

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

Thursday, the 26th day of May 2022 / 5th Jyaishta, 1944

SSCR NO. 20 OF 2021

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER
REPORT - SM NO.21/2021 - REPORT REGARDING THE FUNCTIONING OF SAFE ZONE PROJECT,
SABARIMALA - SUO MOTU PROCEEDINGS INITIATED - REG:

PETITIONER:

SUO MOTU

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY/JOINT SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM-695 001.
2. TRANSPORT COMMISSIONER
(MOTOR VEHICLE DEPARTMENT), TRANSPORT COMMISSIONERATE,
IIND FLOOR, TRANS TOWER, THYCADU P.O., VAZHUTHACADU,
THIRUVANANTHAPURAM-695 014.
3. THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, VAZHUTHAKKAD, THIRUVANANTHAPURAM-695 010.
4. THE DISTRICT POLICE CHIEF
PATHANAMTHITTA-689 645.



5. THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM-695 003.

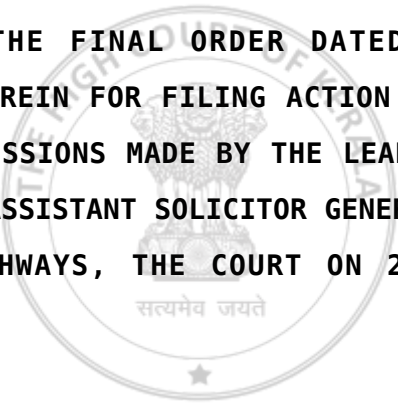
BY SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD FOR R5

BY THE GOVERNMENT PLEADER FOR R1 TO R4

BY SRI.N.RAGHURAJ, AMICUS CURIAE FOR SABARIMALA SPECIAL
COMMISSIONER

BY SRI.S.MANU, ASSISTANT SOLICITOR GENERAL OF INDIA

HAVING PERUSED THE FINAL ORDER DATED 10/01/2022 AND THE
DIRECTIONS CONTAINED THEREIN FOR FILING ACTION TAKEN REPORT AND ALSO
HAVING PERUSED THE SUBMISSIONS MADE BY THE LEARNED SENIOR GOVERNMENT
PLEADER AND THE LEARNED ASSISTANT SOLICITOR GENERAL FOR THE MINISTRY OF
ROAD TRANSPORT AND HIGHWAYS, THE COURT ON 26/05/2022 PASSED THE
FOLLOWING.



"CR"

ANIL K. NARENDRAN & P.G. AJITHKUMAR, JJ.

S.S.C.R. No.20 of 2021

Dated this the 26th day of May, 2022

O R D E R

Anil K. Narendran, J.

This Report filed by the Special Commissioner, Sabarimala, regarding the functioning of Safe Zone Project, Sabarimala, by the Motor Vehicles Department was disposed of by the order dated 10.01.2022 [**2022 SCC OnLine Ker 1105 : CDJ 2022 Ker HC 203**] with the directions contained in paragraph 120 of the said order. The 2nd respondent Transport Commissioner and the 3rd respondent State Police Chief were directed to file action taken reports before this Court on or before 01.07.2022, which was directed to be place before the Bench on 11.07.2022. Registrar General was directed to forward a copy of the said order to the Secretary, Supreme Court Committee on Road Safety for information. Despite the directions contained in the order dated 10.01.2022, the Enforcement Officers under the 2nd respondent Transport Commissioner and the Police Officers under the 3rd respondent State Police Chief are not taking earnest efforts to ensure strict enforcement of the provisions

under the Motor Vehicles Act and the Rules and Regulations made thereunder, taking note of the law laid down in the decisions referred to supra and also in the order of this Court dated 10.01.2022. Though, by the order dated 10.01.2021, the 2nd respondent Transport Commissioner and the 3rd respondent State Police Chief were directed to file action taken reports before this Court on or before 01.07.2022, which were directed to be placed before the Bench on 11.07.2022, we have directed Registry to list this matter before Bench today, since for the last few months several contract carriages were involved in major accidents, in which the passengers in those vehicles and other road users sustained serious/fatal injuries. Since the use of such vehicles on public place is posing potential threat to the safety of the passengers and other road users, the learned Assistant Solicitor General of India was requested to address arguments on behalf of the Ministry of Road Transport and Highways. We viewed in open court a few video clippings of motor accidents involving contract carriages and use of contract carriages fitted with unauthorised LED/laser/neon lights in public place, downloaded from 'YouTube'.

2. Paragraphs 119 to 121 of the order dated 10.01.2022 in S.S.C.R.No.20 of 2021 read thus;

"119. As evident from the image of the vehicles involved in the accident which occurred on 09.12.2021, at Amalagiri in State Highway-220, which is reproduced hereinbefore at paragraph 77, various objects have been placed/hanged in front of the windscreen of contract carriage bearing No.AP-05/TT-7929, causing obstruction to the clear vision of the driver to the front, in violation of the provisions under Rule 339 of the Andhra Pradesh Motor Vehicles Rules, which is pari materia to Rule 278 of the Kerala Motor Vehicles Rules. As per the report of the Joint Regional Transport Officer, the said contract carriage hit on the rear of Tempo Traveller bearing No.AP-39/TB-1599, which moved forward and ran over two passengers (Sabarimala pilgrims) who were standing on the road, in front of that Tempo Traveller. The image of another Tempo Traveller involved in an accident, which occurred on 22.12.2021, along Edappally-Vyttila stretch of Ernakulam bypass in National Highway-66, is reproduced hereinbefore at paragraph 78. In that accident, sixteen Sabarimala pilgrims from Telangana, which included two children aged 11 and 13 years, sustained injuries. As per the news report, the Tempo Traveller in which they were travelling rammed into a lorry, around midnight, while the driver of that lorry was taking a reverse. Most of the transport vehicles in the State are being used on public place without maintaining lighting and light-signalling devices and also retro-reflectors, at rear, as per the

individual specifications specified in AIS-008. Transport vehicles, which do not have proper reverse lamp with white light, poses potential threat to the safety of other road users.

120. In the aforesaid circumstances, we deem it appropriate to dispose of this SSCR with the following directions;

- (I) The 2nd respondent Transport Commissioner, through the Enforcement Officers in the Motor Vehicles Department, and the 3rd respondent State Police Chief, through the District Police Chief of the concerned Districts shall ensure strict enforcement of the Road Safety Policy and also the provisions under the Motor Vehicles (Driving) Regulations, 2017, in terms of the directions contained in the decision of the Apex Court in **S. Rajaseekaran v. Union of India [(2018) 13 SCC 516]** and they shall also ensure strict enforcement of the prohibition contained in the decision of the Apex Court in **Avishek Goenka v. Union of India [(2012) 5 SCC 321]**, against tampering with the percentage of visual transmission of light of the safety glass of the windscreen, rear window and side windows of motor vehicles.
- (II) In view of the law laid down in the decisions in **Jijith and others v. State of Kerala and others [2019 (1) KHC 463]**, **Saji K.M. v. Deputy Transport Commissioner [2019 (3) KHC 836]** and **Principal, Sabari PTB Smaraka H.S.S. v. Additional Registering Authority and others**

