

OFFICE OF THE JOINT COMMISSIONER OF POLICE: TRAFFIC (OPS): DELHI

CIRCULAR

Subject: - Regarding wearing of helmet/protective headgear by two wheeler riders/pillion riders.

Two wheeler riders/pillion riders are one of the most vulnerable road users in Delhi. During the year 2017, a total of 557 two wheeler riders/pillion riders were killed in road accidents cases whereas 2,680 were injured. Similarly, during the year 2018 (upto 30.04), a total of 185 two wheeler riders/pillion riders have also killed in road accidents whereas 867 injured. Chances of two wheeler riders/pillion riders being killed or seriously injured in road accident cases are much more than the drivers/occupants of other vehicles. However, wearing a protective headgear/helmet by a two wheeler rider/pillion rider improves their chances of survival to a great extent and helps avoiding loss of lives/serious injuries to the riders/pillion riders while driving or riding.

Wearing of protective headgear/helmet by a rider or a pillion rider while driving or riding is mandatory **u/s 129 Motor Vehicles Act, 1988** (punishable under section 177 Motor Vehicles Act, 1988) which specifies the following:-

"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**;

Provided that the provisions of this section shall not apply to a person who is a "**Sikh**", if he is, while driving or riding on the motor cycle, in a public place, wearing a **turban**;

Provided further that the State Government may, by such rules, provide for such exceptions as it may think fit. [Transport Department, GNCT of Delhi vide notification No. F.19(38)/Tpt./Sectt./2011/176 dated 28.08.2014 has exempted "**Sikh Women**" from wearing helmet/protective headgear while driving or riding in the NCT of Delhi under sub rule (2) of Rule 115 of Delhi Motor Vehicles (Third Amendment) Rules, 2014].

Explanation – "Protective headgear" means a helmet which, -

- (a) By virtue of its shape, material and construction, could reasonably be expected to afford to the person driving or riding on a motor cycle a degree of protection from injury in the event of an accident; and
- (b) Is securely fastened to the head of the wearer by means of straps or other fastenings provided on the headgear."

The **Hon'ble Supreme Court Committee on Road Safety** in its directions issued vide letter No. F.No. 05/2014/CoRS-Part-III dated 18.08.2018 [the same was circulated vide No. 6814-6825/TE(D-I)/Traffic dated 10.09.2015] had also directed that the "helmet laws be made applicable all over the State/UT both for main riders and the pillion riders. In case where the law relating to the use of helmet is violated by either the main rider or the pillion rider, they should both be subject to Road Safety Education and Counselling for not less than 2 hours before imposition of fine as prescribed under the Act."

Copies of above mentioned references are also enclosed for ready reference.

All DCsP/T-Ranges/ACsP/Traffic Distts. and TIs/Circles are hereby directed to brief their prosecuting officers accordingly and shall ensure necessary compliance on ground so that these instructions are implemented in true letter and spirit by all concerned.



(Arun Kampani)

Joint Commissioner of Police
Traffic (Ops.), Delhi.

Encls:- As above.

All DCsP/Traffic Ranges

All ACsP/Traffic (Distts.) & TIs/Circles

No. 3032-3120 /TE (D-II)/Traffic dated at New Delhi, the 15 /05/2018.

Copy forwarded to: -

1. SO to Special CP/Traffic and Jt. CP/Traffic (HQ) for information of the officers.
2. All Addl. CsP/Traffic, DCP/T-HQ for information.
3. ACsP/TE, HQ, RSC and Training for information.
4. Inspr./Control Room, PIU, Computer, Legal Cell, Notice Branch, Training, TE and RSC/ Traffic for information & necessary action.
5. Guard File.

[TO BE PUBLISHED IN DELHI GAZETTE PART- IV EXTRA -ORDINARY]
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(TRANSPORT DEPARTMENT)
5/9, UNDER HILL ROAD, DELHI-54.

