

CIRCULAR NO. 07/2007

Sub : - M.Vs.Dept. Banning of Digital Air Horns - Enforcement of Rule 119 (2) of Central Motor Vehicles Rules, 1989 - Reg.

Ref : - 1. Circular No.19/2003 dated 25.04.2003 of Transport Commissioner, Thiruvananthapuram.
2. Judgment of Hon'ble High Court dated 06.04.2005 in W.A No.2062/2003 and 76/2004 and WP (C) No. 27842/2004(S) and 35877/2004.

The Hon'ble High Court in the above Judgment has considered various provisions of the Motor Vehicles Act as well as the provisions of the Environment (Protection) Act 1986 and the Noise Pollution (Regulation and Control) Rules, 2000 and passed orders that the manufacturer can install only electric horns and other fittings in the vehicle in conformity with the requirements of IS 1884:1993. Also the judgement has observed that Air Horn is not legally permitted by the Motor Vehicles Rules.

In the circumstances, in supersession of the Circular No. 19/2003, the following clarifications and directions are issued:

1. As per Rule 119(1) of the Central Motor Vehicles Rules, 1989, the vehicle shall be fitted with an electric horn or other devices conforming to the requirements of IS 1884 - 1992 specified by Bureau of Indian Standards. The Rule 119(2) of Central Motor Vehicles Rules also envisage that no motor vehicle including agricultural tractor shall be fitted with any multi-toned horn giving a succession of different notes or with any other sound producing devices giving an unduly harsh, shrill, loud or alarming noise.
2. In the judgment dated 06-04-2005 in W.A.2062/03 the Hon'ble High Court has clarified that the specifications published by the Bureau of Indian Standards (Third Revision) related to the Electric Horn in Automotive vehicles is IS 1884-1993 and the specification mentioned in the Central Motor Vehicles Rules. 1989 as IS 1884-1992 was a drafting error in the Rule.
3. The Hon'ble High Court also held that the Electric Horns and the Air Horns are conceptionally different and the using of Air Horn is not legally permitted by Motor Vehicles Rules. The manufacturer can install only electric horn and other fitting in the vehicles in conformity with the requirement of IS 1884-1993.
4. The permitted level of sound of Horn in different classes of vehicles as per Amendment No1 dated May,1994 in the IS 1884 : 1993 are given below:
 - (a) Mopeds, Scooter and Motor Cycles - 85 dB
Employing magneto system

- (b) Two and Three Wheelers using Storage Battery. - 90 dB
- (c) Passenger Cars and commercial Vehicles employing do system - 100 dB
- (d) Passenger cars and commercial Vehicles having do horns of wind tone - 105 dB

Therefore, all officers concerned are hereby directed to take stringent action against the vehicle owners who violate the above guidelines. In doubtful cases, when the noise level seems to exceed in the prescribed ones, all inspecting officers are directed to use the equipment available with the Regional Officers of the Pollution Control Board to test the noise level or insist for production of certificate issued by the manufacturer to the effect that the noise level is as per the norms fixed above. Further proceedings of the offence detected may be dealt with as per the provisions in sub section 2 of section 190 read with section 200 of Motor Vehicles Act, 1988 and subsequent notifications in this regard. Officers are directed to see that air horns fitted on the vehicles are removed then and there whenever detected

Sd/-
Transport Commissioner.