

No. C1/12930/TC/2009

Transport Commissionerate, Kerala  
Trans Towers, Thiruvananthapuram  
Dated: 23/07/2009

From

The Transport Commissioner  
Thiruvananthapuram

To

All Deputy Transport Commissioners,  
All Regional Transport Officers and  
All Joint Regional Transport Officers

Sir,

Sub: Motor Vehicles Department - Ban on use of mobile phone while driving Motor Vehicles-Instructions issued - Reg

Ref: Letter No. RT/11011/1/2008-MVL dated 03/07/2009 from Ministry of Road Transport & Highways (MVL Section) of the Government of India

The Government of India vide their letter read above cited have issued necessary directions to ban the use of mobile phone while driving motor vehicle stating that it distracts the attention of the driver and increases the possibility of occurrence of accidents. Keeping this in view, the Government has included under Rule 21(25) of the Central Motor Vehicles Rules, 1989, the 'use of mobile phone while driving motor vehicle' as an act which shall constitute nuisance or danger to the public.

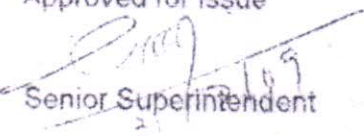
The penal provisions for the offence come under Section 177 of the Motor Vehicles Act, 1988. In some states, this offence is also charged under Section 184 depending upon the circumstances. Section 19 of the Motor Vehicles Act empowers the Licensing Authority to disqualify a person from holding a driving licence or revoke such licenses for the offence. In the proposed Motor Vehicles Amendment Bill, the Government has included a dedicate section for penal provision for this offence which prescribes a penalty of Rs.500/- for the first offence and penalty upto Rs.5000/- for the second or subsequent offence.

In order to implement the provisions of law in true spirit to eliminate the chances of accident due to use of mobile phone while driving motor vehicles, it is hereby instructed that use of mobile phone in any form or in any manner is banned while either driving a motor vehicle or in a stationary vehicle in the traffic jam or in a traffic signal which is a part of driving. It is also clarified that use of mobile phone in any form includes hand held or hands free mobile or operated with the help of blue tooth or permanently installed and integrated into the wiring of motor vehicles. Also the use of mobile phone in any manner includes making or receiving calls, sending messages, playing games, listening to music or watching videos or photos and taking photos or making videos are also prohibited.

It is also hereby instructed that sincere steps should be taken to create public awareness through Road Safety Clubs on the dangers of using mobile phone on or off road while driving and its legal provisions.

Yours faithfully,  
Sd/-  
Senior Deputy Transport Commissioner  
(Taxation)  
For Transport Commissioner

Approved for issue

  
Senior Superintendent