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NOTIFICATION

No. B.12021/2/2001-TRP, the 1st November, 2017. The following draft of certain rules further to amend the Mizoram (Regulation and Control of Vehicles Parking) Rules, 2000, which the Government of Mizoram proposes to make in exercise of the powers conferred by sub-section(1) of section 138 of the Motor Vehicles Act, 1998 is hereby published as required by sub-section(1) of section 212 of the said Act. For information of all persons likely to be affected thereby; and notice is hereby given that the said draft shall be taken into consideration after expiry of a period of ten days from the date on which the copies of this notification as published in the Gazette of Mizoram are made available to the public.

Any objections or suggestions received from any person with respect to the said draft rules within the expiry of the period so specified will be considered by the Government of Mizoram.

Objections or suggestion, if any, may be sent to the Secretary to Government of Mizoram, Transport Department within the period specified above.

DRAFT RULES

1. Short title, extent and commencement:-
 - 1) These rules may be called the Mizoram (Regulation and Control of Vehicles Parking) (Amendment) Rules, 2017.
 - 2) They shall have the like extent as the Principal Rules.
 - 3) They shall come into force on the date of publication in the Official Gazette.
2. Amendment of Enabling Provisions :-

In the Enabling Provisions to the Mizoram (Regulation and Control of Vehicles Parking) Rules, 2000 (hereinafter referred to as the Principal Rules), after the word “under” and before the word “clause (e)” the word “ sub-section (1)” shall be inserted and the words “clause(e) and (j) of sub-section(2)” shall substitute the word “clause(e)”.

3. Amendment of rule 2:-

In rule 2 of the Principal Rules, after clause (d), the following clauses (da) and (db) shall be added, namely:-

“(da) Garage: Garage means and includes the following:

- (i) A building meant for housing a motor vehicle;
- (ii) enclosed structure built next to or as part of a building for housing a motor vehicle;
- (iii) any area/areas maintained for private use or any area including but not limited to Fields, Parks etc generally frequented by the Public officially acknowledged to be a Garage by the Designated Govt. Authority;
- (iv) enclosed space of Private Premises meant for housing motor vehicles, whether on rent, lease or otherwise subject to final acknowledgement to be a Garage by the Designated Govt. Authority;
- (v) spaces in a Multi Level Car Parking building run by the Government/PSU/Co-operative Societies or any other organization of such nature officially acknowledged to be a Garage by the Designated Govt. Authority.

“(db) illegal parking: Without prejudice to any other relevant provisions of law, statutes/notifications, etc, a vehicle shall be deemed to be parked illegally if it is parked in any place other than a garage or private premises, but including any place encompassed within roadside, lane, bye-lane, street etc. declared from time to time by the Government or any authority authorized by the Government on this behalf as parking areas for a continuous period of 5 hours or overnight without prior permission from the Government or appropriate authority designated by the Government for this purpose.

4. Amendment of rule 8:-

Rule 8 of the Principal Rules shall be substituted by the following, namely:-

“8 (1) No vehicle whether serviceable or unserviceable, Government or private, shall be allowed to be parked in a manner as specified in clause (db) of rule 2 of these rules and in the instance of any contravention thereof, such defaulter (owner or driver of the vehicle) shall be liable to pay a fine or fines which will initially be as detailed below until altered by the Government by notification in the Official Gazette:

- (i) Rs. 500/- for the contravention committed during 6 A.M. to 5 P.M.
- (ii) Rs. 1000/- for contravention arising out of overnight parking.
- (iii) Any subsequent contravention will entail a fine double the amount of each previous fine levied irrespective of whether the contravention is consecutive or not”.

(2) The authority for enforcing this provision shall be the Traffic Police by observing all codal formalities or procedure thereof.”

5. Amendment of rule 10:-

Sub-rule 1 of rule 10 shall be substituted by the following namely:

“(1) If the Owner or the Driver of any vehicle refused to pay the fine for illegal parking the Vehicle may be seized by the nearest Traffic Police on duty, after observing all codal formalities of such seizures. If situation demands, such seized vehicle shall be removed to the nearest Police Station or to a place to be specified by the Government under section 117 of the Motor Vehicle Act, 1988 at the cost of the owner of the vehicle. A vehicle so seized may be released on payment of additional fine which will initially be as detailed below until altered by the Government by notification in the Official Gazette:

1. Rs. 1500/- with regard to vehicle seized for contravention of clause (i) of sub-rule (1) of rule 8.
2. Rs. 2000/- with regard to vehicle seized for contravention of clause (ii) and (iii) of sub-rule (1) of rule 8.

6. Addition of new rule 12-A:-

After rule 12 of the Principal Rules, the following rule 12-A shall be added, namely “12-A : These rules shall be without prejudice to any of the provisions of the Aizawl Municipal Council (Control of Parking and Collection of Parking Fees) Regulations, 2012 and accordingly be deemed to supplement the said Regulation with regard to Aizawl Municipal Council area.”

Lalthangpuia Sailo,
Secretary to the Govt. Of Mizoram,
Transport Department.