

# Discussion of the Issues Raised by BOCI and AIMTC

Ministry of Road Transport and Highways

April 2024



# Issues Raised

S.No	Brief description of Comments/ Suggestions	Action	MoRTH Response
<b>Policy Level Issues</b>			
1.	All Permits (National and State) should be made available online on payment.	Already Addressed	<p>The Ministry vide SO. 4353 dated 16.09.2022 has allowed online services through “Aadhaar authentication on a voluntary basis by requesting entities, in the interest of good governance, promoting ease of living of residents and enabling better access to services for them”.</p> <p>Although the States permit comes under their purview of the respective States/UTs. Further Section 95 &amp; 96 empowers the State Government to make rules regarding permits.</p>
2.	Uniform Motor Vehicle Taxation.	N/A	<p>As per entry 57 of list II (State List) in the Seventh Schedule of the constitution of India, (taxes on vehicles, whether mechanically propelled or not, suitable for use on roads, including tramcars subject to the provisions of entry 35 of List III), the matter of taxation of motor vehicles comes under the purview of the concerned State Governments/UT Administrations. Every State/UT has enacted their own Motor Vehicles Taxation Act.</p> <p>Although, Ministry has prescribed uniform tax structure for BH series registration mark and uniform fees for vehicles covered National Permit &amp; All India Tourist Vehicles (Permit) Rule 2023.</p>

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3.	Revocation of GSR 725(E) dated October 06, 2023, regarding perpetuity of Toll @100%.	Not Considered	Government is committed to develop infrastructure network which brings down the overall logistic cost on the pattern of cargo movement. To facilitate shortest route for movement of cargo, the development of more access controlled highways are required. This requires a larger capital outlay. Moreover, capacity augmentation of the same highway is also taking place for 4 lane to 6 lane/8 lane as per demand of cargo traffic and this require continuous capital infusion in the same road network. Hence the fee rule has been amended to collect user fee in perpetuity.
4.	Transparent Display of Real Time Data at Toll Plaza reg. Project Cost, Date of Start of Toll Collection, Weekly, Monthly, Yearly Toll Collection till date, Traffic Data etc.	Not Considered	FASTag data is being linked to Unified Logistics Interface Platform (ULIP). The complete fee plaza management is already monitored by Toll Monitoring & Control Centre (TMCC) of NHAI.
5.	Regarding transparency and authenticity of Automated Testing Stations.	Already Addressed	Rules in respect of ATS were notified after due deliberations and consideration of comments of stakeholders.  Further, Rules regarding ATS have been liberalised vide GSR 195(E) dated 14.03.2024. The Amendment provides for 180 days for testing and also provides for multiple tests in case of failure in specific tests.

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6.	Urgent Action Required to Address Overloading in Buses and Trucks. Illegal usage of passenger buses (Stage carriage & contract carriage) for Transportation of Cargo.	Already Addressed	<p>On an earlier reference on the same matter by AIMTC, comments were sought from ASRTU, which strongly opposed any such demand. ASRTU has submitted that:-</p> <ul style="list-style-type: none"><li>Commercial luggages, cargo/parcel services are not being transported in city buses. 40 STUs operating intercity or rural/interstate services are transporting unaccompanied luggage. Certain STUs have separate parcel/courier service and logistics operations as an additional source of revenues.</li><li>The Road Transport Corporation Act, 1950 Section 2 (e) defines Road Transport Service as a service carrying passenger or goods or both by road in vehicles for hire or reward. Thus, SRTUs are mandated to carry passengers or goods or both.</li><li>As per Section 19 (j) of RTC Act, 1950, under the head 'Powers of the Corporation, SRTCs are entitled to enter into and carry out agreements with any person carrying on business as a carrier of passengers or goods on behalf of the corporation by that person at a through fare or freight'.</li></ul>

