

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

Wednesday, the 12<sup>th</sup> day of April 2023 / 22nd Chaithra, 1945

CONTEMPT CASE(C) NO. 1728 OF 2021(S) IN WP(C)39574/2018

PETITIONER/PETITIONER IN WP:

1. ANOOP K.A, AGED 41, S/O ABDUL RAHIMAN, KOOLIYADEN HOUSE, VALAYANCHIRANGARA.P.O, PERUMBAVOOR, ERNAKULAM, PRESIDENT, ALL KERALA TRUCK OWNERS ASSOCIATION.
2. SUBIN PAUL, AGED 42, S/O.E.P.PAULOSE, EDAYENAL HOUSE, KERINAD.P.O, PUTHENCRUZ, ERNAKULAM DISTRICT, SECRETARY, ALL KERALA TRUCK OWNERS ASSOCIATION.

BY ADVS.M/S.P.K.SREEVALSAKRISHNAN,K.R.PRATHISH

RESPONDENTS/RESPONDENTS IN W.P:

K.R. JYOTHYLAL, (CORRECTED)

SECRETARY, MOTOR VEHICLE DEPARTMENT, SECRETARIAT,

THIRUVANANTHAPURAM, PIN-695 001.

R1 IS CORRECTED AS

1. BIJU PRABHAKAR, PRINCIPAL SECRETARY TO THE GOVERNMENT, TRANSPORT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.
2. MR.AJITH KUMAR, TRANSPORT COMMISSIONER, (SUBSTITUTED) MOTOR VEHICLE DEPARTMENT, THIRUVANANTHAPURAM, PIN-695 001.

R2 IS SUBSTITUTED AS

S.SREEJITH IPS, TRANSPORT COMMISSIONER,

MOTOR VEHICLE DEPARTMENT,

THIRUVANANTHAPURAM, PIN - 695 001

3. SHAJI MADHAVAN, THE DEPUTY TRANSPORT COMMISSIONER, CENTRAL ZONE-II, KAKKANAD, ERNAKULAM-682 030.

P.T.O.

KUNJUMON. K.P, (CORRECTED)  
REGIONAL TRANSPORT OFFICER,  
REGIONAL TRANSPORT OFFICE ENFORCEMENT,  
CENTRAL ZONE-II, KAKKANAD, ERNAKULAM-682 030.

R4 IS CORRECTED AS

4. ANANTHAKRISHNAN, REGIONAL TRANSPORT OFFICER, (SUBSTITUTED)  
REGIONAL TRANSPORT OFFICE ENFORCEMENT, CENTRAL ZONE-II,  
KAKKANAD, ERNAKULAM-682 030.

R4 IS SUBSTITUTED AS

SWAPNA S P, REGIONAL TRANSPORT OFFICER,  
REGIONAL TRANSPORT OFFICE ENFORCEMENT,  
CENTRAL ZONE -II, KAKKANAD, ERNAKULAM - 682 030

NAME & DESCRIPTION OF R1 AND NAME OF R4 CORRECTED AS PER  
ORDER DATED 17/11/2021 IN IA.2/2021 IN COC.1728/2021.  
R2 AND R4 ARE SUBSTITUTED AS PER ORDER DATED 23/03/2023  
IN IA 1/2023 IN COC 1728/2021.

BY SPECIAL GOVERNMENT PLEADER

This Contempt of court case (civil) having come up for orders on  
12.04.2023, the court on the same day passed the following:

P.T.O.

**ANIL K. NARENDRAN, J.**

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**Dated this the 12<sup>th</sup> day of April, 2023**

**ORDER**

The petitioners, who are the President and Secretary respectively of All Kerala Truck Owners Association, have filed this Contempt Case (Civil) invoking the provisions under Section 12 of the Contempt of Courts Act, 1971 and Article 215 of the Constitution of India, to issue notice to the respondents herein, frame charges against them, proceed against them, and punish them for willful disobedience of the directions contained in the judgment of this Court dated 29.07.2019 in W.P.(C)No.39574 of 2018. **[Anoop K.A. and another v. State of Kerala and others - 2019 (5) KHC 414].**

