

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

Friday, the 14th day of October 2022 / 22nd Aswina, 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,
THIRUVANANTHAPRUAM-695 003.



***ADDL.R6 & R7 IMPEADED**

6. THE UNION OF INDIA,
REPRESENTED BY SECRETARY (RT&H),
MINISTRY OF ROAD TRANSPORT & HIGHWAYS, PARIVAHAN BHAVAN,
PARLIAMENT STREET, NEW DELHI-110 001
7. THE MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY,
GOVERNMENT OF INDIA, REPRESENTED BY SECRETARY (E & IT),
ELECTRONICS NIKETAN, 6, CGO COMPLEX, LODHI ROAD,
NEW DELHI – 110 003

***ARE SUO MOTU IMPEADED AS ADDITIONAL RESPONDENTS 6 AND 7
AS PER ORDER DATED 14/10/2022 IN SSCR 20/2021**

***ADDL.R8 & R9 IMPEADED**

8. SUDHEER A. ,
(THE PRESIDENT), TOURIST BUS FEDERATION, THIRUVANANTHAPURAM
REG.NO.TVM/TC/683/2019, HAVING OFFICE AT: ASWATHY NILAYAM
ANNOOR, THIRUMALA P.O., THIRUVANANTHAPURAM, PIN-695006.

9. SHAKKEER
(THE SECRETARY), TOURIST BUS FEDERATION, THIRUVANANTHAPURAM
REG.NO.TVM/TC/683/2019, HAVING OFFICE AT: ASWATHY NILAYAM
ANNOOR, THIRUMALA P.O., THIRUVANANTHAPURAM, PIN-695006.

***ARE IMPEADED AS ADDL.RESPONDENTS 8 & 9 AS PER ORDER
DATED 14/10/2022 IN IA.NO.2/2022 IN SSCR.NO.20/2021**

***ADDL.10 TO 12 IMPEADED**

10. M/S.CONTRACT CARRIAGE OPERATORS ASSOCIATION
REG.NO.TVM/TC/1204/18, NALANDA BHAVAN
KARYAVATTOM, THIRUVANANTHAPURAM - 695 581
11. MILTON LOPEZ
MANAGING PARTNER, M/S.RANI TRAVELS, XL/1575
NORTH RAILWAY STATION ROAD, ERNAKULAM DISTRICT-682018

12. ROYSON JOSEPH

S/O.JOSEPH, M/S.ROYAL TOURS & TRAVELS

PADICKAPARAMBIL HOUSE, RAIL ROAD, ALUVA

ERNAKULAM DISTRICT - 683 101.

***ARE IMPEADED AS ADDL.RESPONDENTS 10 TO 12 AS PER ORDER**

DATED 14/10/2022 IN IA.NO.3/2022 IN SSCR.NO.20/2021

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

BY SRI.P.SANTHOSH KUMAR, SPECIAL GOVERNMENT PLEADER FOR R2

BY SRI.S.RAJ MOHAN, SENIOR GOVERNMENT PLEADER FOR R1,3 & 4

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

COMMISSIONER

BY SRI.S.MANU, DEPUTY SOLICITOR GENERAL OF INDIA FOR

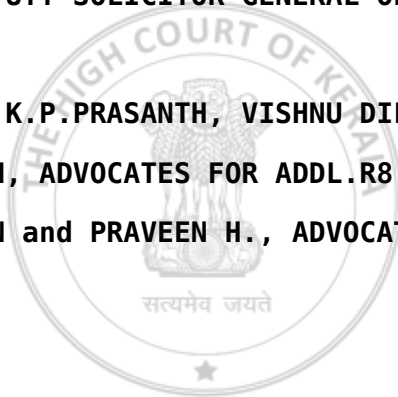
ADDL.R6 & R7

BY M/S.B.A.ALOOR, K.P.PRASANTH, VISHNU DILEEP, T.S.KRISHNENDU

and ARCHANA SURESH, ADVOCATES FOR ADDL.R8 AND 9

BY M/S.G.HARIHARAN and PRAVEEN H., ADVOCATES FOR

ADDL.R10 TO 12.



HAVING PERUSED THE FINAL ORDER DATED 10/01/2022 AND ADDITIONAL ORDERS DATED 26/05/2022, 04/07/2022, 08/07/2022, 13/07/2022, 03/08/2022, 23/08/2022, 30/08/2022, 06/10/2022, 10/10/2022 AND 14/10/2022 AND THE DIRECTIONS CONTAINED THEREIN AND ALSO HAVING PERUSED THE SUBMISSIONS MADE BY THE LEARNED SENIOR GOVERNMENT PLEADER, LEARNED SPECIAL GOVERNMENT PLEADER AND THE LEARNED DEPUTY SOLICITOR GENERAL FOR THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, THE COURT ON 14/10/2022 PASSED THE FOLLOWING.

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

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Dated this the 14th day of October, 2022

ORDER

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 placed before the Bench on 11.07.2022. Registrar General was directed to forward a copy of the order dated 10.01.2022 to the Secretary, Supreme Court Committee on Road Safety, for information.

2. In the order dated 26.05.2022 [**2022 SCC OnLine Ker 2906 : 2022 (4) KLT 934**] this Court noticed that, 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, 1988, the Central Motor Vehicles Rules, 1989, the Kerala Motor Vehicles Rules, 1989 and the

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Motor Vehicles (Driving) Regulations, 2017, taking note of the law laid down in the decisions referred to in the said order dated 10.01.2022. After the order of this Court dated 10.01.2022, in motor accidents involving contract carriages, the passengers in those vehicles and other road users sustained serious/fatal injuries. Since the use of contract carriages on public place, flouting the safety standards prescribed in AIS-008 and AIS-052 (Rev.1) 2008, etc. is posing potential threat to the safety of the passengers and other road users, the learned Assistant Solicitor General of India was requested on 26.05.2022, to address arguments on behalf of the Ministry of Road Transport and Highways.

3. In the orders dated 06.10.2022 [**2022 SCC OnLine Ker 4898**] and 10.10.2022, we noticed that, in view of the directions contained in the order dated 10.01.2022 [**2022 SCC OnLine Ker 1105**], which is reiterated in the order dated 26.05.2022 [**2022 SCC OnLine Ker 2906**], 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 are duty bound to take necessary steps to 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,

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- 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;

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- (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.

4. In the order dated 10.10.2022, we found that a total prohibition on the use of contract carriages violating the safety standards prescribed in AIS-008/AIS-052(Rev.1) 2008 and also the standards prescribed in relation to control of noise, is highly essential since plying of such vehicles on public place is posing threat to the safety of the passengers in those vehicles, and also other road users. Paragraphs 36 to 40 of the order dated 10.10.2022 read thus;

"36. Having considered the materials on record and also the submissions made by the learned Deputy Solicitor General of India, the learned Special Government Pleader and also the learned Senior Government

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Pleader, we find that a total prohibition on the use of contract carriages violating the safety standards prescribed in AIS-008/AIS-052(Rev.1) 2008 and also the standards prescribed in relation to control of noise, is highly essential since plying of such vehicles on public place is posing threat to the safety of the passengers in those vehicles, and also other road users. The procedure now being adopted by the Enforcement Wing of the Motor Vehicles Department and also the Police, in permitting the use of such vehicles in public place after interception, with a direction to produce such vehicles for inspection within a period of one week after removing such unauthorised fittings, etc., cannot be permitted to continue, since such a procedure is in flagrant violation of the statutory provisions referred to hereinbefore and also the law laid down in the decisions referred to supra.

37. A mere removal of unauthorised fittings in a contract carriage, without completely removing the additional wiring and other alterations made in the bus body, passenger compartment and driver cabin cannot make that vehicle as one, which complies with the provisions under the Motor Vehicles Act and the Rules and Regulations made thereunder for the purpose of grant of Certificate of Fitness. The bus body, the passenger compartment and the driver cabin of that contract carriage will have to be maintained in the appropriate manner of its construction and maintenance, as per the statutory requirements in the Central Motor Vehicles Rules/Kerala Motor Vehicles Rules/AIS-008/AIS-052 (Rev.1) 2008, etc., and then only that vehicle can be treated as one which complies with the provisions of the Motor Vehicles Act and the Rules and Regulations made thereunder, for the purpose of grant of Certificate of Fitness, which is the statutory mandate of sub-rule (1) of Rule 92 of the Central Motor Vehicles Rule and sub-rule (1) of Rule 249 of the Kerala Motor Vehicles Rules. Therefore, the Fitness Certificate of such a contract carriage has to be suspended with immediate effect, for a

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period of three months, within which time the owner of that vehicle can be directed to make that vehicle as one which complies with the requirements of the Motor Vehicles Act and the Rules and Regulations made thereunder, in all respects. After proper inspection, on being satisfied that the vehicle complies with the aforesaid requirements, in all respects, the competent authority can grant Certificate of Fitness to that vehicle. The driving licence of the driver who had driven such a contract carriage in public place has to be suspended for a period of three months, as per the statutory mandate of sub-section (2) of Section 190, which shall be forwarded to the licensing authority for disqualification or revocation proceedings, under Section 19 of the Act. Stringent action has to be taken against the owner and driver of contract carriages or other transport vehicles, which are used in public place after tampering with speed governor installed as provided under Rule 118 of the Central Motor Vehicles Rules. Stringent action has also to be taken under Section 185 of the Motor Vehicles Act, once it is found that the contract carriages or other transport vehicles were driven by a drunken person or by a person under the influence of drugs.

