १९/११/२००९.

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

असे केल्याने सदर वाहन व्यवसायकांवर अन्याय होत असल्याबाबतच्या तक्रारी शासनास व या कार्यालयास प्राप्त होत आहेत. याबाबत परिवहन मा. सचिव (परिवहन) यांनी तीव्र नाराजी व्यक्त केली असून सदर वाहनांच्याबाबतीत ओव्हरलोड निश्चित करताना अनुसरावयाच्या कार्यपध्दतीबाबत सविस्तर मार्गदर्शनपर पत्र त्वरित सर्व कार्यालयांना पाठविणे विषयी दि.०४/१२/२००९ रोजी निर्देश दिले आहेत.

त्या नुसार आपणांस खालीलप्रमाणे मार्गदर्शनपर आदेश देण्यात येत आहेत-

(अ) ओव्हरलोड कसा निश्चित करावा :-



मोड्युलर हायड्रोलिक ट्रेलर वाहनांच्याबाबतीत ओव्हरलोड निश्चित करताना खालीलप्रमाणे कार्यपध्दतीचे अनुसरण करावे.

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

समीकरण X = Unladen weight of Trailer A + Trailer B

Y = Gross Vehicle Weight of Trailer A + Trailer B

C = Weight of Cargo

Total Detected Laden Weight = X + C

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

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

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

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

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

$$X = (18 + 18) = 36 \text{ टन.}$$

$$Y = (72 + 72) = 144 \text{ टन.}$$

$$C = 96 \text{ टन.}$$

$$\begin{aligned} \text{Total Detected Laden Weight} &= X + C \\ &= 36 + 96 \\ &= 132 \text{ टन.} \end{aligned}$$

$X + C$ हे Y पेक्षा कमी असल्याने वरील उदाहरणातील वाहनात क्षमतेपेक्षा जास्त माल वाहून नेत नसल्याचे सिध्द होते.

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

उदाहरण क्र.२ :- समजा एका हॉर्सला प्रत्येकी ५६ टन स्थून वजन क्षमता (Gross Vehicle Weight) असलेले २ ट्रेलर्स व ७२ टन स्थून वजन क्षमता (Gross Vehicle Weight) असलेला १ ट्रेलर जोडले असतील तर एकूण Gross Vehicle Weight १८४ टन इतके असेल. आणि या वाहनातून १६० टन वजनाच्या मालाची वाहतूक होत असेल आणि ५६ टन Gross Vehicle Weight असलेल्या ट्रेलरचे भारविरहीत वजन (Unladen weight) हे प्रत्येकी १४ टन इतके असेल व ७२ टन Gross Vehicle Weight असलेल्या ट्रेलरचे भारविरहीत वजन (Unladen weight) हे प्रत्येकी १८ टन इतके असेल तर समीकरण खालीलप्रमाणे असेल

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

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

$$C = 160 \text{ टन.}$$

$$\begin{aligned} \text{Total Detected Laden Weight} &= X + C \\ &= 46 + 160 \\ &= 206 \text{ टन.} \end{aligned}$$

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

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

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

(ब) कागदपत्रांची तपासणी :-

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

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

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

परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई.

प्रत :-

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

परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOME DEPARTMENT

Mantralaya, Mumbai 400 032, dated 1st June 2007

NOTIFICATION

MOTOR VEHICLES ACT, 1988.

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

Schedule

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

Schedule—contd.

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

Schedule—contd.

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

Schedule—contd.

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

Schedule—contd.

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

Schedule—contd.

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

Schedule--contd.

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

Schedule—contd.

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

Schedule—concl'd.

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

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

RAMESH SHINDE,
Deputy Secretary to Government.

शासकीय मध्यवर्ती मुद्रणालय, मुंबई

NOTIFICATION

HOME DEPARTMENT
Mantralaya, Mumbai 32
Dated 05 June, 2009

**MOTOR
VEHICLES
ACT, 1988**

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

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

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



(C. S. Sangitrao)

Secretary to the Government of Maharashtra

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

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

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

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

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

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

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

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

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

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

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

(a) A person who is at a hospital as an indoor patient, at the hospital,

(b) Any other person, either at or near the place where the requirement is made,

(c) If the police officer thinks fit, at a police station specified by the police officer:

(3) If it appears to a police officer in uniform, that the device by means of which the test has been carried out indicates the presence of alcohol in the person's blood, the police officer is empowered to arrest that person without warrant except while that person is at a hospital as an indoor patient.