2. In **Paramjit Bhasin v. Union of India [(2005) 12 SCC 642]** the Apex Court noticed from the reply affidavit filed by the Union of India that overloading causes significant damage to the road surface and also causes pollution through auto emissions. Overloaded vehicles are safety hazards not only for themselves, but also for other road users. Before the Apex Court it was pointed out that since the responsibility of enforcing the provisions of the Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules, 1989 is that of the State Government, they have been advised by the Central Government to scrupulously enforce the provisions of the said Act and the Rules. The matter was discussed at the 30<sup>th</sup> meeting of the Transport Development

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Council, where the following decisions were taken;

(i) Strict enforcement of the provisions relating to overloading under the Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules, 1989.

(ii) The State Governments are not to issue special cards/passes which legalise overloading.

(iii) – (iv) xxxx                      xxxx                      xxxx

(v) Non-renewal of registration and denial of permit to habitual offenders of overloading."

3. In **Anoop K.A. [2019 (5) KHC 414]** this Court directed respondents 1 and 2, namely, the State of Kerala and the Transport Commissioner, Kerala, to take necessary steps, through duly authorised police officers and the officers of the Motor Vehicles Department, including respondents 3 and 4, namely, the Deputy Transport Commissioner, Central Zone-II, Ernakulam and the Regional Transport Officer, Ernakulam, to ensure strict implementation of the Road Safety Policy and also the provisions under the Motor Vehicles Act and the Motor Vehicles (Driving) Regulations, 2017 in the State of Kerala, as directed by the Apex Court in **S. Rajasekaran v. Union of India [(2018) 13 SCC 532]**. In view of the law laid down in **V. Rajendran v. Regional Transport Officer, Thanjavur [2011 SCC OnLine Mad 1397]**, **Peethambaran T.R. v. Additional Licensing Authority and another [2012 (3) KHC 917]**, **Ashish Gosain v. Department of Transport and another [AIR 2016 Delhi 162]**, **Ajith v. State of Kerala and others [2017 (1) KHC 328]**, **S.**

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**Rajaseekaran v. Union of India [(2014) 6 SCC 36], S. Rajaseekaran (2) v. Union of India [(2018) 13 SCC 532], and Paramjit Bhasin v. Union of India [(2005) 12 SCC 642],** and also the directions issued by the Supreme Committee on Road Safety in Ext.P1, in cases in which offences like driving at a speed exceeding the specified limit; carrying overload in goods carriages; driving vehicles under the influence of drinks and drugs; using mobile phone while driving a vehicle; etc., are detected, the duly authorised police officers and the officers of the Motor Vehicles Department shall forthwith forward the driving licence of the driver of the vehicle to the Licensing Authority, for initiating proceedings under sub-section (1) of Section 19 of the Motor Vehicles Act. Stern action shall be taken against the use of goods carriages and trailers in contravention of the provisions of Section 113 or Section 114 or Section 115 [which deals with power to restrict the use of vehicle] of the Motor Vehicles Act or clause (7) of Rule 90 of the Central Motor Vehicles Rules, and also for carrying persons in contravention of sub-regulations (2) and (3) of Regulation 32; for carrying load in contravention of sub-regulations (1) and (2) of Regulation 35 of the Motor Vehicles (Driving) Regulations, 2017. This Court further ordered that, considering the increase in the number of 'hit and run' accidents reported every year, stern action shall be taken against the use of motor vehicles, including goods carriages and trailers, in contravention of the provisions under Regulation 36 of the Motor

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Vehicles (Driving) Regulations, 2017, i.e., against the use of motor vehicles on public roads without displaying the registration plates as prescribed by the Motor Vehicles Act and the Rules made thereunder.

4. In the order dated 28.10.2021 in this Contempt Case, it was noticed that, since the plying of goods vehicles in a public place flouting the statutory provisions referred to in the judgment in **Anoop K.A. [2019 (5) KHC 414]** and the directions contained therein is likely to cause danger to other road users, this is a fit case in which this Court can exercise its inherent powers under Article 215 of the Constitution of India, in order to ensure the safety of the most vulnerable road users such as pedestrians, cyclists, children, elderly persons and differently-abled persons.

