

COMMON CAUSE

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Shri Nitin Gadhkari

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Union Minister

Ministry of Roadways, Transport & Highways

Transport Bhawan 1, Parliament Street,

New Delhi-110001

SUBJECT: Information asymmetry in delivery of challans

Sir,

Common Cause seeks to promote good governance and public policy reforms. For over four decades, it has campaigned for vital public causes and actively secured rights and benefits for all groups of citizens through legal interventions, policy research and campaigns.

We are writing to you to highlight the growing problem of information asymmetry in the receipt of challans by citizens, issued for traffic violations. Earlier, challans were issued by post, at the given address submitted by the owner at the time of the vehicle's registration. With the advent of mobile phones, this was further expanded by providing intimations through text messages on the registered mobile numbers, which are often incorrect.

A large number of citizens have raised this issue that they are being booked for traffic violations without intimation of the challans issued to them. What was more distressing was the quantum of the challans, piling up in the course of time. The vehicle owners in many cases had no clue about the fines that they were required to pay. While violators must be punished in accordance with the law, the liability of fair trial rests on the state and a proper delivery of challans is an important part of that liability.

This information asymmetry seems to be a direct result of the new online portal which expects citizens to track the challans issued against their vehicles rather than delivering the documents to them. According to a news report in [The Hindu](#), between March 23 and June 15, 2020, over 16 lakh challans were issued in Delhi. The report attributed this rise to (a) extensive deployment of CCTV cameras and (b) overspeeding by vehicles, particularly after the lockdown, which resulted in empty roads. It also mentioned technological difficulties encountered by citizens who wished to pay the online challans as well as their

confusion about the court challans. The citizens are mostly aggrieved due to lack of clarity regarding the following issues:

- 1) The exact procedure/mode for the issuance and delivery of challans
- 2) The procedure followed for communication of challans issued online.
- 3) The payment of challans and the persisting problem of collecting impounded documents

May I also submit that the Motor Vehicles Amendment Act 2019 notified 24 non-compoundable offences (for which one has to appear in court) for which violators can be charged with penalties and/or a jail term. The non-delivery of challan – and further non-payment of penalty – can potentially result in crippling fines and even a jail term for many citizens simply because they were not kept informed about it.

The idea of imposing fines is to educate commuters and create better and safer roads. The system of collecting fines must be, therefore, seen as a way of ensuring better traffic compliance and not as a means of revenue generation. Unfortunately, the extensive issuance of challans has created a contrary impression. We are writing to you to make an earnest request to take necessary steps to ensure that instead of just issuing online challans, in an automated and mechanical manner, the commuters be made aware of all the changes brought about by the induction of digital technology.

As the Union Ministry responsible for devising and implementing these rules, we would urge you to mandate respective state governments via an executive notification to create effective awareness campaigns about notifications such as the one issued on the 25th of September, 2020 (GSR 584(E)) about offences, penalties and challans. The Ministry must also take into confidence all stakeholders, including motorists, by holding dialogues with them.

The need of the hour is that the Union Ministry takes the lead on this as it is a pan-national issue with states across the country reporting problems with respect to the implementation of these new traffic rules.¹ The ordeal of documents being impounded even after the payment of the challan is one which has troubled citizens across the country.²

The other aspect is that Article 265 of the Constitution provides that the Central Government can issue directions for states to follow. This provision was cited by the Attorney General in a legal opinion addressing the issue of non-compliance by states to impose the new set of fines introduced in the Motor Vehicles Amendment Act 2019.³ Reliance on this provision can be placed to ensure that instead of few individual states being proactive, an impetus is given to all states to carry out awareness campaigns for better implementation of the laws introduced.

¹<https://www.deccanchronicle.com/nation/in-other-news/281020/traffic-violators-in-ap-not-paying-fines.html>

² <https://www.newindianexpress.com/cities/delhi/2020/mar/05/court-seeks-centre-delhi-govt-reply-on-plea-to-empower-officers-to-collect-traffic-violation-fines-2112641.html>

<https://www.thehindu.com/news/cities/Delhi/the-ordeal-after-the-challan/article29675538.ece>

³ <https://timesofindia.indiatimes.com/india/centre-asks-states-to-enforce-amended-mv-act-citing-attorney-generals-opinion/articleshow/73127538.cms>

Therefore, we are of the opinion that the Union Ministry must direct all states to carry out a campaign with the help and participation of the citizens to ensure that the drivers across all sections of the society are well aware of the automated systems in place and are able to cooperate with the police. This will improve compliance of traffic rules and foster respect for the rule of law in the country. Common Cause plans to help in such a campaign but the main responsibility to create awareness rests with the traffic police all across the country.

We look forward to a positive intervention by you, so that improved traffic compliance, rather than a mechanical collection of maximum penalties, becomes the focus of your efforts.

Yours faithfully,

Vipul Mudgal,

Director and Chief Executive, Common Cause