(4) If a person, refuses or fails to do breath test and the police officer has reasonable cause to suspect him of having alcohol in his blood, the police officer is empowered to arrest him without warrant except while he is at a hospital as an indoor patient.

(5) A person arrested, should while at a police station, be given an opportunity to provide a specimen of breath for a breath test there.

(6) The results of a breath test made, should be admissible in evidence.

(7) "Breath test", means a test for the purpose of obtaining an indication of the presence of alcohol in a person's blood carried out, on one or more specimens of breath provided by that person, by means of a device of a type approved by the Central Government, by notification in the Official Gazette.

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

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

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

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

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

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

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

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

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

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

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

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

12.33 Power to detain vehicles used without certificate of registration

permit, etc. (MVA S 207)— (1) Any police officer or officer of Motor vehicle department has reason to believe that a vehicle has been or is being used in contravention of the provisions of MVA S 3, 4, 39 , 66 (1) or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle is used, may seize and detain the vehicle, and take proper steps for the temporary safe custody of the vehicle:

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

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

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

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

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

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

(a) appear by pleader or in person; or

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

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

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

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

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

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

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

(a) Which issued the driving licence, and

(b) By whom the licence was last renewed,

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

स्लीपर कोचेस/कॅम्पर जॅन वा वाहनांच्या तपासणी बाबत.

परिवहन आयुक्त कार्यालय.
प्रशासकीय इमारत, ३ ग व ३ आ मजला,
शासकीय वसाहत, पांडे (पूर्वे), मुंबई - ४०० ०२२.

परिपत्रक क्रमांक एमव्हीएम-५४/२००४/पआ/का.२अ/शा.११७/जाक-१०६४ दिनांक २/१२/०४
संदर्भ: या कार्यालयाचे सम क्रमांकाचे परिपत्रक जा.क्र.१५७९९, दिनांक १४/१०/२००४.

प रि प त्र क

इतर राज्यातील काही स्लीपर कोचेस/कॅम्पर जॅनची रचना, बांधणी, मॉडणी आणि त्यांना देण्यात आलेला पर्यटक परवाना, मोटार वाहन कायद्यातील तरतुदीनुसार नमल्याचे निदर्शनास आल्यामुळे त्याबाबत कायदानुसार कारवाई करण्याच्या सूचना उपरोक्त परिपत्रकानुसार महाराष्ट्र राज्यातील सर्व परिवहन कार्यालयांना व सीमा तपासणी नाक्यांना देण्यात आलेल्या होत्या. त्याचप्रमाणे या कार्यालयाने परिवहन आयुक्त गुजरात, राजस्थान, मध्यप्रदेश, गोवा व कर्नाटक यांना दिनांक ८/११/०४ रोजी संदर्भ केल्या होता. परंतु त्यांच्याकडून अजून उत्तर प्राप्त झालेले नाही. या संदर्भात काही स्लीपर कोचेस/कॅम्पर जॅन वग धारकांनी मुंबई उच्च न्यायालय, नागपुर खंडपीठाकडे याचिका दाखल केल्या होत्या. प्राप्त याचिकांची पुनावर्णा झाल्यानंतर मोटार वाहन कायदा १९८८ च्या कलम ८८(९) प्रमाणे परवाना धारक वाहनांना महाराष्ट्र राज्यात प्रवेशास मज्जाव करता येणार नाही, मात्र मोटार वाहन कायदा व नियमांच्या तरतुदींचा भंग होत असल्यास कारवाई करता येईल असे निर्देश मा.उच्च न्यायालयाने दिलेले आहेत. त्यानुसार महाराष्ट्र राज्यातील सर्व परिवहन कार्यालयांना व सीमा तपासणी नाक्यांना खालील प्रमाणे सूचना देण्यांत येत आहेत.

