

---

Dated: **27-02-2024**

---

Transport Commissionerate, 2<sup>nd</sup> Floor, Trans Towers, Vazhuthacaud,  
Thycaud P.O, Thiruvananthapuram - 695 014

---

e-mail:tcoffice.mvd@kerala.gov.in|web: www.mvd.kerala.gov.in| ☎0471-2333317

---

From

Transport Commissioner,  
Motor Vehicles Department, GoK

To

All Deputy Transport Commissioners  
All Regional Transport Officers  
All Regional Transport Officers (Enforcement)  
All Joint Regional Transport Officers  
All Check Post Motor Vehicles Inspectors

Sir,

Sub:- Motor Vehicles Department - Modification of Circular No 21/2008 - Reg.

Ref:- 1. Circular No 21/2008 dated 02/02/2008  
2. Letter no C1/20702/2007-TC dated 20/10/2010  
3. Letter no C1/20701/2007 dated 31/05/2012  
4. Circular 19/2014 dated 24/10/2014

*In partial modification of Circular No.21/2008, Circular No 19/2014 and connected directions the following Instructions are also issued with immediate effect.*

*The Hon'ble High Court of Kerala has on several occasions observed that adequate opportunity has not been given to the accused license holders, violating the principles of natural justice. The Hon'ble Court also observed that Licensing Authorities were issuing show cause notice and orders of disqualification in a format without proper application of mind to the facts and circumstances of every case. Such observations even resulted in the nullification of the proceedings of the Licensing Authority.*

*In the light of the above observations and in Partial modification of the guidelines issued under circular 21/2008, it is further instructed that the Licensing Authority shall exercise the powers vested in it under Section 19(1) and 19(1A) of the Motor Vehicles Act 1988 with due care and caution as laid down in the said sections. The said provision stipulates that the Licensing Authority may either disqualify a person from holding or obtaining a driving license or revoke a driving*

*license "by an order for reasons to be recorded in writing". It is to be noted that the Licensing Authority is empowered to exercise a quasi-judicial function under Section 19(1) and 19 (1A) of the Motor Vehicles Act. Such power shall not be resorted to simply on the basis of an FIR being filed before a competent police officer or a License being seized and forwarded to the Licensing Authority under subsection (4) of Section 206 of the Motor vehicles Act. A proper enquiry shall be caused in every such case by a competent officer authorized by the Licensing Authority and necessary action shall be initiated on the basis of the report.*

*It is just and proper on the part of every Licensing Authority to satisfy itself that the offense was committed by the holder of the driving license accused in the FIR or communication under Sub Section (4) of Section 206 of the Act. Moreover, the period of disqualification if warranted shall be in proportion to the gravity of the offense and shall not be prejudiced.*

*Driving license shall also be disqualified for triple riding, dangerous/rash driving, drunken driving and in hit and run cases, (under section 104(2) of IPC). In case of the incident detected for using mobile phones while driving, the license shall be disqualified after three repeated offenses.*

Your's Faithfully

**S SREEJITH I P S**  
**TRANSPORT COMMISSIONER**

Copy to:

CA to Addl TC/JTC/Sr. DTC (Tax)/Sr.FO/Sr.LO  
Nodal Officer SSG Cell/Supdt SSG Cell

മോട്ടോർ വാഹന വകുപ്പ്, കേരളം