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The Gazette of Puducherry

PART - II

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GOVERNMENT OF PUDUCHERRY TRANSPORT SECRETARIAT

[G.O. Ms. No. 18/2009/Sectt.(Tr.), dated 16th December 2009]

NOTIFICATION

In exercise of the powers conferred by sections 96, 159, 201 and 207 of Motor Vehicles Act, 1988 (Central Act 59 of 1988), the Lieutenant-Governor, Puducherry hereby makes the following amendment to the Puducherry Motor Vehicles Rules, 1989, the draft of the same having been pre-published in the notification issued in G.O. Ms. No. 33/2008/Sectt. (Tr.), dated the 16th December, 2008 of the Transport Secretariat, Puducherry and published in the Extraordinary Gazette Part-II, No. 43, dated the 16th December, 2008 as required under sub-section (1) of section 212 of the said Act and no objections and suggestions having been received in response thereto, namely:—

AMENDMENT

1. *Short title and commencement.*— (1) These rules may be called the Puducherry Motor Vehicles (Amendment) Rules, 2009.

(2) They shall come into force on and from the date of their publication in the official gazette.

2. In the Puducherry Motor Vehicles Rules, 1989, after Chapter-VIII and the rules relating thereto, the following new Chapters IX, X and XI and the rules relating thereto shall be added, namely:—

CHAPTER -IX

INSURANCE OF MOTOR VEHICLES AGAINST THIRD PARTY RISK

242. (1) No owner of a motor vehicle when applying whether by payment of a tax or otherwise, for authority to use the vehicle in a public place shall be allowed to do so, unless he produces along with such application a valid certificate of insurance, duly complying with the requirements of Chapter-XI of the Act:

Provided that the owner of a vehicle exempted under sub-section (3) of section 146 of the Act shall forward *in lieu of* the certificate of insurance, the certificate described in rule 148 of the Central Motor Vehicles Rules, 1989.

CHAPTER -X

OFFENCES, PENALTIES AND PROCEDURE

243. (1) Any motor vehicle detained under section 207 of the Act shall be handed over to the Station House Officer in charge of the nearest Police Station and such Police Officer shall keep the vehicle under safe custody until such time such officer receives an order for release of the vehicle from the officer authorised for the said purpose.

(2) The Regional Transport Officer in whose jurisdiction a motor vehicle is seized and detained shall be the officer authorised to order the release of the vehicle under sub-section (2) of section 207 of the Act.

(3) Any Police Officer in uniform and not below the rank of a Sub-Inspector of Police is authorised to recover penalties and touring charges imposed under section 201 of the Act.

CHAPTER- XI

MISCELLANEOUS

244. *Refund of fees.*— Subject to the provisions of rules 245 and 246, the Registering Authority or the Licensing Authority or the Secretary to the State Transport Authority as the case may be may on an application sanction the refund of—

(i) the full fee paid, where the certificate or licence applied for is refused or the application for the certificate or licence is cancelled, or withdrawn by the application before the certificate, licence, or badge as the case may be, is actually issued and the transaction completed;

(ii) the excess, where the amount is paid is in excess of the prescribed fee;

(iii) the full fee paid, where the fee was paid by mistake;

(iv) the full fee paid where the application is returned without passing any order on the application for which the fee was paid with advice to apply to the appropriate authority or to make the application at the time of calling for the application;

(v) the full fee paid, where the fee was paid for the grant of an agent's licence under rule 116, if such a licence is refused:

Provided that if the licence granted or renewal is surrendered within one year from the date on which the grant or renewal of licence takes effect then fifty per cent. of the fee paid may be refunded; and

(vi) the excess of the compounding fee paid, where the fee was reduced by the Appellate Authority, Revisional Authority or by the court.

245. *No refund after inspection.*— No refund of fee for a certificate of fitness shall be made when the inspection of the vehicle in respect of which the certificate was applied for has been carried out.