मोटार वाहन कायदा कलम ८८ (९) नुसार पर्यटक परवाना अस्पल्ल्या वर्गसयी रचना व बांधणी कलम ८८(३१)तील तरतुदीनुसार व केंद्रीय मोटार वाहन नियम १२८ मधील तपशिला नुसार असणे आवश्यक आहे. केंद्रीय मोटार वाहन नियम १२८ मध्ये स्लीपरकोच/वर्थची बांधणी अद्याप समाविष्ट केली नाही. त्यामुळे स्लीपर कोचेस केंद्रीय मोटार वाहन नियम १२८ मधील तरतुदीची पूर्तता करीत नाहीत. परिणामी अशा कोचेसना मोटार वाहन कायदा कलम ५६ नुसार देण्यांत आलेले योग्यता प्रमाणपत्र, मोटार वाहन कायदा आणि नियमांच्या तरतुदींचे पालन करून देण्यांत आलेले आहे असे म्हणता येणार नाही. त्यामुळे अशा वर्गसंवाकतीत केंद्रीय मोटार वाहन नियम १२८ तसेच मोटार वाहन कायदा कलम ५६/३९/१९२ नुसार मालक आणि चालक यांच्यावर न्यायालयाने खटला भरावा किंवा त्यांच्याकडून प्रत्येकी रुपये १०००/- तहजोड शुल्क स्विकारण्यांत यावे.

२) मोटार वाहन कायदा कलम ४१(४) नुसार केंद्र शासनाच्या अधिसूचना क्रमांक ४५१ मधील कॅम्पर जॅनच्या व्याख्येनुसार त्यामध्ये लिफ्टिंग क्वॉटर्स असणे आवश्यक आहे. अशा वाहनांचा वापर करमणूकप्रधान शिबोर व तदनुषंगिक प्रवासासाठी करण्यांत यावा अशी तरतूद आहे. प्रत्यक्षात इतर राज्यात

कॅम्पर व्हॅन म्हणून नोंदविल्या गेलेल्या वाहनामध्ये लिफ्टिंग क्वार्टर वा यमावेश आडवून घेत नाही. या खलट त्यामध्ये स्लीपर बर्थ बांधल्या गेल्या आहेत तसेच त्यांच्या वापर यंत्रणे प्रवापी वाहतुकीस हात आहे. परिणामी, अशा बसेसची नोंदणी कलम ४१(४) चा भंग करून असल्यामुळे कलम ३१ला अपक्षित असलेल्या मोटार वाहन कायद्यातील तरतुदीनुसार असल्याचे म्हणता येणार नाही. त्यामुळे अशा यंत्रणेचे मालक आणि चालक यांचे विरुद्ध मोटार वाहन कायदा कलम ३१/१९२ खाली खटला भरण्यात यावा किंवा प्रत्येकी तडजोड शुल्क रुपये १,०००/- विवेकारण्यांत यावे.

३) बसेसमध्ये आमने/शय्यिका यांची संख्या नोंदणी प्रमाणपत्रापेक्षा जास्त आडवल्यास त्यावाचतात खटला दाखल करावा किंवा तडजोड शुल्क वसूल करावे. तसेच प्रत्यक्षात आमनाच्या आमने/ शय्यिका यांच्या संख्येनुसार कर वसूल करण्यांत यावा. शय्यिकेच्या संख्येपेक्षा प्रवास करणाऱ्या प्रवाशांची संख्या जास्त असल्यास प्रवाशांच्या संख्येनुसार कर वसूल करावा.

४) स्लीपर बसेसची रचना केंद्रिय मोटार वाहन नियम १२८ नुसार नसल्यामुळे ती कलम ८८(११)नुसार असल्याचे दिसून येत नाही. परिणामी अशा बसेसना कलम ८८(१)नुसार देण्यात आलेला पर्यटक परवाना कायदानुसार आहे असे म्हणता येणार नाही. त्यामुळे अशा बसेसचे मालक/चालक यांचे विरुद्ध कलम ६६/१९२ (अ) नुसार खटला दाखल करण्यांत यावा. तथापि त्यांना महाराष्ट्र राज्यात येण्यास मज्जाव करण्यात येऊ नये. या परिच्छेदात नमूद केल्याप्रमाणे केलेल्या कारवाईची माहिती त्या त्या राज्यातील मूळ नोंदणी व परवाना प्राधिकरणास पुढील सुयोग्य त्या कार्यवाहीसाठी नोंद डाकने कळविण्यांत यावी.