38. The Enforcement Officers in the Motor Vehicles Department and also the Police shall conduct periodical inspection during day time and also night hours to ensure that no contract carriages or other transport vehicles are being used in public place flouting the safety standards and also the standards prescribed in relation to control of noise, referred to hereinbefore. If there is any obstruction to the discharge of duties by the Enforcement Officers in the Motor Vehicles Department, while conducting inspection in contract carriages and other transport vehicles, the Police shall render necessary assistance. The 2nd respondent Transport Commissioner shall place on record a report on deployment of officers in 86 Regional Transport Offices in the State, for conducting periodical inspection of motor vehicles during daytime and also night

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hours. Any contract carriages or other transport vehicles, which are used in public place flouting the safety standards and also the standards prescribed in relation to control of noise, shall be dealt with appropriately by initiating prosecution, and such vehicles shall be produced before the jurisdictional Magistrate Court along with colour photographs and video of the bus body, passenger compartment, driver cabin and also luggage compartment (in case luggage compartment is fitted with diesel engine for power generation or inverters with batteries or sound boxes) and further proceedings regarding custody of that vehicle shall be taken based on the orders of that court.

39. In case any contract carriage, which does not meet the safety standards and the standards prescribed in relation to control of noise is used in any public place for carrying students from any educational institutions, the head of that educational institution and also the teacher or teachers, who are in charge of that trip, who are least bothered about the safety of the students, shall also be proceeded against, in accordance with law. Entry of any contract carriages or other motor vehicles violating the safety standards or the standards prescribed in relation to control of noise or vehicles with unauthorised alterations, shall not be permitted in the premises of any educational institutions in the State, for any purpose whatsoever, including exhibition, auto show, etc. Any such activity shall be prevented by the head of that educational institution, which shall also be reported to the concerned Station House Officer and also the Enforcement Officer in the Motor Vehicles Department, so as to enable them to proceed against the owner and driver of such vehicles.

40. By the order dated 06.10.2022 the 2nd respondent Transport Commissioner was directed to obtain the details of the vloggers, who post videos in 'YouTube' and other online platforms promoting the use of motor vehicles on public place, flouting the safety standards, posing

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potential threat to the safety of passengers and other road users. The learned Special Government Pleader would submit that he is awaiting instructions from the 2nd respondent on the above aspect. In the meantime, the 2nd respondent and also the Ministry of Road Transport and Highways shall take necessary steps to ensure that such videos promoting the use of motor vehicles in public place, flouting the safety standards, posing potential threat to the safety of passengers and other road users, are not being uploaded in 'YouTube' and other online platforms."

5. Heard the learned Senior Government Pleader for respondents 1, 3 and 4, the learned Special Government Pleader for the 2nd respondent, the learned Standing Counsel for the 5th respondent, the learned Deputy Solicitor General of India for additional respondents 6 and 7, the learned counsel for additional respondents 8 and 9 and also the learned counsel for additional respondents 10 to 12 and also the learned Amicus Curiae for Special Commissioner, Sabarimala. Registry to show the name of Sri. S. Raj Mohan, the Senior Government Pleader and Sri. P. Santhosh Kumar, the Special Government Pleader in the headnote of the orders.

6. Additional respondents 8 and 9 impleaded by the order in I.A.No.2 of 2022 are the President and Secretary of Tourist Bus Federation, Thiruvananthapuram and additional respondents 10 to 12 impleaded as per the order in I.A.No.3 of 2022 are the Contract Carriage Operators Association, Thiruvananthapuram and two contract carriage operators.

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7. The contract carriage bearing Registration No.KL-05/AU-8890, which was involved in the accident that occurred on 05.10.2022, has already been shifted to the premises of Vadakkanchery Police Station. Two screenshots taken from the news items that appeared in an online media regarding the shifting of the said vehicle to Vadakkanchery Police Station are reproduced hereunder;



Fig. 1

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Fig. 2

8. As evident from the screenshot (Fig. 1) extracted hereinbefore, the driver cabin of that contract carriage is fitted with multi-coloured LED/Laser/Neon lights and also booster amplifiers, equalizer, etc., with illuminated control panels, causing glare and reflection on the windscreen of the vehicle, endangering the safety of passengers and other road users.

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9. As per Rule 286 of the Kerala Motor Vehicles Rules, which deals with internal lighting, every vehicle shall be furnished with one or more electric lights adequate to give reasonable illumination throughout the passenger compartment or compartments but of such power or so screened as not to impair the forward vision of the driver. As per the proviso to Rule 286, inserted with effect from 08.01.2018, the internal lighting in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS-052 (Rev.1) 2008, as amended from time to time.

10. As per Para.4.1.2. of AIS-052 (Rev.1) 2008 - Code of Practice for Bus Body Design and Approval – applicable to the testing and approval for body building of new models of buses with seating capacity of 13 or more passengers excluding driver - internal lighting and light signalling devices shall provide adequate illumination inside the bus for the safe operation by the driver and the passengers, during darkness and other conditions of reduced visibility. As per Para.4.1.2.2.1, cab lamp or courtesy lamp and passenger area lamps are to be placed on the roof of the bus, above the head of the observer. As per Para.4.1.2.4.1.1.2, the lighting devices used for dashboard shall be discreet and shall not disturb the driver when driving in the dark. Para.4.1.2.4.1.2. deals with driver cabin lighting. As per Para.4.1.2.4.1.2.1., cab lamp or courtesy lamp, locker lamp and electrical distribution lamp fall in this category. As per Para.4.1.2.4.1.2.2, the lighting devices used for cabin

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interior should be sufficient enough for clearly distinguishing each component part of the cabin. The driver should be in a position to read signages written on the walls, door of the cabin. He should also be in position to read any instructions printed on paper. As per Para.4.1.2.4.1.2.3, the luminous flux of all the lamps provided for cabin lighting to light up the equipment, components and to read, shall not be less than 30 lux and shall not be more than 150 lux, when measured at 500 mm above the driver seat base. Para.4.1.2.4.1.3. deals with passenger compartment lighting. As per Para.4.1.2. 4.1.3.1., exit lamps and passenger area lamps fall in this category. As per Para.4.1.2.4.1.3.2., the lighting devices used for passenger area should ensure reading of signages inside the passenger area and other important signs like emergency signs. The illumination should light up handles, latches, knobs, rods, hand-holds, etc. facilitating easy access to passenger. The illumination should be adequate for reading printed matter by the passenger. As per Para.4.1.2.4.1.3.3., the illumination of these lamps shall not be less than 50 lux, when measured at any seating location of the bus and at 500 mm above the seat base. As per Para.4.1.2.4.1.3.4., at least two night lights shall be provided in the passenger compartment of all buses except Type I buses. The interior lighting shall be designed such that the glare and reflections caused do not affect the driver.

11. In the order dated 10.01.2022 [**2022 SCC OnLine Ker 1105**] we have noticed that, the provisions in Chapter 4 of AIS-052 (Rev.1) 2008

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deal with every minute details lighting of driver cabin and passenger cabin of buses with seating capacity of 13 or more passengers excluding driver. Use of DJ rotating LED lights, continuously blinking multi-coloured LED lights, laser lights, etc. inside the driver cabin or the passenger cabin is legally impermissible. The installation of booster amplifiers, equalizer, DJ mixer, etc. inside the driver cabin, with illuminated control panel, causing glare and reflection of light on the windscreen of the vehicle, is also legally impermissible. Since use of vehicles without complying with the requirements of lighting of driver cabin and passenger cabin under Chapter 4 of AIS-052 (Rev.1) 2008 is likely to endanger the safety of the passengers and other road users, such vehicles shall not be permitted to be used in any public place.

12. In the order dated 10.01.2022 [**2022 SCC OnLine Ker 1105**], we have reiterated the law laid down in **Jijith and others v. State of Kerala and others [2019 (1) KHC 463]** 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

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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.

13. In view of the provisions under Rule 286 of the Kerala Motor Vehicles Rules, every vehicle shall be furnished with one or more electric lights adequate to give reasonable illumination throughout the passenger compartment or compartments but of such power or so screened as not to impair the forward vision of the driver. In view of the proviso to Rule 286, the internal lighting and light signalling devices in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS-052 (Rev.1) 2008, as amended from time to time. The provisions under AIS-052 (Rev.1) 2008, referred to hereinbefore at paragraph 10, mandate that internal lighting and light signalling devices shall provide adequate illumination inside the bus

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for the safe operation by the driver and the passengers, during darkness and other conditions of reduced visibility; cab lamp or courtesy lamp and passenger area lamps are to be placed on the roof of the bus, above the head of the observer; lighting devices used for dashboard shall be discreet and shall not disturb the driver when driving in the dark; lighting devices used for cabin interior (driver cabin lighting i.e., cab lamp or courtesy lamp, locker lamp and electrical distribution lamp) should be sufficient enough for clearly distinguishing each component part of the cabin and the driver should be in a position to read signages written on the walls, door of the cabin and he should also be in position to read any instructions printed on paper; the luminous flux of all the lamps provided for cabin lighting to light up the equipment, components and to read, shall not be less than 30 lux and shall not be more than 150 lux, when measured at 500 mm above the driver seat base; the illumination of lamps provided for passenger compartment lighting shall not be less than 50 lux, when measured at any seating location of the bus and at 500 mm above the seat base; the lighting devices used for passenger area should ensure reading of signages inside the passenger area and other important signs like emergency signs and the illumination should light up handles, latches, knobs, rods, hand-holds, etc., facilitating easy access to passenger and the illumination should be adequate for reading printed matter by the passenger; at least two night lights shall be provided in the passenger

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compartment of all buses except Type I buses; and the interior lighting shall be designed such that the glare and reflections caused do not affect the driver.

