

राजस्थान सरकार
परिवहन विभाग

क्रमांक : एफ 7 (491) परि/नियम/मु0./2013/ 42080 जयपुर, दिनांक 3/2/14

प्रादेशिक परिवहन अधिकारी,
जिला परिवहन अधिकारी
..... समस्त ।

कार्यालय आदेश 05/2014


विषय :- कार चलाने में अक्षम व्यक्तियों को सुसाध्य बनाने की दृष्टि से कार में परिवर्तन करने के संबंध में।

प्रसंग :- इस कार्यालय का पूर्व पत्रांक एफ 7 (38) परि/नियम/मु0./ दिनांक 08.01.2013 के क्रम में।

सडक परिवहन एवं राजमार्ग मंत्रालय भारत सरकार द्वारा पत्र क्रमांक RT 11012/12/2001/MVL दिनांक 29.05.2009, समस्त प्रमुख शासन सचिव/सचिव (परिवहन) को प्रेषित किया गया है। पत्रानुसार मोटर यान अधिनियम, 1988 की धारा 52 (1) में केन्द्र सरकार को प्रदत्त शक्तियों का प्रयोग करते हुए किसी वाहन में विशेष प्रयोजनार्थ परिवर्तन की छूट प्रदान कर सकती है। इस हेतु केन्द्र सरकार द्वारा प्रक्रिया निर्धारित की गयी है।

उक्त प्रक्रिया के अन्तर्गत मैसर्स तिरुपति कार मोडीफायर, उदयपुर द्वारा हुण्डई आई 10 एवं मारुती ए स्टार चार पहिया वाहनों में परिवर्तन कर अशक्त व्यक्तियों के चलाने योग्य बनाने बाबत एक रेट्रो फिटमेन्ट तैयार कर द ऑटोमोटेिव रिसर्च एसोसिएशन ऑफ इण्डिया पुणे से परीक्षण करवाया गया है। उक्त परीक्षण रिपोर्ट के आधार पर मैसर्स तिरुपति कार मोडीफायर, उदयपुर द्वारा तैयार किया गया रेट्रो फिटमेन्ट उपयुक्त पाया गया है।

अतः ARAI की अनुशंसा की छाया प्रति संलग्न कर समस्त जिला परिवहन एवं पंजीयन अधिकारियों को निर्देशित किया जाता है कि इस क्रम में निर्धारित प्रक्रिया के अन्तर्गत, उक्त रेट्रो फिटमेन्ट के द्वारा अशक्त व्यक्तियों के उपयोग हेतु परिवर्तित चार पहिया गैर परिवहन वाहनों के पंजीयन एवं इनके संचालन हेतु लाईसेन्स संबंधी सम्पूर्ण कार्यवाही अत्यन्त सावधानी पूर्वक सम्पन्न की जावे।


उपर परिवहन आयुक्त (स. सु.)

3/2/14

Government of India
Ministry of Shipping, Road Transport & Highways
(Department of Road Transport & Highways)

Transport Bhawan, 1, Parliament Street, New Delhi-110001.

No. RT-11012/12/2001-MVL

Dated the 29th May, 2009

To

The Principal Secretaries / Secretaries (Transport) of all States / UTs.
The Commissioners (Transport) of all the States / UTs.

Sub: Alteration in the Cars to facilitate the person with disability to drive the same.

Sir,

I am directed to invite the attention of the State Governments / UT Administrations about the procedure laid down by this Department for attachment of two extra wheels in the two wheelers to facilitate the person with disability to drive the same.

2. This Department is exercising the powers given under Section 52(1) of the Motor Vehicles Act, 1988 and granting necessary permission for alteration in the four wheelers on case to case basis on the recommendation of the Transport Department of the State Government where the vehicle is registered.

3. It has come to the notice of this Department that in the absence of clarity about the procedure for seeking such permission, the vehicle owners are suffering. Sometimes the vehicle owners have been approaching to this Department and sometime to the registering authority. Registering authorities are also referring such cases either to this Department or to the testing agencies.


4. State Governments / UT Administrations are aware that alteration in the Motor Vehicle on the road side may be the safety hazard for the driver and the other road user. As such it is felt that alteration, if required may be done by the reputed workshop authorized by the State Government in their jurisdiction. State Governments / UT Administrations are requested to authorize some workshop as per need in consultation with the testing agencies / car manufacturers for making necessary modifications in the car to make it suitable to drive by the person with disability.

