

**MOTOR VEHICLES DEPARTMENT, KERALA  
TRANSPORT COMMISSIONERATE**

Dated: **05/08/2022**

From: Transport Commissioner  
Kerala

To: All Deputy Transport Commissioners,  
All Regional Transport Officers,  
All Joint Regional Transport Officers.

Sir,

Sub:- Motor Vehicles Department – Two wheeler riders using helmets with action camera mounted on them – Instructions – reg.

Ref:- Note from Additional Transport Commissioner

Attention is invited to the subject matter above. These days it is seen that some two wheeler riders are using helmets with action camera mounted on them. This causes serious dangers to them especially in time of accidents. Moreover fixing of camera by using a drill or screw will affect the structural integrity of the helmet and placement of camera on either sides can lead to uneven weight distribution and causes discomfort to the rider. A fall from the vehicle during accidents can cause severe facial injury and the camera will prevent the helmet from rolling while on crash and will cause damage to rider's neck and spinal cord.

The legal provisions regarding wearing of protective head gear, penalty, duty of drivers and riders, specifications for protective head gear for motor cycle riders and the order regarding the quality of helmet for two wheeler motor vehicle riders which were provided under the Motor Vehicles Act, Central Motor Vehicles Rules, 1989, Kerala Motor Vehicles Rules, 1989, the Motor Vehicles (Driving) Regulations, 2017 and the AIS Standard are summarized as follows:-

Section 129 of the Motor Vehicles Act, 1988 provides for wearing of protective headgear which is as follows:-

“129. Wearing of protective head gear. – Every person above four years of age driving or riding or being carried on a motor cycle of any class or description shall, while in a public place, wear protective headgear conforming to such standards as may be prescribed by the Central Government:

Provided that the provisions of this section shall not apply to a person

who is a Sikh, if, while driving or riding on the motor cycle, in a public place, he is wearing a turban:

Provided further that the Central Government may, by such rules, provide for measures for the safety of children below four years of age riding or being carried on a motorcycle.

*Explanation.*— *Protective headgear*" means a helmet which, —

(a) by virtue of its shape, material and construction, could reasonably be expected to afford to the person driving or riding on a motor cycle a degree of protection from injury in the event of an accident; and

(b) is securely fastened to the head of the wearer by means of straps or other fastenings provided on the headgear.”

Section 194 (d) of the said Act provides for penalty for not wearing protective head gear and the same is as follows:—

"194D. ***Penalty for not wearing protective head gear.***— Whoever drives a motor cycle or 'causes or allows a motor cycle to be driven in contravention of the provisions of section 129 or the rules or regulations made thereunder shall be punishable with a fine of one thousand rupees and he shall be disqualified for holding license for a period of three months."

Regulation 5(9) of the Motor Vehicles (Driving) Regulations, 2017 provides that wherever provided by or under the law, the rider of a motor cycle, with or without a side car, and the pillion-rider and occupant of the side car shall wear protective head gear (helmet) or such other safety device as specified under any law for the time being in force.

Rule 347 of the Kerala Motor Vehicles Rules, 1989, provides that the head gear to be worn by any person driving or riding on, a motor cycle shall be of the ISI standards.

AIS-058 (part I) provides for the specifications for protective helmets for motor cycle riders. Part I of this standard cover the requirements regarding the construction, workmanship, finish, mass and performance for protective helmets (with or without lower face cover) for everyday use by motorcycle riders. The helmets covered by this standard are not intended for high-speed competitive events, which may have to comply with stricter provisions.

MoRTH as per the provisions of Bureau of Indian Standards Act, 2016 have specified the Indian Standard for protective helmet for two wheeler riders as **IS 4151: 2015** and issued the Helmet for riders of Two Wheeler Motor Vehicles (Quality Control) Order 2020 vide S.O.4252 (E) dated 26<sup>th</sup> November, 2020.

On a conjoint reading of sections 129 and 194 D of the Motor Vehicles Act, and the Helmet for riders of Two Wheeler Motor Vehicles (Quality Control) Order, 2020, it is made clear that every person above four years of age driving or riding or being carried on a motor cycle of any class or description shall, while in a public place, wear protective headgear conforming to the standard prescribed as per Helmet for riders of Two Wheeler Motor Vehicles (Quality Control) Order 2020 that is IS 4151:2015 and whoever drives a motor cycle or causes or allows a motor cycle to be driven in contravention of the provisions of section 129 or the rules or regulations made thereunder shall be punishable with a fine of one thousand rupees and he shall be disqualified for holding license for a period of three months.

All officers are directed to see to it that instructions against the use of helmets with mounted action camera while riding two wheelers are strictly followed.

Yours faithfully

**S Sreejith I P S**  
**Transport Commissioner**

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