[2020 (2) KLJ 662] the 2nd respondent Transport Commissioner, through the Enforcement Officers in the Motor Vehicles Department, and the 3rd respondent State Police Chief, through the District Police Chief of the concerned Districts, shall prevent the use of contract carriages and other transport vehicles on public place (i) flouting the safety standards prescribed in AIS-008 and AIS-052 (Rev.1) 2008, after replacing the prototype approved lights, light-signalling devices and reflectors with after-market multi-coloured LED/laser/neon lights, flash lights, etc.; (ii) without maintaining lighting and light-signalling devices and also retro-reflectors as per the individual specifications, namely, number, position, width, height, length, geometric visibility, orientation, etc. specified in AIS-008; (iii) with high-power audio systems producing loud sound with rating of several thousand watts PMPO, impairing the hearing of the driver and the passengers and causing distraction to other road users; (iv) with continuously blinking DJ rotating LED lights, multi-coloured LED/laser/neon lights in the passenger compartment, by converting the passenger compartment as a dancing floor, causing distraction to the driver of that vehicle and also to other road users; (v) with multi-coloured LED/laser/neon lights and also booster amplifiers, equalizer, DJ mixer, etc., with illuminated control panels in the driver cabin, causing glare and reflection of light on

the windscreen of the vehicle, endangering the safety of the passengers and other road users; (vi) mixing up of AC and DC power supply for high-power audio systems with DJ mixer, DJ dancing lights, laser lights, etc., violating safety standards, posing a potential fire hazard to the passengers of such vehicles; (vii) tampering with the percentage of visual transmission of light of the safety glass of the windscreen, rear window and side windows, by pasting stickers, tint films, etc. upon the safety glass, fixing sliding cloth cutrains, etc., in violation of sub-rule (2) of Rule 100 of the Central Motor Vehicles Rules; (viii) placing/hanging various objects in front of the windscreen and writing the name of the bus in the middle of the windscreen, above the level of the dashboard, causing obstruction to the clear vision of the driver, both to the front and through an angle of ninety degrees to his right or left hand side, in violation of Rule 278 of the Kerala Motor Vehicles Rules; and (ix) exhibiting writings, advertisements, graphics, figures, etc. with the sole object to invite public attention and to promote the contract carriage service, causing distraction to the drivers of other vehicles and also cyclists and pedestrians on public road; since use of such vehicles in public place, flouting the standards in relation to road safety, is likely to endanger the safety of the passengers of such vehicles and also other road users.

- (III) The 2nd respondent Transport Commissioner, through the Enforcement Officers in the Motor Vehicles Department, and the 3rd respondent State Police Chief, through the District Police Chief of the concerned Districts, shall prevent the use of contract carriages and other transport vehicles on public place with multi-toned horn giving a succession of different notes or horn giving unduly harsh, shrill, loud or alarming noise, in violation of sub-rule (2) of Rule 119 of the Central Motor Vehicles Rules.
- (IV) In view of the provisions under sub-section (2) of Section 190 of the Motor Vehicles Act, 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 of noise and air-pollution, shall be punishable for the first offence with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees or with both and he shall be disqualified for holding licence for a period of three months and for any second or subsequent offence with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both. Therefore, any person, who drives or causes or allows to be driven in any public place a contract carriage or other transport vehicle, violating the standards prescribed in AIS-008 and AIS-052 (Rev.1) 2008, without maintaining lighting

and light-signalling devices and also retro-reflectors as per the individual specifications, namely, number, position, width, height, length, geometric visibility, orientation, etc. specified in AIS-008; or after replacing the prototype approved lights, light-signalling devices and reflectors with after-market multi-coloured LED/laser/neon lights, flash lights, etc., shall be proceeded against under sub-section (2) of Section 190 of the said Act for an offense punishable with the imprisonment and fine specified in that sub-section and he shall be disqualified for holding licence for a period of three months and for any subsequent offence with imprisonment and fine as specified in that sub-section.

- (V) In view of the provisions under sub-section (4) of Section 206 of the Motor Vehicles Act, inserted by Section 88 of the Motor Vehicles (Amendment) Act, 2019, with effect from 01.10.2020, a police officer or other person authorised in this behalf by the State Government shall seize the driving licence held by the driver of a motor vehicle who has committed an offence under Section 190 and forward it to the licensing authority for disqualification or revocation proceedings under Section 19.
- (VI) A transport vehicle governed by AIS-008, which is not installed with lighting and light-signalling devices and also retro-reflectors referred to in Para.6.0, conforming to the individual specifications

for such lighting and light-signalling devices and also for retro-reflectors prescribed in Paras.6.1 to 6.20, or a transport vehicle governed by AIS-008, which is installed with lighting and light-signalling devices or retro-reflectors other than those referred to in Para.6.0, cannot be granted fitness certificate, since such a vehicle cannot be treated as a vehicle which complies with the provisions of the Motor Vehicles Act and the Rules made thereunder, for the purpose of grant of certificate of fitness. The certificate of fitness granted to such vehicle shall be cancelled by the prescribed authority, in accordance with the provisions under sub-section (4) of Section 56 of the Motor Vehicles Act. In appropriate cases, the registering authority shall initiate proceedings to suspend or cancel the letter of authority granted or renewed under sub-rule (5) of Rule 63 of the Central Motor Vehicles Rules or forfeit security deposit, after affording the holder of letter of authority an opportunity of being heard.

121. The 2nd respondent Transport Commissioner and the 3rd respondent State Police Chief shall file action taken reports before this Court on or before 01.07.2022, which shall be placed before the Bench on 11.07.2022.

Registrar General shall forward a copy of this judgment to the Secretary of Supreme Court Committee on Road Safety for information."

3. As per the report dated 21.12.2021 of the Special Officer, Safe Zone Project, which was enclosed along with the

report of the Special Commissioner, Sabarimala, Safe Zone Project 2021-22 was operational from 15.11.2021, on the commencement of Mandala-Makaravilakku Festival. Safe Zone Project has attended 40 major accidents, 758 major break downs and 536 minor break downs.

4. In Paragraphs 77 and 78 of the order dated 10.01.2022 the images of the vehicles involved in two accidents occurred on 09.12.2021 at 11.45 am, at Amalagiri in State Highway-220 and on 22.12.2021, along Edappally-Vyttila stretch of Ernakulam bypass in National Highway-66, involving Sabarimala pilgrims, were reproduced. Paragraphs 77 and 78 of the said order read thus;

"77. The image of the vehicles involved in the accident which occurred on 09.12.2021 at 11.45 am, at Amalagiri in State Highway-220, taken from the news report that appeared in an online media (referred to in the order of this Court dated 05.01.2022) is reproduced hereunder;



As evident from the image, various objects have been placed/hanged in front of the windscreen of contract carriage bearing No.AP-05/TT-7929, causing obstruction to the clear vision of the driver to the front, in violation of the provisions under the Central Motor Vehicles Rules and also the rules made by the State Government, in exercise of its rule making power under the relevant provisions of the Motor Vehicles Act. As per the report of the Joint Regional Transport Officer, the said contract carriage hit on the rear of Tempo Traveller bearing No.AP-39/TB-1599, which moved forward and ran over two passengers who were standing on the road, in front of that Tempo Traveller.

78. Another accident occurred on 22.12.2021, along Edappally-Vyttila stretch of Ernakulam bypass in National Highway-66, involving Sabarimala pilgrims. The image of the vehicle involved in that accident, taken from the news report that appeared in an online media is reproduced hereunder;



In that accident, sixteen Sabarimala pilgrims from Telangana, which included two children aged 11 and 13 years, sustained injuries. As per the news report that appeared in an online media, the Tempo Traveller in which they were travelling rammed into a lorry, around

midnight, while the driver of that lorry was taking a reverse."