14. In the order dated 10.01.2022 **[2022 SCC OnLine Ker 1105]** we have noticed that, the provisions in Chapter 4 of AIS-052 (Rev.1) 2008 deal with every minute details lighting of driver cabin and passenger cabin of buses with seating capacity of 13 or more passengers excluding driver. Use of DJ rotating LED lights, continuously blinking multi-coloured LED lights, laser lights, etc. inside the driver cabin or the passenger cabin is legally impermissible. The installation of booster amplifiers, equalizer, DJ mixer, etc. inside the driver cabin, with illuminated control panel, causing glare and reflection of light on the windscreen of the vehicle, is also legally impermissible. Since the use of vehicles without complying with the requirements of lighting of driver cabin and passenger cabin under Chapter 4 of AIS-052 (Rev.1) 2008 is likely to endanger the safety of the passengers and other road users, such vehicles shall not be permitted to be used in any public place.

15. In view of the provisions under Rule 286 of the Kerala Motor Vehicles Rules/AIS-052 (Rev.1) 2008, no public service vehicle including a contract carriage or stage carriage can be fitted with multi-coloured LED/Laser/Neon/flash lights in the passenger compartment or in the driver cabin. Similarly, booster amplifiers, equalisers, DJ mixers, etc., with

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illuminated control panels cannot be installed in the driver cabin, causing glare and reflection of light on the windscreen of the vehicle. As evident from the screenshot reproduced at paragraph 3 of our order dated 10.10.2022 (from the video taken at the time of the commencement of the journey at Mar Baselios School, Mulanthuruthy), the driver cabin and passenger compartment of contract carriage bearing registration No.KL-05/AU-8890 were fitted with multi-coloured LED/Laser/Neon/flash lights and booster amplifiers, equalisers, DJ mixers, etc., with illuminated control panels, causing glare and reflection of light on the windscreen of the vehicle. Even the exterior body of that contract carriage was fitted with multi-coloured LED/Laser/Neon/flash lights in violation of the safety standards for light and light-signalling devices, posing danger to other road users by dazzling. The said screenshot is reproduced hereunder;



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16. Rule 62 of the Central Motor Vehicles Rules provides for inspection that has to be conducted by the inspecting officer or authorized testing stations, as referred to in sub-section (1) of Section 56 of the Motor Vehicles Act, which has to be carried out as specified in the Table to the said Rule. A reading of Rule 62 would make it explicitly clear that before granting a certificate of fitness in respect of a transport vehicle the inspecting officer or the authorized testing stations shall ensure that no unauthorized lights are fitted in that vehicle. Rule 105 of the Central Motor Vehicles Rules deals with fitment of reflectors, which provides for affixing yellow reflective tape on the side body of a transport vehicle, at the specified place. The screenshot (Fig. 2) of the side body of the contract carriage, reproduced hereinbefore at paragraph 7, would show that the yellow reflecting tape on the side body of that vehicle is affixed below the side windows, in order to have graphics on the side body. As per the statutory requirement, the yellow reflective tape running across the length of the bus body shall be affixed above the wheel arch, near the side beading.

17. On 10.10.2022, when this matter came up for consideration, in terms of the direction contained in the order of this Court dated 06.10.2022, the learned Special Government Pleader has made available for the perusal of this Court the Accident Inspection Report dated 08.10.2022 of the Regional Transport Officer (Enforcement), Palakkad, in respect of the accident, which

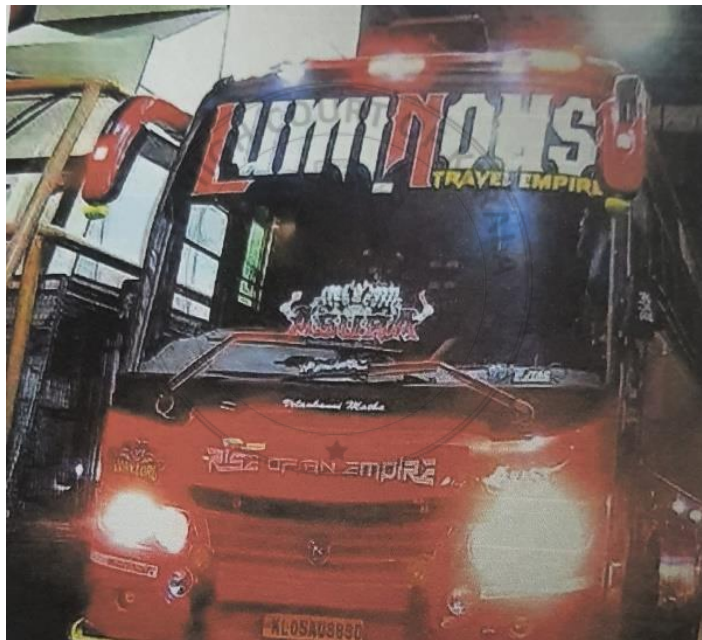
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occurred on 05.10.2022, involving contract carriage bearing registration No.KL-05/AU-8890 and KSRTC bus bearing registration No.KL-15/A-1313. The learned Senior Government Pleader has made available for the perusal of this Court the report dated 09.10.2022 of the Deputy Superintendent of Police, Alathur, submitted before the District Police Chief, Palakkad, in respect of the said accident. The Deputy Superintendent of Police, Alathur and the Deputy Transport Commissioner, Central Zone-I, Thrissur, who are personally present in Court, have explained the facts disclosed in the investigation conducted by the Police and the Motor Vehicles Department.

18. In the order dated 10.10.2022, we noticed that, as evident from the Accident Investigation Report dated 08.10.2022 of the Motor Vehicles Department and the photographs of contract carriage bearing registration No.KL-05/AU-8890, which form part of that report, the said vehicle used for carrying students from Mar Baselios School, Vettikkal, Mulanthuruthy, was fitted with unauthorised multi-coloured LED lights, rotating flash lights, DJ lights, laser lights, fog machine, high wattage speakers and woofers, spot lights and window curtain, etc. Retro-reflective tapes were not affixed properly on the exterior body of the vehicle. The driver cabin was fitted with continuously blinking DJ rotating LED lights, multi-coloured LED/laser/neon lights in the passenger compartment, converting the passenger compartment into a dancing floor, causing distraction to the driver of that vehicle and also

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to other road users. Various objects were placed or hanged in front of the windscreen and the name of the bus was written in the middle of the windscreen, above the level of the dashboard, causing obstruction to the clear vision of the driver, which is evident from the screenshot of the CCTV footage at the Toll Booth. The said screenshot (which we have reproduced at paragraph 7 of the order dated 10.10.2022) is reproduced hereunder;



19. As evident from the screenshots reproduced hereinbefore, at the time of accident, the said contract carriage was being used in public place for carrying the students of Mar Baselios School, Vettikkal, Mulanthuruthy, flouting the safety standards referred to hereinbefore and also the directions contained in the order of this Court dated 10.01.2022 **[2022 SCC OnLine**

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Ker 1105 : CDJ 2022 Ker HC 203] and also the subsequent order dated 26.05.2022 [**2022 SCC OnLine Ker 2906 : 2022 (4) KLT 934**], which were issued taking note of the law laid down in the decisions of this Court in **Jijith and others v. State of Kerala and others [2019 (1) KHC 463]**, **Saji K.M. v. Deputy Transport Commissioner [2019 SCC OnLine Ker 2047 : 2019 (3) KHC 836]** and **Principal, Sabari PTB Smaraka H.S.S. v. Additional Registering Authority, Ottapalam and others [2020 (2) KLJ 662]**.