5. On 26.10.2022, when this Contempt Case came up for consideration, the learned Special Government Pleader submitted that the Enforcement Wing has taken action against overloading in goods vehicles. 217 goods vehicles were booked and 17 driving licenses were suspended. The members of an association by name, Kerala Torus and Tipper Association are interfering with the inspection conducted by the Enforcement Wing of the Motor Vehicles Department. By order dated 26.10.2022, the Deputy Transport Commissioner, Central Zone-II was directed to file an affidavit pointing out the said issue.

6. In terms of the order dated 26.10.2022, the report dated 30.11.2022 of the Deputy Transport Commissioner, Central Zone-II,

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Ernakulam was placed on record on 01.12.2022. After considering the said report and also the report dated 29.11.2022 of the Deputy Transport Commissioner, Central Zone-I, Thrissur regarding a motor accident which occurred on 16.09.2022, involving a heavy goods carriage bearing registration No.KL-10/AB-76, this Court passed an order dated 21.12.2022, wherein it was made clear that the State Government has a statutory duty to scrupulously enforce through the police and the Enforcement Wing of the Motor Vehicles Department, the provisions of the Motor Vehicles Act and the Rules and Regulations made thereunder, as per the mandate of the decisions of the Apex Court and this Court, referred to supra. Any disobedience of the orders or obstructions in the discharge of functions by the officers in the Enforcement Wing of the Motor Vehicles Department shall be dealt with appropriately by initiating appropriate proceedings against the driver/owner of goods vehicles and also the office bearers and members of the Torus and Tipper Associations, under Section 179 of the Motor Vehicles Act and also the relevant provisions under the Indian Penal Code, 1860. Paragraph 14 of that order reads thus;

"14. From the Report of the Deputy Transport Commissioner, Central Zone-II, Ernakulam, this Court notice that the enforcement activities undertaken by the officers in the Enforcement Wing of the Motor Vehicles Department are being obstructed by the members and office bearers of Kerala Torus and Tipper Association. The documents placed on record as Annexures R3(a) to R3(f),

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along with the report of the Deputy Transport Commissioner would show that the said association is submitting repeated representations before the Chief Minister, Transport Minister and also the Transport Commissioner, Kerala against the enforcement activities by the Enforcement Wing of the Motor Vehicles Department. The State Government has a statutory duty to scrupulously enforce through the police and the Enforcement Wing of the Motor Vehicles Department, the provisions of the Motor Vehicles Act and the rules and regulations made thereunder, as per the mandate of the decisions of the Apex Court and this Court referred to supra. No leniency can be shown in offences like driving at a speed exceeding the specified limit; carrying overload in goods carriages; driving vehicles under the influence of drinks and drugs; using mobile phone while driving a vehicle; etc. The duly authorised police officers and also the officers in the Enforcement Wing of the Motor Vehicles Department have to scrupulously follow the directions contained in the judgment of this Court in **Anoop K.A. [2019 (5) KHC 414]**, in letter and spirit, in order to ensure the safety of other road users. Any disobedience of the orders or obstructions in the discharge of functions by the officers in the Enforcement Wing of the Motor Vehicles Department shall be dealt with appropriately by initiating appropriate proceedings against the driver/owner of goods vehicles and also the office bearers and members of the Torus and Tipper Associations, under Section 179 of the Motor Vehicles Act and also the relevant provisions under the Indian Penal Code. Once the offence of carrying overload in goods carriages is detected, the duly



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authorised police officers and the officers in the Enforcement Wing of the Motor Vehicles Department shall forthwith forward the driving licence of the driver of the vehicle to the concerned Licensing Authority for initiating proceedings under sub-section (1) of Section 19 of the Motor Vehicles Act, even in a case in which the offence is compounded under Section 200 of the said Act. Even after compounding an offence punishable under Section 194 of the Act, the excess load cannot be permitted to be carried in the vehicle concerned, as held by the Apex Court in **Paramjit Bhasin v. Union of India [(2005) 12 SCC 642].**" (underline supplied)

7. On 23.03.2023, when this Contempt Case came up for consideration, during the course of arguments, the learned Special Government Pleader pointed out an incident that occurred on 15.03.2023 involving a Torus vehicle bearing registration No.KL-45/F-3037, which was carrying overload. The said vehicle was not covered by a valid fitness certificate. By the order dated 23.03.2023, the learned Special Government Pleader was directed to place on record the report of the concerned officers in the Enforcement Wing of the Motor Vehicles Department and also the Police regarding the said incident, along with the affidavit of the 2<sup>nd</sup> respondent Transport Commissioner.