5. In Paragraph 79 of the order dated 10.01.2022 we have noticed that, despite the specific directions contained in the decisions of this Court in **Jijith [2019 (1) KHC 463]**, **Saji K.M. [2019 (3) KHC 836]** and **Principal, Sabari PTB Smaraka H.S.S. [2020 (2) KLJ 662]** large number of motor vehicles, including contract carriages, stage carriages and goods vehicles are being permitted to be used in public place, flouting the safety standards prescribed in AIS-008/AIS-009/2001/AIS-030/2001 and even the safety standards in AIS-052 (Rev.1) 2008. Large number of motor vehicles, especially contract carriages, stage carriages and goods vehicles are being permitted to be used in public place without maintaining lighting and light-signalling devices and also retro-reflectors as per the individual specifications, namely, number, position, width, height, length, geometric visibility, orientation, etc. specified in AIS-008, which is likely to endanger the safety of other road users. Video contents of the alterations made on motor vehicles and use of such vehicles in public place are being uploaded on online video platforms like 'YouTube', by registered owners of such vehicles or by vloggers. Such vehicles

are fitted with high-power audio systems with rating of several thousand watts PMPO, with multiple booster/power amplifiers, speakers and sub-woofers. Loud sound produced by such audio systems impairs the hearing of the driver and passengers of that vehicle, which also causes distraction to other drivers and road users. Paragraphs 79 to 81 of the said order read thus;

"79. Despite the specific directions contained in the decisions of this Court in **Jijith [2019 (1) KHC 463]**, **Saji K.M. [2019 (3) KHC 836]** and **Principal, Sabari PTB Smaraka H.S.S. [2020 (2) KLJ 662]** large number of motor vehicles, including contract carriages, stage carriages and goods vehicles are being permitted to be used in public place, flouting the safety standards prescribed in AIS-008/AIS-009/2001/AIS-030/2001 and even the safety standards in AIS-052 (Rev.1) 2008. Large number of motor vehicles are being permitted to be used in public place after replacing the prototype approved reflectors on the rear bumper with after-market LED lights. Flashing lamps are being permitted to be used in lamps other than direction indicators and hazard warning signal, in violation of Para.5.9 of AIS-008. Large number of motor vehicles, especially contract carriages, stage carriages and goods vehicles are being permitted to be used in public place with red flashing stop lamps, flashing lamps inside headlight assembly, multi-coloured LED/laser/neon lights, flashing lamps on the roof top of the cabin, etc. Such vehicles are being used in public

place after tampering with the percentage of visual transmission of light of the safety glass of the windscreen, rear window and side windows, by pasting stickers, tint films, etc. upon the safety glass, fixing sliding cloth cutrains, etc., in violation of sub-rule (2) of Rule 100 of the Central Motor Vehicles Rules. Lighting and light-signalling devices (i.e., headlights, tail lights, indicators, etc.) or reflectors of such vehicles are 'tinted' with vinyl tint film sticker, which violates the standards prescribed in AIS-008 in relation to road safety. In addition to this, large number of motor vehicles, especially contract carriages, stage carriages and goods vehicles are being permitted to be used in public place without maintaining lighting and light-signalling devices and also retro-reflectors as per the individual specifications, namely, number, position, width, height, length, geometric visibility, orientation, etc. specified in AIS-008, which is likely to endanger the safety of other road users. Video contents of the alterations made on motor vehicles and use of such vehicles in public place are being uploaded on online video platforms like 'YouTube', by registered owners of such vehicles or by vloggers. Two images of such vehicles (contract carriages) uploaded on online video platforms are reproduced hereunder;



The light emitted from the additional headlamps/lamps installed on such vehicles is capable of dazzling the drivers of the oncoming vehicles directly, and also the drivers of the vehicles proceeding in front, indirectly, through the rear-view mirrors and/or other reflecting surfaces of their vehicle. The light emitted from such additional headlamps/lamps is also capable of dazzling the pedestrians and other road users, which poses potential threat to their safety.

80. Such vehicles are fitted with high-power audio systems with rating of several thousand watts PMPO, with multiple booster/power amplifiers, speakers and sub-woofers. Loud sound produced by such audio systems impairs the hearing of the driver and passengers of that vehicle, which also causes distraction to other drivers and road users. An image of the passenger compartment of a contract carriage fitted with high-power audio systems, uploaded on online video platforms is reproduced hereunder;



The continuously blinking DJ rotating LED lights, multi-coloured LED/laser/neon lights fitted in the passenger compartment of contract carriages fitted with high-power audio systems, in order to convert it as a dancing floor for

the passengers, will certainly cause distraction to the driver of that vehicle and also to other drivers and road users. Sub-regulation (10) of Regulation 5 of the Motor Vehicles Driving Regulations mandates that the driver shall ensure that loud music is not played in the vehicle. Moreover, mixing up of AC and DC power supply for such high-power audio systems with DJ mixer, DJ dancing lights, laser lights, etc., violating safety standards, poses a potential fire hazard to the passengers of such vehicles.

81. In violation of the provisions under sub-rule (2) of Rule 100 of the Central Motor Vehicles Rules and the law laid down in **Avishek Goenka [(2012) 5 SCC 321]**, **Jijith [2019 (1) KHC 463]**, etc., the percentage of visual transmission of light of the safety glass of the windscreen, rear window and side windows of such vehicles are tampered with, by pasting materials upon the safety glass, by fixing sliding 'cloth curtains', etc.

6. In Paragraph 82 of the order dated 10.01.2022 we have noticed that, the images of contract carriages fitted with additional headlamps/lamps capable of dazzling the drivers of the oncoming vehicles and high-power audio systems with continuously blinking DJ rotating LED lights, multi-coloured LED/laser/neon lights fitted in the passenger compartment, capable of causing distraction to the driver of that vehicle and also to other drivers and road users, which met with major

accidents, are uploaded on online video platforms like 'YouTube'.

Paragraph 82 of the said order reads thus;

82. The images of contract carriages fitted with additional headlamps/lamps capable of dazzling the drivers of the oncoming vehicles and high-power audio systems with continuously blinking DJ rotating LED lights, multi-coloured LED/laser/neon lights fitted in the passenger compartment, capable of causing distraction to the driver of that vehicle and also to other drivers and road users, which met with major accidents, are uploaded on online video platforms like 'YouTube'. Few images taken from a video with the caption "Kerala top 5 bus accident" are reproduced hereunder;





LED/laser/neon lights and also booster amplifiers, equalizer, DJ mixer, etc., with illuminated control panels are fitted in the driver cabin of the contract carriages, causing glare and reflection of light on the windscreen of the vehicle, endangering the safety of the passengers and other road users. In violation of the provisions under sub-rule (2) of Rule 100 of the Central Motor Vehicles Rules and Rule 278 of the Kerala Motor Vehicles Rules, the name of the bus is written in the middle of the windscreen, above the level of the dashboard, obstructing the clear vision of the driver.

7. In Paragraph 87 of the order dated 10.01.2022, we have noticed that, in violation of the provisions under sub-rule

(2) of Rule 119 of the Central Motor Vehicles Rules, 1989, contract carriages and stage carriages are fitted with multi-toned horn giving a succession of different notes and horn giving unduly harsh, shrill, loud or alarming noise. Motor vehicles fitted with multi-toned horn or horn giving unduly harsh, shrill, loud or alarming noise, which violates the standards prescribed in relation to road safety, control of noise and air-pollution, which do not comply with the requirements of the Motor Vehicles Act and the Rules made thereunder, are issued with fitness certificate based on false certification by the inspecting authority or the authorised testing stations. Video contents of use of contract carriages and stage carriages, which are fitted with multi-toned horn giving a succession of different notes and horn giving unduly harsh, shrill, loud or alarming noise, in public place, are being uploaded on online video platforms like 'YouTube', by registered owners of such vehicles or by vloggers, who are permitted to record such videos inside the driver cabin, even while the vehicle is moving in a higher speed, disturbing the concentration of the driver while driving, posing potential threat to the safety of the passengers and other road users.