20. In the order dated 10.01.2022 [**2022 SCC OnLine Ker 1105**] we noticed that, vide Notification No.SO(3003)E dated 23.12.2012, Justice Verma Committee was constituted by the Government of India, to look into possible amendments of the Criminal Law to provide for quicker trial and enhanced punishment for criminals committing sexual assault of extreme nature against women. The immediate cause for the constitution of the Committee was the brutal gang rape of a young woman in Delhi, in a public transport vehicle, in the late evening of 16.12.2012. Chapter 10 of the report dated 23.01.2013 deals with provision of adequate safety measures and amenities in respect of women. After referring to the law laid down by the Delhi High Court in **Court on its Own Motion v. Union of India [(2007) 139 DLT 244]** and also the law laid down by the Apex Court in **Avishek Goenka v. Union of India [(2012) 5 SCC 321]** prohibiting the use of black films of any visual transmission of light percentage or any other material upon

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the safety glasses, windscreens (front and rear) and side glasses of all vehicles throughout the country, the Committee observed as follows in Para.6 of the report;

“6. A cursory glance on any of India's roads at any time of day or night will show that these directions of the Supreme Court are being openly flouted by all and sundry. It saddens the Committee to note that the police forces of this country enforce these directions, and indeed law, only when orders are passed by various courts, and then again, only take action for a few days.” (underline supplied)

21. In paragraph 15 of the order dated 08.07.2022, we have reproduced screenshots taken from the promotion video of a contract carriage without maintaining the visual transmission of light percentage for safety glasses, the bus body (white in colour) pasted or painted with graphics, name written on the middle of the windscreen, just above the dashboard. Those screenshots are reproduced hereunder;



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22. Regulation 5 of the Motor Vehicles (Driving) Regulations, 2017 deals with duties of drivers and riders. As per sub-regulation (3) of Regulation 5, the driver shall at all times maintain a good lookout and concentrate on the

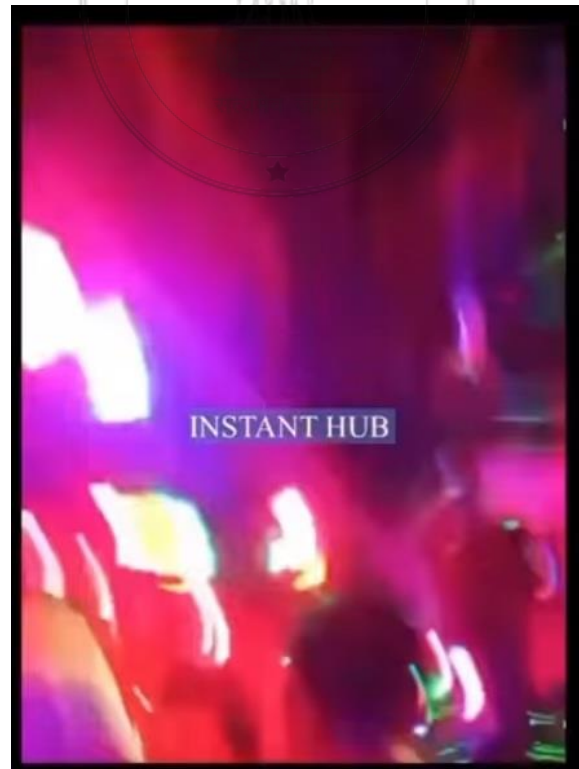
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road and traffic and avoid any activity which distract or is likely to distract his attention. As per sub-regulation (6) of Regulation 5, the driver shall ensure that his view is not obstructed and his hearing is not impaired by passengers, animals, load, equipment in the vehicle or by the conditions of the vehicle. Sub-regulation (10) of Regulation 5 mandates that the driver shall ensure that loud music is not played in the vehicle. Sub-regulation (11) of Regulation 5 mandates that the driver shall not watch digital motion pictures or videos while driving, except were required for route navigation.

23. The students of Mar Baselios School, Vettikkal, Mulanthuruthy, who were travelling in contract carriage bearing registration No.KL-05/AU-8890, have uploaded a video in Instagram on 05.10.2022, just before the accident. We have viewed that video in open Court, which is uploaded in 'YouTube'. Three screenshots taken from that video are reproduced hereunder;



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24. The screenshots reproduced hereinbefore and also the video uploaded in 'YouTube' would show that the passenger compartment of that contract carriage was fitted with multi-coloured LED lights, laser lights, DJ rotating LED lights, etc., in order to convert it as a dancing floor. The students, who were travelling in that contract carriage, which was moving at an exorbitant speed (going by the GPS data), were dancing inside the passenger compartment of that vehicle, enjoying the loud music from the high-power audio system fitted in that vehicle, with multiple booster/power amplifiers, speakers and sub-woofers with rating of several thousand watts PMPO, openly flouting the safety standards and also the standards prescribed in relation to control of noise.

25. The maximum number of passengers that can be carried in a contract carriage is equal to its seating capacity. Standing passengers are not permitted in a contract carriage, which is usually permitted only in stage carriages, within the permissible limits. Therefore, when a contract carriage is moving, the passengers in that vehicle are expected to be in their respective seats. The passengers cannot dance inside the passenger compartment, enjoying the loud music from the high-power audio system, while the vehicle is moving. The head of the educational institution, namely, Mar Baselios School, Vettikkal, Mulanthuruthy, and the teachers, who were in charge of that education tour, should not have permitted the students to travel in such

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a contract carriage. They should have shown more concern for the safety of the students. They should not have permitted the students to convert the passenger compartment of that contract carriage into a dancing floor, enjoying the loud music from the high-power audio system, while that vehicle was moving at an exorbitant speed (going by GPS data).

26. Even after the accident occurred on 05.10.2022, similar contract carriages carrying students were intercepted by the Enforcement Officers of the Motor Vehicles Department. In the order dated 10.10.2022, we have reproduced three screenshots from a news item that appeared in Mathrubhumi news (online) regarding the use of a contract carriage by the name 'Xplod' by the students in MES College of Engineering, Marampally, Aluva, after the motor accident which occurred on 05.10.2022. On 10.10.2022, we viewed that news item in open Court. Those three screenshots are reproduced hereunder;





27. In the order dated 10.10.2022, we noticed that the said contract carriage was fitted with high-power audio system with multiple booster/power amplifiers, speakers and sub-woofers with rating of several thousand watts PMPO, after-market multi-coloured LED/laser/neon lights, flash lights, etc. The Enforcement Officers of the Motor Vehicles Department intercepted the said vehicle and initiated proceedings against its use in public place, flouting the safety standards. It is for the educational authorities, who are having

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control over that institution, to take stringent action against the head of that institution and also the teachers, who were in charge of that education tour. In the order dated 10.10.2022, we have made it clear that, in case any contract carriage, which does not meet the safety standards and the standards prescribed in relation to control of noise is used in any public place for carrying students from any educational institution, the head of that educational institution and also the teacher or teachers, who are in charge of that trip, who are least bothered about the safety of the students, shall also be proceeded against, in accordance with law.

28. In the order dated 10.10.2022, we have reproduced another screenshot from a news item that appeared in Mathrubhumi news (online) regarding the use of contract carriages with unauthorized fittings, including a separate diesel engine (of Balero Jeep) inside the luggage compartment on the left side, to generate power for the A/C unit. The said vehicle was carrying Lawyers from Pathanamthitta. The said screenshot is reproduced hereunder;



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29. In the order dated 10.01.2022 **[2022 SCC OnLine Ker 1105]** we held that, 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. 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

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lights, continuously blinking multi-coloured LED lights, laser lights, etc. in the passenger compartment and the driver cabin, cannot also be granted fitness certificate. 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, cannot also 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 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.

30. In the order dated 10.10.2022, we 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]** a large number of motor vehicles, including contract carriages, stage carriages and goods vehicles are being

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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 signals, in violation of Para.5.9 of AIS-008. A 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 curtains, 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 stickers, 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

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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. In the order dated 10.10.2022, we have reproduced two images of such contract carriages uploaded on online video platforms. Those images are reproduced hereunder;



31. Various vloggers are posting videos and posts on online media, like, 'YouTube' regarding 'bus body code' and also 'colour code' applicable to contract carriages. We have also viewed in open Court a video posted by 'Focus Body Builders', Kottappady, in 'YouTube', in respect of a vehicle bearing Registration No.KL-06/H-1411. Three screenshots taken from a video posted

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by 'Focus Body Builders', Kottappady, are reproduced hereunder;

 FOCUS BODY BUILDERS · **SUBSCRIBE**
1 day ago

ALPHONSA HOLIDAYS

COLOUR CODE



 582   2



കളർകോഡും ആയിട്ട് അവൻ
ഇറങ്ങുന്നു | Vettiyil Holidays
FOCUS BODY BUILDERS KOTTAPPADY9745...
www.youtube.com

<https://youtu.be/ShLRC-IRWiw>

18:54 ✓

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32. The vehicle bearing Registration No.KL-06/H-1411, which is fitted with unauthorised lights in the bus body, driver cabin and also passenger compartment, flouting the safety standards Rule 286 of the Kerala Motor Vehicles Rules, AIS-008, AIS-052(Rev. 1) 2008, though the bus body is painted in white colour, which cannot be granted certificate of fitness. As per the proviso to Rule 257 of the Kerala Motor Vehicles Rules, the electric wires in buses that are registered on or after 1st day of October, 2017 shall be in accordance with AIS-052 (Rev.1) 2008 as amended from time to time. The said vehicle is fitted with unauthorised top-lights and the name of the vehicle is written in the middle of the windscreen just above the dashboard, causing

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obstruction to the clear vision of the driver to the front, in violation of the provisions under Rule 278 of the Kerala Motor Vehicles Rules and also the provisions under sub-rule (2) of Rule 100 of the Central Motor Vehicles Rules. The owner of the said vehicle and also its body builder have to be proceeded against, in accordance with law, for openly flouting the safety standards and other norms referred to hereinbefore. The 2nd respondent Transport Commissioner, through the concerned Enforcement Officers in the Motor Vehicles Department, shall conduct inspection of that vehicle and thereafter, initiate appropriate proceedings, in accordance with law, against the registered owner and also the body builder, taking note of directions contained in the order of this Court dated 10.01.2022, which is reiterated in the order dated 26.05.2022.

