

U3/12051/09

Police Headquarters,
Thiruvananthapuram,
Dated : 28-02-2009.

CIRCULAR NO. 10/2009

Sub:- FIR and Police Reports - Wearing of Helmet by the riders or pillion riders at the time of accident-incorporation in Police Records-Direction of the Hon'ble High Court-instructions issued - reg

Ref:- Order dated 03-09-2008 of the Hon'ble High Court in MACA No.1644/2004.

Section 129 of the MV Act 1988 provides for wearing protective headgear by those riding two wheelers. The section specifically states that every driver and pillion rider of a motorcycle shall wear a protective headgear. The Hon'ble High Court of Kerala in its order dated 03/09/2008 in MACA 1644/2004 has observed that use of Helmet would prevent head injury or at least reduce the impact of the injury in the event of accident for the rider and pillion rider of the bike or two wheeler. The Hon'ble Court has also observed that the question whether the rider or pillion rider of the motor bike had Helmet at the time of accident is a matter to be incorporated in the Police report pertaining to two wheeler accidents.

In the circumstances, all officers are hereby directed to comply with the above direction of Hon'ble High Court that the fact whether the rider or pillion rider of the motor bike had been wearing Helmet at the time of accident should be incorporated in the Police report filed before the respective Courts, in all bike accident cases. If possible the information should be elicited at the time of recording of FIR. If at the time of recording FIR, this is not ascertainable, then the same may be ascertained during investigation and incorporated in the charge sheet/final report.

All are instructed to ensure that the above direction is strictly carried out by every subordinate officer functioning under them.

DIRECTOR GENERAL OF POLICE