५) वर उल्लेख केल्याप्रमाणे कॅम्पर व्हॅनची रचना आणि बांधणी कायदानुसार नसल्यामुळे त्यांना केंद्रिय मोटार वाहन नियम १२८ मधून देण्यात आलेली मुट बरोबर असल्याचे दिसत नाही. त्यामुळे त्याआधार त्यांना देण्यात आलेला पर्यटक परवाना कायदानुसार असल्याचे म्हणता येणार नाही. परिणामी अशा यंत्रणेचे मालक/चालकांच्या विरुद्ध कलम ६६/१९२ (अ)खाली खटला दाखल करण्यांत यावा. तथापि त्यांना महाराष्ट्र राज्यात येण्यास मज्जाव करू यात येऊ नये. या परिच्छेदात नमूद केल्याप्रमाणे केलेल्या कारवाईची माहिती त्या त्या राज्यातील मूळ नोंदणी व परवाना प्राधिकरणास पुढील सुयोग्य त्या कार्यवाहीसाठी नोंद डाकने कळविण्यांत यावे.

६) बसबांधणी बसेस टप्पा पध्दतीने वाहतूक करतात. त्यांच्या मालक/चालका विरुद्ध मोटार वाहन कायदा ६६/१९२ (अ) खाली त्याप्रमाणे खटला दाखल करावा.

७) इतर राज्यात नोंदविलेल्या टुरिस्ट परब्रह्मावरील यंत्रणे महाराष्ट्र राज्यातील दोन ठिकाणांमध्ये वाहतूक करत असल्याचे दिसून येते. हे केंद्रिय नियम ८५(३)चा भंग करणारे आहे. अशा बाबतीत देखील ६६/१९२ (अ)खाली मालक/चालकांविरुद्ध खटला दाखल करावा.

८) इतर राज्यात नोंदविलेल्या काही बसेस त्यांच्या मूळ राज्यात नावापर जाहीर करतात व महाराष्ट्र राज्यात घालतात. अशा बसेसनी त्यांच्या मूळ राज्याचा कर भरणे आवश्यक आहे. ती भरली असल्याची खात्री करून घ्यावी.

16/1/08

२) अशा बसेसकट्टन खालील प्रमाणे कर वसूल करावा.

अ.क्र.	आयन /शुल्किका	अवातानुकूलित	वातानुकूलित
१	प्रति आयन प्रति वष	₹. ६,०००/-	₹. ५,०००/-
२	प्रति शुल्किका प्रति वष	₹. ५,०००/-	₹. ६,२५०/-

१०) मोटार वाहन कायदा क्रलम ३१ किंवा ३६ मधील तरतुदीचा मंग केल्याम वाहन, कलम २०३ खाली अटकावून ठेवता येते. तसेच कर भरलेला नसल्याम मुंबई मोटार वाहन कर कायदा, कलम १२ (ब) प्रमाणे वाहन अटकावून ठेवता येते. अशाप्रमाणे कर भरण्यांत तसेच तडजोड शुल्क स्विकारीपर्यंत किंवा खटला दाखल होईपर्यंत वाहन अटकावून ठेवण्यांत यावे.

११) अशा त-हेच्या बसंम जाताना व येताना वेगवेगळे प्रवासी घेऊन जात असल्यामुळे वरील प्रमाणे खटला दाखल करण्याची किंवा तडजोड शुल्क स्विकारण्याची कारवाई जाताना आणि येताना प्रत्येक वेळी न बुकना करण्यांत यावी.

१२) तपासणी अधिकारी-याने तपासणीच्या वेळी ग्लोपर कायम किंवा कंपार जेन यांची रचना व बांधणी यांची तपासणी प्रत्यक्षात वेहनामध्ये जाऊन करावी व तपशीलाची विस्तृत नोंद तपासणी प्रतिवेदनावर घ्यावी.

१३) या वावतीतील केलल्या कारवाईचा अहवाल संपूर्ण तपशीलासह दररोज या कार्यालयामे सोबत जाडपत्रांत आलेल्या प्रपत्रात पाठविण्यांत यावा

सोबत : प्रपत्र.

परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई.

प्रति,

सर्व प्रादेशिक परिवहन अधिकारी,
सर्व उप प्रादेशिक परिवहन अधिकारी,
प्रभारी अधिकारी, सर्व सीमा तपासणी नाके.

प्रत,

सा.प्रधान सचिव (परिवहन), गृह विभाग, महाराष्ट्र शासन, मुंबई, मुंबई यांना माहितीमेव
सादर.

परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई.

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सहायक
अधीक्षक
21/1/2007

क्र.एमव्हीआर ०७१०/सौआर-२७१/का.२(४)/जा.क्र १५४१

परिवहन आयुक्त यांचे कार्यालय

प्रशासकीय इमारत, ३/४ मजला,

डॉ. आंबेडकर उद्यानाजवळ,

वांद्र (पूर्व), मुंबई - ४०० ०५१.

