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GOVERNMENT OF KERALA

ABSTRACT

Home Department W.P.No.265/2011 filed by Avishek Goenka before the Hon'ble Supreme Court of India - Use of black films of any visual light transmission percentage or any other materials up on safety glasses, wind screens (front and rear) and side glass of all vehicles-prohibited - judgment - complied with - orders issued.

Home (G) Department

GO (Ms) No.310/2012/Home

Dated, Thiruvananthapuram, 10.12.2012

- Read :-1. Judgment dated 27.04.2012 of Hon'ble Supreme Court of India in WP (C) No. 265/2011.
2. Lr. No. VI 23014/133/2012- VS dated 18.07.2012 and 16.08.2012 of Ministry of Home Affairs, Government of India.
3. Lr. No. U5/42213/12 dated 20.07.2012 of State Police Chief, Kerala, Thiruvananthapuram.
4. Lr. No. 20741/HK. A12012/Leg dated 03.11.2012 of Secretary, Kerala Legislature.
5. Lr. No.A1-393/2012 dated 03.11.2012 of the Registrar General, High Court of Kerala.

ORDER

Hon'ble Supreme Court of India promulgated their judgment on 27/04/2012, read as first paper above, in the writ petition (civil) No. 265/2011 filed by Avishek Goenka, prohibited the use of black films of any visual light transmission percentage or any other materials up on safety glasses, wind screens (front and rear) and side glass of all vehicles throughout the Country. The Home secretary, Director General of Police, Commissioner of Police of the respective states/centre shall ensure compliance with this direction. The Court also inter alia ordered that the cases of the person who have been provided the Z and Z+ Security category may be considered by a committee consisting of the Director General of Police/ Commissioner of Police of the concerned states and Home Secretary of that states/centre. It will be that committee to examine such cases for grant of exemption in accordance with law and upon due application of mind. These certificates shall be provided only in relation to official cars of VIP'S /VVIP'S depending upon the category of security of such person has been awarded by the competent authority.

As per letter read as third paper above State Police Chief, Kerala submitted that some contingencies and situations are to be considered by the committee in granting permission for the use of sun films to the vehicles from the security point of view.

A meeting of the committee chaired by the Principal Secretary to Government, Home Department examined the pros and cons of the contingencies and situations pointed out by the State Police Chief in detail in the light of the judgment promulgated by the Hon'ble Supreme Court of India, unanimously resolved that only the persons provided with the Z and Z+ category security will be exempted from the ambit of the ban ordered by the Hon'ble Supreme Court of India as per the judgment read as first paper above.

However, Hon'ble Chief Minister Kerala, Chief Justice, High Court of Kerala and the speaker, Kerala Legislative Assembly are not in favour of exempting them from the relevant provisions of judgment read as first paper.

Having been examined the matter in detail Government are pleased to order that the persons provided with Z and Z+ category will be exempted from the ambit of the ban imposed by the Hon'ble Supreme Court of India in using black film of any visual light transmission percentage or any other materials upon the safety glasses of wind screen (front and rear) and side glasses of vehicles provided that such exemption is in no way made applicable to the vehicles used by the incumbent Hon'ble Chief Minister Kerala, Chief Justice High Court of Kerala and Speaker Kerala Legislative Assembly now.

Government also order that State Police Chief, Kerala and Commissioner Transport, Kerala will initiate rigid legal action against other erring vehicles which do not come under preview of persons with Z and Z+ category security, in tune with the judgment of Hon'ble Supreme Court of India scrupulously.

This order issues in compliance with the judgment of the Hon'ble Supreme Court of India read as first paper.

By Order of the Governor.
N. PUSHKARAN,
Additional Secretary to Government.

To

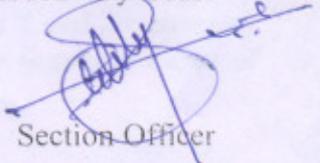
Ministry of Home Affairs(PP&VS Division) Government of India,
NCDC II Building, Jaisingh Road, New Delhi, (with C/L)
The Registrar, Supreme Court of India(with C/L)
State Police Chief, Thiruvananthapuram
The ADGP(Int), Thiruvananthapuram
~~The~~ Transport Commissioner, Thiruvananthapuram
The Registrar General, High Court of Kerala(with C/L)
The Secretary, Kerala Legislature (with CL)
The Director, Information and Public Relations Department (to
issue press release and give publicity
All heads of Departments
All Departments of Secretariat including Law and Finance SF/OC

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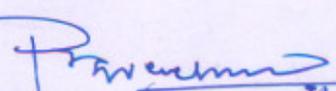
Private Secretary to Chief Minister
Private Secretary to all Ministers
Private Secretary to Opposition Leader
Private Secretary to Government Chief Whip

Enclt No. C.1/2370/7c/07

Forwarded / By Order


Section Officer

Copy Forwarded to all Deputy
Transport Commissioners, all Regional Transport
Officers and all Joint Regional Transport Officers
for information and necessary action
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for Transport Commissioner
21/01/15