



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 23RD DAY OF APRIL 2024 / 3RD VAISAKHA, 1946

WP(C) NO. 1142 OF 2024

PETITIONER:

NIJO VARGHESE
AGED 44 YEARS
S/O. VARGHESE, NJALIYATH HOUSE,
EDALAKKADU, MOOKKANNOOR,
MOOKKANNUR, ERNAKULAM, PIN - 683577

BY ADV O.D.SIVADAS

RESPONDENTS:

- 1 THE TRANSPORT COMMISSIONER
TRANSPORT DEPARTMENT,
TRANSPORT COMMISSIONERATE,
2ND FLOOR, TRANS TOWERS, THYCAUD. P.O.,
VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695014
- 2 THE REGISTERING AUTHORITY
JOINT REGIONAL TRANSPORT OFFICER, ANGAMALY,
ERNAKULAM DISTRICT, PIN - 683572

BY SRI.SREEJITH V.S., GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 23.04.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



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N. NAGARESH, J.

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Dated this the 23rd day of April, 2024

J U D G M E N T

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The petitioner, who is owner of a bus, has filed this writ petition seeking to command the 2nd respondent to register the Stage Carriage produced by the petitioner covered by Exts.P1 to P4 documents without insisting the fitness of Sensors in the Pneumatic Door. The petitioner also seeks to declare that insistence of the respondents for fitment of Sensors in the Pneumatic Door is illegal and



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arbitrary, since such fitment is not contemplated as per the rules.

2. The petitioner states that he purchased a bus chassis manufactured by Ashok Leyland. The vehicle was granted Ext.P1 Temporary Registration Certificate. After constructing the body of the vehicle, the petitioner produced the vehicle for permanent registration before the 2nd respondent-Joint RTO.

3. As per the Kerala Motor Vehicles Rules, fitment of Pneumatic Door is necessary for Stage Carriages registered after 01.07.2011. The Rule does not contemplate fitment of Sensor in the Pneumatic Door. Fitment of Sensor is not a mandatory requirement. Fitment of Sensor is only an additional safety measure. The respondents are denying registration of the Stage Carriage of the petitioner on the ground that the Pneumatic Door are not fitted with Sensors. The petitioner therefore seeks to command the 2nd respondent to register the Stage Carriage without insisting fitment of Sensors in the Pneumatic Door.



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4. The Government Pleader entered appearance and resisted the writ petition. The Government Pleader submitted that as per Clause 6.5.1.3 of AIS-052 (Rev.1), for a Pneumatic Door, whenever the doors are closed on to an object, the door reopens automatically to its fullest extent and remain open until a closing control is operated or the wrist or finger can be extracted without risk or injury to the passenger using test bar specified. As per Clause 6.5.2.1 of AIS-052 (Rev.1), the closing of power operated door is a dynamic process. When a moving door hits an obstacle, the result is a dynamic reaction force, the history of which (in time) depends on several factors (eg. the mass of the door, acceleration, dimensions). Therefore, it is amply clear that the petitioner needs to install Sensors to the Pneumatic Door.

5. I have heard the learned counsel for the petitioner and the learned Government Pleader representing the respondents.



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6. Rule 280 of the Kerala Motor Vehicles Rules, 1989 is dealing with entrance and exit in respect of Stage Carriages. The Government of Kerala noticed that lack of shutters in City and Town Services causes accidents. The opening and closing of the door shutters of those Stage Carriages which are provided with door shutters also causes accidents while opening and closing shutters. The Government was of the view that if all Stage Carriages are provided with Pneumatic Doors, such kind of accidents can be avoided in future. Therefore, the Government issued Ext.P5 notification dated 08.05.2011 proposing amendment to Rule 280 of the Kerala Motor Vehicles Rules substituting sub-clause (2) of Rule 280. The draft Rules published by the Government as per Ext.P5 reads as follows:-

1. *Short title and commencement* -- (1)
These rules may be called the Kerala Motor Vehicles (Amendment) Rules, 2011.

(2) They shall come into at once.

2. *Amendment of the Rules* – In the Kerala Motor Vehicles Rules, 1989, for Stage sub-rule (2) of rule 280, the following shall be substituted, namely:-



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“(2). No vehicle not fitted with pneumatic door shall be registered as a Stage Carriage on an after the 1st day of July 2011:

Provided that every vehicle already registered as a stage carriage shall be fitted with pneumatic doors within one year.”

