

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION(S)(CIVIL) NO(S). 295/2012

S.RAJASEEKARAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

[MR. GAURAV AGRAWAL, SENIOR ADVOCATE IS AMICUS CURIAE][REF. ORDER DATED 07.04.2025 .[ONLY IA Nos. 36566/2024, 43519/2024, 119142/2024, 127111/2024, 127506/2024, 247404/2024, 260997/2024, 278218/2024, 24181/2025, 43387/2025, 46585/2025 and 50798/2025 ARE LISTED UNDER THIS ITEM] (IA No. 50798/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 46585/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 43387/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 24181/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 260997/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No. 247404/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No. 127506/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No. 127111/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No. 119142/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No. 43519/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No. 36566/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION AND IA No. 278218/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 17-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

Mr. Gaurav Agrawal, Sr. Adv., Amicus Curiae
Mr. Ravi Raghunath, AOR
Mr. Manan Daga, Adv.

For Petitioner(s): Mr. Krishna Kumar, AOR
Mr. Vinodh Kanna B, Adv.

For Respondent(s): Mr. Vikramjit Banerjee, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Sharath Nambiar, Adv.
Mr. T S Sabrish, Adv.
Mr. Debojit Borkakati, Adv.
Ms. Tusharika Sharma, Adv.

Mr. Kishan Chand Jain, Adv.
Mr. Haraprasad Sahu, Adv.

Mr. Rohit Kumar Rana, Adv.
Mr. Pranaya Kumar Mohapatra, AOR

Mr. Vikramjit Banerjee, A.S.G.
Mr. Sharath Nambiar, Adv.
Mr. B.K. Satija, Adv.
Mr. T.S. Sabarish, Adv.
Mr. Debojit Borkakati, Adv.
Mr. Sudarshan Lamba, AOR

Mr. Vikramjit Banerjee, A.S.G.
Mr. Piyush Beriwal, Adv.
Mr. Vinayak Sharma, Adv.
Mr. M.K. Maroria, AOR
Mr. S.N. Terdal, AOR

Mr. Viresh B. Saharya, AOR

Ms. Prerna Mehta, AOR

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Mr. Sabarish Subramanian, AOR

Mr. Aravindh S., AOR
Mr. Akshay Gupta, Adv.
Ms. Abbas B., Adv.
Mr. Jyoti P. Deborah, Adv.
Mr. Akshay Gupta, Adv.
Mr. Aman Gautam, Adv.
Mr. Aadithya Aravindh, Adv.

Ms. Sunita Sharma, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Annirudh Sharma II, Adv.
Mr. Jagdish Chandra Solanki, Adv.
Mr. Mukesh Kumar Maroria, AOR

Ms. Misha Rohatgi, AOR

M/S. Arputham Aruna And Co, AOR

Ms. Rashmi Nandakumar, AOR
Ms. Yashmita Pandey, Adv.

Mr. Kunal Mimani, AOR
Mr. Tanish Arora, Adv.

Mr. Sumit Gupta, Adv.
Mr. Akshay Tiwari, Adv.

Ms. Tanya Shrotiya, Adv.
Ms. Jaikriti S. Jadeja, AOR

Mr. D. K. Devesh, AOR

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

Mr. Divyanshu Kumar Srivastava, AOR

Ms. Deepanwita Priyanka, AOR
Mr. Prashant Bhagwati, Adv.

Mr. Raghvendra Kumar, AOR

Ms. Devina Sehgal, AOR
Mr. Yatharth Kansal, Adv.

Mr. Lenin Singh Hijam, Adv. Gen, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Ms. Ruchira Gupta, Adv.
Mr. Shishir Deshpande, AOR
Ms. Pooja Tripathi, Adv.
Mr. Amit Kumar, Adv.
Mr. Abhishek Verma, Adv.

Mr. V. Shyamohan, AOR

Mr. Sanjay Jain, AOR

Mr. Rajat Bhardwaj, A.A.G.
Ms. Baani Khanna, AOR
Mr. Robin Singh, Adv.
Mr. Kapil Balwani, Adv.
Ms. Tejal Nagauri, Adv.

Mr. Satyajeet Kumar, AOR
Ms. Astha Sharma, AOR
Mr. Shantanu Sagar, AOR
Mr. Santosh Kumar - I, AOR

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.

Ms. Swati Ghildiyal, AOR
Ms. Neha Singh, Adv.

Mr. Sunny Choudhary, AOR
Mr. Abhimanyu Singh Ga, Adv.
Mr. Sarad Kumar Singhania Aor, Adv.
Ms. Rashmi Singhania, Adv.

