

POLICE CIRCULAR ORDER NO. 242 OF 1982

SUBJECT : Checking of Motor Vehicles by Police Station Staff on public roads including National Highways Desirability of suspending such checking.

With a view to maintaining road safety, regulating traffic on the Highways and preventing leakages of revenue from Motor Vehicle operators, the Police, particularly at the level of the Police Stations, has functioned as the principal agency of the Government to discharge its responsibilities under the Motor Vehicle Act and rules : Consequent on phenomenal growth of road traffic and heavy increase in the basic responsibilities of the Police for crime control, law and order and VIP security, Government considered it expedient to entrust the responsibilities under the Motor Vehicle Act/Rules and Motor Vehicles Taxation Act/Rules to a separate Department called the Orissa Motor Vehicles Department (OMVD). For the last many years work relating to registration and taxation of motor vehicles and licensing of drivers/conductors has been transferred from the Police to different organisations under the Transport Commissioner. Today, the Police does not owe any responsibility in the matter of registration, licensing, taxation and enforcement. Consequently, checking of motor vehicles by the Police Station staff has become redundant.

2. The Police, however, still continue to be responsible for road safety and regulation of traffic. For this purpose, they are required to check motor vehicles for rash and negligent driving and otherwise irresponsible conduct endangering public safety. In order to discharge these responsibilities the Police has been conferred with powers under the Motor vehicles Act and Rules. In the overall framework of these control, the Police is occasionally required to check motor vehicles, suspected to be carrying criminals and stolen properties. The police has also the powers to check motor vehicles in case there is reasonable suspicion of involvement of any vehicle and its driver or running staff in the commission of an offence. There is no reason otherwise to check motor vehicles in a routine manner as is being done by the Police Stations situated on the National Highways. It has been observed that such routine checkings are not above suspicion and that the bonafides of the Checking officers are in serious doubt.

3. With a view to eliminating abuses and irregularities in the checking of motor vehicles on roads and particularly on the National Highways and for enabling the Police station Officers to carry out checking only in connection with investigation of crimes, the following procedures and guidances are prescribed for strict observance. Any deviation made in respect of this order resulting in abuses and irregularities will be sternly dealt with.

(a) All routine checkings of motor vehicles on the National Highways and other roads by Police station staff will be suspended with immediate effect. circle Inspectors, Sub-Divisional Police Officers and Superintendents of police will satisfy themselves that routine checking of motor vehicles has been stopped their respective jurisdictions.

(b) When required to check motor vehicles, only in connection with the investigation of crime, the I.O. will carry on necessary checking in respect of vehicles against which he has concrete information, which he should record in the Police station Diary indicating the result of his checking/search.

(c) Whenever there is time, he should inform his Circle Inspector, S.D.P.O. and the S.P. of the fact that he proposes to check the vehicles in connection with the investigation of crime and would like to do so in their presence. On receipt of such advance information, the C.I. or the S.D.P.O. as the case may be, should remain physically present and supervise such checking for specific crime control purposes.

(d) If any instance of routine checking in which the bonafide of the Police Station staff are in question, comes to the notice of the C.I., S.P.O. or S.P., immediate action is to be taken to place the concerned officer under suspension and start open enquiries against him.

(e) It would be the responsibilities of the D.I.-G., C.I.D. to discreetly verify from the transport operators and the running staff if in violation of this order Police Station staff in some places still continues to check motor vehicles without any specific crime control purposes. The D.I.-G., C.I.D. will also consider publicising this P.C.O. in the press.

N. SWAIN
Inspector-General of Police,
Orissa.

ORISSA POLICE C.I.D. CRIME BRANCH, CUTTACK
No. 1621—MV. 21 (Pt. /83)/(19 MV. Dt. 14-6-85)

To

All Superintendents of Police including Superintendents of Police, Cuttack (S)/Cuttack (R)/Berhampur/Bhubaneswar/Rourkela/S.R.P., Cuttack/Rourkela.

Subject—Modification of P.C.O. 242/82 in regard to checking of Motor Vehicles by Police Station Staff.

In P.C.O. 242/82 routine checking of Motor Vehicles on the National Highways and other roads by Police Station Officers was suspended and checking of motor vehicles in connection with investigation of cases was only allowed to be done in presence of C.Is. and S.D.P.Os.

But, in view of the rising trend of road accidents on National Highways and other roads it is felt necessary to lift such restrictions in order to enable the Thana Officers specially road side Police Station Officers to check motor vehicles according to the following procedure and guidances.