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6.	Urgent Action Required to Address Overloading in Buses and Trucks. Illegal usage of passenger buses (Stage Carriage & Contract Carriage) for Transportation of Cargo.	Already Addressed	<ul style="list-style-type: none"> <li>Section 19 (k) of RTC Act empowers SRTCs to provide facilities for the consignment, storage and delivery of goods.</li> <li>The Motor Vehicles Act, 1988 Section 72 (2) vii, viii, ix and xii pertaining to grant of stage carriage permit specify the maximum weight of luggage that may be carried on stage carriage, the weight and nature of passenger luggage (free of charge), total weight of luggage that can be carried by each passenger, rate of charge that may be levied for passenger's in excess of the free allowances luggage and conditions subject to which goods may be carried in stage carriage in addition to or to exclusion of passengers.</li> </ul>
7.	Constitution of inter departmental committee with periodic meetings with AIMTC for resolution of Policy Level and Operational Issues in the Transport Sector.	-	<p>As discussed in the last meeting held on 28.02.2024, it was informed that there was a nation-wide strike by the Transporters in 2018 and AIMTC raised several issues such as GST, Taxation, health services from ESIC, Insurance of Drivers etc. As these issues required involvement of concerned Nodal Ministries/ Departments, accordingly, Inter-Ministerial Committee (IMC) was constituted in August, 2018 to submit recommendations within 3 months.</p> <p>It was decided that a quarterly meeting will be held with transporter association for resolution of their issues.</p>

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8.	SOP for improving E Challan System to save vulnerable transporters.	Already Addressed	SOP has already been prescribed in Rule 167 & 167 A of the CMVR, 1989.
9.	Single window redressal system to rectify wrongful challans made when supported by logic and evidence by the vehicle owner.	Already Addressed	SOP has already been prescribed in Rule 167 & 167 A of the CMVR, 1989. The task of redressal can be taken up by the applicant before authorized officer of challaning authority or traffic police of State government as Rule 167 (A) 10.
10.	Amendment in MV Rules for increasing the life of nonpolluting BS VI vehicles to 20 years at least uniformly across the country.	Already Addressed	As per Sub Section 7 of Section 41 of MV Act, 1988, a certificate of registration issued under sub section (3), be valid only for a period of 15 years from the date of issue of such certificate and shall be renewable subject to fitness.
11.	Review Petition be filed by the Ministry in Hon'ble Supreme Court for Plying of registration and plying of more than 10 years old diesel and more than 15 years old petrol vehicles in Delhi, NCR.	Under Implementation	Ministry has already filed SLP in March 2019 with Hon'ble Supreme Court, however it is not yet listed for hearing.



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12.	Revocation of Green Tax on BS IV and VI vehicles. Green Tax was levied for BS III vehicles. Since then, it is being levied on BS IV and BS VI vehicles.	N/A	<p>On an earlier reference on the same matter by AIMTC, this Ministry has already replied:</p> <p>Green Tax has been imposed by the State/ UT Governments to disincentivize the use of older and polluting vehicles. The ECC green tax on trucks at Delhi Border is levied by the National Capital Territory of Delhi, Delhi Government. It is therefore advised that cases of harassment in respect of Green tax and pollution tax may be referred to concerned States/ UTs with a copy to this Ministry, by transporters organisations.</p>
13.	Non requirement of PUC for nonpolluting BS VI vehicles, which is widely proclaimed by the Government and OEMs. As per NGT guidelines OEMs responsibility of making pollution free engine.	Already Addressed	As per Rule 115 (7) of CMVR, 1989 mandates carrying PUC issued by state authorized agency for vehicles after expiry of a period of one year from the date of which the motor vehicles was first registered.
14.	Tech Driven, Free Human Interference Enforcement and Minimal Checking Enroute.	Already Addressed	<p>The Rule 167 (A) of CMVR, 1989 provide details of Tech Driven approach being undertaken of monitoring and enforcement.</p> <p>Ministry has issued several advisories to States/UTs for removal of border check post.  </p>

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15.	Rig Unit Vehicles and the Vehicle carrying boring rods, be given SPECIAL PERMIT on the lines of NATIONAL PERMIT, whereby, they can pay annual ONLINE fees for all India movement.	Already Addressed	CEVs as defined under CMVR, 1989, Rule 2 comes under the type of non-transport category. As per Section 66 of the MV Act, 1988 non-transport vehicles are exempted from the necessity of permits.
16.	Secured Parking lots, Basic Amenities for Drivers- Rest Rooms, Driver Toilets, Subsidized and Hygienic Food Canteen - on Highways and Cities.	Already Addressed	To improve the comfort and convenience of Highway users, Ministry has planned development of Wayside Amenities (WSA) at about 40-50 Km interval. These facilities are aimed to provide multiple options of rest and refreshment for the highway commuters during their journey. Some of the mandatory facilities being developed at each WSA are fuel stations, EV charging stations, food court/restaurants, dhabas, convenience stores, clean and hygienic toilet facilities, drinking water, first aid/ medical room including childcare room, dedicated area for promoting local artisans, car/bus/truck parking, Trucker facilities likes Dhaba's, dormitories etc., As of now, 322 Wayside Amenities have been awarded of which 50 are operational across 9 states. It has been targeted for award of 278 Wayside Amenities in current financial year.