8. In **Jijith [2019 (1) KHC 463]** this Court held that the internal lighting in a contract carriage, which is a public service vehicle, is for the purpose of providing reasonable illumination throughout the passenger compartment. As provided under Rule 286 of the Kerala Motor Vehicles Rules, the passenger compartment of a public service vehicle shall be furnished with electric lights adequate to give reasonable illumination throughout the passenger compartment. Therefore, the passenger compartment of a contract carriage cannot be fitted with continuously blinking multi-coloured LED lights, laser lights, etc., in order to convert it as a dancing floor. Plying vehicles fitted with DJ rotating LED lights, continuously blinking multi-coloured LED lights, laser lights, etc. for internal lighting will certainly cause distraction to other drivers and also to road users. Moreover, the continuously blinking multi-coloured LED lights, laser lights, etc. used for internal lighting in the passenger compartment pose a potential health hazard to the passengers. Contract carriages, which are fitted with DJ rotating LED lights, continuously blinking multi-coloured LED lights, laser lights, etc. for internal lighting cannot be treated as vehicles which comply with the provisions of the Motor Vehicles Act and

the rules made thereunder, for the purpose of grant of certificate of fitness.

9. In **Saji K.M. [2019 (3) KHC 836]** this Court reiterated the law laid down in **Jijith [2019 (1) KHC 463]** that, as per the mandate of Rule 278 of the Kerala Motor Vehicles Rules, every vehicle shall be so constructed that save for the front pillars of the body, the driver shall have a clear vision both to the front and through an angle of ninety degrees to his right or left-hand side, as the case may be, and the front pillars of the body shall be so constructed as to cause the least possible obstruction to the vision of the driver. In order to use the vehicles as contract carriages, the petitioners therein will have to remove all writings, figures, etc. and maintain the safety glass in such a condition that the visual transmission of light is not less than that prescribed under sub-rule (2) of Rule 100 of the Central Motor Vehicles Rules, and with a clear vision to the driver, both to the front and through an angle of ninety degrees to his right or left-hand side, as the case may be, as prescribed under Rule 278 of the Kerala Motor Vehicles Rules.

10. In **Principal, Sabari PTB Smaraka H.S.S. [2020 (2) KLJ 662]** this Court noticed that, in violation of Rule 278 of

the Kerala Motor Vehicles Rules, the safety glasses of the windscreen of public service vehicles are being pasted with stickers, graphics, etc. Various objects are being placed/hanged in front of the windscreen of such vehicles, causing obstruction to the clear vision of the driver, both to the front and through an angle of ninety degrees to his right or left hand side. Therefore, this Court directed the Transport Commissioner, Kerala to take necessary steps to ensure through the concerned officers in the Motor Vehicles Department that no public service vehicle is permitted to be used in any public place after placing/hanging various objects in front of the windscreen, causing obstruction to the clear vision of the driver, both to the front and through an angle of ninety degrees to his right or left hand side, in violation of Rule 278 of the Kerala Motor Vehicles Rules.

11. In **Jijith [2019 (1) KHC 463]** this Court held that, neither the provisions of Rule 289 of the Kerala Motor Vehicles Rules, 1989 nor the provisions under AIS-052 (Rev.1) 2008 enable installation of high-power audio system with multiple power amplifiers, speakers and sub-woofers in a contract carriage. Loud music from such high-power audio systems will

certainly endanger the safety of other road users and will cause inconvenience to them; will distract the attention of the driver of the vehicle and impair his hearing; thereby violating the provisions under Regulations 3 and also sub-regulations (3) and (6) of Regulation 5 of the Motor Vehicle (Driving) Regulations. Loud music from such high-power audio systems will also violate the provisions of sub-regulation (10) of Regulation 5, which provides that the driver shall ensure that loud music is not played in the vehicle.

12. In **Jijith [2019 (1) KHC 463]** this Court held that, installation of high-power audio system with multiple booster/power amplifiers, speakers and sub-woofers cannot be permitted in a motor vehicle, since the loud sound produced by such audio systems with rating of several thousand watts PMPO will not only impair the hearing of the driver and the passengers, but also cause distraction to other drivers and road users. Therefore, no motor vehicle can be fitted with high-power speakers or sub-woofers with multiple booster/power amplifiers. Fixing high-power speakers or sub-woofers, with enclosures made of wood or other materials, inside the passenger compartment of a motor vehicle cannot be

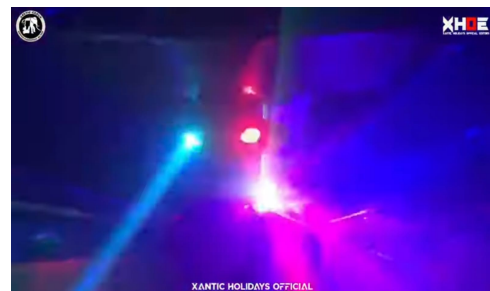
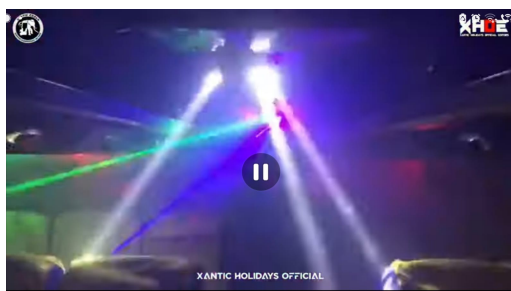
permitted. Similarly, installation of DJ (Disc Jockey) sound system with DJ mixer, DJ rotating LED lights, laser lights, Karaoke systems, etc. which are typically meant for dance party, cannot be permitted in the passenger compartment of a transport vehicle. The continuously blinking DJ rotating LED lights, multi-coloured LED/laser lights fitted in the passenger compartment, in order to convert it as a dancing floor for the passengers, will certainly cause distraction to other drivers and also to road users. Moreover, mixing up of AC and DC power supply for such high-power audio systems with DJ mixer, DJ dancing lights, laser lights, etc., violating safety standards, poses a potential fire hazard to the passengers.

13. Despite the directions contained in the order dated 10.01.2022, the Enforcement Officers under the 2nd respondent Transport Commissioner and the Police Officers under the 3rd respondent State Police Chief are not taking earnest efforts to ensure strict enforcement of the provisions under the Motor Vehicles Act and the Rules and Regulations made thereunder, taking note of the law laid down in the decisions referred to supra and also in the order of this Court dated 10.01.2022. For the last few months several contract carriages were involved in

major accidents, in which the passengers in those vehicles and other road users sustained serious/fatal injuries. On 01.04.2022, a contract carriage enroute to Kerala with college students on board was burnt to ashes after it caught fire at Banastarim, Ponda. As per media reports the passengers noticed smoke emanating from the rear of the moving bus. Later, the flames started engulfing the vehicle from the rear. After the passengers brought this to the notice of the driver, he alighted everyone on board. The Firemen from Ponda and Old Goa Fire Stations took around two hours to bring the fire under control. Two images of the said accident taken from the video uploaded on 'YouTube' are reproduced hereunder;



14. The promotion video of that contract carriage, which is uploaded on 'YouTube' would show that the said vehicle was fitted with high-power audio system with multiple booster/ power amplifiers, speakers and sub-woofers with rating of several thousand watts PMPO. Three images of the said contract carriage (two images - passenger compartment) taken from the video uploaded on 'YouTube' are reproduced hereunder;



15. The passenger compartment of the said vehicle was fitted with DJ sound system with DJ mixer, DJ rotating LED lights, laser lights, Karaoke systems, etc. which are typically meant for dance party. In the order dated 10.01.2021 we noticed that, mixing up of AC and DC power supply for such

high-power audio systems with DJ mixer, DJ dancing lights, laser lights, etc., violating safety standards, poses a potential fire hazard to the passengers.