दिनांक - 17 FEB 2011

प्रति,

सर्व प्रादेशिक / उप प्रादेशिक परिवहन अधिकारी,
महाराष्ट्र राज्य.

2011

विषय - केंद्रीय मोटार वाहन नियम १३ मध्ये नमूद कमाल मर्यादेपेक्षा मोजमापे जास्त असणा-या कार व दुचाकी वाहनांची वाहतूक करणा-या वाहनांवर कारवाई करणेबाबत.

संदर्भ - १) केंद्र शासन अधिसूचना क्र. आरटी-११०२८/२९/२००६-एमव्हीएल, दि.३/६/२००६.

२) इंडीयन फाऊंडेशन ऑफ ट्रान्सपोर्ट रिसर्च अँड ट्रेनिंग यांचे सर्व राज्यांच्या परिवहन सचिव/आयुक्त यांना लिहीलेले दि.१९/१०/२०१० रोजीचे पत्र.

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

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

तथापि, कार व स्कूटर्स किंवा इतर मोटार वाहनांची वाहतूक करणा-या अनेक टूक, ट्रेलर्सच्या मालकांनी वारंवार मुदतवाढ देण्यात येऊन देखील त्यांची वाहने नियमित करून घेतलेली नाहीत. तसेच मोटार वाहनांबरोबरच अशा वाहनांमधून इतरही मालाची क्षमतेपेक्षा अधिक माल (ओव्हरलोड) वाहतूक करण्यात येते. अशी तक्रार इंडीयन फाऊंडेशन ऑफ ट्रान्सपोर्ट रिसर्च अँड ट्रेनिंग या संस्थेने सर्व राज्यांच्या परिवहन सचिव/आयुक्त यांना लिहीलेले दि.१९/१०/२०१० रोजीचे पत्रान्वये केलेली आहे.

सबब, आपणास आदेशित करण्यात येते की, अशा वाहनांवर कठोर कारवाई करण्यात यावी.

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

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

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

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

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

CIRCULAR

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

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

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

(2) The period of limitation shall be -

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

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

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

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

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

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

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

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

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

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

The above information should be followed scrupulously

To,
Registering Authorities


Transport Commissioner,
Maharashtra State, Mumbai

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


Transport Commissioner,
Maharashtra State, Mumbai

Bond for attendance in the Court

I (name).....

.....(Place)

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

Dated :day of20.....

Signature

महत्वाचे

क्र.एमएपी/२००९/का-२(१)/जा.क्र. २५६९

परिवहन आयुक्त कार्यालय

३रा व ४था मजला, प्रशासकीय इमारत,
शासकीय वसाहत, बांद्रे (पूर्व),

मुंबई - ४०० ०५१.

दिनांक :- 28 AUG 2009

प्रति,

सर्व प्रादेशिक परिवहन अधिकारी,
सर्व उप प्रादेशिक परिवहन अधिकारी

विषय : मॉड्युलर हायड्रॉलिक ट्रेलरबाबत करण्यात येणारी ओव्हरलोडची कारवाई.

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

हायड्रॉलिक ट्रेलर्स ओनर्स असोसिएशन या संघटनेने निवेदन सादर करून, असे निदर्शनास आणले आहे की, मॉड्युलर हायड्रॉलिक ट्रेलरच्या बाबतीत काही वायुवेग पथकातील अधिका-यांकडून क्षमतेपेक्षा अधिक भार (ओव्हरलोड) निश्चित करताना फक्त हॉर्सच्या (पुलरच्या) भार वाहून नेण्याच्या क्षमतेचाच (लोड कॅरिइंग कॅपॅसिटी) विचार केला जातो.

कृपया या बाबतीत रस्ता परिवहन महामार्ग, मंत्रालय, नवी दिल्ली यांचे उपरोक्त संदर्भिय पत्र अवलोकावे. त्यात स्पष्टपणे असे नमूद करण्यात आले आहे की, मॉड्युलर हायड्रॉलिक ट्रेलरच्या बाबतीत ओव्हरलोड निश्चित करताना ट्रेलरसाठी निर्धारित करण्यात आलेल्या भारक्षमतेचा विचार करण्यात यावा व त्यानुसारच ओव्हरलोडची कारवाई करावी.

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

सोबत : बरीलप्रमाणे.

