

ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION

Office of the VC&MD,
RTC House, PNBS,
Vijayawada

No. Ea/209(1)/2017 – PD

Circular No: PD-27/2017 dated 20.12.2017

Sub: Testing the Drivers with Breath Analysers – Instructions – Issued – Reg.

- Ref: 1. Section 185 of MV Act, 1988
2. Circular No. 14/2008-OPD(C) dated 06.06.2008
3. Circular No. 28/2012-OPD(C) dated 11.07.2012
4. Letter No./95ba(1)/12-HES dated 22.09.2012 addressed to all the Regional Managers
5. Judgment dated 03.03.2015 of Hon'ble High Court of AP
6. Circular No.1/2015-LD dated 06.04.2015
7. Representation dated 15.12.2017 of recognised APSRTC National Mazdoor Union
8. Minutes of the Meeting No. CPM/535 (137)/17 dated 18.12.2017 and 19.12.2017

It is a well established and well known fact that the APSRTC strives for the utmost safety of passengers besides other road users and has been taking several steps to wipe out the phenomenon of drunken driving from the purview of its operations. In this context, the revised instructions on checking the drunkenness of its crew are issued while reiterating the statutory and other instructions issued so far in this regard after thorough scrutiny of all the aspects involved comprehensively.

Section 185 of MV Act, 1988: According to this provision, whoever, while driving or attempting to drive a motor vehicle (a) has alcohol exceeding 30 mg per 100 ml of blood detected in a test by breath analyser or (b) is under the influence of a drug to such an extent as to be incapable of exercising proper control over the vehicle, is punishable as follows

Occasion	Punishment details			
	Imprisonment upto	or	Fine upto	or both
First	6 months		Rs.2000/-	both
Second and every subsequent time within 3 years of first offence	3 years		Rs.3000/-	both

Instructions on the procurement of Breath Analysers for use at all the Bus Depots, Bus Stations, En-route points, checking squads and conducting the tests before the scheduled departure and surprise checks at change over points and en-route stations, family counselling of the drivers who are prone to alcoholism, review of the breath analyser checking registers, training the drivers on safety driving concepts, etc., were given in detail in the circular under reference 2nd cited.

Continued on Page 2

The first generation Breath Analysers procured and deployed for detecting alcoholism among the drivers used to give a beep sound in case the drivers had consumed alcohol.

While emphasising the financial loss to the Corporation in terms of compensation due to accidents, it was emphasised vide circular under reference 3rd cited that the Breath Analyser tests shall be rigorously conducted at en-route points also so as to keep a check on drivers consuming alcohol during the course of their duty though they did not consume alcohol at the beginning of their duty.

Through the letter under reference 4th cited, it was informed that 22 Breath Analysers of advanced version (testing unit with a separate printer) were procured which would not only give a beep sound but also give a print-out indicating the level of alcohol (mg/100ml) in the blood. It was also instructed to keep the Breath Analysers of earlier make in good working condition. It was also made clear that the State Transport Officials and Police Officials were also making checks for detecting alcoholism among the drivers while reiterating the section 185 of MV Act, 1988.

Later, 125 Breath Analysers of advanced version of AlcoEasy A50 make were procured in which the testing and printing units are integrated and were supplied to the units.

The Hon'ble High Court of AP in its judgment dated 03.03.2015 in WP No.3100/2015, drawing substantially from the observations from the judgment dated 19.02.2015 in another similar WP No.3627, observed that however small the reading might be on breath analyser below the threshold value of 30mg / 100 ml of blood as stipulated in the MV Act, it shall be regarded as falling under the purview of drunkenness and suitably dealt with in terms of established regulations considering the safety of not only the passengers but also other road users, reputation of the organisation and the social responsibility it carries. In short, the Hon'ble High Court highlighted the necessity of being completely intolerant to the alcoholism in transport operations however small it might be and made it more stringent than that provided in section 185 of the MV Act, 1988.

Accordingly, mere detection of alcoholism on breath analyser is enough to deal with the offender irrespective of the limit prescribed as per section 185 of MV Act, 1988. The Hon'ble High Court also directed the VC&MD to consider the observations made and take necessary reformatory action making the regulations more stringent.

In consideration of the above direction of the Hon'ble High Court through the circular 5th cited, instructions issued vide letter dated 22.09.2012 were rescinded while advising the Field Officers to initiate stringent disciplinary action if the employees, especially drivers are found to have consumed alcohol while on duty.

Ever since the introduction of Breath Analysers, there have been several representations regarding the correctness of the readings as allegedly, even consumption of regular medicines like homeo pills or cough syrup or other tablets prescribed by the doctors, mint, jarda pan, pan parag etc., was also resulting in the Breath Analysers showing the employee subjected to the test as having consumed alcohol. It was also alleged that if the first person to take the test was found to have consumed alcohol, the reading of the second person who has not consumed any alcohol or any drug etc., was also shown to have consumed alcohol but at a lower level, probably because of residuary effect on the sensor of the machine. It is represented that because of such residuary effect on the readings shown by the Breath Analysers, even the sincere, honest and non-alcoholics employees are getting branded as alcoholics and their morale is getting adversely affected.