16. Three images of the another contract carriage, which met with a major accident, taken from the videos uploaded on 'YouTube' are reproduced hereunder;

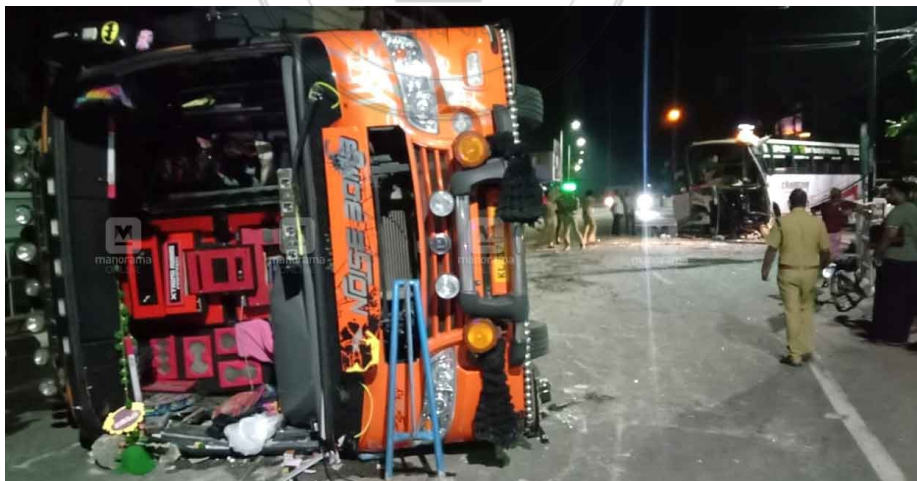


17. The promotion video of that contract carriage, which is uploaded on 'YouTube' would show that, in violation of Rule

278 of the Kerala Motor Vehicles Rules, the safety glasses of the windscreen of the said vehicle, which is a public service vehicle, are pasted with stickers, graphics, etc. Various objects are placed/hanged in front of the windscreen of the said vehicle, causing obstruction to the clear vision of the driver, both to the front and through an angle of ninety degrees to his right or left hand side. Flouting the safety standards prescribed in AIS-008, the said vehicle is fitted with additional headlamps/lamps capable of dazzling the drivers of the oncoming vehicles, multi-coloured LED/laser/neon lights capable of causing distraction to the drivers of other vehicles and also other road users. Flashing lamps are used in lamps other than direction indicators and hazard warning signal, in violation of Para.5.9 of AIS-008, even on the rooftop of the cabin.

18. The learned Special Government Pleader has made available for the perusal of this Court the accident report prepared by Safe Kerala Enforcement Wing, Kozhikode, in respect of a motor accident, which occurred on 23.05.2022 at 3.40 a.m., at Chevarambalam Signal Junction in Kozhikode, involving two contract carriages bearing registration Nos.KL-35/D-7111 and KL-17/U-3633. In that accident, several

passengers in those contract carriages sustained injuries. In the accident report it is stated that, contract carriage bearing registration No.KL-17/U-3633 is fitted with additional colour lights on front roof top and on both left and right side, laser beam light assembly on the front side and also 'bull bar' and spot lights on the front side. Contract carriage bearing registration No.KL-35/D-7111 is fitted with additional colour lights on front roof top and on both left and right side of the bus body. Spot lights are also fitted on the front side. The image of the said accident taken from online media report is reproduced hereunder;



19. As evident from the image of the said accident taken from online media report, contract carriages bearing registration No.KL-17/U-3633 is fitted with additional headlamps/lamps capable of dazzling the drivers of the

oncoming vehicles, multi-coloured LED/laser/neon lights capable of causing distraction to the drivers of other vehicles and also other road users, flouting the safety standards prescribed in AIS-008. Flashing lamps are used in lamps other than direction indicators and hazard warning signal, in violation of Para.5.9 of AIS-008, even on the roof top of the cabin. LED/laser/neon lights and also booster amplifiers, equalizer, DJ mixer, etc., with illuminated control panels are fitted in the driver cabin of contract carriage bearing registration No.KL-17/U-3633, causing glare and reflection of light on the windscreen of the vehicle, endangering the safety of the passengers and other road users. The said vehicle is fitted with DJ sound system with DJ mixer, DJ rotating LED lights, laser lights, Karaoke systems, etc., which is evident from the presence of booster amplifiers, equalizer, DJ mixer, etc. in the driver cabin. However, the said violations finds no place in the accident report. The CCTV footage of the accident uploaded by the online media on 'YouTube' would show that, the additional headlamps/top lamps lamps, etc. fitted on the said vehicle is capable of dazzling the drivers of the oncoming vehicles.

20. The learned Special Government Pleader has made available for the perusal of this Court the accident report dated 24.05.2022, prepared by Safe Kerala Enforcement Wing, Palakkad, in respect of a motor accident, which occurred on 22.05.2022 at 11.15 a.m., at Valliyode - Karippali in Vadakkencherry - Govindapuram State Highway-58, involving a contract carriage (HPV) bearing registration No.KL-66/A-3908 and a Force Traveller (LPV) bearing registration No.KL-04/AM-2026. In the said accident, three passengers in the tempo traveller sustained fatal injury, three other persons sustained serious injuries and 16 passengers in both contract carriages sustained minor injuries. Two images of the said accident taken from the video uploaded on YouTube are reproduced hereunder;





21. As per the accident report prepared by Safe Kerala Enforcement Wing, Palakkad, in respect of a motor accident, which occurred on 22.05.2022, contract carriage (HPV) bearing registration No.KL-66/A-3908 is fitted with multi-coloured laser lights on the front and rear, spot lights, music system with sub-woofers, DJ lights, air-horn, multi-toned horn giving harsh and shill sound, etc.

22. Use of high-power audio systems with multiple booster/power amplifiers, speakers and sub-woofers producing loud noise is legally impermissible in a motor vehicle, in view of the provisions under sub-regulations (5) and (10) of Regulation 5 of the Motor Vehicles (Driving) Regulations, 2017 and also the provisions under Noise Pollution (Regulation and Control) Rules, 2000. Loud sound produced by such audio systems with rating of several thousand watts PMPO will not only impair the hearing

of the driver and the passengers, but also cause distraction to other drivers and road users. Moreover, mixing up of AC and DC power supply for such high-power audio systems with DJ mixer, DJ dancing lights, laser lights, etc., violating safety standards, poses a potential fire hazard to the passengers.

23. A contract carriage, which is fitted with high-power audio systems having multiple booster/power amplifiers, speakers and sub-woofers producing loud noise, and also DJ rotating LED lights, continuously blinking multi-coloured LED lights, laser lights, etc., cannot be treated as vehicles which comply with the provisions of the Motor Vehicles Act and the Rules made thereunder, for the purpose of grant of certificate of fitness.