5. State Governments / UT Administrations are requested to examine the request of person with disability for alteration in his / her car from safety angle and recommend the same to this Department for considering the grant of necessary exemption under Section 52 of the Motor Vehicles Act, 1988. Following documents / information may please be sent with the recommendation made by the Transport Commissioner of the State Governments / UT Administrations:-

- (i) Confirmation that the type of vehicle which suits to the requirement of person with disability is not available in the market.
- (ii) Confirmation that the required modification have been done in the workshops authorized by the State Government.
- (iii) Confirmation about the fitness of vehicle from the safety angle.
- (iv) Confirmation that the person with disability is the owner of the vehicle.
- (v) Confirmation that the person with disability is fit to drive the altered vehicle.
- (vi) Copy of the Registration Certificate of the altered vehicle.
- (vii) Details of the alteration for which the exemption is required from the Government of India.
- (viii) Driving License of the person with disability to drive the altered car.

6. State Governments / UT Administrations are requested to circulate the above procedure to the notice of all the registering authorities under their control so that no person with disability may have any problem in seeking permission for alteration in his car.

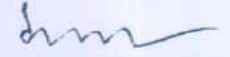
Yours faithfully,



(ANAND PRAKASH)
Director (RT)
Telefax. No. 23719097

Copy to:

Shri Shrikant R. Marathe, Director, The Automotive Research Association of India, P. B. No. 832, Pune-411004 w.r.t. your letter No. DIR-28-22-36 dated 13-4-09 and 30-4-09.



(ANAND PRAKASH)
Director (RT)

Enat No. C/10579/Tel 09

Copy forwarded to
all Deputy Transport Commissioners for information and
for necessary action

For Transport Commissioner
to
for 22/04/09
for 22/04/09

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS**(Department of Road Transport and Highways)****(MVL SECTION)****RESOLUTION**

New Delhi, the 23rd July, 2008

No.RT-11012/12/01-MVL.-

1. In the recent past, the Government have received a number of representations from persons with disability, highlighting the problem being faced by them due to non-availability of invalid carriages in the market as well the policy of banning alteration in motor vehicles under Section 52 of the motor Vehicles Act, 1988.
2. Section 2 (18) of the Motor Vehicles Act, 1988 defines "invalid carriage" as motor vehicle especially designed and constructed for the use of a person suffering from some physical defect or disability and used solely by or for such a person. Not being a commercially viable proposition, OEMs do not manufacture invalid carriage. Further, the degree and nature of disability also varies from person to person.
3. Prior to the amendment made in the Act in the year 2000, alterations in Motor Vehicles were possible with the approval of concerned registering authority. Section 52 was amended in the year 2000 to impose ban on alternation of motor vehicles to ensure that the vehicles conform to the originally approved prototype. Consequently, the registering authorities stopped the registration of modified / altered two wheelers. Proviso to Section 52(1), however, empowers Central Government to grant exemption for alteration of motor vehicles in a prescribed manner for a specific purpose.
4. ~~The matter was, therefore, considered in this Department to find a way out to provide a suitable two wheeler to the persons with disability without compromising on their safety, as well as safety of other road users.~~
5. Keeping in view the above, the Government, in exercise of powers conferred under third proviso to Section 52 of the Motor Vehicles Act, 1988, hereby grants exemption for alternation in motorcycles [defined in Section 2(27) of the Act] for use of physically challenged persons by the concerned State Governments, in the manner specified in the Annexure attached with this Order, subject to the following conditions:-
 - (i) Retro fitted vehicles should not be categorized as "Invalid Carriage" as these vehicles will not be meeting the definition of "Invalid Carriage" given under Section 2(18) of the Motor Vehicles Act, 1988.
 - (ii) Even after adding the side car on the left side of the scooter the seating capacity will remain same and the side car should not be utilized for carrying luggage.
 - (iii) Such permission may be given to the person with disability if he is the owner of the altered vehicle.
 - (iv) Such permission should not be considered if prototyped vehicle is available in the market.
 - (v) Permission for alternation should be valid if the person with disability is driving the vehicle.

