

Circular No.21/2008

Sub:- Motor Vehicles Department – Road safety Measures – Action against over speeding of drivers and other offences – imposing of penalty – orders issued – reg.

Ref:- This office Circular No.06/2008 dated 08.03.2008

The licensing Authorities of the State were directed vide circular referred above to invoke the provisions of Section 19 (1) of the MV Act against over speeding drivers. On review it is seen that some clarifications are required in the above referred circular. Hence this is issued in modification of the referred circular.

All officers are instructed to initiate action in accordance of the provisions of law as detailed below to discourage wrong driving practices and to enhance road safety.

Sl. No.	Section / rule	Status	Action to be initiated by M.V. Dept.
1.	Under Section 304 (A) of IPC Section, 184 and Section 185 of MV Act.1988	Where Driver has been charge sheeted for these offences by the police.	Proceed for revocation of the driving license under Sec 19(1) (C) of MV Act 1988.
2.	Under section 279, 337,338,304 (A) of IPC with or without S184 MV Act 1988	Where Driver has been charge sheeted for these offences by the Police	Proceed for disqualification from holding driving License for a minimum period of 1 year .
3.	Under Section 279, 337, 338 of IPC & Section 184, S185 of MV Act 1988	When driver has been charge sheeted for these offences by the police.	Proceed for disqualification from holding a driving License for a minimum period of 6 months.
4.	Under Section 279, 337, 338 of IPC & Section 184 of MV Act 1988	When driver has been charge sheeted for these offences by Police	Proceed for disqualification from holding a driving license for a minimum period of 3 months.
5.	Under Section 185 MV Act 1988 (CR 21 sub-Rule 16)	Offence detected by using Breath Analyzer or by Laboratory test	Proceed to disqualify from holding a driving license for a minimum period of 6 months.

6.	Under Section 183 (1) MV Act 1988 (CR 21 Sub Rule 9)	Where the over speeding is detected by using a mechanical or electronic device.	Proceed to disqualify from holding a driving License for a minimum period of 3 months.
7.	CR 21 ,Sub Rule 5	Transportation of goods prohibited under any law when detected.	Do
8.	CR 21, Sub Rule 6	Driver while driving a transport vehicle engaging himself in activity likely to disturb his concentration such as operating of Audio System or talking with passengers etc..	Do.
9.	CR 21, Sub Rule 8	Carrying overload in goods carriages when detected.	Do.
10.	CR 21, Sub Rule 12	Failure to stop when Signaled to do so by any person authorized to do so. :	Do.
11.	CR 21, Sub Rule 14	Smoking while driving public service vehicle	Do.
12.	CR 21, Sub Rule 15	Abandoning vehicle in a public place causing inconvenience to other road users or to passengers in the vehicle.	Do.
13.	CR 21, Sub Rule 19	Not stopping a stage carriage at approved stopping places for a sufficient period of time in a safe and convenient position upon demand or signal of the conductor or any passenger desiring to alight from the vehicle and unless there is no room in the vehicle, upon demand or signal of any person desiring to becoming a passenger.	Do.

14.	CR 21, Sub Rule 20	Loitering or unduly delaying journey and not proceeding to the destination as near as may be in accordance with the time table pertaining to the vehicle, or, where there is no such time table, with all reasonable despatch.	Do.
15	CR 21, Sub Rule 22	The driver of a motor cab not accepting the first offer of hire which may be made to him irrespective of the length of the journey for which such offer is made.	Do.
16.	CR 21, Sub Rule 23	Driver of a motor cab demanding or extracting any fare in excess to that to which he is legally entitled or refusing to ply motor cab.	Do.
17.	CR 21, Sub Rule 24	Abandoning a transport vehicle as a mark of protest or strike in a public place causing obstructions and inconvenience to the public or passengers or other users of such places.	Do.
18.	CR 21, Sub Rule 25	Using mobile phone while driving a vehicle.	Proceed to disqualify from holding a driving license for a minimum period of 6 months.

Sl.Nos. 1 to 4 talk about cases where the police have charge sheeted the cases. This would include accidents which have happened in the past for which charge sheets are being filed now after investigation. However, whenever sensational accidents involving deaths or serious injuries occur, it will be the duty of the Regional Transport Officer/Jt. Regional Transport Officer concerned to ensure that an officer is deputed to verify the details and whenever negligence by driver is 'prima facie' revealed the Regional Transport Officer/Jt. Regional Transport Officer shall initiate action for suspension/revocation of driving licence of the Driver/Drivers concerned according to

the gravity of the incident without waiting for filing of charges sheet observing all formalities prescribed in MV Act/Rules.

The requisition letter of the Police Officer for the inspection of the vehicles involved in the accidents shall be taken as intimation by the Police in the above cases. The M.V.Dept: officer who conducts such inspection shall file a report to the RTO/JRTO giving necessary details for initiating action as above.

As per sub section 20 of Section 2 of MV Act 1988, Licensing Authority means an authority empowered to issue licenses under chapter II & III of the MV Act. Hence Licensing Authorities and Additional Licensing Authorities are empowered to exercise any powers vested with the licensing authority, including the power to disqualify a person from holding the driving license or to revoke it.

All Officers are directed to give adequate publicity to the action taken as above which will strengthen the road discipline among drivers. All Deputy Transport Commissioners, Regional Transport Officers and Joint Regional Transport Officers are hereby directed to forward a monthly report stating the details of action taken under section 19 (1) (f) with all particulars based in this Circulars on or before 10th of succeeding month in the name cover of Assistant Transport Commissioner.

The receipt of this direction shall be acknowledged.

Sd/-

Transport Commissioner

To

All Deputy Transport Commissioners,
All Regional Transport officers,
All Joint Regional Transport Officers and
All Motor Vehicle Inspector of Check Posts.

Approved for issue

Senior Superintendent

Copy to:

CAs to TC, Addl. TC, STA, Senior TDC, Senior AO, FO, LO, SO, Accounts Officer, Asst. TC, Asst. Secretary, MVI, AMVIs all sections and Section heads of this office.

DC