

WEST BENGAL HUMAN RIGHTS COMMISSION
PURTA BHAVAN, SALT LAKE, KOLKATA – 91

File No. 1194/WBHRC/Com/2015-16

The Commission taking suo-motu cognizance called for a report from the Principal Secretary, Transport Department, Govt. of West Bengal and the Commissioner of Police, Kolkata calling for necessary action on their part by observing that “many public buses running within Kolkata and adjoining areas are now using various advertisements posted on side window glasses. As a result of these advertisements, view from outside to inside of the public buses are totally concealed. Further, there is no CCTV arrangements within those public buses (under JNURM & also CSTC, WBSTC). In view of the security scenario, specially related to women and children public buses should have clear view from outside and also CCTV coverage. It was also observed that the Hon’ble Supreme Court has clearly held that tinting of windows/windshield is unlawful and as such there is clear violation of Motor Vehicles Rules & Act.

By their letters dated 17.05.2016 and 02.06.2016 the Special Secretary to the Govt. of West Bengal, Transport Department and the Commissioner of Police, Kolkata have submitted their action taken report before the Hon’ble Commission stating therein as follows:-

“As communicated by Calcutta State Transport Corporation (CSTC) and West Bengal Surface Transport Corporation (WBSTC).

1. Advertisement agencies have been asked to remove all advertisement material from the window panes of Calcutta State

Transport Corporation and West Bengal Surface Transport Corporation run buses.

2. Both Calcutta State Transport Corporation and West Bengal Surface Transport Corporation have clarified their stand to discontinue all advertisements on safety glasses, windscreen (front and rear) and side glasses hindering inside visibility of all vehicles following the directions of Hon'ble Supreme Court in WP (Civil) No. 265 of 2011.
3. However, arrangement of CCTV inside all State run buses could not be made as buses procured under JNNURM(Phase-I) did not come with fitted cameras.

The above action taken report was submitted by the Special Secretary, Govt. of West Bengal, Transport Department.

The Commissioner of Police, Kolkata submitted the following action taken report.

“That Section 52 of the Motor Vehicles Act, 1988 provides for “Alteration in motor vehicle” Where alteration means “a change in the structure of the vehicle which results in change in its basic feature.”

Sub Section (1) of Section 52 of the said act provides that “No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are no longer accurate, unless-

- (a) He has given notice to the registering authority within whose jurisdiction he has the residence or the place of business where the vehicle is normally kept, as the case may be, of the alteration he proposes to make; and

(b) He has obtained the approval of that registering authority to make such alteration.

Fitment of tinted glasses in motor vehicle also alters the feature of motor vehicle and thus contravenes the registration of the vehicle and shall be liable for prosecution u/s 39/192 of the Motor Vehicles Act, 1988. [10092)CMVR/52/39/192(I) M.V. Act.]

A comprehensive report exhaustively encompassing prosecution enforced by the Traffic Guards/ Sections against various categories of vehicles under relevant sections of law within the ambit of Kolkata Police from the period 01.01.2013 to 31.03.2016 is enclosed. Several meetings are held with dignitaries of STA and ground level officers are sensitized regarding the need to exercise due vigilance to ensure compliance with the norms in the above referred letter.”

The above steps have been taken on the initiative of the Commission.

Sd/-
Registrar