Mr. Nitin Lonkar, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Ms. Prerna Singh, Adv.
Mr. Guntur Pramod Kumar, AOR
Mr. Dhruv Yadav, Adv.

Mr. V. N. Raghupathy, AOR
Mr. Raghavendra M. Kulkarni, Adv.

Mr. Nishe Rajen Shonker, AOR
Ms. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Santhosh K, Adv.

Mr. Vikramjit Banerjee, A.S.G.
Mr. Mrinal Elkar Mazumdar, Adv.
Mr. Neeraj Kumar Sharma, Adv.
Ms. Indira Bhakar, Adv.
Mr. Mukesh Kumar Verma, Adv.
Mr. Harish Pandey, Adv.
Mr. Shashwat Parihar, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Varun Chugh, Adv.
Mr. Bhuvan Kapur, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Piyush Beriwal, Adv.
Mr. Rajesh Singh Chauhan, Adv.
Mr. Apoorv Kurup, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Mr. M. P. Vinod, AOR

Mr. Kishan Chand Jain, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Ashwini Kumar, Adv.
Mr. Sidhant Sahay, Adv.
Mr. E. C. Agrawala, AOR

Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Mr. Aakash Thakur, Adv.

Mr. Azmat Hayat Amanullah, AOR
Ms. Rebecca Mishra, Adv.
Mr. Sagar Chauhan, Adv.

Ms. Tulika Mukherjee, AOR

Mr. Neeraj Shekhar, AOR

Mr. Subhasish Mohanty, AOR

Mr. Vivek Kishore, AOR

Mr. Anando Mukherjee, AOR

Mr. Shwetank Singh, Adv.

Mr. Subhasish Mohanty, AOR

Mr. Umesh Kumar Shukla, Adv.

Mr. Gitesh Kumar, Adv.

Mr. Shiv Mangal Sharma, AAG

Ms. Shalini Singh, Adv.

Ms. Nidhi Jaiswal, AOR

Mr. Samar Vijay Singh, AOR

Ms. Sabarni Som, Adv.

Mr. Fateh Singh, Adv.

Mr. Aman Dev Sharma, Adv.

Mr. Avijit Mani Tripathi, AOR

Mr. Upendra Mishra, Adv.

Mr. P.S. Negi, Adv.

Mr. T.K. Nayak, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA NO. 36566/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

1. It is true that a very important issue has been flagged by the applicant. Road accidents in our country are on the rise. The reasons may be different. There are cases and cases where the injured victims of road accidents do not get immediate help. There are cases where though the victims are not injured, they get trapped in the vehicles. In short, the issue raised by the applicant is about the obligation of the State to develop a machinery which will provide for a swift response in case of accidents. According to the applicant, there should be six heads of protocol which read thus:

"(a) Swift Response Protocols: To establish swift response protocols, ensuring emergency services promptly reach the scene of accident with timely reporting by the road agency and the Incharge Station House Officer of Police.

(b) Fixing Responsibility if Delayed Reporting/Action: To fix the responsibility of the concerned officer of the road agency and Police Officer in the event of delayed reporting of the fatality on the Expressways (EWs)/National Highways (NHs)/State Highways (SHs).

(c) Public Awareness Campaigns: To launch campaign time-to-time to create public awareness about the significance of promptly reporting accidents amongst road users and, for that purpose, signages/posters also be placed at adequate number of conspicuous places with helpline numbers.

(d) Emergency Contact Information: To encourage drivers to utilize emergency contact information to facilitate quick communication with the police and relevant road agency.

(e) Enhanced Patrolling and Surveillance: To increase the frequency of patrolling teams of the concerned road agency and police stations on Expressways (EWs), National Highways (NHs) and State Highways (SHs) especially during vulnerable hours.

(f) Community Engagement: To involve local communities in reporting incidents and maintaining vigilance on expressways and highways (NHs & SHs)."

2. Though it will be difficult at this stage for this Court to issue a writ of mandamus, nevertheless, we are of the view that the States and the Union Territories must work on having Swift Response Protocols. In every State at the grassroot level, the situation may be different. We, therefore, direct the States and Union

Territories to take effective steps for developing Swift Response Protocols with the object of ensuring that help immediately reaches the victim of an accident. We grant time of six months to the States and Union Territories to take appropriate action and place their responses on record.

3. At this stage, Shri Vikramjit Banerjee, learned ASG, states that the National Highways Authority of India (NHAI) has worked on this aspect. A note tendered across the Bar is taken on record. The NHAI is directed to forward the copies of its Note to the Transport Department of all the States and the Union Territories. We direct the NHAI to file an affidavit within a period of three months from today setting out the steps taken for actual implementation of the facilities which are indicated in the Note tendered across the Bar today. The States and Union Territories shall be guided by the protocol prepared by the NHAI.

