

**URGENT / COURT DIRECTION**

C2 /6909/TC/2007

Transport Commissionerate, Kerala,  
Trans Towers, Thiruvananthapuram  
Dated : 20.05.2011

From

The Transport Commissioner  
Thiruvananthapuram

To

**All Deputy Transport Commissioners**  
**All Regional Transport Officers**  
**All Joint Regional Transport Officers**

Sir,

Sub:- Motor Vehicles Department :- Compulsory wearing of Helmet – Compliance of Rule 129 of Motor Vehicles Act – Judgment of the Hon. High Court of Kerala in CCC No. 777/2009 – Instructions issued reg

Ref:- 1. This office letter No. C2/1025/TC/93 dated 14.08.2003  
2. Judgment dated 08.02.2011 of the Hon. High Court of Kerala in Cont. Case No. 777 of 2009

Section 129 of the Motor Vehicles Act, 1988 provides that " Every person driving or riding (otherwise than in a side car) on a motor cycle of any class or description shall, while in a public place, wear protective headgear conforming to the standards of Bureau of Indian Standards".

The Hon. High Court of Kerala in its judgment dated 07.08.2003, in OP No. 21296/2000 has directed to enforce the provisions of Section 129 of the Motor Vehicles Act, 1988.

In pursuance of the direction of the Hon. High Court of Kerala instructions were issued vide the reference 1<sup>st</sup> cited to strictly implement the provisions of Section 129 of the Motor Vehicles Act, 1988 and Rule 347 of the Kerala Motor Vehicles Rules with effect from 05.09.2003.

The Hon. High Court vide judgment dated 08.02.2011 in Cont. Case No. 777 of 2009, referred to above as 2<sup>nd</sup> paper has once again directed to comply with the judgment in OP No. 21296/2000, by booking offenders and proceeding against them for violation of Section 129 of the Motor Vehicles Act.

In the above circumstances, you are once again requested to take notice of the observations of the Hon. High Court and initiate stringent action to enforce the provisions of Section 129 of the Motor Vehicles Act, 1988 and Rule 347 of the Kerala Motor Vehicles Rules, in compliance with the judgments of the Hon. High Court in OP No. 21296/2000 and Cont. Case No. 777 of 2009. Any slackness in the matter is likely to attract adverse observations for the Hon. Court. The onus of implementing the spirit of the judgments rests with the Regional Transport Officers & Joint Regional Transport Officers and they will be held personally responsible for non compliance of the judgments.

Yours faithfully,

Sd/-

Senior Deputy Transport Commissioner (Taxation)  
For Transport Commissioner

Approved for issue

  
Senior Superintendent