Dated the 28th Aug., 2014

NOTIFICATION

No.F.19(38)/Tpt./Sectt./2011/176 .-Whereas the draft of certain rules further to amend the Delhi Motor Vehicles Rules, 1993 was published as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), by the Government of National Capital Territory of Delhi, vide notification number F.19(38)/Tpt./Sectt./2011/87, dated the 2nd May, 2014 in the Delhi Gazette Part-IV Extra-ordinary inviting objections and suggestions from all persons likely to be affected thereby, before expiry of the period of thirty days from the date on which copies of the Gazette of India containing the said notification were made available to the public;

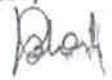
And, whereas, the objections and suggestions received from the public in respect on the said draft have been considered by the Government of National Capital Territory of Delhi;

Now, therefore, In exercise of the powers conferred by the second proviso to section 129 and clause (1) of sub-section (2) of section 138, read with clause (41) of section 2 and sub-section (2) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), the Lieutenant Governor of the National Capital Territory of Delhi hereby, makes the following rules to further amend the Delhi Motor Vehicles Rules, 1993, namely:-

RULES

- | | |
|------------------------------|---|
| Short title and commencement | 1. (1) These rules may be called the Delhi Motor Vehicles (Third Amendment) Rules, 2014.
(2) They shall come into force on the date of their publication in the Delhi Gazette. |
| Amendment of rule 115 | 2. In the Delhi Motor Vehicles Rules, 1993, in sub-rule (2) of rule 115 for the word "Women" the words "Sikh Women" shall be substituted. |

By order and in the name of the Lieutenant Governor
of the National Capital Territory of Delhi,


(Gyanesh Bharti)
Commissioner (Transport)

IMMEDIATE

OFFICE OF THE DY. COMMISSIONER OF POLICE: TRAFFIC ENGG., DELHI.

Subject: - Directions to the States/UTs to implement road safety laws – reg.

Enclosed please find herewith a copy of the letter No. F. No. 05/2014/CoRS-Part-III dated 18.8.2015 received from Sh. S.D. Banga, Secretary to the Supreme Court Committee on Road Safety on the subject cited above. The Committee vide its recommendations mentioned at Sl. No. 6 & 7 has directed that the helmet laws be made applicable all over the State/UT both for main riders and the pillion riders. In case where the law relating to the use of helmet is violated by either the main rider or the pillion rider, they should both be subject to **Road Safety Education and Counselling** for not less than two hours before imposing of fine as prescribed under the Act. Similarly, who violate the seat belt law should also be subject to **Road Safety Education and Counselling** before imposition of fine as mentioned above.

Addl. CP/Traffic (Ops.) has directed that to implement the above mentioned recommendations of the Committee, all DCsP/T-Ranges and DCP/T-HQ-II may immediately start **Road Safety Education and Counselling** at or near their respective offices. The daily figures of Road Safety Education and Counselling for these offences (separately) should be maintained.


ACP/TE

For Dy. Commissioner of Police
Traffic Engg., Delhi

Encls: - As above.

All DCsP/T-Ranges
DCP/T-HQ-II

No. **6814-6825**/TE(D-I)/Traffic dated New Delhi the

/09/09/2015.

Copy forwarded to: -

1. SOs to Spl. CP/Traffic, Joint CP/Traffic and Addl. CsP/Traffic for information of the officers.
2. Inspr./Computer Centre/Traffic for necessary action on point No. 4 and 5 of the recommendations of the Committee.

SUPREME COURT COMMITTEE ON ROAD SAFETY

Chairman: Justice Shri K.S. Radhakrishnan
Members: S. Sundar
Dr. Nishi Mittal

Secretary: SD Banga

BY SPEED POST

MOST IMMEDIATE

OFFICE OF DCP/T (HQ)	
Dy. No.	1040
Date.....	31/8/15
ADDL. CP/T (OPS)	2
ADDL. CP/T (HQ)	
DCP/T HQ	
ACP/T/HQ	
INSP (A) T	
Branch	TE

F.No. 05/2014/CoRS- Part-III

Dated: 18th August, 2015

To

The Commissioner,
Delhi Police,
Police Headquarters,
ITO,
New Delhi

Acting C R/I

Subject: Directions to the States/UTs to implement road safety laws – reg.