IA NO. 43519/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

4. Our attention is invited by the applicant to the provisions of Section 215B of the Motor Vehicles Act, 1988 (for short, "the MV Act") which provides for constitution of a National Road Safety Board. Very important functions and duties have been assigned to the Board. However, as indicated in the '*Note for hearing on 17th April, 2025*' filed by Shri Gaurav Agrawal, learned Senior Advocate appointed as Amicus Curiae, the Board has remained only on paper as the Chairperson and Members are not being appointed. The other issue is in what manner the recommendations of the Board can be implemented. Firstly, the Board must be properly constituted. We,

therefore, direct the Central Government to file an affidavit indicating the outer limit within which the Board will be properly constituted. Such affidavit shall be filed within a period of two weeks from today which shall be considered on 9th May 2025.

IA NO. 119142/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

5. This Application will require a response from the State of Uttar Pradesh. We direct the State of Uttar Pradesh to file an affidavit dealing with this Application within a period of two weeks from today which shall be considered on 9th May 2025.

6. *Prima facie* it appears to us that the effect of the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 2023, referred in the Application is that if a person, who has allegedly committed an offence under the MV Act, does not pay the fine, after a lapse of time, the proceedings automatically abate. The result is that the traffic offender is scot-free.

IA NO. 127111/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

7. We refer the issue raised in this Application to the Committee appointed by this Court on road safety so that the Committee can look into the same and make appropriate recommendations in that behalf.

8. The Application is disposed of accordingly.

IA NO. 127506/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

9. A very important issue is flagged by this Application. Under the provisions of Section 91 of the MV Act read with the Motor Transport Workers Act, 1961, working hours of the drivers operating

transport vehicles have been limited to 08 hours in a day and 48 hours in a week. The question is of the implementation of this provision. We, therefore, direct the Ministry of Road Transport and Highways (MoRTH) of the Government of India to convene a meeting of the concerned departments of all the States and Union Territories for working out effective methods to implement the provisions regarding working hours of the drivers operating transport vehicles. The MoRTH shall also call for the data from all the States and Union Territories regarding implementation of the provisions. The possibility of invoking the penal provisions for violating these provisions must be considered. Unless there is a deterrent, this important provision regarding working hours of the drivers cannot be implemented. All the States and Union Territories shall submit their compliance reports to the MoRTH by the end of August 2025. The MoRTH shall prepare a comprehensive report and submit to the Court. An advance copy must be supplied to the office of the learned Amicus Curiae so that appropriate directions can be issued.

IA NO. 247404/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

10. While we are not disputing the *bona fides* of the applicant, it is impossible for us to issue a direction that a motor vehicle cannot be registered in the name of an individual unless he has a valid driving license. Hence, the Application is rejected.

IA NO. 260997/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

11. The learned ASG states that the process of publication of Annual Report on road accidents in 2023 is going on. We grant time

to the MoRTH to publish the same by the end of August 2025. We also direct the MoRTH to ensure that such annual reports are published within a period of six months from expiry of every calendar year. Only if such reports are published with promptness, the same can be useful.

12. The Application is, accordingly, disposed of.

IA NO. 278218/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

13. List on 28th April, 2025.

IA NO. 24181/2025 (APPROPRIATE ORDERS/DIRECTIONS)

14. Firstly, we will take response of the MoRTH as the learned ASG states that a portal is already developed which will take care of the issues flagged in this Application. We grant time of two months to the MoRTH to file an affidavit placing on record the details of the working of the portal and the manner in which follow-up action has been taken on the basis of the data uploaded on the portal.

IA NO. 43387/2025 (APPROPRIATE ORDERS/DIRECTIONS)

15. List on 28th April, 2025.

IA NO. 46585/2025 (APPROPRIATE ORDERS/DIRECTIONS)

16. In our view, the suggestion made by the applicant providing for Speed Monitoring by Real-Time FASTag Data Transmission requires serious consideration. To begin with, we call upon the NHAI to respond to this Application and state on oath whether the suggestion made by the applicant - Mr. Hemant Jain can be implemented. We grant time of two months to the NHAI to respond by

filing an affidavit.

IA NO. 50798/2025 (APPROPRIATE ORDERS/DIRECTIONS)

17. This issue needs a deeper consideration considering the rights of the citizens. The learned Amicus Curiae states that he will submit a detailed note on this aspect. This Application shall be considered on 9th May, 2025.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)