24. In violation of the provisions under sub-rule (2) of Rule 119 of the Central Motor Vehicles Rules, contract carriages are fitted with multi-toned horn giving a succession of different notes and horn giving unduly harsh, shrill, loud or alarming noise, attracting penal provisions under under Section 194F of the Motor Vehicles Act, inserted by the Motor Vehicles (Amendment) Act, 2019. Motor vehicles fitted with multi-toned horn or horn giving unduly harsh, shrill, loud or alarming noise,

which violates the standards prescribed in relation to road safety, control of noise and air-pollution, do not comply with the requirements of the Motor Vehicles Act and the Rules made thereunder.

25. Video contents of use of contract carriages and stage carriages, which are fitted with multi-toned horn giving a succession of different notes and horn giving unduly harsh, shrill, loud or alarming noise, in public place, are being uploaded on online video platforms like 'YouTube', by registered owners of such vehicles or by vloggers, who are permitted to record such videos inside the driver cabin, even while the vehicle is moving in a higher speed, disturbing the concentration of the driver while driving, posing potential threat to the safety of the passengers and other road users.

26. In view of the prohibition contained in the first proviso to sub-rule (1) of Rule 62 of the Central Motor Vehicles Rules, the renewal of fitness certificate in respect of a transport vehicle shall be made only after an Inspecting Officer or authorised testing stations as referred to in sub-section (1) of Section 56 of the Motor Vehicles Act has carried the tests specified in the Table given below the first proviso to sub-rule

(1), in order to certify that the vehicle complies with the provisions of the Motor Vehicles Act and the Rules made thereunder. A transport vehicle fitted with unauthorised lights cannot be granted fitness certificate.

27. A transport vehicle governed by AIS-008, which is not installed with lighting and light-signalling devices and also retro-reflectors referred to in Para.6.0, conforming to the individual specifications for such lighting and light-signalling devices and also for retro-reflectors prescribed in Paras.6.1 to 6.20, or a transport vehicle governed by AIS-008, which is installed with lighting and light-signalling devices or retro-reflectors other than those referred to in Para.6.0, cannot be granted fitness certificate, since such a vehicle cannot be treated as a vehicle which complies with the provisions of the Motor Vehicles Act and the rules made thereunder, for the purpose of grant of certificate of fitness. Similarly, a transport vehicle which is fitted with high-power audio system having multiple booster/power amplifiers, speakers and sub-woofers producing loud noise, DJ rotating LED lights, continuously blinking multi-coloured LED lights, laser lights, etc. in the passenger compartment and the driver cabin, cannot be treated

as a vehicle which complies with the provisions of the Motor Vehicles Act and the rules made thereunder, for the purpose of grant of certificate of fitness. A transport vehicle in which safety glass is not maintained with the visual transmission of light not less than that prescribed under sub-rule (2) of Rule 100 or with a clear vision to the driver, both to the front and through an angle of ninety degrees to his right or left-hand side, as per the mandate of Rule 278 of the Kerala Motor Vehicles Rules, cannot be granted fitness certificate. In case, fitness certificate is granted to any such vehicle, which cannot be treated as a vehicle that complies with the provisions of the Motor Vehicles Act and the rules made thereunder, the certificate of fitness granted to such vehicle is liable to be cancelled at any time, in accordance with the provisions under sub-section (4) of Section 56 of the Motor Vehicles Act, for reasons to be recorded in writing, if the prescribed authority is satisfied that the vehicle no longer complies with all the requirements of the said Act and the Rules made thereunder. In appropriate cases, the registering authority shall initiate proceedings to suspend or cancel the letter of authority granted or renewed under sub-rule (5) of Rule 63 of the Central Motor Vehicles Rules or forfeit

security deposit, after affording the holder of letter of authority an opportunity of being heard.

28. As per sub-section (4) of Section 182A of the Motor Vehicles Act, whoever, being the owner of a motor vehicle, alters a motor vehicle, including by way of retrofitting of motor vehicle parts, in a manner not permitted under the Act or the Rules and Regulations made thereunder shall be punishable with imprisonment for a term which may extend to six months, or with fine of five thousand rupees per such alteration or with both. As per sub-section (2) of Section 190 of the Motor Vehicles Act, 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 of noise and air-pollution, shall be punishable for the first offence with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees or with both and he shall be disqualified for holding licence for a period of three months and for any second or subsequent offence with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both.

29. As per sub-section (3) of Section 190 of the Motor Vehicles Act, any person who drives or causes or allows to be driven, in any public place a motor vehicle which violates the provisions of this Act or the rules made thereunder relating to the carriage of goods which are of dangerous or hazardous nature to human life, shall be punishable for the first offence with a fine of ten thousand rupees and he shall be disqualified for holding licence for a period of three months, or with imprisonment for a term which may extend to one year, or with both, and for any second or subsequent offence with fine of twenty thousand rupees, or with imprisonment for a term which may extend to three years, or with both.

30. As per sub-section (4) of Section 206 of the Motor Vehicles Act, inserted by Section 88 of the Motor Vehicles (Amendment) Act, 2019, with effect from 01.10.2020, a police officer or other person authorised in this behalf by the State Government shall, if he has reason to believe that the driver of a motor vehicle has committed an offence under any of Sections 183, 184, 185, 189, 190, 194C, 194D, or 194E, seize the driving licence held by such driver and forward it to the licensing authority for disqualification or revocation proceedings

under Section 19. As per the proviso to sub-section (4) of Section 206, the person seizing the licence shall give to the person surrendering the licence a temporary acknowledgement therefor, but such acknowledgement shall not authorise the holder to drive until the licence has been returned to him.

31. Even after the order of this Court dated 10.01.2022, video contents of use of contract carriages on public place flouting the safety standards prescribed in AIS-008 and even the safety standards in AIS-052 (Rev.1) 2008, after replacing the prototype approved lights, light-signalling devices and reflectors with after-market multi-coloured LED/laser/neon lights, flash lights, etc., capable of dazzling the drivers of the oncoming vehicles and distraction to the drivers of other vehicles and also other road users, which are fitted with audio systems with rating of several thousand watts PMPO, which impair the hearing of the driver and the passengers, but also cause distraction to other drivers and road users, which are fitted with multi-toned horn giving a succession of different notes or horn giving unduly harsh, shrill, loud or alarming noise, are being uploaded on online video platforms like 'YouTube', by registered owners of such vehicles or by vloggers,

who are permitted to record such videos inside the driver cabin, even while the vehicle is moving in a higher speed, disturbing the concentration of the driver while driving, thereby posing potential threat to the safety of the passengers and other road users. Such vehicles have met with accidents in which several passengers and other road users sustained fatal/serious injuries.

32. The images reproduced hereinbefore at paragraphs 13, 14, 15, 18 and 20 would make it explicitly clear that, flouting the safety standards in AIS-008, flashing lamps are used in such vehicles in lamps other than direction indicators and hazard warning signal. Flashing lamps are even fitted on the rooftop of the cabin. LED/laser/neon lights and also booster amplifiers, equalizer, DJ mixer, etc., with illuminated control panels are fitted in the driver cabin, causing glare and reflection of light on the windscreen of the vehicle, endangering the safety of the passengers and other road users. The images of motor accidents taken from the videos uploaded on 'YouTube', which are reproduced hereinbefore at paragraphs 13, 14, 16, 18 and 20 would make explicitly clear that the 2nd respondent Transport Commissioner, through the Enforcement Officers in

the Motor Vehicles Department, and the 3rd respondent State Police Chief, through the District Police Chief of the concerned Districts have not taken any earnest efforts to prevent use of contract carriages on public place flouting the safety standards prescribed in AIS-008, provisions under sub-regulations (5) and (10) of the Motor Vehicles (Driving) Regulations, etc.