परिवहन आयुक्त,
महाराष्ट्र राज्य, मुंबई

प्रत माहितीसाठी ,

हायड्रॉलिक ट्रेलर्स ओनर्स असोसिएशन, ४०५, प्रेस्टीज चॅम्बर्स, कल्याण स्ट्रीट, मुंबई - ४०० ००९.

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

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

No.RT-11042/13/2008-MVL

Dated 3rd September, 2008

To

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

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

Sir,

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

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

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

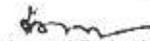
-2-

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

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

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

Yours faithfully,



(Anand Prakash)
Director (Road Transport)
Tel: 23719097

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

मोटार वाहनांच्या कर्कश हॉर्नमुळे
होणारे ध्वनीप्रदूषण

परिवहन आयुक्त यांचे कार्यालय,
प्रशासकीय इमारत, ३ रा व ४ था मजला,
सरकारी वसाहत, चांदे (पूर्व), मुंबई - ४०० ०५१.

प रि प त्र क

21 JAN 2008

क्र. पआ/कोर्ट केस/पीआयएल ८५/२००७/सिकिर्ण १७/का.२(ब)/जा.क्र. ८३२

दि.

- वाचा : १) या कार्यालयाचे पत्र क्र. एमव्हीएम ५४९६/का.२अ/जा.क्र.३९४०, दि. १५/०३/१९९६.
२) या कार्यालयाचे पत्र क्र. एमव्हीएम ५४९९/पआ/का.२अ/शा ५९/९९/जा.क्र.९८२, दि.
२०/०१/२०००.
३) या कार्यालयाचे पत्र क्र. एमव्हीएम ५४/२०००/पआ/का.२अ/२(६)/जा.क्र.१०७५०, दि.
१८/०८/२०००.
४) १) या कार्यालयाचे पत्र क्र. पआका/पीयुसी/का.२(ब)/जी-१/२००२/जा.क्र.-१२१२१,
दि. १३/८/२००२.

१. संदर्भित पत्रांद्वारे या कार्यालयाने मोटार वाहनांच्या कर्कश हॉर्नमुळे होणारे ध्वनीप्रदूषण टाळण्याकरिता कारवाई करण्याचे निर्देश दिले होते.

२. आवाज फाऊंडेशन यांनी मुंबई उच्च न्यायालय येथे सार्वजनिक जनहितार्थ याचिका क्र. ८५/२००७ दाखल केली असून कर्कश हॉर्नद्वारे ध्वनिप्रदूषण करणाऱ्या वाहनांविरुद्ध कडक कारवाईची मागणी केली आहे.

३. कर्कश हॉर्न संदर्भात केंद्रिय मोटार वाहन नियम, १९८९ च्या नियम ११९(२) मध्ये तरतूद असून तो खालीलप्रमाणे आहे -

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

एखाद्या वाहन चालकाने रिक्सस गिअरला जर मल्टी टोन्ड हॉर्न लावला असेल तरीही अशा वाहन चालक / मालकाविरुद्ध ही तरतूद लागू होईल.

४. त्याचप्रमाणे काही नवयुक्त होसेनिमित्त (thrill) वाहनाचा सायलेंसर काढून टाकतात ज्यामुळे वाहनापासून कर्कश आवाज निघतो. त्यासंदर्भात केंद्रिय मोटार वाहन नियम, १९८९ च्या नियम १२०(१) मध्ये तरतूद करण्यात आली असून ती खालीलप्रमाणे आहे-

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

५. एखादा वाहन चालक व मालक यांनी नियम ११९(२) व नियम १२०(१) चा भंग केल्यास त्या वाहन चालक व मालकाविरुद्ध मोटार वाहन अधिनियम, १९८८ च्या कलम १९०(२) अन्वये कडक कारवाई करण्यात यावी. कलम १९०(२) खालीलप्रमाणे आहे -

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

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


परिवहन आयुक्त
महाराष्ट्र राज्य, मुंबई.

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

प्रत माहितीसाठी सादर,
प्रधान सचिव, गृह (परिवहन) विभाग, मंत्रालय, मुंबई - ४०० ०३२.
प्रधान सचिव, पर्यावरण विभाग, मंत्रालय, मुंबई - ४०० ०३२.

प्रत माहितीसाठी,
परिवहन आयुक्त कार्यालयातील सर्व नियंत्रक अधिकारी.


परिवहन आयुक्त
महाराष्ट्र राज्य, मुंबई.