8. Along with a memo dated 01.04.2023 of the learned Special Government Pleader, report dated 29.03.2023 of the 2<sup>nd</sup> respondent Transport Commissioner regarding the incident that

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occurred on 15.03.2023, in connection with interception of a Torus vehicle bearing registration No.KL-45/F-3037 is placed on record.

9. As per the report dated 29.03.2023 of the 2<sup>nd</sup> respondent Transport Commissioner, the Torus vehicle bearing registration No.KL-45/F-3037 was intercepted on 15.03.2023 by the Enforcement officers of the Motor Vehicles Department, who were on duty at Nenmara at Palakkad. The vehicle was checked at the nearby weighbridge and it was found that it was carrying an excess load of 15,090 kg. of sand. The driver of the vehicle, Dileep, tried to mislead the officer by showing the previous day's pass. On verifying the document, it was found that the vehicle do not have a valid fitness certificate. As such, the vehicle was taken into custody for handing over to the Revenue Divisional Officer. At that time, the driver left the vehicle in the middle of the road, as per the instructions from its owner, over mobile. The driver stayed away without taking the vehicle. Later, the Motor Vehicles Inspector received a call on his mobile phone. The person on the other end introduced himself as Shiju K.J., President of the District Committee of Kerala Torus Tipper Association, who is the owner of that vehicle. He said that the vehicle is having valid fitness certificate and pass issued by the Geology Department and therefore, the vehicle should be released. When the Motor Vehicles Inspector asked for documents, the said Shiju threatened him with dare consequences. Since the driver left the vehicle in the middle of the road, causing inconvenience to other

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road users, the Motor Vehicles Inspector took the vehicle to the side of the road and parked it in a safe position. Though the driver of the vehicle tried to interrupt the duty of the Motor Vehicles Inspector, the driver was given enough time to produce the required documents for inspection. Since the documents were not produced for inspection, the Motor Vehicles Inspector took the vehicle to the office of the Revenue Divisional Officer, Palakkad, at about 3.30 p.m. On the way to the office of the Revenue Divisional Officer, Shiju K.J., the owner, blocked the vehicle on the road and grabbed the Motor Vehicles Inspector by his shirt and beat him up. He threatened the Motor Vehicles Inspector with a knife and hurled obscenities at him. He also destroyed the E-pos machine which is used for the preparation of e-challan. When the police party arrived, Shiju and his friends ran away from the spot. Later, the vehicle was handed over to Alathur Police Station, with seizure mahazar. Alathur Police have registered Crime No.314 of 2023 for offence punishable under Sections 283, 341, 332, 353, 506(11), 294(b) read with Section 34 of the Indian Penal Code, 1860 and Section 3(2)(e) of the Prevention of Damage to Public Property Act, 1984 against the vehicle owner, Shiju K.J. and his companions and the investigation is in progress.

10. In view of the directions contained in the judgment in **Anoop K.A. [2019 (5) KHC 414]**, in cases in which the offence of carrying overload in goods carriages is detected, the duly authorised

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police officers and the officers of the Motor Vehicles Department shall forthwith forward the driving licence of the driver of the vehicle to the Licensing Authority, for initiating proceedings under sub-section (1) of Section 19 of the Motor Vehicles Act, 1988. Respondents 2 to 4 were directed to ensure strict compliance of the directions contained in the said judgment. In the order dated 09.02.2022, this Court noticed that the stand taken by respondents 2 to 4, in the affidavits filed in this Contempt Case that due to the Covid-19 pandemic situation, the Enforcement Officers of the Motor Vehicles Department have shown leniency by not suspending the driving licence except in grave offences, is in violation of the statutory provisions referred to in the judgment in **Anoop K.A. [2019 (5) KHC 414]**, and the directions contained therein, which require serious consideration by this Court. Similarly, any interference with the enforcement activities of the officers in the Motor Vehicles Department, either by the Torus/Tipper drivers and owners or by the office bearers of their unions, or any threat faced by such officers from their side, also requires serious consideration by this Court.