246. *Time for application for refund.*— (1) No refund of fee shall be made if the application for such refund is not made within three months from the date of receipt, by the applicant of the order specified in clauses (i), (v) and (vi) of rule 244:

(1) Provided that where the orders specified in clauses (i), (iv) and (v) are taken on appeal or revision or to the court, the application for refund shall be made within three months from the date of receipt by the applicant of the order of the appellate authority, revisional authority or the court, as the case may be.

(2) No refund of fee specified in clause (ii) or clause (iii) of rule 244 shall be made if the application for such refund is not made within six months from the date of the credit of the fee to the Government account:

Provided that in respect of those applicants whose applications were rejected prior to the commencement of rules 242 to 251, no refund of fee shall be made if the applications for such refund is not made within three months from the date of such commencement.

(3) **Refund-appeal, revision of fees.**— Subject to the provisions of rule 244 and sub-rules (1) and (2) of the Puducherry Motor Vehicles Rules, 1989, in the case of applications rejected or refused as aforementioned, the Secretary to Government (Transport) shall be the authority competent to entertain an appeal against such orders of rejection:

Provided that such appeal shall be made by the applicant within thirty days from the date of receipt of the orders of the authority specified in rule 244.

247. *Transport Department Officers.*— For the purpose of section 213, the Transport Commissioner shall be the Head of the Transport Department, the Deputy Transport Commissioner shall be the Assistant Secretary to the State Transport Authority and the Regional Transport Officer shall be the Additional-Registering Authority / Additional Licensing Authority and Assistant Secretary to State Transport Authority and the Motor Vehicles Inspectors

and the Assistant Motor Vehicles Inspectors shall exercise their powers and functions as Assistant Registering Authorities and Assistant Licensing Authorities under the Act and Rules and also perform the duties as may be assigned to them from time to time by notification issued thereunder in the official gazette.

248. *Uniform.*— The uniform to be worn by Motor Vehicles Inspector and Assistant Motor Vehicles Inspector shall be as follows:-

(i) **Peak cap.**— Khaki peak cap with brown leather strap and two white metal buttons with Puducherry Emblem in the centre and the letters 'TD' on either side. The crown shall be with National Emblem and inscription 'Transport Department'.

(ii) **Khaki shirt.**— The shirt shall be of half sleeves provided with two chest pockets width 13.97 cms. and length 16.51 cms. with closing flaps of 6.35 cms. with shoulder flaps with metal button at one end and nickel plated letters 'TD' at the other end.

(iii) **Stars.**— Four edged white knurled metal to be worn on the shoulder flaps of the shirt. Two stars for Assistant Motor Vehicles Inspectors and three stars for Motor Vehicles Inspectors.

(iv) **Belt.**— It shall be of leather with a width of 6 cms. and of brown colour. The buckle for the belt shall be chromium plated one of size 6 cms. width and 8 cms. length with monogram at the centre of the buckle as the one fixed in the peak cap.

(v) **Khaki full pant.**— Without fold with two side pockets and one hip pocket.

(vi) **Lanyard.**— Khaki whistle card for Motor Vehicles Inspectors and Assistant Motor Vehicles Inspectors.

(vii) **Khaki socks with brown shoes.**

249. *Conferment of powers.*— The powers exercisable by a Police Officer under the Act shall also be exercisable by an inspecting officer of the Transport Department.

250. The powers exercisable by a Motor Vehicles Inspector under these rules or the notifications issued under the Act shall also be exercisable by the Assistant Motor Vehicles Inspectors according to the duties assigned to them from time to time.

251. *Mode of dispatch of documents.*— Driving Licence, Conductor Licence, Registration Certificate, Permit or any other documents shall be handed over to the applicant concerned in person under proper acknowledgment.

The applicant may also authorise any person to receive the documents on his behalf, subject to production of an authorisation letter with court fees stamp to the value of Rs. 2 affixed.

Any person desirous of getting such documents by registered post with acknowledgment due may enclose along with the application a self-addressed envelope sufficiently stamped.

(By order of the Lieutenant-Governor)

T. KARIKALAN,
Transport Commissioner-cum-
Additional Secretary to Government (Tr).

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