

C1/11664/TC/2014

Transport Commissionerate, Keralam
Trans Towers, Thiruvananthapuram
Dated: 26-06-2014

CIRCULAR No. 05/2014

Sub: Motor Vehicles Department-Alteration in motor vehicle-Direction-Reg
Ref: Nil

Attention is invited to the above subject. Section 52 of the Motor Vehicles Act 1988 reads that no owner of a motor vehicle shall alter the vehicle that the particulars contained in the certificate of registration are at variance with those originally specified by the manufacturer.

Even though Section 52 does not squarely ban the alteration in a motor vehicle there are confusions among the authorities as well as the public about the scope of this Section. The proviso under Section 52 of the Motor Vehicles Act explains the ground under which alteration can be made in a vehicle. The Central Government, the State Government and the Registering Authority are authorized to permit alteration like engine alteration, alteration of type of fuel using approved kit and alteration of vehicle to be used by differently abled persons, etc. subject to certain conditions.

An alteration which involves change in the structure of a vehicle which results in change in its basic feature cannot be effected without approval from Government of India. For example alteration of a goods vehicle as a passenger vehicle and vice versa normally involves change in the structure and basic feature of the proto types tested. But alteration of type of body from 'open' to 'closed' or 'platform' does not involve a change in the structure or basic feature. When a body is built on a chassis which is tested for proto type, the body is inspected and certified for registration by the registering authority. Hence the registering authority is competent to permit such alterations in the body and enter in the certificate of registration.

Similarly alteration in seat can be permitted by the registering authority. In a vehicle, the proto type of which is tested and approved for a particular seating capacity, the seating capacity shall not be reduced. But the same can be increased or type of seat can be altered subject to compliance of Chapter V and the rules made thereunder. The reduction of revenue is a valid ground to reject the application for alteration of the vehicle (Gopalakrishnan Vs Regional Transport Officer, Alappuzha (1997 (1)KLT 386). For example when a vehicle with seating capacity 13 in all with pushback seats is to be altered with ordinary seats it may be permitted to fit more seats according to the space available, if the alteration complies with the provisions of the act and rules, as there is no revenue loss. While permitting such alteration in seats, Rule 267, 268, 269 and 270 of the Kerala Motor Vehicles Rules, 1989 shall be complied.

According to the Hon'ble High Court, alteration of a motor vehicle is permissible under Section 52 of the Motor Vehicles Act, 1988 and the vehicle has to be inspected by competent authority and certified that the alteration is effected satisfactorily and the vehicle is fit to be used in public place (Justin Joseph Vs ARA 2012(4) KLT 238). Hence all Registering Authorities and Additional Registering Authorities are directed to permit alteration in vehicle, which does not include alteration in basic feature of approved prototype, subject to compliance of Chapter V and the rules made there under.


Sd/-

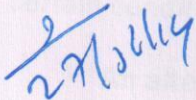
Transport Commissioner (In charge)

To

All Deputy Transport Commissioners
All Regional Transport Officers
All Joint Regional Transport Officers

Approved for issue


Joint Transport Commissioner
(Enforcement)


27/11/14