

GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE TRANSPORT COMMISSIONER,
J&K, JAMMU/SRINAGAR

Advisory for Parents of Minors /Underage Drivers

The Transport Department Jammu & Kashmir advises the parents, against allowing their Minor/underage Children to drive two-wheelers / four-wheelers. This move on their part not only put the lives of their minor children at risk but also poses a threat to the pedestrians as well as to other commuters. This is a serious offence, which can attract punitive action against the offenders under para as detailed below:-

Section 199A of the Motor Vehicles Act, 1988 reads as under:

- 1) *Where an offence under this Act has been committed by a juvenile, the guardian of such juvenile or the owner of the motor vehicle shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly: Provided that nothing in this sub-section shall render such guardian or owner liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. Explanation - For the purposes of this section, the Court shall presume that the use of the motor vehicle by the juvenile was with the consent of the guardian of such juvenile or the owner of the motor vehicle, as the case may be.*
- 2) *In addition to the penalty under sub-section (1), such guardian or owner shall be punishable with imprisonment for a term which may extend to **three years and with a fine of twenty-five thousand rupees.***
- 3) *The provisions of sub-section (1) and sub-section (2) shall not apply to such guardian or owner if the juvenile committing the offence had been granted a learner's licence under section 8 or a driving licence and was operating a motor vehicle which such juvenile was licensed to operate.*
- 4) *Where an offence under this Act has been committed by a juvenile, the registration of the motor vehicle used in the commission of the offence shall be cancelled for a period of twelve months.*
- 5) *Where an offence under this Act has been committed by a juvenile, then, notwithstanding section 4 or section 7, such juvenile shall not be eligible to be granted a driving licence under section 9 or a learner's licence under section 8 until such juvenile has attained the age of twenty-five years.*
- 6) *Where an offence under this Act has been committed by a juvenile, then such juvenile shall be punishable with such fines as provided in the Act while any custodial sentence may be modified as per the provisions of the Juvenile Justice Act, 2000 (56 of 2000).*

Hence through the medium of this advisory the General Public especially parents/guardians of minors are requested to desist from practice of allowing their Minor Children to drive two-wheeler or four-wheeler, as the same is prohibited and punishable under the provisions of MV Act as detailed above.

Issued in the interest of General Public.


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J&K

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