7. Subsequently, the Kerala Motor Vehicles Rules, 1989 was amended as per Notification dated 19.12.2017 inserting a proviso to the effect that the doors provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS-052 (Rev.1)-2008 as amended from time to time. A proviso was inserted under sub-rule (2) of Rule 280 providing that shutters provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS-052 (Rev.1)-2008 as amended from time to time.

8. Rule 280 of the Kerala Motor Vehicles Rules reads as follows:-

280. Entrance and exit.- (1) Every stage carriage shall be provided with two doors, one at the front and the other at the rear of the left hand side of the body, having at least sixty-three centimetres width and sufficient height.

Provided that this rule shall not apply to stage carriages with wheel base up to and including 407



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centimeters.

Provided further that the doors provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev.1)-2008 as amended from time to time.

(2) Every door of a stage carriage shall be provided with shutters which can be opened outward from inside as well as outside. [xxxx].

Provided that the shutters provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev.1)-2008 as amended from time to time.

(3) On both sides of every door in a stage carriage there shall be provided a partition wall upto a height of eighty-five centimetres from the floor of the vehicle.

(4) Every stage carriage shall be provided with an emergency exit in the form of a frame fixed with a safety glass with dimensions one hundred and fifty centimeters horizontally and one hundred and twenty centimeters vertically or in the form of a door with the same dimensions hinged at the top capable of being operated both from inside and outside. The emergency exit shall be fitted at the rear windscreen. The words "EMERGENCY EXIT" shall be prominently inscribed in red colour on a white background both inside and outside of the emergency exit:

Provided that in the case of stage carriages with wheel base up to and including 407 c.m. the emergency exit shall be of the dimensions 120 c.m. horizontally and 100 c.m. Vertically.

Provided further that the emergency doors provided in buses that are registered on or after the 1st day of October, 2017 shall be in accordance with AIS 052 (Rev.1)-2008 as amended from time to time.

(5) The provisions of this rule shall not so apply to a stage carriage registered before 1-8-2002 but shall apply when its body is reconstructed, at any time, subsequent to the above date.



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The two provisos inserted in Rule 280 by Notification dated 19.12.2017 would make it clear that the doors/shutters provided in buses, shall be in accordance with AIS-052 (Rev.1).

9. Chapter VI of AIS-052 (Rev.1) deals with test methods for design of bus bodies, body structure strength, etc. Clause 6.5 of AIS-052 (Rev.1) deals with Power Operated Service Door. Clause 6.5 to 6.5.2.1 of AIS-052 (Rev.1) reads as follows:-

6.5 Power Operated Service Door

6.5.1 Test Requirements

6.5.1.1 The construction and control system of every power operated service door be such that a passenger is unlikely to be injured by the door or trapped between the door while closing. The door system shall meet the requirements defined in para 6.5.1.2 & para 6.5.1.3.

6.5.1.2 The closing of the door at the measuring point is resisted by the clamping force not exceeding 150 N, the door shall reopen automatically to its fullest extent and remain open until a closing control is operated. The clamping force shall be measured using a test bar of section 60mm High 30mm Wide and rounded at corners (R=5mm). The clamping force may be measured by the method specified in 6.5.2 or by any other equivalent method specified by the test agency. The peak clamping force may be higher than 150 N momentarily provided that it does not exceed 300 N. higher than 150 N momentarily provided that it



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does not exceed 300 N. Alternatively, if the door can be easily reopened by hand, if the clamping force measured does not exceed 80 N when the door is between 30 and 120 mm ajar, and 150 N when is between 120 mm and 400 mm ajar with the energy supply on.

6.5.1.3 Whenever the doors are closed onto an object; the door reopens automatically to its fullest extent and remain open until a closing control is operated or the wrist or finger can be extracted without risk or injury to the passenger using test bar specified below:

- Test bar shall be so constructed such that it shall be tapered at one end over a length of 300 mm from 30 mm to a thickness of 5 mm.

6.5.2 Guidelines for measuring the closing forces of Power operated Doors.

6.5.2.1 The closing of power – operated door is a dynamic process. When a moving door hits an obstacle, the result is a dynamic reaction force, the history of which (in time) depends on several factors. (e.g. the mass of the door, acceleration, dimensions).