In order to examine the issue in detail and make the system of checking fool proof, a committee consisting of officers, union representatives and security personnel was constituted. The committee examined the breath analysers in different cases and recorded the readings in the Corporate Office for two days on 18.12.2017 and 19.12.2017.

During the extensive trials conducted on 18th and 19th December, 2017 at Corporate Office by the above committee using the new AlcoEasy A50 Breath Analysers, it is found that

- (i) For those who consumed mentho plus, zarda, panparag, mint, peppermint and cough syrup, the reading on the Breath Analyser was zero establishing that alcohol was not consumed
- (ii) For those who consumed the homeo pills, Nuxvomica, the reading was of the range 350 to 550 mg/100 ml of blood. Subsequently, after testing the same persons after 5 minutes, the readings fell in the range of 50 to 135 and testing after 10 minutes gave the reading as about 30 mg/100 ml of blood. When testing was conducted after 30 minutes, the reading was either zero or less than 10 mg/100 ml of blood. On changing the adopter and after 30 minutes, the reading is recorded as zero.
- (iii) Those who consumed alcohol recorded readings ranging from 90 to 200 mg/100 ml of blood. When the same person was tested after 5 minutes, only a marginal fall of about 5% in the initial readings was recorded establishing that the person has consumed alcohol.
- (iv) The persons who had not consumed alcohol were immediately subjected the test after testing a person who had consumed alcohol. It was observed that those who had not consumed alcohol at all, also recorded a reading upto 12 mg/100 ml of blood. Even after changing the adopter of the Breath Analyser and tested after about 5 minutes, the reading of alcohol level in the blood of non alcoholics was shown at 6 or 7 mg/100 ml. This is probably due to the residuary effect on the sensor left by the alcoholic who was tested earlier.

All these observations are documented, tabulated and recorded in the minutes under reference 8th cited.

In view of the introduction of AlcoEasy A50 Breath Analysers and the extensive trials conducted using the said Breath Analysers as given above, the following instructions are issued for dealing with the alcoholism cases among employees with particular reference to the Drivers.

1. All the Depot Managers and other Unit Officers shall identify and maintain a recorded list of the habitual alcoholics among the employees
2. All the employees who are prone to alcoholism shall be counselled regularly and educated to avail the services of de-addiction centres and other such voluntary organisations which are involved in the de-addiction process
3. When it is proved during the Breath Analyser test that an employee has consumed alcohol and if he contests the same, he shall be given another opportunity of being tested at the end of 5 minutes from the time of first test. During these five minutes before the second test, the employee shall not be allowed to move out of the premises or consume anything.

4. If any driver is found to have consumed alcohol beyond 30 mg/ 100 ml of blood (as stipulated in section 185 of MV Act, 1988) in a breath analyser test and if it is the first such offence in his career, he shall not be booked for the duty and kept off duty for 3 days including the day of the test. He shall not be sent on line at any cost in these 3 days which shall be marked as ABSENT which shall not be modified as any kind of leave at any cost at any later date.
5. If any driver is found to have consumed alcohol beyond 30 mg/100 ml of blood and if it is a second offence of its kind in his career, he shall be withdrawn from the duty immediately and his musters shall be immediately closed and directed to the RM's Office concerned for transfer to another unit. Such employees transferred to a different unit under alcoholism cases, shall not be considered for retransfer to his unit from where he was transferred or to any other unit of his choice unless he completes at least one year of service at the unit to which he is transferred.
6. Care shall be exercised in taking up such transfers that it shall not result in transfer to the place of their choice and this system of transferring employees shall not result in a mechanism of considering the request transfers
7. If a driver is involved in such an offence for the third time in his career, the punishment of withholding annual increment when next falls due which has effect on postponing his future increments shall be imposed. If it is not possible to impose the said punishment because of his retirement falling on a date ahead of his next annual increment, his pay shall be reduced by one incremental stage. For imposing either of these punishments, the established disciplinary procedure as given in the regulations shall be followed.
8. If a driver is involved in such an offence for the fourth time in his career, the punishment of suspension with immediate effect followed by removal shall be imposed duly following the disciplinary procedure as given in the regulations.
9. All the pending cases in which the alcohol level is below 30mg/100ml of blood shall be dealt leniently by the respective Depot Managers and Appellate Authorities concerned.
10. All the pending cases in which the alcohol level is above 30mg/100ml of blood shall be referred to Corporate Office duly giving the punishment history of the employee concerned
11. The above system of checking for alcoholism is applicable to all the employees in all the cadres, while on duty.

This has the approval of VC&MD.


EXECUTIVE DIRECTOR (A&P) 21/12/2017

To
All Officers of the Corporation