

6349
1317

No.RT-11021/21/2015-MVL
Government of India
Ministry of Road Transport & Highways

URGENT/COURT CASE

Transport Bhawan, 1, Parliament Street,
New Delhi the 30 June, 2015.

To,

7/4/15-2
6/6/15

Principal Secretaries (Transport)/
Transport Commissioner of all the States & UTs

Subject:-CMA no. 3235 of 2014 filed by Sh R. Mallika and Ors. versus M/s Bajaj Allianz General Insurance Company and Ors. before the Hon'ble High Court of Madras.

Madam/Sir,

I am directed to refer to Hon'ble High Court of Madras Judgement dated 08.06.2015 (copy enclosed) in CMA no. 3235 of 2014 filed by Sh R. Mallika and Ors. versus M/s Bajaj Allianz General Insurance Company and Ors. before the Hon'ble High Court of Madras regarding non-wearing of helmet. The Hon'ble Court while passing the order has taken cognizance of the fact that it is a common sight on the roads of every city, that people ride two-wheelers without helmets. In the state of Tamil Nadu 6419 persons lost their lives in 2014 alone due to non-wearing of helmet while riding two wheelers. As per Section 129 of the Motor Vehicles Act, 1988, 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.

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

श्री. सोमेश्वर (६६)
7/6/15

New chg imp.

Scanned by CamScanner

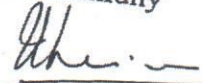
(b) is securely fastened to the head of the wearer by means of straps or other fastenings provided on the headgear.

✓ 2. Rule 138 (4)(f) of Central Motor Vehicles Rules, 1989 provides that at the time of purchase of the two wheeler, the manufacturer of the two wheeler shall supply a protective headgear conforming to specification prescribed by the Bureau of Indian Standards under the Bureau of Indian Standards Act, 1986 (63 of 1986). Provided that these conditions shall not apply to category of persons exempted in terms of section 129 and the rules made thereunder by the concerned State Government.

3. You are therefore requested to monitor the compulsory wearing of helmet and take strict actions accordingly as per the direction of Hon'ble Court.

Encl: As above

Yours faithfully



(Irene Cherian)

Deputy Secretary to the Govt. of India

Tel/Fax: 011-23710195

Email: irene.cherian@nic.in