

No.C1/18395/TC/2000

Transport Commissionerate
Kerala, Thiruvananthapuram
Dated: 09.08.2006.

From

The Transport Commissioner.
Thiruvananthapuram.

To

All Deputy Transport Commissioners,
All Regional Transport Officers
All Joint Regional Transport Officer.

Sir,

Sub: - Motor Vehicles Department-Fitment of speed Governor in all stage carriages and Heavy Transport Vehicles Instructions issued.

Ref: - (1) GO (P)No.06/2006/Tran. Dated 13.01.2006.
(2) GO (P) No.42/2006/Tran. Dated 29.07.2006.

In compliance with the Judgment dated 24.09.2002 in OP No.34466/2000 of Honorable High Court of Kerala the Government of Kerala had notified GO (P) No.20/03/Tran. Dated 16.04.2003 published as SRO No.340/2003 prescribing that all Stage Carriages and Heavy Transport Vehicles be fitted with a speed governor (speed controlling device) with effect from 01.09.2003 under sub rule (1) Rule 118 of central motor vehicles rules 1989.

When the said notification was not implemented in time the Honorable High Court in CCC No.1422/2003 had directed the State to comply with the provisions on speed Governor as notified earlier by 29.02.2004.

The Honorable Supreme court of India in its order dated 10.02.2005 in SLP No.4186/2004 filed by Government had granted extension of time up to 30th September 2005 for implementation of the order of the Honorable High Court.

Thus the notification published as SRO No.340/2003 had been implemented in the state with effect from 01.10.2005. But the Government had to rescind the notification issued as GO (P)No.20/03/Tran dated 16.04.2003 by notification GO (P)No.29/2005/Tran dated 15.10.2005 due to circumstances which affected the very economy of the State.

Later Government of Kerala made fitment of speed governor in all types of tipper Lorries (except 3 wheelers) mandatory vide GO (P) No.05/2006/Tran. Dated 13.01.2006. However, the Honorable Supreme Court has initiated suo moto proceedings as CC No.139/2006 in SLP 4186/2004 for not complying with its direction to implement the speed governor before 30th September 2005.

Now the Honorable Supreme Court has granted time for three month to implement the speed governor. Hence the Government of Kerala has now issued re-notification making fitment of speed governor mandatory for all Stage Carriages and

Heavy Transport Vehicles vide GO(P) No.42/2006/Tran. Dated 29.07.2006 published as SRO No.568/06.

In the circumstances, the following directions are issued again for strict implementation of rule 118 (1) of CMV Rules 1989.

1. All Stage Carriages and Heavy Transport Vehicles hence forth shall be fitted with Speed Governor.
2. All services to Stage Carriages and Heavy Transport Vehicles shall be rendered only if they are fitted with Speed Governor.
3. The rule will be applicable to vehicles registered in other states entering the state of Kerala also. Motor Vehicle Inspector in charge of check posts will ensure that Stage Carriages and Heavy Transport Vehicles entering the state are fitted with speed governor set at the prescribed speed and sealed. A certificate to the effect shall be issued from check posts while allowing entry in to the state.
4. The Regional Transport Officers/Joint Regional Transport Officers shall insist for an application in plain paper along with purchase bill showing the identification number and brand of the equipment. The inspecting officer shall verify, ensure and certify that,
 - (a) The identification number and brand name tally with the equipment fitted on the vehicle.
 - (b) The equipment is set at the prescribed speed and that is sealed properly.
 - (c) The equipment fitted is approved by any of the testing agencies specified in Rule 126 of the CMV rules for the make and model of vehicle.
 - (d) The Registering/Additional Registering Authorities shall record the Identification number make and model of the speed governor in the Registration Certificate and 'B' Register.

It will be the personal responsibility of all Regional Transport Officers and Joint Regional Transport Officers to ensure compliance with the above directions strictly without any laxity. The progress of action taken should be reported to this office.

Yours faithfully,
Sd/-
Transport Commissioner.