

Received on
11/11/2002
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No.C1/35766/TC/2002

Head Office,
Motor Vehicles Department,
Thiruvananthapuram,
Dated: 30/10/2002.

CIRCULAR NO.28/2002

Sub:- Motor Vehicles Act and Rules – Production of records before
the Inspecting Officers – officers empowered to inspect
vehicles and compound offences - clarification issued – reg.

Ref:- Nil.

It has been brought to the notice that due to the lack of awareness and misinterpretation of the legal provisions regarding the documents which are to be kept in the vehicles and documents to be produced before the inspecting officers, a lot of difficulties are being caused to vehicle owners and drivers. After considering various aspects of the issue, the following clarifications are issued.

Section 130 (1) of M.V. Act read with CMV rule 139 makes it mandatory that the driver of a motor vehicle in any public place shall on demand by any police officer in uniform or any officer authorised by the State Government, produce his driving licence for examination provided that the driver may, if his licence has been submitted to, or has been seized by any officer or authority under this or any other Act, produce in lieu of the licence a receipt or other acknowledgement issued by such officer or authority in respect thereof and thereafter produce the licence within such period, in such manner as the Central Government may prescribe to the Police Officer etc. making the demand.

As per rule 139 of Central Motor Vehicles Rules the driver or a conductor of motor vehicle shall produce Certificate of Registration, Insurance, Fitness and Permit, the driving licence and any other relevant documents on demand by any Police Officer in uniform or any other Officer authorised by the State Government, in this behalf, and if any or all of the documents are not in his possession, he shall produce in person an extract or extracts of the documents duly attested by any Police Officer or by any other Officer or send it to the Officer who demanded the documents by registered post within 15 days from the date of demand. Rule 348 of Kerala Motor Vehicles Rules empowers Magistrates, Officers of the Motor Vehicles Department not below the rank of Assistant Motor Vehicle Inspector and Police Officers in uniform not below the rank of Sub

Inspector of Police to demand and inspect the relevant documents of a motor vehicle. In the event of failure of a vehicle owner/driver to produce the original/attested copies of documents on demand by an Inspecting Officer he will prepare a check report with a notice to the driver/owner directing to produce the records in person or by registered post within 15 days. If the vehicle owners/drivers fail to produce the required documents within the specified period, check report of Transport Vehicles are to be forwarded to the concerned Transport Authority/Officer for further action. In the case of other vehicles, prosecution steps are to be initiated against the vehicle owner. Therefore it may be noted that in addition to the driving licence to be kept in the possession of the driver, proof of tax remittance and Pollution Under Control Certificate are mandatory to be kept in the vehicle at all times.

As per G.O.(P)No.15/98/Tran dated 31.03.1998 published under SRO No.297/98 in exercise of the powers conferred by sub section 200 of the Motor Vehicles Act, Officers of and above the rank of Assistant Motor Vehicles Inspectors of Motor Vehicles Department and all Officers of and above the rank of Sub Inspectors in the traffic branch of the Police Department and where there is no traffic branch, all Officers of Local Police of the areas, of and above the rank of the Circle Inspector of Police only are competent to compound the offences relating to the records to be kept in a motor vehicles.

Receipt of the Circular will be acknowledged.

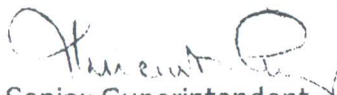
Sd/-
Transport Commissioner.

To

All DTCs/RTOs/Jt.RTOs/I/c of Checkposts.

Copy to:- CAs to TC/Addl.TC, Secretary,STA, Sr.DTC (T),LO.S.O,ATC,
S/File & Spare.

Approved for issue,


Senior Superintendent.
31/12/02

~~Sign~~

Acted
12/1/02