33. In the order dated 10.10.2022, we have ordered that entry of any contract carriages or other motor vehicles violating the safety standards or the standards prescribed in relation to control of noise or vehicles with unauthorised alterations, shall not be permitted in the premises of any educational institutions in the State, for any purpose whatsoever, including exhibition, auto show, etc. Any such activity shall be prevented by the head of that educational institution, which shall also be reported to the concerned Station House Officer and also the Enforcement Officer in the Motor Vehicles

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Department, so as to enable them to proceed against the owner and driver of such vehicles.

34. The contract carriages fitted with unauthorised fittings, lights, etc., brought to the college campus for education tours, are being taken to the college ground, with the bus body decorated with balloons, ribbons, etc, for drifting (a driving technique where the driver intentionally oversteers, with loss of traction). The video contents of such performances are being uploaded by the students and also the vloggers who are promoting such contract carriages in 'YouTube' and other online media. Vehicles which are not roadworthy and even altered vehicles without registration are being brought to the college campus, in connection with auto show, exhibition, etc., for drifting and other performances, posing threat to the safety of students. We have viewed in open court the video content of auto show at KMCT College uploaded by the vlogger by name 'Lichuzz Kochikari Achayathi' and another video content of auto show at Mangalam College uploaded by the vlogger by name 'Unique Malayalam'. A few screenshots (Fig. 1 to 6) of auto show at KMCT College uploaded by the vlogger by name 'Lichuzz Kochikari Achayathi' and screenshots (Fig.7 to 10) of auto show at Mangalam College uploaded by the vlogger by name 'Unique Malayalam' are reproduced hereunder;

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AUTOSHOW AT KMTC COLLEGE
MALAPURAM KERALA FIRST MONSTER T...
20K views · 3 mo ago #modification #modifications
#modification_lovers

821 Dislike Share Create Download Ci

Lichuzz Kochikari Achayathi
21.7K subscribers **SUBSCRIBE**

Fig. 1



Fig. 2



Fig. 3

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Fig. 4



Fig. 5



Fig. 6

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 Mangalam College Autoshow 2k22 Babs, Supra, GTR 350z..... 🔥
Unique Malayalam · 64K views · 4 months ago

Fig. 7



Fig. 8



Fig. 9



Fig.10

35. As evident from the video contents and the screenshots, vehicles with extensive modifications are being used for drifting and other performances in college campus in connection with auto show, exhibition, etc. The vehicle seen in Fig. 1, 2, 5 and 6 (KMCT College) and Fig. 8, 9 and 10 (Mangalam College) is having extensive modifications, which do not even have registration. The said vehicle is brought to college campus on an 'Army disposal truck' (Fig. 6 and 8), with Registration number KA-18/MA-2602 in Karnataka State. An SUV, white in colour seen in Fig. 6 bears registration mark of another country and it appears that the said vehicle is brought to India through 'Carnet'. The 2nd respondent Transport Commissioner, through the concerned Enforcement Officers in the Motor Vehicles Department, shall conduct inspection of those vehicles and thereafter, initiate appropriate proceedings, in accordance with law, against its registered owners and also

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those driving such vehicles, the head of the educational institutions and also the vloggers posting videos in 'YouTube' and other online media.

36. We have viewed in open court a video uploaded in 'YouTube' by a vlogger by name 'Moto Vlogger' of cars recently brought to India through 'Carnet' for drifting and similar performances. The said vehicles have undergone extensive modifications, posing threat to the safety of other road users, which is evident from the video content, emitting fumes, thick smoke and loud sound from the exhaust. Three screenshots of that video are reproduced hereunder;



Fig. 1

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Fig. 2



Fig. 3

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Fig. 4



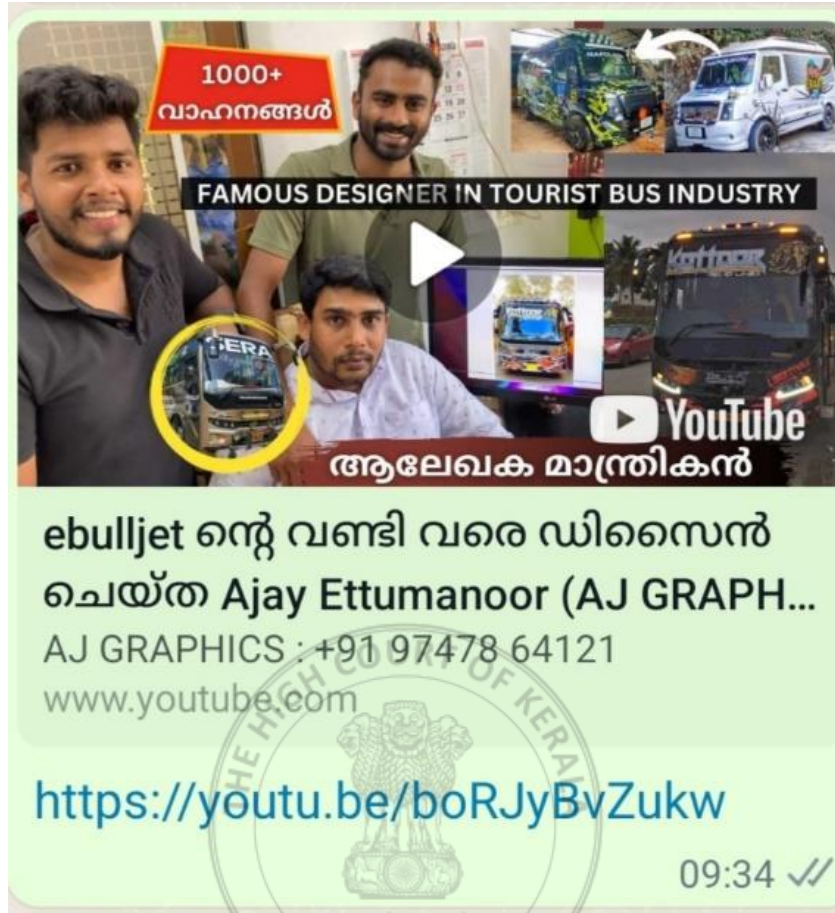
Fig. 5

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37. The learned Deputy Solicitor General of India shall get necessary instructions through the concerned Ministry, on the norms and conditions for the import of vehicles through 'Carnet' and the circumstances in which vehicles with extensive modifications, posing threat to the safety of other road users, emitting fumes, thick smoke and loud sound from the exhaust, which are brought for drifting and similar performances and its promotion by vloggers are permitted entry through Cochin Port or any other Ports in India. The learned Special Government Pleader to get instructions from the 2nd respondent Transport Commissioner, on the use of such vehicles with extensive modifications in public place and the statutory violations involved. The Enforcement Officers in the Motor Vehicle Department and the Police shall take action against such vehicles used for drifting and similar performances in public place. Such vehicles shall not be permitted entry into the college campus for drifting and similar performances.

38. A vlogger by name 'Tigoons' has uploaded a video on Sri.Ajay Ettumannoor, in 'YouTube'. Sri.Ajay, who owns 'AJ Graphics' at Ettumannoor has done graphics in more than 1,000 contract carriages, including the vehicle of another vlogger by name 'E bull jet'. The images of the contract carriages and other vehicles in which Sri.Ajay has done extensive graphic work are shown in that video. A screenshot taken from that video is reproduced hereunder;

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39. Another vlogger by the name 'Technic Youtuber' posted a video in 'YouTube' of a vehicle bearing registration number KL-73/B-777 of the vlogger 'E bull Jet'. In the said post, the image of the High Court building is also shown, along with the image of the said vehicle by the name 'Nepoleon E bull jet'. The said vehicle, which was fitted with unauthorised lights, fittings, graphics, etc., was booked by the Enforcement Officers of the Motor Vehicles Department. The said vehicle was produced before the concerned Magistrate Court. A screenshot taken from that video uploaded in 'YouTube', after the order of this

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Court dated 10.01.2022 [**2022 SCC OnLine Ker 1105**], is reproduced hereunder;



Nepoleon ന്റെ വിഡി വന്നു 😊 E bull jet
Nepoleon update | E bull jet Nepoleon news | ...
Technic Youtuber · 37K views · 16 hours ago

40. The 2nd respondent Transport Commissioner, through the concerned Enforcement Officers in the Motor Vehicles Department, shall take stern action, in accordance with law, against the vloggers who are using such vehicles in public place, posing threat to the safety of other road users, and also against the vloggers who promote such vehicles with unauthorised alternations, and also those who do such unauthorised alternations on motor vehicles.