11. The State Government has a statutory duty to scrupulously enforce through the police and the Enforcement Wing of the Motor Vehicles Department, the provisions of the Motor Vehicles Act and the Rules and Regulations made thereunder, as per the mandate of the decisions of the Apex Court and this Court referred to supra. No

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leniency can be shown in offences like driving at a speed exceeding the specified limit; carrying overload in goods carriages; driving vehicles under the influence of drinks and drugs; using mobile phone while driving a vehicle; etc. The duly authorised police officers and also the officers in the Enforcement Wing of the Motor Vehicles Department have to scrupulously follow the directions contained in the judgment of this Court in **Anoop K.A. [2019 (5) KHC 414]**, in letter and spirit, in order to ensure the safety of other road users. Any disobedience of the orders or obstructions in the discharge of functions by the officers in the Enforcement Wing of the Motor Vehicles Department shall be dealt with appropriately by initiating appropriate proceedings against the driver/owner of goods vehicles and also the office bearers and members of the Torus and Tipper Associations, under Section 179 of the Motor Vehicles Act and also the relevant provisions under the Indian Penal Code. Once the offence of carrying overload in goods carriages is detected, the duly authorised police officers and the officers in the Enforcement Wing of the Motor Vehicles Department shall forthwith forward the driving licence of the driver of the vehicle to the concerned Licensing Authority for initiating proceedings under sub-section (1) of Section 19 of the Motor Vehicles Act, even in a case in which the offence is compounded under Section 200 of the said Act. Even after compounding an offence punishable under Section 194 of the Act, the excess load cannot be permitted to be carried in the vehicle concerned,

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as held by the Apex Court in **Paramjit Bhasin [(2005) 12 SCC 642]**.

13. The learned Special Government Pleader is directed to place on record, by 29.05.2023, a further report of the 2<sup>nd</sup> respondent Transport Commissioner on the action taken against the owner and driver of Torus vehicle bearing registration No.KL-45/F-3037, scrupulously following the directions contained in the judgment of this Court in **Anoop K.A. [2019 (5) KHC 414]**.

14. In view of the decision of the Apex Court in **S. Rajaseekaran v. Union of India [(2018) 13 SCC 516]** all States and Union Territories are expected to implement the Road Safety Policy with due earnestness and seriousness. The provisions under the Motor Vehicles (Driving) Regulations, 2017 should be implemented by the State Governments and Union Territories strictly.

15. As per sub-rule (1) of Rule 92 of the Central Motor Vehicles Rules, 1989 no person shall use or cause or allow to be used in any public place any motor vehicle which does not comply with the provisions of Chapter V, which deals with construction, equipment and maintenance of motor vehicles. Similarly, as per sub-rule (1) of Rule 249 of the Kerala Motor Vehicles Rules, 1989 no person shall use and no person shall cause or allow to be used or to be in any public place any motor vehicle which does not comply with the Rules contained in Chapter VII or with any order thereunder made by the competent authority.

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16. In **Suo Motu v. State of Kerala and others [2022 (4) KLT 984]** a Division Bench of this Court held that, a transport vehicle governed by AIS-008 [Installation Requirements of Lighting and Light-Signalling Devices for Motor Vehicle having more than Three Wheels including Quadricycles, Trailer and Semi-Trailer excluding Agricultural Tractor], which is not installed with lighting and light-signalling devices and also retro-reflectors referred to in Para.6.0, conforming to the individual specifications for such lighting and light-signalling devices and also for retro-reflectors prescribed in Paras.6.1 to 6.20, or a transport vehicle governed by AIS-008, which is installed with lighting and light-signalling devices or retro-reflectors other than those referred to in Para.6.0, cannot be granted fitness certificate, since such a vehicle cannot be treated as a vehicle which complies with the provisions of the Motor Vehicles Act and the Rules made thereunder, for the purpose of grant of certificate of fitness. In case, a fitness certificate is granted to any such vehicle, which cannot be treated as a vehicle that complies with the provisions of the Motor Vehicles Act and the Rules made thereunder, the certificate of fitness granted to such vehicle is liable to be cancelled at any time, in accordance with the provisions under sub-section (4) of Section 56 of the Motor Vehicles Act, for reasons to be recorded in writing, if the prescribed authority is satisfied that the vehicle no longer complies with all the requirements of the said Act and the Rules made thereunder. In appropriate cases,