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<b>Advisory / Clarification / Amendment</b>			
1.	Abolishing all border check posts or any other physical check posts on the National Highways and the States.	Already Addressed	<p>The matter had been taken up with the concerned States at various level of this Ministry. In this regard, (i) DO letters by Hon'ble Minister RT&amp;H dated 30th December 2019, (ii) DO letters by Secretary RT&amp;H dated 16th June 2020 and (iii) Letters dt 06th September 2021, 21st September 2021, 02nd November 2021, 09th December 2021, 28th April 2022.</p> <p>Subsequent to the meeting held between Secretary (RT&amp;H) and AIMTC in July, 2023, an advisory dated 03.10.2023 was issued to Chief Secretaries of 17 States/ UTs requesting them to take necessary steps to ensure the seamless movement of transport vehicles and stop harassment of truck drivers.</p> <p>Secy, DPIIT also chaired a meeting on the issue with Chief Secretaries of 14 States, wherein all the States declared their commitment to adopting technology-based measures to resolve the issue. Secretary, DPIIT also directed that under Business Reform Action Plan (BRAP) exercise of ranking states on EoDB indicators, this point will be taken in case of non-compliance by the States urgently.</p>
2.	Abolishing of border check posts in MP, Maharashtra, Chhattisgarh and Other States.		

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1.	Abolishing all border check posts or any other physical check posts on the National Highways and the States.	Already Addressed	Government of Tamil Nadu has informed that they have installed CCTV Cameras at 20 border check posts. Action has been initiated for provision of body wearable cameras for officials of Transport Department.
2.	Abolishing of border check posts in MP, Maharashtra, Chhattisgarh and Other States.		Government of Andhra Pradesh has informed that all services in 15 border check posts have been closed w.e.f. 16.03.2024.
3.	Expedite Implementation of faceless service in issuance of National Permit Authorization in the State.	Already Addressed	<p>The Ministry vide SO. 4353 dated 16.09.2022 has allowed online services through “Aadhaar authentication on a voluntary basis by requesting entities, in the interest of good governance, promoting ease of living of residents and enabling better access to services for them”.</p> <p>With respect to online services which as per the BOCI’s letter dated 15.05.2023 are not functional. It is to inform that all the identified online services are operational in most of the States/UTs.  <i>Herein are the detail of States/UTs where it has been implemented</i></p>

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4.	PAN number should be incorporated in the DL.	Not Considered	<p>The specification of driving license (Form 7) have been specified in Annexure XI of CMVR, 1989 vide notification GSR 174E dated 01.03.2019 after consulting stakeholders.</p> <p>Moreover, PAN is a privileged document comes under Personal Data Protection Act 2023.</p>
5.	The sanctity of rule 167(7) of CMVR 1989 should be maintained. It should be implemented in true letter and spirit by delinking renewal of fitness and permits and pending e - challan of the vehicles.	Not Considered	<p>Permit may be renewed but transfer of permit of vehicle cannot be allowed unless all dues/challan/civil cases have been cleared.</p> <p>However, in this regard, an advisory may be issued to all States/UTs.</p>
6.	Clarification regarding the word canopy should include Tirpal with ropes.	Already Addressed	The CMVR, 1989, Rule 93 does not put any restriction for use of tirpal etc. However, the overall height of the motor vehicle as specified in Rule 93, shall not exceed while plying in a public places.

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7.	Amendment in the CMVR, 1989 regarding regularization of Double Fuel Tank.	Already Addressed	As per Rule 124 of CMVR, 1989 every manufacturer shall get the prototype of the part, component or sub assembly for which standards have been notified, approved from an agency as referred to in Rule 126 of CMVR, 1989. Further, provision of alteration is subject to Section 52 of MV Act, 1988 read with Rule 47 A and Rule 112 of CMVR, 1989.
8.	Temporary Surrender of RC.	Already Addressed	Every States/UTs has framed Motor Vehicles Rules, which has the provision for temporary surrender of Registration Certificate during the non use period.
9.	Workshops authorized by OEMs.	Already Addressed	Rule 112 of CMVR, 1989 has the provision for getting alterations done from OEMs, dealer of the OEMs, Workshops & Service station authorized by State Governments.
10.	Request for amending the permit life of 6-wheeler 1613 trucks to 15 years.	Already Addressed	As per Rule 88 of CMVR, 1989, the National Permit life of vehicle is considered for based on number of axles and not the number of wheels.