41. Rule 191 of the Kerala Motor Vehicles Rules deals with prohibition of advertisement or writing on vehicles. In **Hindustan Petroleum**

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Corporation Ltd., Kochi v. State of Kerala [2016 (3) KHC 693], in the context of Rule 191 of the Kerala Motor Vehicles Rules, this Court held that the said Rule provides for imposition of fee not only for advertisements, but also for figures or writings. After referring to the provisions under Rule 134 of the Central Motor Vehicles Rules, which deals with 'emergency information panel' for goods carriages used for transporting any dangerous or hazardous goods, this Court held that the writings contained in tanker trucks operated by Hindustan Petroleum Corporation Limited by exhibiting its name in large and bold letters, even though has the characteristics of imposing with fee as prescribed under Rule 191 of the Kerala Motor Vehicles Rules, in view of the stipulations and prescriptions contained under Rule 134 of the Central Motor Vehicles Rules, are not liable to be imposed with fee for such writings made on the tanker trucks. However, this Court made it clear that, if any inscriptions or writings are made on such transport vehicles inviting public attention for the products of the petitioner company, Rule 191 of the Kerala Motor Vehicles Rules will come into play.

42. In **Jijith [2019 (1) KHC 463]** this Court noticed that the contract carriage permits issued to the petitioners therein are granted under Section 74 of the Motor Vehicles Act. Section 84 of the Motor Vehicles Act deals with general conditions attaching to all permits. As per clause (g) of Section 84, the name and address of the operator shall be painted or otherwise firmly affixed

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to every vehicle to which the permits relates on the exterior of the body of that vehicle on both sides thereof in a colour or colours vividly contrasting to the colour of the vehicle centred as high as practicable below the window line in bold letters. Similarly, the particulars enumerated in clauses (a) to (g) of Rule 93 of the Kerala Motor Vehicles Rules have to be legibly painted on every transport vehicle, save in the case of a motor cab or any motor vehicle belonging to the State or Central Government, on the left hand side of the vehicle, in English letters and numerals, each not less than two and a half centimetres square. In the case of educational institution bus and private service vehicle, Rule 291 of the Kerala Motor Vehicles Rules provides that the name of the institution shall be written conspicuously at the top of the front and rear ends and on the left side of the body of the vehicle and the writings shall be horizontal. Rule 264 of the Kerala Motor Vehicles Rules, which deals with paintwork or varnish, provides that the paintwork or varnish of every transport vehicle shall be maintained in a clean and sound condition and in accordance with the specifications, if any, laid down by the State or Regional Transport Authority. In exercise of the powers under Rule 264, uniform colour scheme has been implemented for different classes of stage carriages operating throughout the State as City/Town Services, Mofussil/Ordinary Services and Limited Stop/Ordinary Services, vide the decision dated 04.01.2018 of the State Transport Authority.

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43. In **Jijith [2019 (1) KHC 463]** this Court held that the paintwork or varnish of every transport vehicle shall be maintained in a clean and sound condition, which is the mandate of Rule 264 of the Kerala Motor Vehicles Rules. If the State or Regional Transport Authority has laid down any specifications like uniform colour scheme, the paintwork of the transport vehicle shall be in accordance with that specifications. Any figure or writing exhibited on the transport vehicle, other than the name and address of the operator to be painted or otherwise firmly affixed as per clause (g) of Section 84 of the Motor Vehicles Act; the 'emergency information panel' provided under Rule 134 of the Central Motor Vehicles Rules for goods carriages used for transporting any dangerous or hazardous goods; the particulars enumerated in clauses (a) to (g) of Rule 93 of the Kerala Motor Vehicles Rules, painted on the body of the vehicle; the name of the institution exhibited in educational institution bus and private service vehicle as per Rule 291 of the Kerala Motor Vehicles Rules; etc., falls within the scope of Rule 191 of the Kerala Motor Vehicles Rules. Any such figure or writing exhibited on the transport vehicle with an object to invite public attention and to promote the contract or stage carriage service of the operator will attract the provisions of Rule 191 of the Kerala Motor Vehicles Rules.

44. In **Jijith [2019 (1) KHC 463]** this Court held that the exhibition of writings and figures on vehicles by its very nature are intended to attract

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attention, which would cause distraction to the drivers of other vehicles, cyclists and even pedestrians on the public road. Driver distraction is one of the major causes of road accidents, which is a situation where the attention of the driver is diverted to any other forms of activities, which may affect the concentration of driving activity as well as the safety of the passengers and others on public road. Earning of revenue by the State by the levy of fee under Rule 191 of the Kerala Motor Vehicles Rules or generation of some additional income by the operator of the transport vehicle should not be at the cost of public safety. Therefore, exhibition of writings or figures with the sole object to invite public attention and to promote the contract or stage carriage service should not be permitted by levying fee under Rule 191 of the Kerala Motor Vehicles Rules.

45. In **Jijith [2019 (1) KHC 463]** this Court held that the paintwork of every transport vehicle shall be maintained in a clean and sound condition, as contemplated by Rule 264 of the Kerala Motor Vehicles Rules. While approving the matter intended to be exhibited on the vehicle, in exercise of the powers under sub-rule (2) of Rule 191 of the Kerala Motor Vehicles Rules, the State or the Regional Transport Authority shall ensure that it does not cause distraction to the drivers of other vehicles and also cyclists and pedestrians on public road. No approval under sub-rule (2) of Rule 191, shall be granted for exhibition of any advertisements, writings, figures, graphics,

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etc. on the body of a transport vehicle, at places intended for exhibiting the name and address of the operator as per clause (g) of Section 84 of the Motor Vehicles Act; the 'emergency information panel' as per Rule 134 of the Central Motor Vehicles Rules for goods carriages used for transporting any dangerous or hazardous goods; the particulars enumerated in clauses (a) to (g) of Rule 93 of the Kerala Motor Vehicles Rules; the name of the institution exhibited in educational institution bus and private service vehicle as per Rule 291 of the Kerala Motor Vehicles Rules; etc. In the case of a stage carriage in respect of which uniform colour scheme has been implemented under Rule 264 of the Kerala Motor Vehicles Rules, vide the decision of the State Transport Authority dated 04.01.2018, no approval under sub-rule (2) of Rule 191, shall be granted for exhibition of any advertisements, writings, figures, graphics, etc., over the three equally spaced white lines painted below the height of the wheel arch.

46. In **Jijith [2019 (1) KHC 463]** this Court held that, in view of the provisions under Rule 100 of the Central Motor Vehicles Rules and the law laid down by the Apex Court in **Avishek Goenka v. Union of India [(2012) 5 SCC 321]** and **Avishek Goenka (2) v. Union of India [(2012) 8 SCC 441]**, tampering with the percentage of visual transmission of light of the safety glass of the windscreen, rear window and side windows of a motor vehicle, either by pasting any material upon the safety glass or by fixing sliding

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'cloth curtains', etc. are legally impermissible. No approval under sub-rule (2) of Rule 191 of the Kerala Motor Vehicles Rules, shall be granted for exhibition of any advertisements, writings, figures, graphics, etc. on the safety glasses of a transport vehicle, which shall always be maintained in such a condition that the visual transmission of light is not less than that prescribed under sub-rule (2) of Rule 100 Central Motor Vehicles Rules.

47. In **Jijith [2019 (1) KHC 463]**, which was rendered on 21.12.2018, this Court was dealing with a case in which the entire body of the petitioners' contract carriages is painted with writings, graphics and gigantic human figures, etc. causing distraction to other drivers and also to road users, as evident from Exts.R5(a) and R6(a) photographs, the photographs produced along with the report of the inspection team, and also the video and photographs of the inspection conducted on 14.08.2018, produced in two compact discs. This Court held that the petitioners' contract carriages with such graphics, gigantic human figures, writings, etc. painted on the body (even at places intended for exhibiting the name and address of the operator as per clause (g) of Section 84 of the Motor Vehicles Act; the particulars enumerated in clauses (a) to (g) of Rule 93 of the Kerala Motor Vehicles Rules; 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. Therefore, in order to use the vehicles as contract

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carriages, the petitioners will have to remove all such graphics, gigantic human figures, writings, etc., exhibited on their vehicles with an object to invite public attention and to promote their contract carriage services, and maintain the paintwork of their transport vehicles in a clean and sound condition, as contemplated by Rule 264 of the Kerala Vehicles Rules.

48. The learned counsel for additional respondents 8 and 9 and also the learned counsel for additional respondents 10 to 12 would submit that the Tourist Bus Operators in the State may be granted reasonable time to comply with the requirements of the uniform colour code for contract carriages introduced in the state based on the decision of the State Transport Authority. The learned Special Government Pleader would submit that the said decision of the State Transport Authority is under challenge before this Court in W.P.(C)No.32719 of 2022, in which the learned Single Judge declined today (14.10.2022) the interim relief seeking time to comply with the requirements of the uniform colour code for contract carriages.

49. In the order dated 06.10.2022, we reproduced the screenshot of an advertisement released by a vlogger regarding tour packages for school and college students in contract carriages with unauthorised fittings, high-power audio system, graphics, etc., flouting the safety standards. That screenshot is reproduced hereunder;



BusVlogs by PKP Mangalath · **SUBSCRIBE**

13 minutes ago

The advertisement features a red hexagonal graphic with the text "SCHOOL & COLLEGE Tour Packages Available". Below this, it says "AC / PUSHBACK" in a yellow box. There are four buses shown in a row. At the bottom, there are two phone numbers: +91 9744555000 and +91 9445550000, followed by "DORADO TRAVEL HUB ANCHAL, KOLLAM". A QR code is also present, and the Instagram handle "dorado_travel_hub" is at the bottom right. A "1/5" indicator is in the top right corner.



