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C1/5527/TC/2009
Transport Commissionerate, Kerala
Trans Towers, Thiruvananthapuram
Dated: 24/07/2009

From
The Transport Commissioner
Thiruvananthapuram

To
All Deputy Transport Commissioners
All Regional Transport Officers and
All Joint Regional Transport Officers

Sir,

Sub: Motor Vehicles Department-Adopting the stipulated colour code Under Rule 334 of KMVR-Directions issued-Reg
Ref: 1. Judgment of Hon'ble High Court in WP(C) No.13440/2009 Dated 26/06/2009
2. Order No.C1/5527/TC/2009 dated 23/05/2009 of the Additional Transport Commissioner, Kerala

Your attention is invited to the above references cited. Rule 90 of the Central Motor Vehicles Rule prescribe that the body of goods carriages carrying dangerous or hazardous goods shall be painted in white colour with dry brown leaf ribbon of 5 cm width around the middle at the exterior and that of the driver's cabin in orange colour. Rule 304 of the Kerala Motor Vehicles Rule 1989 also prescribe the same colour code for goods carriages for carrying dangerous or hazardous goods.

The public sector oil marketing companies had applied before the State Government for using color code of their own in the vehicle owned by them. The State Government had granted exemption from complying with Rule 304 under rule 334 of Kerala Motor Vehicles Act. Later the Government revoked the order since the colour code prescribed under Rule 90 of Central Motor Vehicles Rules 1989 is intended for easy identification and better visibility of the vehicles carrying dangerous or hazardous goods to ensure road safety. Against this Thrissur District Petroleum Dealers Association and All Kerala Tanker Lorry Operator's

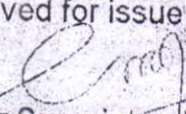
Association had filed a Writ Petition before the Hon'ble High Court of Kerala in which the Hon'ble Court had given judgment vide reference (1) cited. In the judgment it is stated that the Government which has the power to grant exemption also has the power to withdraw the exemption. The Hon'ble Court have also ordered that the third respondent in the case, ie HPCL should be given 3 months time from the dated of judgment to adopt the colour code stipulated under Rule 304 of the Motor Vehicles Rules. In these circumstances you are strictly directed to adhere the judgment of the Hon'ble Court. It is hereby directed that no services should be rendered to those vehicles which have not adopted the color code within the time as stipulated in the judgment. It is also directed to forward the details of the vehicle in your jurisdiction which have not adopted the color code as specified under Rule 304 of Kerala Motor Vehicles Rules

Yours faithfully

Sd/-

Senior DTC (Taxation)
For Transport Commissioner

Approved for issue


Senior Superintendent

5/11/09
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