1. The main purpose of checking motor vehicles is to ensure road safety and prevention and detection of crime. More emphasis should be laid on checking trucks/trekkers, etc. carrying passengers to prevent serious road accidents.

2. The Thana Officers should organise drives to check vehicles at regular intervals and whenever possible under the supervision of C.Is. and S.D.P.Os.

3. The checking of motor vehicles should be to detect mainly the violation of provisions of Sections 71 to 91 of the M.V. Act, 1939, and Rules 155 to 177 A of the O.M.V. Rules, 1940 in regard to :

- (a) Permits, registration certificates, fitness certificate relating to transport vehicles.
- (b) Vehicles abandoned on the roads which may cause obstruction to traffic or danger to persons. (R 156)
- (c) Mounting or taking hold of vehicle when it is in motion (R 159)
- (d) Towing or drawing of motor vehicles. (R 160)
- (e) Projection of loads on trucks which is beyond the side of the body or beyond a vertical plane in prolongation of the side of the body and height. (R 162)
- (f) Carrying inflammable or dangerous substances illegally. (R 163)
- (g) Dazzling of light to cause danger of undue inconvenience to others. (R 168)
- (h) Non-use of head-gear by drivers of two wheelers or carrying more than one person or driving motor cycle without D.L. (R 171-A) & Sections 85, 85-A M.V. Act).

- (i) Drawing of trailer by a motor vehicle (R 173) and attendant on trailers (R 174)
- (j) Limit of speed to ensure public safety. (Sec. 71)
- (k) Limit of weight (Sec. 72) and weighing of vehicles by Police (Sec. 73) (Sec. Rule 177)
- (l) Obedience to traffic signs (Sec. 78) and R 170 (7) and leaving vehicle in dangerous position. (Sec. 81)
- (m) Riding on running board. (Sec. 82)
- (n) Obstructions to drivers while driving the vehicle. (Sec. 83)

4. The Thana Officers should arrange holding Mobile Courts to get the offenders punished at the spot for violation of provisions of the Act/Rules.

5. Prosecution should be launched against the defaulting drivers/conductors and owners under relevant provisions of the Act and Rules.

6. The Os.I.C. should maintain an account of action taken by them about checking of vehicles.

7. Superintendents of police and other supervising officers should check such registers while they visit police stations to see that the checking of vehicles has been done properly.

It is, therefore, ordered that the Police Station Staff shall check vehicles with all sincerity and honesty so as to avoid public criticism. Care should, however, be taken to see that no inconvenience/discomforts is caused to public.

This order shall come into effect immediately. To this extent P.C.O. 242/82 stands modified. Please circulate this to all concerned.

B. ROY
Director-General of Police,
Orissa

Note : A list of Notifications issued authorising Ss.P., S.I.S. to exercise powers under this Act is enclosed.

A list of Notifications issued under the M.V. Act authorising Police Officers.

1. No. 1024-(p) the 17th April 1940.

All Police Officers not below the rank of Sergeants or S.I. of Police have been authorised to exercise powers u/s 73 M.V. Act within their jurisdiction.

2. No. 1028 -(p) the 17th April 1940.

All Superintendents of Police have been authorised to exercise powers u/s 76 M.V. Act within their jurisdiction.

3. No. 1029-(p) the 17th April, 1940.

All Superintendents of Police have been authorised to exercise powers u/s 77 M.V. Act within their jurisdiction.

4. No. 1030-(p) the 17th April 1940.

All Police Officers not below the rank of Sergeant or S.I. of Police have been authorised to demand within their jurisdiction u/s 86 (2) M.V. Act for production of the certificates mentioned in this Section.

5. No. 1031-(p) the 17th April 1940.

All Police Officers not below the rank of Sergeant or S.I. of Police have been authorised to demand the information within their jurisdiction u/s 88 M.V. Act.

6. No. 1032-(p) the 17th April 1940.

All Police Officers not below the rank of Sergeant or S.I. of Police have been authorised to exercise powers u/s 90 M.V. Act within their jurisdiction.

7. No. 13331-P (C), the 25th November 1942.

All Police Officers not below the rank of Sub-Inspector have been authorised to exercise powers for impounding documents u/s 129 (1) (2), M.V. Act within their jurisdiction.

8. No. 13334-P (C), the 25th November 1942.

All Police Officers not below the rank of S.I. of Police have been authorised to exercise powers u/s 129-A M.V. Act. within their jurisdiction (Power to detain vehicles used without registration certificate).