- (vi) It will be the personal responsibility of the person with disability to keep the vehicle in fit condition / drive it carefully so that there may not be any safety hazard.
- (vii) Permission will be subject to obtaining a medical fitness certificate from the competent medical authority to drive the vehicle.
- (viii) Person with disability has to give the driving test and obtain necessary permission from the Licensing Authority to drive the altered vehicle. Ability of the

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person with disability should be considered while deciding his ability to drive a vehicle with prescribed modifications. A person with loco motor disability is required to have the modification in the specified vehicle as prescribed by a specialist Doctor in Physical Medicine and Rehabilitation (PMR) / Orthopaedic Surgeon.

- (ix) Necessary entry in the RC about the alteration will be made by the concerned registering authority.
- (x) Permission will stand withdrawn once the vehicle is sold to some other party.
- (xi) Valid certificate of retro fitment kit from authorized Test Agency will be produced.
- (xii) Valid certificate of authorized workshop for the fitment of approved retro fitment
- (xiii) Above alteration should be permitted only in the non transport vehicles.
- (xiv) All State / UT Governments are requested to consider the cases relating to retro fitment of side car in two wheelers / fitment of additional two wheels at the rear on both the side as per the following procedure:-

PROCEDURE FOR APPROVAL OF RETRO FITMENT/ ADAPTATION KIT FOR TWO WHEELED VEHICLE FOR PHYSICALLY CHALLENGED PERSON

1.0 OBJECTIVE

Facilitate the person with lower limb disabilities to drive the two wheelers.

2.0 Possible modifications in the Vehicle

2.1 Fitment of Side Car:

- a) 2-wheeler vehicle can be modified by fitment of a sidecar on the left side of the vehicle.
- b) While carrying out such a modification, it shall be ensured that minimum changes are made on the basic structure of the vehicle.
- c) In case the original vehicle has any foot controls (such as accelerator brake clutch or gear shift), such controls shall be adapted for operation by hand.
- d) The vehicle shall have device to intentionally lock the wheels in order to prevent rolling of vehicle (in situations like alighting the vehicle, stopping the vehicle on the gradient, etc.)
- e) The vehicle shall have either hand start or electric-starting mechanism.
- f) Clamping arrangements shall be provided for carrying person's aids/ crutches etc.

2.2 Fitment of additional two wheels at the rear on both the side:

- (a) 2-wheeler vehicle can be modified by fitment of additional two wheels to provide balancing / stability to the vehicle. The additionally fitted wheels shall have preferably the same size and specification of the original rear wheel
- (b) While carrying out such a modification, it shall be ensured that minimum changes are made on the basic structure of the vehicle.
- (c) In case original vehicle has any foot controls (such as accelerator brake clutch or gear shift), such controls shall be adapted for operation by hand.
- (d) The vehicle shall have device to intentionally lock the wheels in order to prevent rolling

of vehicle (in situations like alighting the vehicle, stopping the vehicle on the gradient, etc.)

- (e) The vehicle shall have either hand start or electric-starting mechanism.
- (f) Clamping arrangements shall be provided for carrying person's aids / crutches etc.

3.0 APPROVAL OF RETRO FITMENT / ADAPTATION KIT

3.1 Application for Approval

Kit manufacturer shall submit the already type approved vehicle model fitted with retro fitment / adaptation kit along with technical information as per details given in Annexure A.

4.0 REQUIREMENTS

The vehicle model fitted with retro fitment / adaptation kit shall be tested for:

4.1 Functional Brake Test

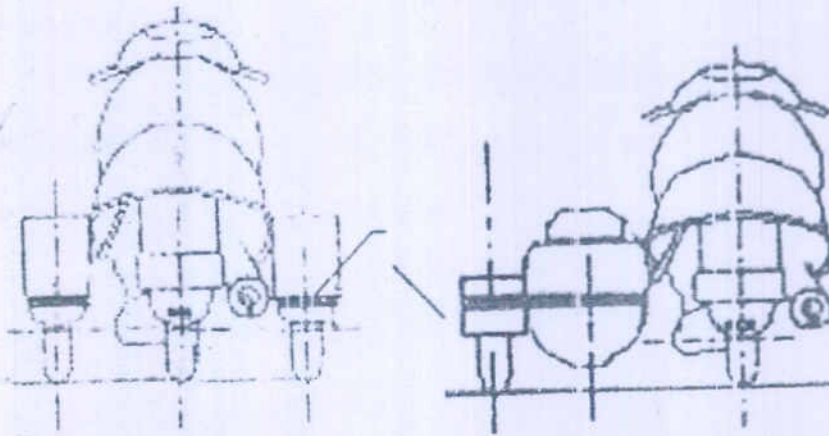
Vehicle shall be driven on a normal city road at 50 kmph speed (as indicated on speedometer). Both brakes (front and rear) shall be applied together and the stopping behavior of the vehicle shall be checked. During this test, the vehicle shall not show any instability or unsafe condition.