33. The images of the contract carriage, which was burned to ashes on 01.04.2022, enroute to Kerala with college students on board, reproduced hereinbefore at paragraphs 13 and 14, would show that the said vehicle was fitted with high-power audio system with multiple booster/power amplifiers, sub-woofers, etc., with rating of several thousands watts PMPO. The passenger compartment of the said vehicle was fitted with DJ sound system with DJ mixer, DJ rotating LED lights, laser lights, etc., which is evident from the images of that contract carriage reproduced hereinbefore at paragraph 14. In the order dated 10.02.2022, we noticed that mixing up of AC and DC power supply for such high-power audio systems with DJ mixer, DJ dancing lights, laser light, etc., violating safety standards, posses a potential fire hazard to the passengers.

34. The images of the contract carriages reproduced hereinbefore in paragraphs 16 and 18 would show that, in violation of the provisions under sub-rule (2) of Rule 100 of the Central Motor Vehicles Rules and Rule 278 of the Kerala Motor Vehicles Rules, various objects are placed/hanged in front of the windscreen of contract carriages, causing obstruction to the clear vision of the driver, both to the front and through an angle of ninety degrees to his right or left hand side. Flouting the safety standards prescribed in AIS-008, the said vehicles are fitted with additional headlamps/lamps capable of dazzling the drivers of the oncoming vehicles. Multi-coloured LED/laser/neon lights capable of causing distraction to the drivers of other vehicles and also other road users. Flashing lamps are used in those contract carriages, in lamps other than direction indicators and hazard warning signal, in violation of para 5.9 of AIS-008, even on the rooftop of the cabin. As evident from the image reproduced hereinbefore in paragraph 23, LED/laser/neon lights are even fitted in the buses owned by the Kerala State Road Transport Corporation.

35. As per sub-rule (1) of Rule 92 of the Central Motor Vehicles Rules, no person shall use or cause or allow to be used

in any public place any motor vehicle which does not comply with the provisions of Chapter V, which deals with construction, equipment and maintenance of motor vehicles. Similarly, as per sub-rule (1) of Rule 249 of the Kerala Motor Vehicles Rules, no person shall use and no person shall cause or allow to be used or to be in any public place any motor vehicle which does not comply with the rules contained in Chapter VII or with any order thereunder made by the competent authority. Part III of Chapter VII of the said Rules deals with special rules applicable to every public service vehicle other than an autorickshaw.

36. As already noticed hereinbefore, for the last few months several contract carriages were involved in major accidents, in which the passengers in those vehicles and other road users sustained serious/fatal injuries. The use of such vehicles on public place is posing potential threat to the safety of the passengers and other road users. Despite the specific direction contained in our order dated 10.01.2022, the 2nd respondent Transport Commissioner, through the Enforcement Officers in the Motor Vehicles Department, and the 3rd respondent State Police Chief, through the District Police Chief of the concerned Districts, failed to prevent the use of contract

carriages on public place flouting the safety standards prescribed in AIS-008, the provisions under the Motor Vehicles Act and the Rules made thereunder and also the provisions the Motor Vehicles (Driving) Regulations, 2017. Contract carriages are being permitted to be used on public place flouting the statutory provisions referred to hereinbefore, the law laid down in the decisions referred to supra and also the directions contained in our order dated 10.01.2022.

37. Flouting the safety standards prescribed in AIS-008, the said vehicle is fitted with additional headlamps/lamps capable of dazzling the drivers of the oncoming vehicles, multi-coloured LED/laser/neon lights capable of causing distraction to the drivers of other vehicles and also other road users. Such lights are even fitted on buses owned by the Kerala State Road Transport Corporation (KSRTC), which is evident from the image taken from the video uploaded on 'YouTube', reproduced hereunder;



38. The images of contract carriages fitted with additional headlamps/lamps capable of dazzling the drivers of the oncoming vehicles and high-power audio systems with continuously blinking DJ rotating LED lights, multi-coloured LED/laser/neon lights fitted in the passenger compartment, capable of causing distraction to the driver of that vehicle and also to other drivers and road users, are being uploaded on online video platforms like 'YouTube' by registered owners of such vehicles or by vloggers. Two images of such a contract carriage taken from the video uploaded on 'YouTube' are reproduced hereunder;





39. As evident from the images reproduced hereinbefore, flashing lamps are used in lamps other than direction indicators and hazard warning signal, in violation of Para.5.9 of AIS-008. Flashing lamps are even fitted on the roof top of the cabin. LED/laser/neon lights and also booster amplifiers, equalizer, DJ mixer, etc., with illuminated control panels are fitted in the driver cabin, causing glare and reflection of light on the windscreen of the vehicle, endangering the safety of the passengers and other road users. The passenger compartment of the said vehicle is fitted with DJ sound system with DJ mixer, DJ rotating LED lights, laser lights, Karaoke systems, etc. which are typically meant for dance party.

40. As already noticed hereinbefore at paragraph 12 we have directed the Registry to list this matter before the Bench today, since for the last few months several contract carriages were involved in major accidents, in which the passengers in those vehicles and other road users sustained serious/fatal injuries. Since the use of such vehicles on public place is posing potential threat to the safety of the passengers and other road users, the learned Assistant Solicitor General of India was requested to address arguments on behalf of the Ministry of Road Transport and Highways. We viewed in open Court a few video clippings of motor accidents involving contract carriages and use of contract carriages fitted with unauthorised LED/laser/neon lights, multi-toned horn giving a succession of different notes, high-power audio system with multiple amplifiers, sub-woofers, etc. Various objects are placed/hanged in the front windscreen of such vehicles, causing obstruction to the clear vision of the driver, both to the front and through an angle of ninety degrees to his left or right hand side, in violation of sub-rule (2) of Rule 100 of the Central Motor Vehicles Rules and also Rule 278 of the Kerala Motor Vehicles Rules.

41. Registry to copy the video clippings referred to above in a compact disc and incorporate the same in the Judges papers in a sealed cover. An additional copy of that compact disc shall be kept under the safe custody of Registrar (Judicial). The learned Assistant Solicitor General of India, for the Ministry of Road Transport and Highways, the learned Special Government Pleader for the 2nd respondent Transport commissioner and the learned Senior Government Pleader for the 3rd respondent State Police Chief shall be furnished with copy of those video clippings in a compact disc, so as to enable them to get necessary instructions.

42. Registry to show the name of the learned Assistant Solicitor General of India in the cause list and issue a copy of SSCR No.20 of 2021 and also the order dated 10.01.2022.

43. The learned Assistant Solicitor General of India seeks time to get instructions from the Ministry of Road Transport and Highways on the use of contract carriages in public place, posing potential threat to the safety of passengers and other road users.

44. The learned Special Government Pleader for the 2nd respondent Transport Commissioner and the learned Senior

Government Pleader for the 3rd respondent State Police Chief would submit that, as per the direction contained in the order dated 10.01.2022, the 2nd and 3rd respondents shall file action taken reports before this Court on or before 01.07.2022. They seek time to get instructions and file statements on behalf of the 2nd and 3rd respondents, on the motor accidents referred to hereinbefore at paragraphs 13, 16, 18 and 20.