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Book Your Tour packages
from DORADO TRAVEL HUB ANCHAL, KOLLAM
AC/PUSHBACK
Contact 9744555000
9445550000

50. In the order dated 06.10.2022, this Court noticed that, even after the orders of this Court various vloggers are posting promotion

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videos/posts of contract carriages with unauthorised lights, fittings, graphics, etc. in 'YouTube' and other online platforms. A few screenshots of such promotion videos/posts reproduced in the said order are reproduced hereunder;



parakkumthalika · **SUBSCRIBE**

1 day ago

ANIZHAM



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51. As held by this Court in **Jijith [2019 (1) KHC 463]**, any figure or writing exhibited on the transport vehicle, other than the name and address of the operator to be painted or otherwise firmly affixed as per clause (g) of Section 84 of the Motor Vehicles Act; the 'emergency information panel' provided under Rule 134 of the Central Motor Vehicles Rules for goods carriages used for transporting any dangerous or hazardous goods; the particulars enumerated in clauses (a) to (g) of Rule 93 of the Kerala Motor Vehicles Rules, painted on the body of the vehicle; the name of the institution exhibited in educational institution bus and private service vehicle as per Rule 291 of the Kerala Motor Vehicles Rules; etc., falls within the scope of Rule 191 of the Kerala Motor Vehicles Rules. Any such figure or writing exhibited on the transport vehicle with an object to invite public attention and to promote the contract or stage carriage service of the operator will attract the provisions of Rule 191 of the Kerala Motor Vehicles Rules. In the said decision, which was rendered on 21.12.2018, it was held that, while approving the matter intended to be exhibited on the vehicle, in exercise of the powers under sub-rule (2) of Rule 191 of the Kerala Motor Vehicles Rules, the State or the Regional Transport Authority shall ensure that it does not cause distraction to the drivers of other vehicles and also cyclists and pedestrians on public road.

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52. Today, we have also viewed in open Court a few screenshots regarding removal of graphic stickers from contract carriages. Two screenshots are reproduced hereunder;



53. As evident from the screenshots reproduced hereinbefore, the exterior body of the contract carriages, which are painted in white colour, are wrapped with graphic stickers, openly flouting the law laid down by this Court in **Jijith [2019 (1) KHC 463]** and reiterated in the subsequent decisions. Therefore, it is evident that, as pointed by the learned Special Government

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Pleader, most of the contract carriages were produced for testing for grant of certificate of fitness, without graphic stickers, unauthorized fittings, etc. After obtaining certificate of fitness, such vehicles are being used in public place, flouting the safety standards and other norms, after affixing graphic stickers, unauthorised lights, etc.

54. In view of the law laid down in **Jijith [2019 (1) KHC 463]**, **Saji K.M. [2019 (3) KHC 836]**, etc., which we have reiterated in the order dated 10.01.2022 [**2022 SCC OnLine Ker 1105**] and the order dated 26.05.2022 [**2022 SCC OnLine Ker 2906**] plying of transport vehicles on public place with figures or writings, graphics, etc. exhibited on the bus body and safety glass with an object to invite public attention and to promote the contract or stage carriage service of the operator, is legally impermissible. Even before the introduction of uniform colour code for contract carriages by the State Transport Authority, which is now under challenge in W.P.(C)No.32719 of 2022, plying of transport vehicles on public place with figures or writings, graphics, etc. exhibited on the bus body and safety glass is legally impermissible, in view of the prohibition contained in the judgment in **Jijith [2019 (1) KHC 463]**, and such vehicles 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. In that view of the matter, we find no merit in the argument of the learned counsel for

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additional respondents 8 and 9 and also the learned counsel for additional respondents 10 to 12 that, the Tourist Bus Operators in the State can use their contract carriages with figures or writings, graphics, etc. exhibited on the bus body and safety glass in case time is granted to comply with the requirements of the uniform colour code.

55. In the order dated 10.10.2022, we have reproduced a photograph that appeared in the Hindu daily dated 08.10.2022 of the employees giving final touches to a KSRTC bus for jungle safari from KSRTC Bus Depot at Sulthan Bathery to Ponkuzhy on the Kerala-Karnataka boarder through Kozhikode-Kollengal NH-766, which passes through the Wayanad Wildlife Sanctuary. The said photograph is reproduced hereunder;



56. In **Saji K.M. [2019 (3) KHC 836]** this Court held that the law laid down by this Court in **Jijith [2019 (1) KHC 463]** is equally applicable in

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the case of transport vehicles owned/operated by KSRTC and KURTC. While approving the matter intended to be exhibited on a transport vehicle operated by KSRTC or KURTC, in exercise of the powers under Rule 191 of the Kerala Motor Vehicles Rules, subject to the conditions, if any, laid down by the State Government under the first proviso to sub-rule (1) of Rule 191, the competent authority shall ensure that it does not cause distraction to the drivers of other vehicles and also cyclists and pedestrians on public road. No approval shall be granted for exhibition of any advertisements, writings, figures, graphics, etc. on the body of a transport vehicle owned/operated by KSRTC or KURTC, at places intended for exhibiting the name and address of the operator as per clause (g) of Section 84 of the Motor Vehicles Act; the particulars enumerated in clauses (a) to (g) of Rule 93 of the Kerala Motor Vehicles Rules; the reflectors and reflective tapes as per Rule 104 of the Central Motor Vehicles Rules. Similarly, in view of the provisions under Rule 100 of the Central Motor Vehicles Rules and the law laid down by the Apex Court in **Avishek Goenka's case [(2012) 5 SCC 321]** and **Avishek Goenka (2) [(2012) 8 SCC 441]**, tampering with the percentage of visual transmission of light of the safety glass of the windscreen, rear window and side windows of transport vehicles owned/operated by KSRTC or KURTC, either by pasting any material upon the safety glass or by fixing sliding 'cloth curtains', etc. are legally impermissible. No approval under Rule 191 of the Kerala Motor Vehicles Rules, shall be

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granted for exhibition of any advertisements, writings, figures, graphics, etc. on the safety glasses of such transport vehicles, which shall always be maintained 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.

57. In **Saji K.M. [2019 (3) KHC 836]** this Court noticed that the provisions under 'Policy on Roadside Advertisements' formulated by the Indian Road Congress, vide IRC:46-1972 was introduced when it was noticed that advertisement can often distract the attention of drivers of motor vehicles and in that case a public hazard or nuisance. They may also obstruct the view of the drivers of fast moving vehicles and are then a public danger. Para.2 of IRC:46-1972 deals with advertisement control; Para.3 deals with principles on advertisement control; etc. The Ministry of Road Transport and Highways vide Circular No.RW/NH-33044/35/2001/S&R(R) dated 16.05.2002 has made it clear that no advertisement hoardings are permitted on National Highways within the Right of Way (ROW) except informatory signs of public interest such as hospitals, bus stations, etc. or advertisement of temporary nature announcing local events such as Mela, Flower Show, etc. Besides, IRC:46-1972 titled 'A Policy on Roadside Advertisements' published in 1972 should also be referred for comprehensive guidelines on advertisement control on National Highways.

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58. In **Saji K.M. [2019 (3) KHC 836]** this Court noticed that the Ministry of Road Transport and Highways in its letter No.F.No.RW/NH-33044/18/ 2016/S&R(R) dated 07.09.2016 noticed that despite the Ministry's policy of not allowing roadside advertisements, hoardings on National Highways, which cause distraction and is also one of the causes of accidents on National Highways, advertisement hoardings have generally been noticed along the National Highways. Therefore, it was decided that the Regional Officers/Engineering Liasoning Officers within their jurisdiction shall inspect the National Highways by prioritising heavily traffic National Highways and other National Highways in stages and submit inspection reports to the Ministry for further necessary action, along with their monthly reports. However, reports from the Regional Officers/Engineering Liasoning Officers are not being received by the Ministry and therefore, the Ministry vide letter dated 07.09.2016 directed all the implementing agencies and Regional Officers/Engineering Liasoning Officers to do joint inspection of all National Highways within their jurisdiction and sent a consolidated report regarding advertisement hoardings to the Ministry for further necessary action. A copy of the said letter is addressed to all Engineers-in-Chief and Chief Engineers of Public Works Departments of State/Union Territories dealing with National Highways and other Centrally Sponsored Schemes.

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59. In **Saji K.M. [2019 (3) KHC 836]**, after taking note of the provisions under 'Policy on Roadside Advertisements' formulated by the Indian Road Congress, vide IRC:46-1972, the circular and letter issued by the Ministry of Road Transport and Highways and also the provisions under the Motor Vehicles Act and the Rules made thereunder, this Court held that, since transport vehicles owned/operated by KSRTC and KURTC are regularly plying on National Highways, such vehicles shall not be permitted to exhibit any advertisements which are likely to distract the attention of other drivers. Earning of additional income by KSRTC or KURTC by the display of advertisements on their transport vehicles, under Rule 191 of the Kerala Motor Vehicles Rules, should not be at the cost of public safety.

