

COMMON CAUSE

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Shri S.N. Shrivastava

Date: 27/10/2020

Commissioner of Police, Delhi

Police Headquarters, MSO Building,

J.P. Estate, New Delhi - 110002.

SUBJECT: Information asymmetry in delivery of challans

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.

Common Cause has been approached by a large number of citizens, who have brought to our attention 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) speeding 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.

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. The least your department can do is to create effective awareness campaigns about the GSR 584(E) notification about offences, penalties and challans dated September 25, 2020, issued by the Ministry of Road Transport and Highways. The department must also take into confidence all stakeholders, including motorists, by holding dialogues with them.

Therefore, we feel that the traffic police must 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.

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

CC: To DCP Traffic, Delhi Police