45. The learned Special Government Pleader shall place on record the accident reports in respect of the motor accidents which occurred on 01.04.2022, 23.05.2022 and 22.05.2022 referred to hereinbefore at paragraphs 18 to 21, and also the report of the 2nd respondent Transport Commissioner on the use of contract carriages on public place, as evidenced by the video clippings in the compact disc, flouting the safety standards in AIS-008 and also the standards prescribed in relation to control of noise.

46. The 2nd respondent Transport Commissioner, through the Enforcement Officers in the Motor Vehicles Department and the 3rd respondent State Police Chief, through the District Police Chief of the concerned Districts shall take necessary steps to ensure strict compliance of the directions contained in the order

dated 10.01.2022, by preventing the use of contract carriages and other transport vehicles on public place

- (i) flouting the safety standards prescribed in AIS-008 and AIS-052 (Rev.1) 2008, after replacing the prototype approved lights, light-signalling devices and reflectors with after-market multi-coloured LED/laser/neon lights, flash lights, etc.;
- (ii) without maintaining lighting and light-signalling devices and also retro-reflectors as per the individual specifications, namely, number, position, width, height, length, geometric visibility, orientation, etc. specified in AIS-008;
- (iii) with high-power audio systems producing loud sound with rating of several thousand watts PMPO, impairing the hearing of the driver and the passengers and causing distraction to other road users;
- (iv) with continuously blinking DJ rotating LED lights, multi-coloured LED/laser/neon lights in the passenger compartment, by converting the passenger compartment as a dancing floor, causing distraction to the driver of that vehicle and also to other road users;
- (v) with multi-coloured LED/laser/neon lights and also booster amplifiers, equalizer, DJ mixer, etc., with illuminated control panels in the driver cabin, causing glare and reflection of light on the windscreen of the vehicle, endangering the safety of the passengers and other road users;

- (vi) mixing up of AC and DC power supply for high-power audio systems with DJ mixer, DJ dancing lights, laser lights, etc., violating safety standards, posing a potential fire hazard to the passengers of such vehicles;
- (vii) tampering with the percentage of visual transmission of light of the safety glass of the windscreen, rear window and side windows, by pasting stickers, tint films, etc. upon the safety glass, fixing sliding cloth cutrains, etc., in violation of sub-rule (2) of Rule 100 of the Central Motor Vehicles Rules;
- (viii) placing/hanging various objects in front of the windscreen and writing the name of the bus in the middle of the windscreen, above the level of the dashboard, causing obstruction to the clear vision of the driver, in violation of Rule 278 of the Kerala Motor Vehicles Rules;
- (ix) exhibiting writings, advertisements, graphics, figures, etc. with the sole object to invite public attention and to promote the contract carriage service, causing distraction to the drivers of other vehicles and also cyclists and pedestrians on public road; since use of such vehicles in public place, flouting the standards in relation to road safety, is likely to endanger the safety of the passengers of such vehicles and also other road users; and
- (x) with multi-toned horn giving a succession of different notes or horn giving unduly harsh, shrill, loud or alarming noise, in violation of sub-rule (2) of Rule 119 of the Central Motor Vehicles Rules.

47. Any person, who drives or causes or allows to be driven in any public place a contract carriage or other transport vehicle, violating the standards prescribed in AIS-008 and AIS-052 (Rev. 1) 2008,

- (i) without maintaining lighting and light-signalling devices and also retro-reflectors as per the individual specifications, namely, number, position, width, height, length, geometric visibility, orientation, etc. specified in AIS-008; or
- (ii) after replacing the prototype approved lights, light-signalling devices and reflectors with after-market multi-coloured LED/laser/neon lights, flash lights, etc.;

or violating the standards prescribed in relation to control of noise using multi-toned horn giving a succession of different notes or horn giving unduly harsh, shrill, loud or alarming noise; shall be proceeded against under sub-section (2) of Section 190 of the said Act for an offence punishable with the imprisonment and fine specified in that sub-section and he shall be disqualified for holding licence for a period of three months and for any subsequent offence with imprisonment and fine as specified in that sub-section.

48. In view of the provisions under sub-section (4) of Section 206 of the Motor Vehicles Act, inserted by Section 88 of

the Motor Vehicles (Amendment) Act, 2019, with effect from 01.10.2020, a police officer or other person authorised in this behalf by the State Government shall seize the driving licence held by the driver of a motor vehicle who has committed an offence under Section 190 and forward it to the licensing authority for disqualification or revocation proceedings under Section 19.

49. The certificate of fitness granted to a transport vehicle governed by AIS-008, which is not installed with lighting and light-signalling devices and also retro-reflectors referred to in Para.6.0, conforming to the individual specifications for such lighting and light-signalling devices and also for retro-reflectors prescribed in Paras.6.1 to 6.20, or a transport vehicle governed by AIS-008, which is installed with lighting and light-signalling devices or retro-reflectors other than those referred to in Para.6.0, which cannot be treated as a vehicle that complies with the provisions of the Motor Vehicles Act and the Rules made thereunder, for the purpose of grant of certificate of fitness, shall be cancelled by the prescribed authority, in accordance with the provisions under sub-section (4) of Section 56 of the Motor Vehicles Act. In appropriate

cases, the registering authority shall initiate proceedings to suspend or cancel the letter of authority granted or renewed under sub-rule (5) of Rule 63 of the Central Motor Vehicles Rules or forfeit security deposit, after affording the holder of letter of authority an opportunity of being heard.

50. The 2nd respondent Transport Commissioner, through the Enforcement Officers in the Motor Vehicles Department and the 3rd respondent State Police Chief, through the District Police Chief of the concerned Districts shall ensure that colour photographs and video clippings of the exterior body of the contract carriage or other transport vehicle, the driver cabin and the passenger cabin are enclosed along with the accident report/inspection report and that, the person, who drives or causes or allows to be driven in any public place such a transport vehicle, flouting the safety standards in AIS-008 and the standards prescribed in relation to control of noise, are proceeded against in accordance with law.

51. The 2nd respondent Transport Commissioner shall publish 'WhatsApp' number of the Enforcement Officer in each district, in print and visual media, and also in the official website of the Motor Vehicle Department, so as to enable the

road users to bring to the notice of the concerned Enforcement Officers, the use of motor vehicles on public place flouting the safety standards regarding the lighting and light-signalling devices, retro-reflectors and also the standards prescribed in relation to control of noise. The Enforcement Officers shall also collect evidence regarding such violations of safety standards, from the video contents available on online video platforms like, 'YouTube'.

52. Registry to issue copy of this order to the learned Assistant Solicitor General of India, learned Special Government Pleader and also to the learned Senior Government Pleader.

53. Registry to mail a soft copy of this order to the e-mail id of the 2nd respondent Transport Commissioner (tcoffice.mvd@kerala.gov.in/tc.mvd@kerala.gov.in) and the 3rd respondent State Police Chief (dgp.pol@kerala.gov.in), who shall forward the same to the concerned Enforcement Officers in the Motor Vehicles Department/District Police Chief of the concerned Districts, for ensuring strict compliance.

54. Registrar General shall forward a copy of this order along with compact disc containing the video clippings to the

Secretary of Supreme Court Committee on Road Safety for
information.

List on 28.06.2022 at 4.00 p.m.

Sd/-
ANIL K. NARENDRA, JUDGE

Sd/-
P.G. AJITHKUMAR, JUDGE

bkn/-