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11.	LPG Tankers may be allowed to pick up and set down material in the same State.	Already Addressed	As per CMVR, 1989 Rule 90, vehicles covered by National Permit may do so subject to the States restrictions.
12.	Advisory against Danda Tax in West Bengal.	N/A	It is a State subject.
13.	Freight Rate fixation in consonance with Section 67 (1)(1) of MV Act, 1988.	Already Addressed	This Ministry has already issued an advisory dated 17.07.2020 wherein attention of States has been drawn to Section 67(1) of Motor Vehicles Act, 1988 which stipulates that State Government, having regard to promoting effective competition among the transport service providers, may issue directions through notifications to both the State Transport Authority and Regional Transport Authority regarding the passengers convenience, economically competitive fares, prevention of overcrowding and road safety.
14.	Notarized Affidavit to suffice in case of Damage loss of HSRP amendment in circular no RT-11036/56/2019-MVL Part(1) dated October 21, 2020.	Not Considered	Due to security and enforcement issues, it may not be prudent to relax any condition pertaining to HSRP.

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15.	Audit along with transparent Check and Balances to secure Calibration of Weighbridges.	Already Addressed	As per Rule 167 (A) of CMVR 1989, the designated authority of the State Government certifies the accuracy of device, operating properly and renewal of approval certificate on yearly basis.
16.	Double Taxation in some states like Himachal Pradesh, Tamil Nadu, Jammu and Kashmir.	Already Addressed	Rule have been issued but many All India tourist operators have filed a petition(s) with Hon'ble Supreme Court and the Hon'ble court has reserved the judgement.
17.	Toll waiver for truck ambulance.	Already Addressed	As per the National Highway Fee Rules 2008, there is already a provision for exemption to mechanical vehicles used as ambulances.
18.	SOP for streamlining the process for Time bound release of vehicles involved in Accident/Seized by authorities.	N/A	The seizure of a vehicle post-accident and procedure for release of such vehicle are not covered under the Motor Vehicle Act, 1988. In road accident cases, the case property articles are usually the vehicles involved in the accident and in the case of theft of vehicles the stolen vehicles become the case property. Motor vehicles involved in accidents are seized under the relevant provisions of the Code of Criminal Procedure, 1973, in furtherance of proceedings/ investigation therein.
19.	No need of Guarantee of local resident for release of vehicle involved in Accident in other State as the vehicle and its owner data is available online.		



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18.	SOP for streamlining the process for Time bound release of vehicles involved in Accident/Seized by authorities.	N/A	There exist provisions within the Code of Criminal Procedure, 1973 (CrPC) relating to release of a motor vehicle seized after an accident. Section 457 of the Code of Criminal Procedure, 1973 provides procedure by police upon seizure of property. The said legislation(s) is administered by the Ministry of Home Affairs.
19.	No need of Guarantee of local resident for release of vehicle involved in Accident in other State as the vehicle and its owner data is available online.		
20.	Urgent Need for issuance of Quality Control Order mandating compliance to BIS Standard IS: 17042 for manufacturing and marketing of diesel exhaust fluid (DEF) popularly referred to as AdBlue (Diesel Engine No reducing agent AUS 32) to allow Free Competitive Market with standardized products.	N/A	The Ministry of Chemicals & Fertilizers has already issued a Quality Control Order (QCO) i.e., S.O. 922 (E) dated 26.02.2024 on the subject of DEF.
21.	Incorporating Examinable Road Safety Subject in School curriculum.	Already Addressed	MoRTH has shared a set of interventions and curriculum framework on Road Safety with Ministry of Education along with the request to include in the National Curriculum Framework (NCF) for School Education. The matter is under consideration by NCERT. Ministry is following up with M/o Education and NCERT.

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22.	Waiver of challans as done by Uttar Pradesh Government.	N/A	It is a State subject.

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***THANK YOU***