60. In **Saji K.M. [2019 (3) KHC 836]** this Court held that, as per the mandate of 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 of the said Rules (which deals with construction, equipment and maintenance of motor vehicles). Therefore, the Enforcement Officers in the Motor Vehicles Department and also the Police have to take necessary action against the vehicles owned/operated by KSRTC and KURTC which are 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 of such vehicles,

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either by pasting any material upon the safety glass or by fixing sliding 'cloth curtains', etc. Action shall also be taken for exhibiting advertisements, figures, etc. causing distraction to the drivers of other vehicles and also cyclists and pedestrians on public road. In the said decision, this Court held further that, in view of the provisions under sub-rule (1) of Rule 92 of the Central Motor Vehicles Rules, the law laid down by the Apex Court in **Avishek Goenka's case [(2012) 5 SCC 321]** and **Avishek Goenka (2) [(2012) 8 SCC 441]**, and also the law laid down by this Court in **Jijith [2019 (1) KHC 463]** no motor vehicle, including a Government vehicle, shall be allowed to be used in any public place, after tampering with the percentage of visual transmission of light of the safety glass of the windscreen, rear window and side windows, either by pasting any material upon the safety glass or by fixing sliding 'cloth curtains', etc. As per the mandate of sub-rule (2) of Rule 100 of the Central Motor Vehicles Rules, the safety glass of the windscreen and rear window of every motor vehicle shall always be maintained in such a condition that the visual transmission of light is not less than 70% and that of the safety glass used for side windows is not less than 50%.

61. After taking note of the provisions under 'Policy on Roadside Advertisements' formulated by the Indian Road Congress, vide IRC:46-1972, the circular and letter issued by the Ministry of Road Transport and Highways and also the provisions under the Motor Vehicles Act and the Rules made

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thereunder, this Court held in **Saji K.M. [2019 (3) KHC 836]** that, since transport vehicles owned/operated by KSRTC and KURTC are regularly plying on National Highways, such vehicles shall not be permitted to exhibit any advertisements which are likely to distract the attention of other drivers. A screenshot of a transport vehicle owned/operated by KURTC is reproduced hereunder;



62. As held by this Court in **Saji K.M. [2019 (3) KHC 836]**, while approving the matter intended to be exhibited on a transport vehicle operated by KSRTC or KURTC, in exercise of the powers under Rule 191 of the Kerala Motor Vehicles Rules, subject to the conditions, if any, laid down by the State Government under the first proviso to sub-rule (1) of Rule 191, the competent authority shall ensure that it does not cause distraction to the drivers of other vehicles and also cyclists and pedestrians on public road. No approval shall be

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granted for exhibition of any advertisements, writings, figures, graphics, etc. on the body of a transport vehicle owned/operated by KSRTC or KURTC, at places intended for exhibiting the name and address of the operator as per clause (g) of Section 84 of the Motor Vehicles Act; the particulars enumerated in clauses (a) to (g) of Rule 93 of the Kerala Motor Vehicles Rules; the reflectors and reflective tapes as per Rule 104 of the Central Motor Vehicles Rules. Similarly, in view of the provisions under Rule 100 of the Central Motor Vehicles Rules and the law laid down by the Apex Court in **Avishek Goenka's case [(2012) 5 SCC 321]** and **Avishek Goenka (2) [(2012) 8 SCC 441]**, tampering with the percentage of visual transmission of light of the safety glass of the windscreen, rear window and side windows of transport vehicles owned/operated by KSRTC or KURTC, either by pasting any material upon the safety glass or by fixing sliding 'cloth curtains', etc. are legally impermissible. No approval under Rule 191 of the Kerala Motor Vehicles Rules, shall be granted for exhibition of any advertisements, writings, figures, graphics, etc. on the safety glasses of such transport vehicles, which shall always be maintained 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.

63. In the order dated 01.08.2022 in D.B.P.No.36 of 2022, we have ordered that depending upon the number of pilgrims, KSRTC shall provide

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additional buses for Nilakkal-Pamba chain service for Sabarimala pilgrims, in order to ensure that the number of passengers carried on each vehicle does not exceed the permitted passenger capacity (including standing capacity, if any). In the said order, we have made it clear that, the use of any transport vehicle, which does not comply with the provisions of Chapter V of the Central Motor Vehicles Rules, is posing potential threat to the safety of the passengers and other road users. The directions contained in our order dated 10.01.2022 in SSCR No.20 of 2021 **[2022 SCC OnLine Ker 1105]** have to be complied with by KSRTC/KURTC, while operating their services, in order to ensure the safety of the passengers and other road users. The Enforcement Officers in the Motor Vehicles Department and the Police shall take stern action against the operation of any transport vehicle by KSRTC/KURTC flouting the statutory provisions referred to hereinbefore and also the law laid down in the decisions referred to supra.

64. Therefore, the Enforcement Officers in the Motor Vehicles Department and also the Police have to take necessary action against the vehicles owned/operated by KSRTC and KURTC which are 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 of such vehicles, either by pasting any material upon the safety glass or by fixing sliding 'cloth curtains', etc. Action shall also be taken for exhibiting advertisements, figures,

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etc. causing distraction to the drivers of other vehicles and also cyclists and pedestrians on public road, flouting the statutory provisions referred to hereinbefore and also the directions contained in the judgment of this Court in **Saji K.M. [2019 (3) KHC 836]**.

65. The learned Special Government Pleader has made available for the perusal of this Court a report dated 13.10.2022 of the Transport Commissioner addressed to the learned Advocate General. The learned Senior Government Pleader has made available for the perusal of this Court letters dated 07.10.2022 and 13.10.2022 of the State Police Chief addressed to the Inspector General of Police and Commissioner of Police, Thiruvananthapuram, City, Kochi City and also all District Police Chiefs. The learned Special Government Pleader and also the learned Senior Government Pleader would submit that the Enforcement Officers in the Motor Vehicles Department and also Police are taking earnest efforts to see that the directions contained in the orders of this Court are implemented in letter and spirit by all concerned and that no contract carriage or other transport vehicle or any motor vehicle is used in public place, flouting the statutory requirements, safety standards and also the standards regarding control of noise. The learned Special Government Pleader would submit that a three-tier system has been evolved by the Motor Vehicles Department for detecting such violations by contract carriages, stage carriages and other motor vehicles. A large number of

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vehicles have already been intercepted and booked for flouting the statutory requirements. The fitness certificates of contract carriages and stage carriages have been cancelled and the driving licence of the drivers of such vehicles have been cancelled/suspended. The certificate of registration of five vehicles have been cancelled. The learned Special Government Pleader and also the learned Senior Government Pleader would submit that, individual affidavits of the State Police Chief and also the Transport Commissioner shall be placed on record within three weeks', explaining in detail the actions already taken to ensure strict compliance of the orders of this Court.

66. During the course of arguments, the learned Deputy Solicitor General of India has referred to the provisions under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. The learned Deputy Solicitor General of India seeks time to get instructions from the Ministry of Road Transport and Highways and the Ministry of Electronics and Information Technology on the above aspect. The learned Deputy Solicitor General of India seeks time to get instructions from the Ministry and Ministry of Road Transport and Highways as to whether 'the roadworthiness' of vehicles imported through 'Carnet', i.e., such vehicles are fitted with unauthorised fittings or whether there is alternations to the original specifications by the manufacturer are being verified through a proper agency or the concerned Enforcement Officers in the Motor Vehicles Department

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before such vehicles leave the area of the respective Ports. The learned Deputy Solicitor General of India shall also get from the concerned Ministry/ officer, the details of vehicles brought to Kerala through 'Carnet'.

67. In paragraph 53 of this order, we found that there is no merits in the argument of the learned counsel for additional respondents 8 and 9 and also the learned counsel for additional respondents 10 to 12 that, the Tourist Bus Operators in the State can use their contract carriages with figures or writings, graphics, etc. exhibited on the bus body and safety glass in case time is granted to comply with the requirements of the uniform colour code. In view of the law laid down in **Jijith [2019 (1) KHC 463]**, **Saji K.M. [2019 (3) KHC 836]**, etc., which we have reiterated in the order dated 10.01.2022 **[2022 SCC OnLine Ker 1105]** and the order dated 26.05.2022 **[2022 SCC OnLine Ker 2906]** plying of transport vehicles on public place with figures or writings, graphics, etc. exhibited on the bus body and safety glass with an object to invite public attention and to promote the contract or stage carriage service of the operator, is legally impermissible. As already noticed, even before the introduction of uniform colour code for contract carriages by the State Transport Authority, which is now under challenge in W.P.(C)No.32719 of 2022, plying of transport vehicles on public place with figures or writings, graphics, etc. exhibited on the bus body and safety glass is legally impermissible, in view of the prohibition contained in the judgment in **Jijith**

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[2019 (1) KHC 463], and such vehicles 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.

68. Registry shall keep the video contents and screenshots referred to hereinbefore in a compact disc, in the Judges papers, a copy of which shall be handed over to the Deputy Solicitor General of India, learned Special Government Pleader, the learned Senior Government Pleader for taking necessary action, in terms of the directions contained hereinbefore.

List this matter for further consideration on **20.10.2022** at **2.00 pm**.



Sd/-

**ANIL K. NARENDRAN
JUDGE**

Sd/-

**P.G. AJITHKUMAR
JUDGE**

bkn/-