Sir/Madam,

The Committee constituted by the Supreme Court of India to monitor and measure implementation of road safety laws in the country has had detailed discussions with the concerned Central Ministries and all the States/UTs on the trend of road accidents and fatalities. The data furnished by them have clearly established that the number of fatalities in India continues to be very high, causing serious emotional trauma and economic loss to the families of the deceased and the society. The compensation awarded to the victims by the Insurance Companies also runs into hundreds of crores of rupees every year.

The Committee has over the last one year issued directions to the States/UTs to establish institutional arrangements to promote road safety, undertake engineering measures to make roads safe, tighten enforcement together with promoting road safety education and establishing adequate trauma care facilities, and the Committee has been closely monitoring the action being taken by the States/UTs. Even though a number of measures have been taken by the States/UTs as directed by the Committee, the Committee on the basis of detailed analysis of traffic accidents and fatalities has come to the conclusion that unless strong and urgent measures are taken to deal with over speeding, drunken driving, red light jumping, violation of helmet laws and seat belt laws, use of mobile phones while driving, and over loading, the number of accidents and fatalities will continue to remain high.

ROOM NO. 249, VIGYAN BHAVAN ANNEXE, MAULANA AZAD ROAD, NEW DELHI-110011
TEL NO 011-23060597 EMAIL: roadsafetysc@gmail.com

SUPREME COURT COMMITTEE ON ROAD SAFETY

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3. The Committee is of the considered view that the States/UTs and their concerned Departments should take stern action against the violators of the law and exercise the discretion under Section 19 of the Motor Vehicle Act, 1988 read with Rule 21 of the Central Motor Vehicle Rules, 1989 by passing an order disqualifying the offender from holding a driving license for a specified period and also by seeking imprisonment wherever it is provided under the law. The Supreme Court, while constituting the Committee, has also emphasised the necessity of strict and faithful enforcement of all existing laws and norms not only as an absolute principle of law as well as for the high beneficial effects thereof.

4. The Committee, therefore, directs the States/UTs and their concerned Departments to take the following action forthwith:

Suspension of the licence for a period of not less than 3 months under Section 19 of the Motor Vehicle Act, 1988 read with Rule 21 of the Central Motor Vehicles Rules, 1989 for:

- (i) Driving at a speed exceeding the specified limit which in the Committee's view would also include red light jumping;
- (ii) Carrying overload in goods carriages and carrying persons in goods carriages;
- (iii) Driving vehicles under the influence of drink and drugs;
- (iv) Using mobile phone while driving a vehicle.

5. The Committee further directs that in case of driving a vehicle under the influence of drinks or drugs, the police should prosecute the offender and seek imprisonment as prescribed under Section 185 of the Motor Vehicle Act, 1988 even for the first offence.

6. The Committee also directs that the helmet laws be made applicable all over the State/UT both for main riders and the pillion riders. In case where the law relating to the use of helmet is violated by either the main rider or the pillion rider, they should both be subject to Road Safety Education and Counselling for not less than 2 hours before imposition of fine as prescribed under the Act.

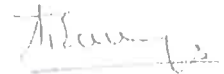
7. Those who violate the seat belt law should also be subject to Road Safety Education and Counselling before imposition of fine as mentioned above.

SUPREME COURT COMMITTEE ON ROAD SAFETY

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8. The Committee further directs the States/UTs to submit Action Taken Reports at the end of every 3 months starting from 1st Sept, 2015.

Yours faithfully,



(SD Banga)

Secretary to the Committee

(S. D. BANGA)

Secretary

Committee on Road Safety
Supreme Court of India

Copy to:

The Joint Commissioner (Traffic), Delhi Police, Police Headquarters, ITO, New Delhi
(Shri Sandeep Goel) Email: sandeepgoel1989@gmail.com



(SD Banga)

Secretary to the Committee

(S. D. BANGA)

Secretary

Committee on Road Safety
Supreme Court of India