

**Government of Jammu and Kashmir,
Transport Department, Civil Secretariat,
J&K, Jammu/Srinagar.**

Circular No. 01-JK(TR) of 2021

Dated: 10.06.2021

Subject: Registration of the vehicles purchased from outside the Jammu & Kashmir-reg.

Reference: Judgment of Hon'ble High Court in writ petition No.669/2021 C/W W.P No. 777/2021- titled Zahoor Ahmad Bhat and ors v/s Government of J&K and ors.

It has been observed that considerable number of vehicles registered outside the UT of Jammu & Kashmir (from adjoining States of Punjab, Haryana and Delhi etc.) have been purchased by the residents of the Jammu and Kashmir and are being plied across the Jammu & Kashmir unauthorizably, without having been registered with the concerned Registering Authorities (RTOs/ARTOs), in contravention to the explicit provisions of the Motor Vehicles Act, 1988, Central Motor Vehicles Rules, 1989.

It has been reported that number of old vehicles purchased from outside UT of J&K are also being plied in the UT of Jammu and Kashmir without paying token tax/road tax as required under J&K Motor Vehicles Taxation Act, 1957 and without the transfer of ownership in favor of purchaser (transferee) and the state exchequer is bereft of considerable amount on this account. There is high probability of such vehicles being used for carrying unlawful activities.

The relevant provisions and part thereof of Motor Vehicles Act, 1988 as amended dealing with the transfer, registration/re-registration of the vehicle are reproduced as;

39. Necessity for registration

No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other

place unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner:

Provided that nothing in this section shall apply to a motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government.

40. Registration, where to be made

Subject to the provisions of section 42, sections 43 and 60, every owner of a motor vehicle shall cause the vehicle to be registered by [any registering authority in the State] in whose jurisdiction he has the residence or place of business where the vehicle is normally kept.

47. Assignment of new registration mark on removal to another State

- (1) When a motor vehicle registered in one State has been kept in another State, for a period exceeding twelve months, the owner of the vehicle shall, within such period and in such form containing such particulars as may be prescribed by the Central Government, apply to the registering authority, within whose jurisdiction the vehicle then is, for the assignment of a new registration mark and shall present the certificate of registration to that registering authority:

50. Transfer of ownership

1) Where the ownership of any motor vehicle registered under this Chapter is transferred,-

(a) The transferor shall,-

- (i) in the case of a vehicle registered within the same State, within fourteen days of the transfer, report the fact of transfer, in such form with such documents and in such manner, as may be prescribed by the Central Government to the registering authority within whose jurisdiction the transfer is to be effected and shall simultaneously send a copy of the said report to the transferee; and

(ii) In the case of a vehicle registered outside the State, within forty-five days of the transfer, forward to the registering authority referred to in sub-clause (i)-

(ii) The postal acknowledgement received by the transferee if he has sent an application in this behalf by registered post acknowledgement due to the registering authority referred to in section 48,

together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted;

(b). The transferee shall, within thirty days of the transfer, report the transfer to the registering authority within whose jurisdiction he has the residence or place of business where the vehicle is normally kept, as the case may be, and shall forward the certificate of registration to that registering authority together with the prescribed fee and a copy of the report received by him from the transferor in order that particulars of the transfer or ownership may be entered in the certificate of registration.

It is, therefore, enjoined upon all the Registering Authorities (RTOs/ARTOs) to strictly comply the above provisions and part thereof, of the Motor Vehicles Act, 1988 as amended and the relevant Central Motor Vehicle Rules, 1989 viz Rule 54, 55, 56, 57, 58, 59, etc and J&K Motor Vehicles Rules, 1991 and instructions issued through SROs/SOs by the Transport Department from time to time in this behalf in letter and spirit.

ad

Sd/
(Hirdesh Kumar) IAS
Commissioner/Secretary to the Government,
Transport Department.

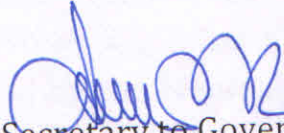
No. TR- 48/MVD/2020

Dated: - 10-06-2021.

Copy to:

1. Principal Secretary to the Lieutenant Governor, J&K.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Divisional Commissioner, Jammu/Kashmir.

4. Inspector General of Police Traffic, J&K.
5. Inspector General of Police, Jammu/Kashmir.
6. Transport Commissioner, J&K.
7. All Deputy Commissioners (Chairman/Chairperson, RTA).
8. All Superintendents of Police.
9. Director Information, J&K, Jammu. He is requested to publish the circular in leading dailies of J&K for information of the general public.
10. Regional Transport Officer, Jammu/Kashmir/Kathua and all ARTOs for strict compliance.
11. Private Secretary to Chief Secretary, J&K.
12. Private Secretary to Hon'ble Advisor (Incharge Transport Department).
13. Private Secretary to Commissioner/Secretary to Government, Transport Department.
14. Government Order/Stock file.


Deputy Secretary to Government, 10/11/21
Transport Department.