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the registering authority shall initiate proceedings to suspend or cancel the letter of authority granted or renewed under sub-rule (5) of Rule 63 of the Central Motor Vehicles Rules or forfeit the security deposit, after affording the holder of the letter of authority an opportunity of being heard.

17. In **Suo Motu [2022 (4) KLT 984]** the Division Bench held that, as per sub-section (4) of Section 182A of the Motor Vehicles Act, whoever, being the owner of a motor vehicle, alters a motor vehicle, including by way of retrofitting of motor vehicle parts, in a manner not permitted under the Act or the Rules and Regulations made thereunder shall be punishable with imprisonment for a term which may extend to six months, or with fine of five thousand rupees per **such alteration** or with both. As per sub-section (2) of Section 190 of the Motor Vehicles Act, any person who drives or causes or allows to be driven, in any public place a motor vehicle, which violates the standards prescribed in relation to road safety, control of noise and air-pollution, shall be punishable for the first offence with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees or with both and he shall be disqualified for holding licence for a period of three months and for any second or subsequent offence with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both.



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18. In exercise of the powers conferred by sub-section (1) of Section 200 of the Motor Vehicles Act and in supersession of the notification issued under G.O.(P) No.30/2019/Trans. dated 31.08.2019, the State of Kerala published as S.R.O.No.788/2019 in the Kerala Gazette Extraordinary No.2577 dated 26.10.2019. Sl.No.14 of the Schedule to the said notification reads thus;

Sl.No.	Penal Provision	Description	Amount (Rs.)
14	Sec.182A(4)	Being the owner of a motor vehicle, alters a motor vehicle, including by way of retrofitting of motor vehicle parts, in a manner not permitted under the Act or the rules and regulations made thereunder.	5,000 per such alteration

19. In **Suo Motu [2022 (4) KLT 984]** the Division Bench directed the Transport Commissioner, through the Enforcement Officers in the Motor Vehicles Department and the State Police Chief, through the District Police Chief of the concerned Districts to prevent the use of contract carriages and other transport vehicles on public place, flouting the safety standards prescribed in AIS-008, after replacing the prototype approved lights, light-signalling devices and reflectors with after-market multi-coloured LED/laser/neon lights, flash lights, etc. and without maintaining lighting and light-signalling devices and also retro-reflectors as per the individual specifications, namely, number, position, width, height, length, geometric visibility, orientation, etc. specified in AIS-008.

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20. Video contents of the alterations made on goods vehicles and use of such vehicles in public place are being uploaded on online video platforms like 'YouTube', by the registered owners of such vehicles or by vloggers. A few screenshots of goods vehicles which are fitted with after-market multi-coloured LED/laser/neon lights, flash lights, openly flouting the safety standards prescribed in AIS-008, capable of dazzling the drivers of the oncoming vehicles, pedestrians and other road users, thereby posing a potential threat to the safety of other road users, are reproduced hereunder;



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21. As per Para.5.1. of AIS-008, only those lighting and light signalling devices referred to in 6.0 of the standards shall be permitted

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to be installed on motor vehicles. In view of the provisions contained in Para. 5.16.1. of AIS-008, the number of lamps mounted on the vehicle should be equal to the number(s) specified in each of Para.6.1. to Para.6.20.