10. The provisions would indicate that the construction and control system of every Power Operated Service Door be such that a passenger is unlikely to be injured by the door or trapped between the door while closing. The door system shall meet the requirements defined in paragraph 6.5.1.3. The paragraph 6.5.1.3 provides that whenever the doors are closed onto an object, the door reopens automatically to its



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fullest extent and remain open until a closing control is operated or the wrist or finger can be extracted without risk or injury to the passenger using test bar. The test bar shall be constructed such that it shall be tapered at one end over a length of 300 mm from 30 mm to a thickness of 5 mm.

11. Clause 6.5.2.1 provides that the closing of Power Operated Door is a dynamic process and when a moving door hits an obstacle, the result is a dynamic reaction force, the history of which (in time) depends on several factors.

12. A careful reading of paragraph 6.5 of AIS-052 (Rev.1) would indicate that the Power Operated Service Door as required therein should be of such nature that whenever “the doors are closed onto an object”, the door opens automatically. The provision would indicate that the AIS-052 (Rev.1) contemplates instances of closing of the doors “onto an object”. Therefore, it has to be implied that Sensors to Power Operated Service Door are not contemplated under AIS-052 (Rev.1).



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13. Paragraph 6.5.1.3 would make the afore proposition clear. The said paragraph contemplates that whenever the doors are closed onto an object, the doors reopens automatically to its fullest extent and remain open until a closing control is operated “OR” the wrist or finger can be extracted without risk or injury to the passenger using test bar specified in the AIS. This provision would make it abundantly clear that the authorities contemplated that the Power Operated Service Doors are likely to touch on objects including bodies of the passengers. Therefore, the AIS provides that the doors should be of such nature that the wrist or finger can be extracted without risk or injury to the passenger.

14. To ensure that passengers will not be put to risk, AIS provides that Test Bar shall be so constructed such that it shall be tapered at one end over a length of 300 mm from 30 mm to a thickness of 5 mm. It necessarily indicates that if the Power Operated Service Doors are created using Test Bar as indicated in the AIS, then there is no likelihood of risk



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or injury to a passenger. I am persuaded to hold so because the AIS-052 (Rev.1) regulates closing force, peak force, effective force, clamping force, etc. of the Power Operatd Service Doors, in order to avoid any physical injury to the passengers.

15. A closer reading of Rule 280 of the Kerala Motor Vehicles Rules, 1989 and Chapter VI of the AIS-052 (Rev.1) would make it clear that neither the rules nor the authorities insisted for fitting of Sensors to Pneumatic Doors in a Stage Carriage. Therefore, as long as the vehicle of the petitioner satisfies the provisions contained in Chapter VI of AIS-052 (Rev.1) including the construction of tapered Test Bar as per the requirement in paragraph 6.5.1.3 and the closing force, peak force, effective force and clamping force as required in paragraph 6.5, the respondents will not be justified in insisting that the Stage Carriage of the petitioner will be registered only if the Pneumatic Doors of the Stage Carriage are fitted with Sensors.



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In view of the afore findings, the petitioner is entitled to get relief in this writ petition. The writ petition is therefore allowed and the 2nd respondent is directed to register the Stage Carriage produced by the petitioner without insisting the Fitment of Sensors in the Pneumatic Doors, provided the vehicle satisfies the requirements under paragraph 6.5 of AIS-052 (Rev.1).

Sd/-

N. NAGARESH, JUDGE

aks/19.04.2024



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APPENDIX OF WP(C) 1142/2024

PETITIONER'S EXHIBITS

- Exhibit P1 TRUE COPY OF THE TEMPORARY
REGISTRATION CERTIFICATE ISSUED BY THE
ANGAMALY SUB REGIONAL TRANSPORT
OFFICER DATED 12/10/2023
- Exhibit P2 TRUE COPY OF THE FORM NO.20
APPLICATION SUBMITTED TO THE 2ND
RESPONDENT.
- Exhibit P3 TRUE COPY OF THE FORM NO.21
APPLICATION SUBMITTED TO THE 2ND
RESPONDENT.
- Exhibit P4 TRUE COPY OF THE CERTIFICATE ISSUED BY
THE BODY BUILDER, M/S. DURGA
INDUSTRIES, KARUR.
- Exhibit P5 TRUE COPY OF THE NOTIFICATION BEARING
NO. 2764/B2/2010/TRAN DATED 08.05.2011
ISSUED BY THE GOVERNMENT
- Exhibit P6 TRUE COPY OF THE REPLY SUBMITTED BY
THE M/S DURGA INDUSTRIES