

CI-18395/TC/2000.

Transport Commissionerate,
Kerala, Thiruvananthapuram,
Dated: -3-2005.

From

The Transport Commissioner,
Thiruvananthapuram.

To

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

Sir,

Sub: - M.Vs.Dept - Installation of Speed Governors In all Stage Carriage, Heavy Contract Carriages, Heavy Goods Carriages Instruction-issued - Reg.

Ref: - 1. Judgement No.4183/2004 of Hon'ble Supreme Court
2. This office letter No.CI/18395/TC/2000 dated 01.12.2004.

In continuation of this Office direction issued on 1.12.2004, the following directions are also issued so as to comply with the Supreme Court Judgment in the reference 1st cited for strict implementation of Rule 118(1) of CMV Rules.

Extract of the relevant rules are furnished below:

- (1) On and from the commencement of this rule, such transport vehicles as may be notified by the State Government in the Official Gazette shall be fitted by the operator of such transport vehicle with a speed governor (speed-controlling device) conforming to the Indian Standards AIS 018 as amended from time to time in such a manner that the speed governor can be sealed with an official seal of the State Transport Authority or a Regional Transport Authority in such a way that it cannot be removed or tampered with without the seal being broken.
- (2) The speed Governor of every transport vehicle shall be so set that the vehicle is incapable of being driven at a speed in excess of the maximum pre-set speed down an incline.

The Hon'ble Supreme Court has dismissed the appeal petition challenging the order of the Hon'ble High Court insisting on the fitment of Speed Governor and granted extension of time for implementing the order of the Hon'ble High Court till 30-9-2005. The Department have to procure the equipments for checking the set speed and sealing the device. Under the circumstances, it is decided to implement the order in a phased manner in order to avoid discrimination among same class of vehicles and hardship due to non-availability of sufficient quantity of equipments in the market.

The time frame for fitment of Speed Governors in different categories of vehicles is as follows:

- (a) All existing Heavy Goods Vehicles to be fitted with Speed Governor before 30.6.2005.
- (b) All existing Heavy Contract Carriage Vehicles and Tourist Vehicles before 31.7.05.

- (c) All existing Other Heavy Passenger Vehicles, before 31.8.2005.
- (d) All existing Stage Carriages before 30.9.2005.
- (e) New vehicles in the above mentioned categories will be given the Registration Certificate and Certificate of Fitness only if they are fitted with Speed Governor with effect from 01-07-2005.
- (f) However any services to Stage Carriages and Heavy Transport Vehicles will be rendered only if they are fitted with Speed Governor with effect from 1.7.05.
- (g) The above restrictions will be applicable to vehicles registered in other States also while entering the State of Kerala. Motor Vehicles Inspectors in charge of Check Posts will ensure that Stage Carriages and Heavy Transport Vehicles enter into the State or any services rendered from Check Posts only if such vehicles are fitted with speed Governor set at the prescribed speed and sealed. A certificate to this effect shall be issued from Check Posts when allowing into the State.
- (h) The Regional Transport Officers and Joint Regional Transport Officers shall insist for an application in plain paper along with attested copy of the purchase bill showing the identification number and brand of the equipment.
- (i) The Inspecting officer shall verify, ensure, and certify that
 - (1) The identification number and brand name tally with the equipment fitted on the vehicle.
 - (2) The equipment is set at the prescribed speed and that it is sealed properly.
 - (3) 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 the vehicle.
- (j) The Registering Authorities shall record the identification number, make and model of the Speed Governor in the Registration Certificate and in the 'B' Register.

Sufficient numbers of equipments for calibrating and sealing the Speed Governors are being procured by the department and will be supplied to all the Regional Transport Offices, Sub Regional Transport Offices and Check Posts before 30-6-2005.

It will be the personal responsibility of all Regional Transport Officers and Joint Regional Transport Officers to ensure compliance with the above Directions without fail.

All Deputy Transport Commissioners, Regional Transport Officers and Joint Regional Transport Officers will acknowledge the receipt of the letter by return.

Yours faithfully,
Sd/-
Transport Commissioner