22. In **Principal, Sabari PTB Smaraka H.S.S. v. Additional Registering Authority and others [2020 (2) KLJ 662]** this Court noticed that the provisions of AIS-008 deal with every minute detail of installation of lighting, light-signalling devices and retro-reflectors for a motor vehicle having more than three wheels, trailer and semi-trailer excluding agricultural tractor and special purpose vehicle. The lighting, light-signalling devices and retro-reflectors permitted to be installed on such motor vehicles have been specifically provided for in AIS-008. In the said decision, this Court held that, in view of the prohibition contained in Para.5.1, no such motor vehicle shall be permitted to be installed with any lighting and light-signalling devices or retro-reflectors, other than those referred to in Para.6.0 of AIS-008.

23. In the said decision, this Court relied on the law laid down by the Apex Court in **Avishek Goenka v. Union of India [(2012) 5 SCC 321]**, wherein it was held that, the Central Motor Vehicles Rules deal with every minute detail of construction and maintenance of a vehicle. In other words, the standards, sizes and specifications, which the manufacturer of a vehicle is required to adhere to while manufacturing the vehicle, are exhaustively dealt with under the Rules.

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What is permitted has been specifically provided for and what has not been specifically stated would obviously be deemed to have been excluded from these Rules. The provisions of the Central Motor Vehicles Rules demonstrate the extent of minuteness in the Rules and the efforts of the framers to ensure, not only the appropriate manner of construction and maintenance of vehicle, but also the safety of other users of the road. The legislative intent attaching due significance to 'public safety' is evident from the object and reasons of the Motor Vehicles Act, the provisions of the said Act and more particularly, the Rules framed thereunder.

24. Use of a motor vehicle in a public place without complying with the installation requirements of lighting and light-signalling devices and also retro-reflectors as per AIS-008 is likely to endanger the safety of other road users. Therefore, vehicles which are fitted with after-market multi-coloured LED/laser/neon lights, flash lights, as seen in the screenshots reproduced hereinbefore, which are being used in a public place, openly flouting the safety standards prescribed in AIS-008, which are capable of dazzling the drivers of the oncoming vehicles, pedestrians and other road users, thereby posing a potential threat to the safety of other road users, have to be dealt with in an appropriate manner, strictly in accordance with the law. In addition to the penal consequences provided in the statutory provisions referred to hereinbefore, the owner of the vehicle has to be imposed with a fine of

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Rs.5,000/- per such alteration; i.e, Rs.5,000/- for each after-market multi-coloured LED/laser/neon lights, flash lights. Such goods vehicles cannot be treated as vehicles which comply with the provisions of the Motor Vehicles Act and the Rules made thereunder, for the purpose of grant of certificate of fitness.

25. Respondents 1 and 2, namely, the State of Kerala and the Transport Commissioner, Kerala, shall take necessary steps, through duly authorised police officers and the officers of the Motor Vehicles Department, including respondents 3 and 4, namely, the Deputy Transport Commissioner, Central Zone-II, Ernakulam and the Regional Transport Officer, Ernakulam, to ensure strict compliance of the directions contained in the decision of this Court in **Anoop K.A. [2019 (5) KHC 414]**. Proceedings for suspension/cancellation of the certificate of registration/permit shall be initiated, in accordance with law, against goods vehicles carrying overload, without valid fitness certificate, and goods vehicles involved in repeated offences of carrying overload. Before releasing any goods vehicle carrying overload, the duly authorised police officers and the officers of the Motor Vehicles Department shall ensure that such vehicles are not flouting the safety standards prescribed in AIS-008. Any obstructions caused by the driver/owner of goods vehicles and also the office bearers and members of the Torus and Tipper Association, in the discharge of functions by the officers in the Enforcement Wing of the Motor Vehicles

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Department, shall be dealt with appropriately by initiating appropriate proceedings against them.

List this matter for further consideration on 31.05.2023.

Sd/-  
**ANIL K. NARENDRAN**  
**JUDGE**

AV



**EXHIBIT IN WPC 39574/2018**

**Exhibit P1**

**TRUE COPY OF THE DIRECTION ISSUED BY THE SUPREME COURT  
COMMITTEE ON ROAD SAFETY HEADED BY ITS CHAIRMAN JUSTICE  
K.R.RADHAKRISHNAN DATED 18-08-2015**

