

Home (Tr.VII) Department
Secretariat, Chennai - 9.

Letter No. 58703/Tr.VII/07, dated 06.10.2008.

From

Tmt. R. Rama, B.A.,
Deputy Secretary to Government

To

The Transport Commissioner,
Chennai-5.(w.c.)

Sir,

Sub: Transport Department - Motor Vehicles - Alteration of two wheelers /
four wheelers for use by handicapped person - Regarding.

Ref: 1) Your U.O, Note No. 55571/EI/07

2) Government of India Notification No. RT-11012/12/01/MVL dated

I am directed to enclose a copy of Government of India Notification second cited for
necessary action. I am also to note that republication order will be issued separately.

Yours faithfully,
for Deputy Secretary to Government

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Jd-20
(No file)

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— 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 alteration 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 alteration 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 alteration 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 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 kit will be produced.
- (xiii) Above alteration should be permitted only in the non transport vehicles.

6. 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 be tested for:

4.1 Functional Brake Test

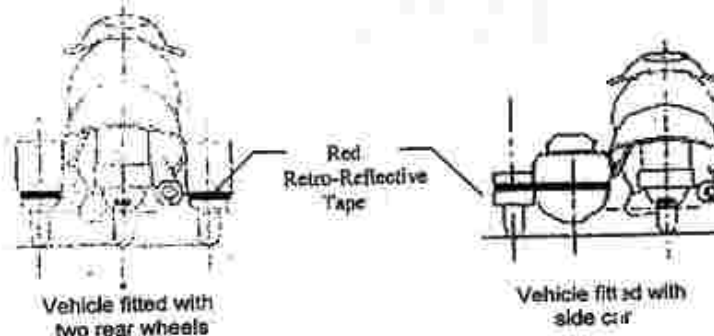
Vehicle shall be driven on a normal city road at 50 kmph speed (as indicated on speedometer). Both brakes (front and rear) shall be applied together and the stopping behavior of the vehicle shall be checked. During this test, the vehicle shall not show any instability or unsafe condition.

4.2 Functional Grade ability Test

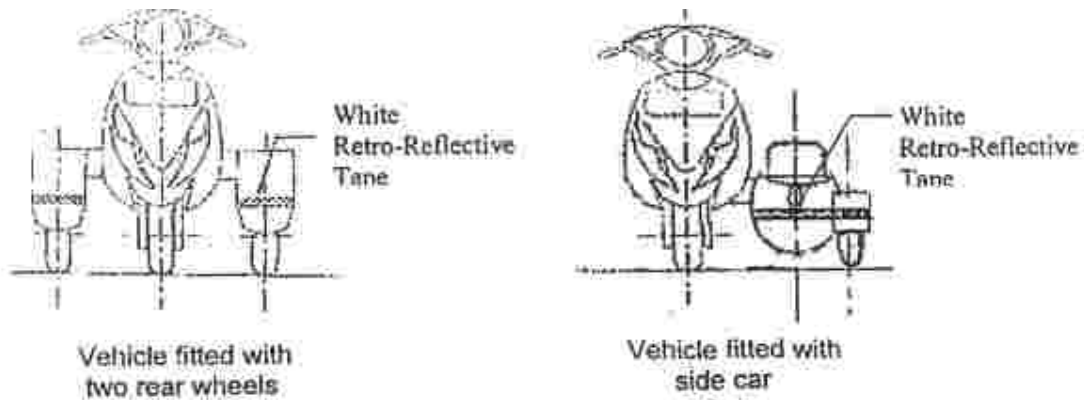
The vehicle shall be driven on the gradient such as city fly over. While negotiating the gradient, brakes shall be applied. The vehicle shall not skid and roll back. On release of brake, the vehicle shall be able to easily climb the gradient.

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.



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).



Size : 80 x 80 mm

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 PL should be followed:-

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

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

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.

SAROJ KUMAR DASH, Jt. Secy