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No. C1 16757/TC/93 Office of the Transport Commissioner,  
Thiruvananthapuram, Dated, 21.2.'98.

CIRCULAR NO. 5/98

- Sub:
1. Extend of validity of Driving Licence to drive non-transport vehicles.
  2. Determining the validity of licence consequent on being authorised to drive transport vehicles..
  3. Validity of licence to drive goods carriages carrying dangerous or hazardous goods.

Ref: Letter No. C1-6965/TC/91 dated 17-07-1991.

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It has been brought to notice that the licensing authorities in the State are not following an uniform procedure in the matter of assigning validity of driving licences issued or renewed under various circumstances. Issuing or renewing licence for a period lesser than 3 years and refusal to issue or renew licence for a period of three years in the case of persons authorised to drive dangerous or hazardous goods were matters which have come up for discussion on 25-9-1997 at a meeting of the concerned officers and the representatives of the Tanker & Lorry Workers' Union. It was urged that the matter be examined in detail and suitable instructions issued immediately to achieve uniformity in procedure. Accordingly the matter was examined and the following instructions are issued in supersession of the directions contained in the letter cited for guidance and strict implementation.

1. Extend of validity of licence to drive vehicles other than transport vehicles:-

Section 14 (2) of the M.V. Act 1988 deals with the currency or effectiveness of licence to drive motor vehicles. It is laid down that a licence to drive a non-transport vehicle shall be effective for a period of twenty years from the date of issue or renewal if the person obtaining the licence either by original issue or on renewal thereof has not attained the age of 50 years or untill the date on which such person attains the age of 50 years whichever is earlier. It is also laid down that where a person obtaining a licence to drive vehicles other than transport vehicles either originally or on renewal has attained the age of 50 years on the issue or renewal thereof, the licence issued or renewed shall be effective for a period of 5 years from the date of such issue or renewal. Obviously it is the cut off age at 50 years that determines the extent of validity of licences in certain cases. There is no reason why a person of the age of 49 years obtaining a licence originally or on renewal should be issued with a licence for a period of one year only when a person of and above the age of 50 years is entitled to a licence for a period of 5 years.

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The clarification issued in letter No. C-1-5965/10/91 dated 17-7-91 attempts to justify the issue or renewal of licence for periods lesser than 5 years. There have been instance when licences are issued with effectiveness for a few days only. In the light of specific instances being pointed out it is desired to issue further instructions in supersession of the said instructions to the extent that a licence to drive a motor vehicle other than a transport vehicle shall be effective for a minimum period of 5 years irrespective of the cut off age of 50 years.

II: Extent of validity of a licence authorising the driving of both non-transport vehicles and transport vehicles:-

The extent of validity of a licence authorising its holder to drive both non-transport vehicle and transport vehicle together has not been specifically mentioned in the M.V.Act. But Form 6 and 7 provide for separate validity for the licence to drive motor vehicles other than transport vehicles and the licence to drive transport vehicles. There is no provision either in the M.V.Act or in the Central Motor Vehicles Rules enabling the Licensing Authority to delimit the extent of validity of a licence to 3 years or so, consequent to the grant of an authorisation to drive any transport vehicle. The above circumstances would make it abundantly clear that separate validity shall be assigned to the non-transport vehicles taken together and the transport vehicles taken together, in a licence which carries endorsements to drive both non-transport vehicles and transport vehicles.

Section 6 of the M.V.Act restricts the holding of more than one licence at a time. Acquiring a licence to drive a transport vehicle shall not in any way effect the fundamental rights of a citizen to hold a non-transport vehicle licence for a period exceeding 3 years. Therefore it is clarified that separate validity shall be assigned to licences to drive non-transport vehicles and transport vehicles on its being issued or renewed. There shall be a corresponding duty on the part of the holder of the licence to apply for renewal as and when each endorsements ceases to be effective.

III. Extent of validity of a licence to drive transport vehicle carrying goods of dangerous or hazardous nature:-

A licence to drive a transport vehicle carrying goods of dangerous or hazardous nature ~~here~~ referred to in the proviso to clause (a) of Sub Section (2) of Section 14 is virtually a licence to drive transport vehicle together with an endorsement enabling the holder to drive goods vehicle carrying dangerous or of hazardous goods. Making of such an endorsement is provided for in sub rule (2) and (3) of Rule 9 of the C.M.V. Rules.

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Every such endorsement shall on issue or renewal be effective for a period of one year only. Unless a licence carries an effective endorsement contemplated under sub rule (3) of Rule 9 of the CMV. Rules, its holder is not authorised to drive any goods carriage, carrying goods of dangerous or hazardous nature to human life. More/over failure to renew the said endorsement would not disentitle its holder to drive a transport vehicle other than those carrying dangerous or hazardous goods. An authorisation to drive goods carriages carrying dangerous or hazardous goods would not delimit the validity of the licence held by him.

Therefore it is clarified that every licence to drive transport vehicle shall be assigned a validity of 3 years on issue or renewal irrespective of whether its holder is authorised to drive goods carriages carrying dangerous or hazardous goods or not. Application for renewal of licence shall not be refused on the ground that the licence holder has failed to get the authorisation under sub rule (3) of Rule 9 renewed.

The above instructions are issued for implementation with immediate effect.

Sd/-  
P.R. CHANDRAN, IPS,  
TRANSPORT COMMISSIONER.

To

All Deputy Transport Commissioners,  
All Regional Transport Officers,  
All Joint Regional Transport Officers  
of Sub RT Offices.

Approved for issue,

Senior Superintendent.

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