4.2 Functional Grade ability Test

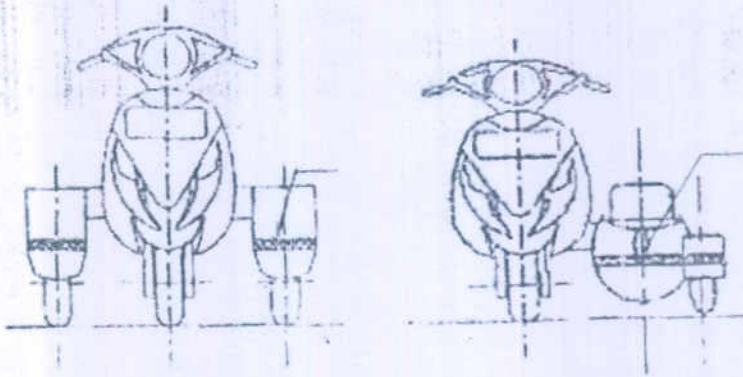
The vehicle shall be driven on the gradient such as city fly over. While negotiating the gradient, brakes shall be applied. The vehicle shall not skid and roll back. On release of brake, the vehicle shall be able to easily climb the gradient.

4.3 Fixing of Retro-Reflective Tape

4.3.1 Retro-reflective tape, red in colour and having minimum width of 20 mm, shall be affixed running across the width on the rear side of the sidecar or on the additional wheels (as the case may be) to indicate the presence of additional fitment and the width of vehicle from the rear as shown below.



4.3.2 Retro-reflective tape, white in colour and having minimum width of 20 mm, shall be affixed running across the width on the front side of the sidecar or on the additional wheels (as the case may be) to indicate the presence of additional fitment and the width of vehicle from the front as shown below.



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4.4 Identification Symbol

The vehicle shall carry following symbol in the front and at rear, indicating that the vehicle is meant for driving by a physically challenged person. The symbol shall be made up of retro-reflective material (tape).



5.0 APPROVAL OF WORKSHOPS FOR THE FITMENT OF APPROVED KITS

The kit manufacturer shall identify the workshops, which shall carry out the fitment on his behalf. This shall be done on the basis of:

- Competence.
- Availability of necessary equipments.
- Experience in the relevant field.
- Trained manpower, etc.

6.0 TYPES OF PHYSICAL DISABILITIES THAT CAN BE CONSIDERED FOR USE OF ABOVE VEHICLES WITH RETRO FITTED KIT

Following criteria for grant of DL should be followed:-

Nature of limb disability	Recommendation	Remarks
Left lower limb (partial or full)	Can be considered	-
Right lower limb (partial or full)	Can be considered	-
Both lower limb (partial or full)	Can be considered	-
Left / Right upper limbs (partial or full)	Can be considered	-
Both upper limb (partial)	Can be considered under special circumstances	Normal operation by hands is very critical. Such situations may be considered under special circumstances.
Combination of one lower limb and upper limb.	Can be considered under special circumstances	-

Medical Certificate for the purpose of DL would be given at the District level by a duly constituted board comprising of CMO as chairman, one medicine specialist and one subject matter specialist (PMR / Orthopedics surgeon) as member in District hospitals or by a Medical College, where the board will consist of Medical Superintendent or his authorized representative as chairman and two subject matter specialists (PMR / Orthopedic surgeon) as members.

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TECHNICAL INFORMATION TO BE SUBMITTED BY THE RETRO FITMENT KIT MANUFACTURER

1	Retro fitment kit Manufacturers name and address	
	Tel. No. Fax No. E mail address Contact person Website address, if any.	-
2	Vehicle Model selected for retro fitment.	
3	Authenticated drawings, in duplicate, with following details: a) Kit identification / model No. b) List of kit components. c) Details of individual component and assembly of kit on the vehicle. d) Locations and fixing details for person's aids / crutches, etc.	-
4	Detailed explanation about safety in case of accidental failure of modified controls / other mechanisms.	-
5	Instructions / Maintenance manual.	-
6	Any other relevant information.	-

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